



Enforcement Division

Advisory

**TO: MUNICIPALITIES OR UTILITIES OPERATING
FLEETS IN CALIFORNIA AND OTHER
INTERESTED PARTIES**

Number 362

February 20, 2007

ARB'S PUBLIC FLEET RULE EFFECTIVE JANUARY 2007 ENFORCEMENT TO BEGIN JANUARY 2008

The purpose of this advisory is to inform utilities and municipalities that on December 8, 2005, the California Air Resources Board (ARB) adopted the Public Fleet Rule (Title 13 of the California Code of Regulations, Sections 2022 and 2022.1) which became effective January 5, 2007.

Utilities or municipalities that own, lease, or operate on-road vehicles with 1960-2006 model-year medium heavy-duty or heavy heavy-duty diesel-fueled engines that have a manufacturer's gross vehicle weight rating greater than 14,000 lbs. must apply Best Available Control Technology (BACT) to these engines. BACT must be applied in the following timetable.

Requirements

- For vehicles with 1960-2002 model-year engines, 20% of these vehicles must have BACT installed by December 31, 2007. By December 31, 2009, the percentage of these vehicles that require BACT increases to 60%, and the remainder of the fleet (100%) must have BACT installed by December 31, 2011.
- For vehicles with 2003-2006 model-year engines, 50% of these vehicles must have BACT applied by December 31, 2009, and the remainder (100% of the fleet) must apply BACT by December 31, 2010.
- Alternate schedules and extensions may be allowed for low-population counties or for early implementation. Please see the rule and website listed on the next page for details.

Record Keeping

In addition to the above retrofits, records shall be maintained that include, but are not limited to, a vehicle list, control technologies applied to each vehicle, and maintenance records. These records must be made available to an ARB inspector or authorized agent upon request. These records must be maintained both at the terminal and in the vehicles.

Penalties

Applicable civil penalties under the Health and Safety Code and California Code of Regulations will be assessed for violators.

Federal Fleets

While the text of the regulations states that it is applicable to Federal fleets, Federal Fleet Operators, such as military and postal service medium and heavy-duty diesel fleets will not be subject to this rule per the doctrine of sovereign immunity (Section 118(a) of the Clean Air Act) which provides that if the Federal Government is engaged in any activity that may result in the discharge of air pollutants, the Federal Government shall be subject to and comply with Federal, State, and local requirements to the same extent as any nongovernmental entity. Since nongovernmental entities are not subject to the public fleet requirements, Federal Fleet Operators are exempt until those requirements are imposed on vehicles operated by private entities. Plans to implement similar rules affecting private fleets are currently in progress.

Contact Information

The rule may be viewed at <http://www.arb.ca.gov/regact/dpmcm05/dpmcm05.htm>. Fact sheets and Frequently Asked Questions regarding this rule can be found on our website at <http://www.arb.ca.gov/msprog/publicfleets/publicfleets.htm>. For additional information, please contact Kathleen Mead at (916) 324-9550 or kmead@arb.ca.gov. For enforcement information, please contact Nancy O'Connor at (916) 322-8325 or noconnor@arb.ca.gov.

If you have a disability-related accommodation need, please go to <http://www.arb.ca.gov/html/ada/ada.htm> for assistance or contact the ADA Coordinator at (916) 323-4916. If you are a person who needs assistance in a language other than English, please contact the Bilingual Coordinator at (916) 324-5049.