

Exhaust Retrofit Exemption Overview:

The in-use off-road diesel vehicle regulation requires, among other things, that large fleets, without sufficient early credits, meet a fleet average emissions target, or install verified exhaust retrofits on 20 percent of their horsepower by the first compliance date, March 1, 2010. Large fleets must continue meeting fleet average emissions targets or installing exhaust retrofits on a certain percent of their horsepower each year until 2020. Individual vehicles may receive an annual exemption from these requirements if:

- (A) the vehicle is less than 5 years old,
- (B) it was previously retrofit with the highest level exhaust retrofit,
- (C) there are no verified exhaust retrofits for the vehicle,
- (D) a verified exhaust retrofit cannot be installed without violating the the interim visibility policy,
- (E) a verified exhaust retrofit cannot be installed without violating an existing state or federal safety standard, or the fleet has received an exemption based on the specific and individual application of the vehicle (i.e., where it works and what it does).

Before these exemptions may be applied, the fleet must retrofit all vehicles that do not qualify. For example, if a fleet has 100 vehicles, and 50 cannot be retrofit due to an exemption shown above, but 50 could be, the fleet must still retrofit 20 percent of their total horsepower from all 100 vehicles by March 1, 2010. Once they have retrofit the 50 vehicles that can be retrofit (likely over several years) the exemptions will apply, and the remaining vehicles will not need to be retrofit.

Criteria to Claim a Retrofit Exemption:

To claim an retrofit exemption for a vehicle, the vehicle must either meet the criteria in (A) or (B), send in the form for (C) that is currently under construction, or the fleet must provide documentation of cases (D) or (E) using the following forms.

- (A) **Vehicles less than 5 years old:** Vehicles manufactured after March 1, 2005 are not required to be retrofit for the March 1, 2010 requirements. However, once the vehicle is greater than 5 years old, it is no longer eligible for this exemption (it may, however, be eligible for future exemptions under cases (C), (D) or (E) above).
- (B) **Previously retrofit with highest level exhaust retrofit:** Vehicles that have previously been retrofit with the exhaust retrofit that was the highest level at the time of installation will not be required to upgrade the exhaust retrofit even if a higher level exhaust retrofit is available.¹

¹ The one exception to this provision would be an exhaust retrofit that fails outside of the manufacturer's warranty period. The owner in that case would be required to replace the failed exhaust retrofit with an exhaust retrofit that is the highest level at that time.

Fleets do not have to apply for an exemption for cases (A) or (B) above; instead, this information will be determined from the fleet's data reported in the online reporting tool DOORS. For case (C) the fleet must fill out a separate form that will be available on the off-road diesel retrofit page, and for cases (D) or (E) fleets must fill out the attached exemption request forms, as described in the brief example below.

Response from the Air Resources Board

ARB shall review the documentation submitted and any other reliable information available and make the determination based upon the totality of the evidence. Upon finding that an exhaust retrofits can or cannot be installed without violating the Interim Visibility Policy, or federal, state, or local safety laws, ARB will respond to the request for exemption. As described in section 2449(e)(8) of the off-road diesel vehicle regulation, fleets may apply for additional time to bring their fleet into compliance with the regulation if they are awaiting a final decision on the exemption request.

Parties may appeal the determination as described in Title 13, California Code of Regulations (CCR), section 2449(e)(8)(A).

Example of Exemption Request:

A fleet owner with 100 vehicles decides to request an exemption for a portion of his fleet. After evaluating the fleet, he finds that 60 vehicles are model year 2005 or newer. This means there are 60 vehicles that are exempt from retrofit requirements, and the fleet owner does not need to submit any information aside from reporting his fleet in DOORS to receive an exemption for these vehicles.

Additionally, 20 vehicles can not be retrofit without violating the interim safety policy, and 15 vehicles can not be retrofit because doing so would violate a local safety law. To request the exemption for these 35 vehicles, the fleet owner will need to fill out and mail in to ARB:

1 fleet information form;

20 copies of section D from this form (exemption due to the interim visibility policy), one for each vehicle;

15 copies of section E from this form (safety exemption not related to visibility), one for each vehicle.

If the fleet owner completed these steps, and the exemption application is approved by ARB, then 95 of the fleet owner's vehicles will be exempt from the 2010 retrofit requirements. Note that the fleet owner would still be required to perform retrofits on the remaining 5 vehicles that are not exempt (assuming he had no early credits and did not meet the PM fleet average).



In-Use Off-road Diesel Vehicle Regulation
 Retrofit Exemption Application:
 Fleet Information Form / Cover Page

To submit this request, please fill out this form **and** attach the applicable forms:
 Retrofit Exemption Application: (D) Interim Visibility Policy, and/or
 Retrofit Exemption Application: (E) Retrofit Safety Exemption (Non Visibility).
 Then send your written request (with pictures if needed) to:

Off-road Diesel Vehicle Exemption Assessment
 Floor 7, MSCD
 California Air Resources Board
 P.O. Box 2815
 Sacramento, CA 95812

Responsible Party and Contact Information

Company / Agency Name

DOORS ID Number

Fleet Owner / Manager

Contact Phone Number

Contact Email

**Mailing
Address**

Name

Address 1

Address 2

City, State, Zip



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In-Use Off-road Diesel Vehicle Regulation
Retrofit Exemption Application:
(D) Interim Visibility Policy

Instructions:

Complete the fields below, referring to the guide and instructions for the Interim Visibility Policy, available on

<http://www.arb.ca.gov/msprog/ordiesel/vdecssafety.htm>

Complete one form for each vehicle for which an exemption is requested.

Vehicle EIN: _____ **Vehicle Serial No.** _____

Date of Test: _____

I certify that I have performed an exhaust retrofit visibility inspection as outlined in the Retrofit Visibility Exemption Guide, and to the best of my knowledge the vehicle cannot be retrofit without violating the interim visibility policy.

Name _____

Signature _____

Position/Affiliation _____

Exhaust Retrofits Verified for the Engine (list all)

_____	_____
_____	_____
_____	_____
_____	_____

Installers Consulted (if any)

_____	_____
_____	_____
_____	_____
_____	_____

Vehicle Information

When requesting an exemption from the 2010 retrofit requirements, the fleet will need to follow the Retrofit Visibility Guide (available on <http://www.arb.ca.gov/msprog/ordiesel/vdecssafety.htm>) **and submit the required information and supporting material to ARB, attached to the previous page** (i.e., fill out the form on the previous page for each vehicle and attach the appropriate pictures and measurements for that vehicle).

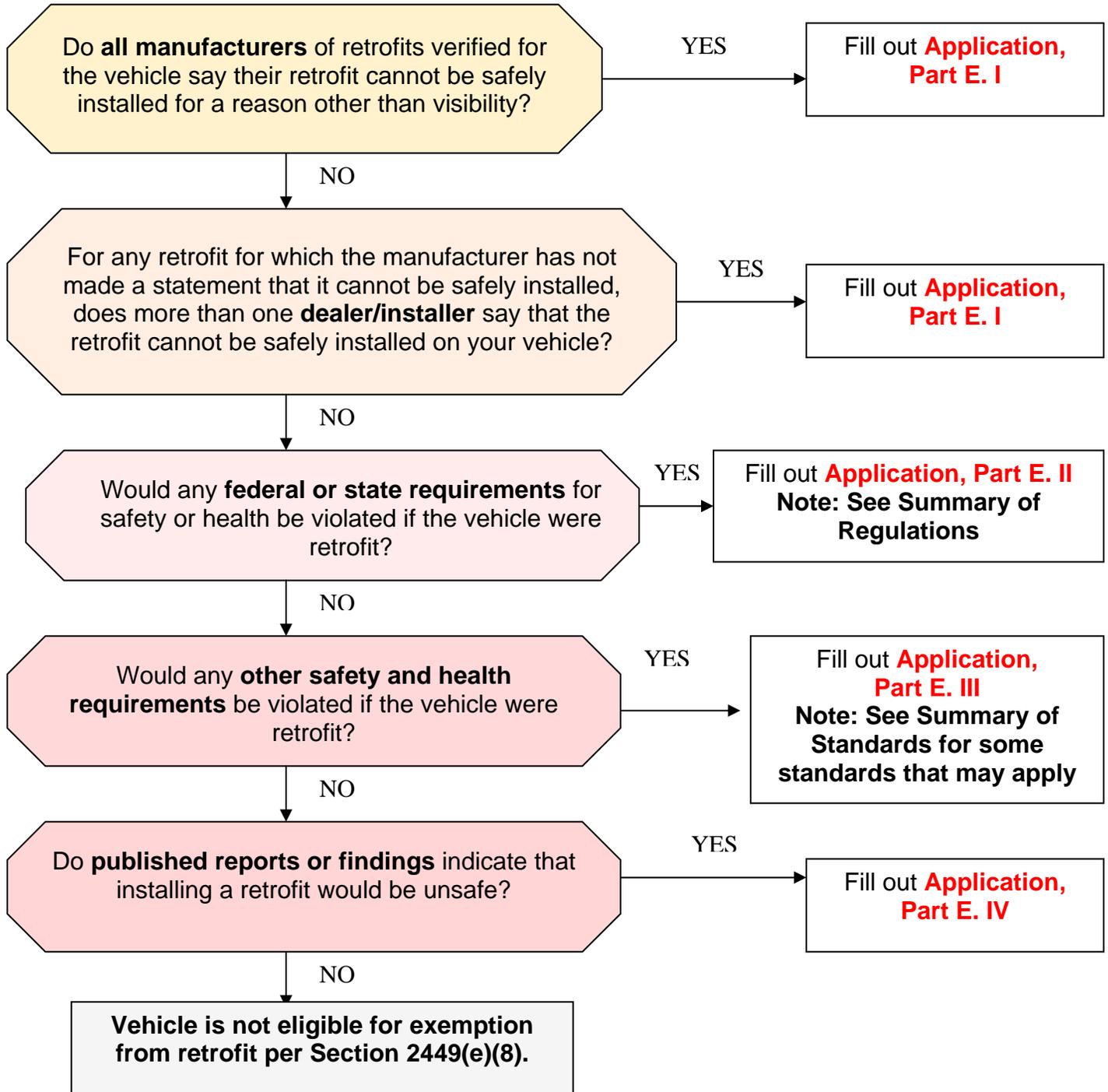
To determine the validity of the request, ARB will make the required information available to retrofit manufacturers for a determination on whether or not the vehicle could be retrofit without creating visibility masking. Fleets may also be required to allow retrofit manufacturers to assess the vehicle in person, to determine whether an engineering solution exists to retrofit the vehicle with no visibility impairment.

If one or more retrofit manufacturers state that the vehicle can be retrofit without creating visibility masking, the fleet will not be granted an exemption from the retrofit requirements for that vehicle, pending follow-up with the retrofit manufacturer(s).

If the fleet must retrofit those vehicles to comply with the off-road diesel regulation, the fleet may apply for additional time to comply with the PM requirements of the regulation by issuing a purchase order for a retrofit, as described in section 2449(e)(8) of the regulation.

Instructions:

To claim an exemption for safety reasons that do not pertain to the Interim Visibility Policy, complete the forms on the following pages (See also the flowchart below for assistance on which portion of the forms to complete).



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In-Use Off-road Diesel Vehicle Regulation
Retrofit Exemption Application:
(E) Retrofit Safety Exemption

Complete one form for each vehicle for which an exemption is requested.

Vehicle EIN: _____ **Vehicle Serial No.** _____ **Date:** _____

Exhaust Retrofits Verified for the Engine (list all)

_____	_____
_____	_____
_____	_____
_____	_____

For the vehicle listed above, complete either section I, II, III, or IV below.

I. Statement from a Manufacturer or Dealer/Installer that a Verified Exhaust Retrofit Cannot be Safely Installed

For any vehicle with a verified exhaust retrofit(s), where the applicable exhaust retrofit manufacturer or more than one dealer/installer has stated that the exhaust retrofit cannot be safely installed on the vehicle, you must provide a statement from the exhaust retrofit manufacturer or from the exhaust retrofit dealer or installer that the exhaust retrofit cannot be installed safely, including an explanation of why the exhaust retrofit cannot be installed safely, and what installation location alternatives were considered. Ensure that the statement clearly specifies which exhaust retrofit and which vehicle to which it pertains. The statement must include either the vehicle EIN or the vehicle type, manufacturer, model, and model year, and engine manufacturer, model, horsepower, and model year.

II. List which, if any, federal or state requirement(s) for safety or health (other than for visibility) would be violated by the retrofit installation and provide associated documentation

Complete one of the following (attach additional sheets if necessary):

1. If the safety issue is thermal, include all of the following:
 - State if it is application specific (e.g., materials worked around are highly combustible), a burn danger to operator due to proximity of the exhaust retrofit, or a fire or explosive danger.
 - State what methods to mitigate thermal issues, such as shields/thermal guards (different types), alternate locations for exhaust retrofit

mounting, and warning signs/training, were considered and why they would not be effective.

2. Provide documentation if retrofitting the vehicle would create protrusions or alter necessary parts of equipment (e.g., handrails).
3. Provide documentation if the structural integrity would be compromised – for example if the Roll-over Protective Structures (ROPS) or Falling-Object Protective Structures (FOPS) would be damaged.
4. Provide documentation below for any other federal or state regulations that would be violated (if you need additional space, attach other sheets of paper as necessary).
5. Provide documentation if retrofitting a vehicle would create a hazard to safe handling of the vehicle (i.e. the weight and balance would be adversely affected, creating a tipping or rollover hazard).

Note: See attached Summary of Safety and Health Standards.

I certify that I considered multiple locations and was unable to install the exhaust retrofit without violating a federal or state requirement for safety or health.

Name _____ Signature _____

III. List which, if any, other local safety or health requirements (other than for visibility) would be violated by the retrofit installation and provide associated documentation.

List any other laws, bulletins, advisories or regulations that would be violated if an exhaust retrofit were installed on the vehicle in question in this exemption request.

I certify that I evaluated multiple locations and was unable to install the exhaust retrofit without violating a safety or health requirement.

Name _____ Signature _____



In-Use Off-road Diesel Vehicle Regulation
Retrofit Exemption Application:
(E) Retrofit Safety Exemption

IV. List published reports or other findings to support claim of unsafe installation and provide associated documentation.

Include published reports and other findings to support claim of unsafe installation from federal, state or local government agencies; independent testing laboratories; engine or equipment manufacturers; or other equally reliable sources. Describe below and attach relevant copies.

I certify that I considered multiple locations and was unable to safely install the exhaust retrofit.

Name _____

Signature _____