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From: owner-ordiesel@listserv.arb.ca.gov on behalf of jewilson@arb.ca.gov
Sent: Wednesday, April 09, 2008 3:00 PM
To: post-ordiesel@listserv.arb.ca.gov
Subject: ordiesel -- Final Rulemaking Package for In-Use Off-road Diesel Vehicle Regulation Filed

The Final Rulemaking Package for the for In-Use Off-road Diesel Vehicle Regulation was filed with the Office of Administrative Law (OAL) on April 4, 2008. The package is available at <http://www.arb.ca.gov/regact/2007/ordiesel07/ordiesel07.htm>. OAL has until May 16, 2008 to make a determination. The package includes the following:

- * Final Regulation Order;
<<http://www.arb.ca.gov/regact/2007/ordiesel07/fro.pdf>>
- * Final Statement of Reasons (FSOR);
- * Notice of Decision and Response to Significant Environmental Issues; and
- * Updated Informative Digest.

The FSOR includes ARB's responses to all comments received on the regulation during the public comment periods. If you submitted a comment, you can find the agency's response in the FSOR.

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The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our website at www.arb.ca.gov.

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Summary
Air Resources Board
Proposed Control Measure for Proposed Regulation
for In-Use Off-Road Diesel Vehicles

(The regulation was adopted by ARB on July 26th, 2007
and is planned to be effective by early summer 2008)

The following is an abbreviated summary of the proposed regulations:

- Beginning in 2009, all public and private fleets will need to report and label all in-use off-road diesel vehicles.
- The Off-Road Equipment Rule requires emission reductions for both oxides of nitrogen (NOx) and diesel PM.
- The regulation divides fleets into large (greater than 5,000 horsepower), medium (greater than 2,500 up to 5,000 horsepower) and small fleets (2,500 or less horsepower), based upon the total horsepower of the fleet.
- Fleets are required to meet the target fleet average emission goals or turnover 8/10% of the hp per year for NOx and retrofit 20% of the hp per year for PM, **beginning** in 2010 for large fleets, 2013 for medium fleets and **2015 for small fleets and ending** in 2020 for large and medium fleets and **2025 for small fleets**.
- The definition of low-population counties from the Public Fleet Rule has been included in this rule, which defines low-population county as a county with a population of less than 125,000, and allows counties with populations of less than 325,000 to apply to ARB for consideration as a low population county if the unincorporated population is less than 125,000.
- **All fleets of low population county municipalities are considered small fleets, irrespective of total horsepower.**
- **Small fleets (those with a total horsepower of up to 2,500 and including municipalities in low population counties) are exempt from the NOx provision.**
- All captive fleets (public and private) in counties that are currently in attainment with the federal ambient air quality standards for ozone and PM are exempt from the NOx provision, if vehicles are used in only attainment areas.
- **Initial implementation requirements for small fleets is delayed until 2015 with final compliance in 2025.**
- **Dedicated snow removal equipment and publicly owned vehicles used exclusively to support snow removal operations are exempt from the requirements.**
- **“Low use vehicle” is a vehicle operated less than 100 hours per year during the preceding 12-month period and is exempt from the requirements. A three year rolling average provision has been included in the low use vehicle exemption.**

- **Vehicles used solely for emergency operations are exempt from the requirements**
- For vehicles used both for emergency operations and for other purposes, hours of operation accrued when the vehicle is used for emergency operation do not need to be included when determining whether the vehicle meets the low-use vehicle definition.
- There is no sunset provision for the low-use exemption.
- The regulation also includes carryover credits for amounts exceeding the BACT requirements for NOX and PM for both the public and private sector. Of particular importance to our counties' fleets is the carryover credit for early implementation. Fleets that have installed the highest level Verified Diesel Emission Control System (VDECS) before March 1, 2009 will receive double carryover retrofit credit for the horsepower of the engines the VDECS was applied. Then between March 1, 2009 and before the initial compliance requirement date (through February 28, 2014 for low population counties) fleets will accumulate carryover retrofit credit equal to the total horse power of engines on which the highest level VDECS was installed. Fleets can take credit for such excess retrofits in earlier years in order to do less retrofitting in later years.

Additional information and documents regarding the Off Road Equipment Rule is available on the ARB website at: <http://www.arb.ca.gov/msprog/ordiesel/ordiesel.htm>