

Frequently Asked Questions In-Use Off-Road Diesel Vehicle Regulation

Off-Road Vehicles Repowered, Retrofitted, or Purchased with Public Funds Revised December 2013

Q – If I received public funding for purchasing an engine repower, an exhaust retrofit, or a vehicle, can I still get credit for it? Can I get double credit for the early installation of an exhaust retrofit?

A – Some fleets have received funding through the following programs: Carl Moyer funding program (Moyer), Incentives for the Purchase of Low-Polluting Construction Equipment for Public Agencies, the Off-Road Diesel Retrofit Showcase (Showcase), and Supplemental Environmental Projects (SEPs).

As stated in section 2449(e)(17) of the regulation:

“...the purchase of a replacement vehicle, repower, or a retrofit with public funds shall be counted toward the fleet average or BACT requirements in accordance with funding program guidelines applicable to the particular source of public funds used for the purchase. This may in some cases limit credit to single rather than double credit.”

If an exhaust retrofit is purchased with public funding and is installed before the double credit deadlines shown in section 2449.1(b)(15) of the regulation, the amount of BACT credit received for the installation will depend on the restrictions of the individual incentive program. Due to contract restrictions, some programs will only allow single BACT credit for early exhaust retrofit installations, even if the retrofit would have otherwise received double BACT credit for the installation. The table below provides a summary of the type of BACT credit available through each program.

While this document is intended to assist fleets with their compliance efforts, it does not alter or modify the terms of any ARB regulation, nor does it constitute legal advice. It is the sole responsibility of fleets to ensure compliance with the In-Use Off-Road Diesel-Fueled Fleets Regulation.

BACT Credit Awarded for Publically Funded Exhaust Retrofit Installations

Program	Single or Double BACT Credit
Moyer Program	Contracts executed before July 26, 2007 receive double BACT credit. Others receive single BACT credit. For more information: www.arb.ca.gov/msprog/moyer/moyer.htm
Purchase of Low-Polluting Construction Equipment for Public Agencies	Double BACT credit. For more information: www.arb.ca.gov/msprog/ordiesel/incentive.htm
Showcase	Double BACT credit. For more information: www.arb.ca.gov/diesel/showcase/showcase.htm
SEPs	Single BACT credit. For more information: www.arb.ca.gov/diesel/showcase/showcase.htm

The amount of BACT credit awarded for projects funded through the Moyer program will depend on the Moyer guidelines used when the funding was distributed and the Moyer project contract requirements executed by the local air district and fleet. If a fleet is unsure of which Moyer guidelines were used to fund a project, it should contact the local air district who distributed the funding for more information.

For projects funded through the 2008 or 2005 Moyer guidelines, fleets may count all verified Level 2 and 3 exhaust retrofits, repowers, and vehicle replacements in their fleet average calculations immediately. The BACT credit for repowers and replacements will be awarded in accordance with section 2449.1(b) of the regulation; credit for exhaust retrofit installations will depend on when the installation occurred (refer to table above).

For projects funded through the 2011 Moyer guidelines, fleets may not count the repowers, retrofits, or replacements funded in the fleet average calculations, and may not receive BACT credit for those actions during the project contract period.¹ However, after the contract has ended, a fleet may then count the action funded towards the fleet average calculations, and at that point will receive BACT credit for the project.

Example: A large fleet with 5,070 total fleet horsepower (hp) receives Moyer Program funding (under the 2011 guidelines) to repower a 170 hp Tier 1 engine with a 190 hp Tier 4 Interim engine. During the Moyer project contract period the fleet would continue to be subject to the large fleet requirements; the fleet would have a total fleet hp of 4,900 (5,070 minus 170 hp) for the purposes of calculating

¹ If a repower, retrofit, or replacement vehicle is funded through the 2011 Moyer guidelines during the project contract period, the vehicle's horsepower may not be included in the fleet average index or target calculations; however, the vehicle's horsepower must still be included in the fleet's total horsepower for determining fleet size classification and BACT requirements.

While this document is intended to assist fleets with their compliance efforts, it does not alter or modify the terms of any ARB regulation, nor does it constitute legal advice. It is the sole responsibility of fleets to ensure compliance with the In-Use Off-Road Diesel-Fueled Fleets Regulation.

the fleet average index and targets and a total fleet hp of 5,070 for the purposes of calculating BACT requirements. After the end of the Moyer contract period, the fleet would have a total fleet hp of 5,090 (4,900 + 190) for the purposes of calculating BACT requirements and the fleet average index and targets.

While this document is intended to assist fleets with their compliance efforts, it does not alter or modify the terms of any ARB regulation, nor does it constitute legal advice. It is the sole responsibility of fleets to ensure compliance with the In-Use Off-Road Diesel-Fueled Fleets Regulation.