



Advisory

To: Owners or Lessees of Off-road
Diesel Vehicles in California

Number 391

February 2009

NEW WRITTEN IDLING POLICY REQUIREMENTS FOR OWNERS OF IN-USE OFF-ROAD DIESEL VEHICLES EFFECTIVE 3/01/09

The Air Resources Board (ARB) has a new regulation for In-Use Off-Road Diesel Vehicles, which became effective under California law on June 15, 2008. This regulation is intended to reduce harmful emissions from diesel powered construction and mining vehicles operating in California. Among other things, this regulation imposes idling limitations, which became effective as of June 15, 2008. The regulation also requires that medium and large fleets (those with over 2,500 horsepower of affected off-road vehicles) have a written idling policy and make it available to operators of such vehicles.

This written idling policy requirement is effective and enforceable as of March 1, 2009, and can be found in title 13, California Code of Regulations as follows:

§2449(d)(3)(B) Written Idling Policy

As of March 1, 2009, medium and large fleets must also have a written idling policy that is made available to operators of the vehicles and informs them that idling is limited to 5 consecutive minutes or less.

Non-Compliance: Health and Safety Code, Section 39674 (a) authorizes civil penalties for the violation of the programs for the regulation of toxic air contaminants not to exceed one thousand dollars (\$1,000) for each day in which the violation occurs. Health and Safety Code, Section 39674 (b) authorizes civil penalties for the violation of the programs for the regulation of toxic air contaminants not to exceed ten thousand dollars (\$10,000) for each day in which the violation occurs.

As a matter of policy, fleets found to be missing the required written idling policy will be assessed a minimum civil penalty of \$5,000. Failure to submit a written idling policy within 30 days from the first offense will result in an additional \$1,000 fine for each day thereafter. The standard for assessing penalties is one of strict liability.

An enforcement advisory concerning the idling limits is on our website at <http://www.arb.ca.gov/msprog/ordiesel/guidance/idling.pdf>.

The suggested content of the written idling policy is described at <http://www.arb.ca.gov/msprog/ordiesel/guidance/writtenidlingguide.pdf>.

For further information about the In-Use Off-Road Diesel Vehicle regulation, please visit our website at: <http://www.arb.ca.gov/msprog/ordiesel/ordiesel.htm>.

Fact sheets and guidance documents are available at <http://www.arb.ca.gov/msprog/ordiesel/knowcenter.htm>, and the full text of the regulation is available at <http://www.arb.ca.gov/regact/2007/ordiesl07/frooal.pdf>.

For questions regarding enforcement of the In-Use Off-Road Vehicle regulation, please contact Mr. Tajinder Gill at (626) 459-4304 or tgill@arb.ca.gov.

If you have questions about the regulation or its idling requirements, please contact Mr. Cory Parmer (916-323-1180 or pparmer@arb.ca.gov), or Ms. Kim Heroy-Rogalski (916-327-2200 or kheroyro@arb.ca.gov).