

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

New and Out-of-State Fleets FAQ Revised January 2014

Q - What is considered a new (or out-of-state) fleet?

A - A new fleet is any fleet that is newly formed instate or a fleet that enters California on or after January 1, 2012. Such fleets may include new California businesses or out-of-state businesses that bring vehicles into California for the first time on or after January 1, 2012.

Q - Are new fleets subject to the Off-Road regulation?

A - Yes. New fleets are subject to the Off-Road regulation immediately upon forming or entering California for the first time.

Q - Is ARB currently enforcing the requirements for new fleets?

A - Not yet. However, ARB received authorization from the United States Environmental Protection Agency (U.S. EPA) on September 13, 2013 and will begin enforcing the new fleet requirements on July 1, 2014.

Q - Are the requirements for new fleets different from the requirements for fleets already operating in California?

A - Yes. The requirements for new fleets that begin operation in California on or after July 1, 2014 are more stringent than the requirements for fleets that have previously been operating in California. The requirements for new fleets are described more in the questions below.

Q - What are the reporting and labeling requirements for new fleets?

A - Currently, if a new fleet is formed or is entering California for the first time, the fleet must comply with all Off-Road regulatory requirements that are currently in effect. This includes reporting all applicable fleet information to ARB (using the Diesel Off-road Online Reporting System, DOORS) within 30 days of acquiring the vehicles or entering the State. For more information on reporting, please see the DOORS User Guide on Initial Reporting, which is available at <http://www.arb.ca.gov/msprog/ordiesel/documents/doors/reportingonlinescreens.pdf>.

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.

In addition to the initial reporting requirements described above, a fleet must also:

- label their vehicles;
- comply with the 5 minute idling restrictions;
- create an idling policy (if applicable);
- disclose to purchasers when selling vehicles that the sold vehicles may be subject to the Off-Road regulation; and
- comply with all applicable annual reporting requirements.

For more information on the Off-Road regulation and the requirements that are currently in effect, please see the "Overview Fact Sheet" which is available at http://www.arb.ca.gov/msprog/ordiesel/faq/overview_fact_sheet_dec_2010-final.pdf.

Q - What are the requirements for new fleets?

A - ARB received authorization from the U.S. EPA on September 13, 2013 to enforce the new fleet requirements beginning July 1, 2014. Fleets will have to meet the requirements below in addition to those outlined above.

For all New Fleets:

All new fleets must meet the adding vehicles requirements immediately upon purchasing vehicles, or bringing vehicles into California for the first time. For example, if a new fleet is formed (or enters the state) while there is a ban on adding vehicles with Tier 0 engines (on or after January 1, 2014 for all fleets) and Tier 1 engines (on or after January 1, 2014 for large and medium fleets), the new fleet may not contain Tier 0 or Tier 1 vehicles. For more information on the adding vehicles requirements, please see the "Adding Vehicles FAQ" which is available at <http://www.arb.ca.gov/msprog/ordiesel/faq/addingvehicles.pdf>.

For New Medium/Large Fleets ONLY:

New large and medium fleets must meet the next large fleet average requirements in section 2449.1(a)(1) immediately upon purchasing vehicles or bringing vehicles into California for the first time, even though existing medium-sized fleets do not have to meet fleet average until 2017. New fleets also do not have the option of complying with the BACT requirements in section 2449.1(b) when they first begin operation in the State. However, for the next applicable compliance date, the new fleet can choose to meet either the fleet average requirements, or comply with the BACT requirements. For example, if a new medium fleet enters the State for the first time in 2014, it must meet the January 1, 2015, large fleet average requirements immediately upon entering the State. However, the next applicable compliance date for this medium fleet is not until the first medium fleet compliance date of January 1, 2017, at which time, the

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fleet may fulfill the compliance requirements by meeting either the fleet average requirements or the BACT requirements.

For New Small Fleets ONLY:

New small fleets must meet the next small fleet average requirements in section 2449.1(a)(2) immediately upon purchasing vehicles or bringing vehicles into California for the first time. New small fleets also do not have the option of complying with the BACT requirements in section 2449.1(b) when they enter the State for the first time. However, for the next applicable compliance date, the new fleet can choose to meet either the fleet average requirements, or comply with the BACT requirements. For example, if a new small fleet enters the State for the first time in 2014, it must meet the January 1, 2019, small fleet average requirements immediately upon entering the State. However, the next applicable compliance date for this small fleet is not until the first small fleet compliance date of January 1, 2019, at which time, the fleet may fulfill the compliance requirements by meeting either the fleet average requirements or the BACT requirements.

Q - If the ownership of a fleet is transferred, is the fleet now considered a new fleet?

A - Not necessarily. If a new fleet owner (i.e., someone who did not own a fleet before) acquires a fleet or fleet portion that is compliant with all current Off-Road regulatory requirements, the fleet is not considered a new fleet, and does not have to comply with the new fleet requirements specified above. However, if a new fleet owner acquires a fleet or fleet portion that is NOT in compliance with all current Off-Road regulatory requirements, then the fleet will be treated as a new fleet, and must meet the new fleet requirements specified above.

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