

**Errata to the
DRAFT PROPOSED REGULATION TO REDUCE EMISSIONS OF
DIESEL PARTICULATE MATTER, AND OTHER POLLUTANTS
FROM IN-USE HEAVY-DUTY DIESEL-FUELED VEHICLES**

Section 2025(i) Optional Requirements for Small Fleets Page 16

The optional requirements for small fleets have been revised. The full text of section 2025 (i) was deleted and replaced with new text. The revision was necessary to clarify the provisions of the section and to reinstate the 2017 deadline for the compliance extension for the first vehicle in the fleet. This deadline was inadvertently omitted in the version of the regulation dated July 17, 2008. The new text is shown in underline and the deleted text is shown in ~~strikeout~~.

(i) *Optional Requirements for Small Fleets.*

~~(1) *Fleets with One or Two Vehicles*~~

~~(A) In lieu of the performance requirements of sections 2025(f), (g), and (h), the owner of a fleet of one or two vehicles may comply by having a vehicle equipped with a 2004 or later model year engine with a diesel particulate filter by December 31, 2012 and having the remaining vehicle in the fleet meet the PM and NOx performance requirements of section 2025(e)(1) by December 31, 2013.~~

~~(B) Between January 1, 2010 through December 31, 2011, the owner of one or two vehicles electing to comply by meeting the requirements of subsection 2025(i)(1)(A) above is exempt from having to comply with any other performance requirements of this regulation, but is subject to the reporting requirements of section 2025(p).~~

~~(2) *Fleets with Three Vehicles*~~

~~(A) In lieu of the performance requirements of sections 2025(e) through (h), the owner of a fleet of three vehicles may comply by having one vehicle equipped with a 2004 or later model year engine with a diesel particulate filter by December 31, 2012. By December 31, 2013, the owner must replace the engine of one of the remaining two vehicles with a 2010 model year engine or a 2010 model year NOx emissions equivalent engine. By December 31, 2015, the owner must replace the engine of the last vehicle with a 2010 model year engine or a 2010 model year NOx emissions equivalent engine.~~

~~(B) Between January 1, 2010 through December 31, 2011, the owner of three vehicles electing to comply by meeting the requirements of subsection 2025 (i)(2)(A) above is exempt from having to comply with any other performance requirements of this regulation, but is subject to the reporting requirements of section 2025(p).~~

(1) In lieu of the performance requirements of sections 2025(e) through (h), the owner of a small fleet may comply by having a vehicle equipped with a 2004 or later model year engine with a diesel particulate filter or a 2004 or later model year emissions equivalent engine with a diesel particulate filter by December 31, 2012. This vehicle is exempt from the PM and NOx performance requirements of section 2025(e)(1) until 2017. The remaining vehicles in the small fleet must meet the PM and NOx performance requirements of section 2025(e)(1) by December 2013. In a fleet of three vehicles, if by December 31, 2013, one of the remaining vehicles is equipped with a 2010 model year or 2010 model year emissions equivalent engine, the third vehicle is exempt from the PM and NOx performance requirements of section 2025(e)(1) until December 31, 2015 when it must be replaced by a vehicle equipped with a 2010 model year or 2010 model year emissions equivalent engine.

(2) The fleet owner that complies by meeting the requirements of subsection 2025(i)(1) above is subject to the reporting requirements of section 2025(p).

**Errata to the
Diesel Particulate Matter Control Measure for On-road Heavy-duty Diesel-fueled
Vehicles Owned or Operated by Public Agencies and Utilities**

Section 2022.1(d)(7) Light Heavy-Duty Engine Extension

This sub-section was added to describe the type of documentation required when applying for the Light Heavy-Duty Engine Extension. The new text is shown in underline.

Section 2022.1(f)(1)(K)(3). Vehicles Sold Outside of the State of California

The word, “contact” was inserted between “buyer’s information” to clarify the requirement. The proposed language now reads as “buyer’s contact information.” The new text is shown in underline.

Section 2022.1(h)(2). Third Party Vehicle Seller Contract Requirement

The buyer’s contact information was included to remain consistent with the other out-of-state definition and requirements. The new text is shown in underline.

of the applicable compliance deadline, then the municipality or utility shall be exempted from applying the best available control technology as defined in subsection (b) to that engine for a maximum of one year, provided documentation of the expected retirement date is kept in records as specified in subsection (f) and the engine is retired by the stated anticipated date.

- (5) *Use of Experimental Diesel Emission Control Strategy.* A municipality or utility may use an experimental diesel emission control strategy provided by, or operated by, the manufacturer in no more than 20 vehicles, or ten percent of its total fleet, whichever is less, for testing and evaluation purposes. The municipality or utility shall keep documentation of this use in records as specified in subsection (f). Each vehicle will be considered to be in compliance for the duration of the experiment to a maximum of two years. The municipality or utility must bring the vehicle into compliance within six months of the end of the testing and evaluation period. No experimental diesel emission control strategy may be used on a vehicle after December 31, 2012.
- (6) *Accelerated Turnover Option.* A municipality or utility either located in a low-population county or granted low-population county status may follow the accelerated turnover option provided in subsection (c)(3), provided the Executive Officer has received a letter by July 31, 2008, stating the municipality's or utility's intent to comply with this option.
- (7) *Light Heavy-Duty Engine Extension.* A municipality or utility may apply for a one year extension from the 2009 compliance deadline for light heavy-duty engines which prevent the fleet to comply with the 2009 intermediate BACT compliance requirements in section 2022(c)(1). A municipality or utility must:
1. Submit a letter to the Executive Officer by August 1, 2009 requesting the light heavy-duty engine extension;
 2. Submit documentation to demonstrate it cannot comply with the 2009 intermediate BACT compliance requirements in section 2022(c)(1) after adding light heavy-duty engines as a part of the total fleet size. Documentation may include, but is not limited to, a financial budget, budgeting schedules, etc. The documentation shall demonstrate that the municipality's or utility's financial budget cannot comply with the 2009 intermediate BACT compliance requirements after including the light heavy-duty engines; and
 3. Meet the record keeping requirements under section 2022.1(f).
- (a) *Diesel Emission Control Strategy Special Circumstances.* A municipality or utility shall maintain the original level of best available control technology on each engine once that engine is in compliance, and will not be required to upgrade to a higher

(J) *Records to document the retirement of a vehicle.* For each vehicle or engine to be retired, list the vehicle identification number, engine manufacturer, model-year, family, and series. For each vehicle that will be transferred to another fleet in California, include also the information required by sections 2022.1(f)(1)(B) and a statement of compliance that the vehicle meets the provisions of section 2022.1(b). For each vehicle or engine to be retired, provide the date of retirement, and written confirmation from the recipient of the retired vehicle or engine that the destination of the vehicle or its engine meets the requirements of the definition of “retirement” or “retire” in section 2022(b).

(K) *Vehicles sold outside of the State of California.* For a vehicle to qualify for retirement, a municipality or utility must:

1. Submit to the Executive Officer a VIN Stop request which includes: vehicle license plate number, vehicle identification number, vehicle model-year, vehicle make, vehicle model, engine manufacturer, engine serial number, and engine model year;
2. Obtain and maintain VIN Stop submittal to Department of Motor Vehicle in municipality’s or utility’s records; and
3. Obtain out-of-state buyer’s contact information, such as name, address and phone number for the vehicle sold outside of the State of California and acknowledgement of the vehicle’s operational status.

~~(K)~~(L) A statement of compliance, prepared beginning December 31, 2007, and renewed each December 31, thereafter until December 31, 2012, with low-population counties continuing until December 31, 2018, certifying that the municipality’s or utility’s engines are in compliance as required, including the following:

1. “The [insert name of municipality or utility] vehicles at terminal [insert terminal identification number or address] are in compliance with title 13, California Code of Regulations, section 2022.1”; and
2. The municipality’s or utility’s name, address, and business telephone; and the signature of the municipality’s or utility’s agent and the date signed.

(2) *Inspection of Records at the Terminal.* Beginning December 31, 2007, the municipality or utility shall provide to any ARB representative any records required to be maintained by the municipality or utility pursuant to subsection (f)(1), by appointment, at the terminal where a vehicle normally resides.

- (A) Ensure that vehicle is sold outside of the State of California or if sold to an intermediate buyer in state, inform the intermediate buyer that the vehicle cannot be sold or operated within California unless the vehicle is in compliance with section 2022.1(b);
 - (B) Inform the buyer that the vehicle cannot be registered in California unless the vehicle is in compliance with section 2022.1(b); and
 - (C) Notify the buyer to inform future buyers that the vehicle cannot be registered/operated in California unless the vehicle is in compliance with section 2022.1(b).
- (2) Obtain a written statement from the third party vehicle seller with the buyer's contact information, such as name, address, and phone number, and acknowledgment of the requirements in subparagraph 2022.1(h)(1).

~~(h)~~(i) *Non-Compliance.* Any violations of this section may carry civil penalties as specified in state law and regulations, including, but not limited to, Health and Safety Code Section 39674.

- (1) A municipality or utility that fails to maintain the required records in paragraph (f)(1) may be subject to civil penalties of not less than \$100 per day for every day past the required recordkeeping date.
- (2) A municipality or utility that fails to maintain the required records in the vehicle as specified in paragraph (f)(3) may be subject to civil penalties of not less than \$100 per day per vehicle for every day past the required recordkeeping date.

NOTE: Authority cited: Sections 39600, 39601, and 39658, Health and Safety Code.
Reference: Sections 39002, 39003, 39655, 39656, 39657, 39658, 39659, 39660, 39661, 39662, 39664, 39665, 39667, 39669, 39674, 39675, 43000, 43013, 43018, 43101, 43102, 43104, 43105 and 43700, Health and Safety Code.