

Grantees-

This notice is being distributed to grantees of the \$25 Million grant program for public agency construction fleets to ensure the purchase of appropriate equipment. This notice is only applicable to those grants for the purchase new Tier 3 equipment + retrofit. Failure to purchase the appropriate equipment, which is described in the Appendix of the Grant Agreement, may result in your purchase not being reimbursed.

Per respective grant agreements, Grantees will prioritize their respective solicitations/bids to **first** consider Tier 3 + Retrofit equipment combinations. If no such combination is available (and is documented), Tier 3 **without** a retrofit is acceptable.

As listed below, the Grantee will follow the listed decision sequence. The first option – Tier 3 + retrofit will be the first type of equipment to be considered. The Grantee must exhaust all opportunities to find appropriate equipment that has a Tier 3 + retrofit solution before entertaining the 2nd option. The following sequence is:

1. Tier 3 + retrofit
2. Tier 3

Example

There are Tier 3 engines available that employ exhaust gas recirculation (EGR) for which there are no ARB verified Level 3 retrofits available at this time. Grants that are for the purchase of Tier 3 engines with retrofit must exhaust all opportunities to find appropriate equipment that has a Tier 3 engine that can be retrofitted (i.e. non EGR) **BEFORE** considering a Tier 3 w/EGR. If there is no appropriate equipment available from any manufacturer that does not employ the Tier 3 + Retrofit combination, then the Tier 3 equipment that employs EGR may be purchased. ARB may request that the agency provide documentation that they exhausted all resources prior to the purchase of equipment that employs EGR.

In addition, Grantees need to be aware that there is equipment that you can purchase brand new that are considered Tier 2 engines even though the current standard is Tier 3. These Tier 2 engines are commonly called "flexibility" engines. Agencies should be clear with their respective dealers to require equipment with Tier 3 engines and not Tier 2 "flexibility" engines. The "flexibility" engines will be labeled with the following language:

“THIS ENGINE COMPLIES WITH CALIFORNIA EMISSION REQUIREMENTS UNDER 13 CCR 2423(d). SELLING OR INSTALLING THIS ENGINE FOR ANY PURPOSE OTHER THAN FOR THE EQUIPMENT FLEXIBILITY PROVISIONS CITED MAY BE A VIOLATION OF STATE LAW SUBJECT TO CIVIL PENALTY.”

[Insert Engine Family Name]

If you have any questions regarding this notice, please contact John Kato at jkato@arb.ca.gov or Grace Garcia at ggarcia@arb.ca.gov