

**ENFORCEMENT OF IN-USE  
OFF-ROAD DIESEL VEHICLE  
REGULATION**

Manfred Ochsner  
Manager  
Diesel Enforcement, Border Area  
626-350-6532  
mochsner@arb.ca.gov

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**Existing Enforcement Programs  
Diesel In-Use On-Road**

- Heavy Duty Vehicle Inspection Program
- Periodic Smoke Inspection Program
- Emission Control Label Program
- Commercial Vehicle and School Bus Idling
- Transit Fleet Program
- Solid Waste Collection Vehicle Program
- Public Agencies and Utilities Program

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**Existing Enforcement Programs  
Diesel In-Use Off-Road**

- Cargo Handling Equipment Program
- Rail Road MOU
- Transit Refrigeration Unit Program

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## Enforcement Statistics

- Tens of thousands of cargo tank, fuel container, heavy duty vehicle, solid waste collection vehicle, and fuel inspections are conducted.
- In 2007:
  - 3,442 cases/citations closed
  - \$29.85 million in penalties collected
- Annual reports of enforcement activities:  
<http://www.arb.ca.gov/enf/reports/reports.htm>

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### **NEW DISCLOSURE/RECORD RETENTION REQUIREMENTS FOR DEALERS AND SELLERS OF IN-USE OFF-ROAD DIESEL VEHICLE**

- As a matter of policy, each first time violation of the disclosure/record retention requirements will be assessed a minimum civil penalty of \$500.
- Subsequent penalties can be up to \$1,000 to \$10,000.
- Daily fines will be assessed individually for every vehicle in violation.
- The seller will be responsible for the penalty.

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### **NEW IDLING LIMITS FOR OWNERS, OPERATORS, RENTERS OR LESSEES OF IN-USE OFF-ROAD DIESEL VEHICLE**

- As a matter of policy, each first time violation of the idling requirements will be assessed a minimum civil penalty of \$300.
- Subsequent penalties can be up to \$1,000 to \$10,000.
- The owner, renter or lessee will be responsible for the penalty.
- The operator and the site supervisor will be contacted to determine the reason for idling more than five minutes and, if the reason for idling is not exempted by the rule, a \$300 per day of violation citation will be issued to the owner, renter or lessee of the vehicle for a first time violation.

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## General Enforcement Strategies

- Field and/or facility audit at random or based on complaints or whistle blower
- Non compliance leads to full investigation and case development
- Violations settled in house or referred to Attorney General or District Attorney for prosecution.
- Typical penalty \$1,000 per violation per day

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## Field Audit

- Vehicle and engine inspection to verify what was reported to ARB
- Cite non-reported vehicles
- Cite for excessive idling
- Verify low use exemption

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## Vehicle Inspection

- Verify Equipment Identification Number
- Vehicle Type
- Vehicle Manufacturer
- Vehicle Model
- Vehicle Model Year
- Vehicle Serial Number
- Take Hour Meter Reading

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## Engine Inspection

- Engine Manufacturer
- Engine Model
- Engine Family
- Engine Serial Number
- Engine Model Year
- Engine Maximum Power
- Engine Displacement
- VDECS\* label on engine must match VDECS label on the exhaust retrofit

\*VDECS = Verified Diesel Emission Control Strategy

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## VDECS Inspection

- VDECS Manufacturer
- VDECS Model
- VDECS Family Name
- Verification Level
- Verified % NOx Reduction
- VDECS label on BACT device must match VDECS label on the engine

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## Facility Audit

- Same as Field Audit with Vehicle, Engine and VDECS Inspections
- Audit sales records for compliance with the disclosure of regulation applicability requirement
- Compare vehicle inventory list to list of reported vehicles
- Audit vehicle records
- Request ARB Compliance Certificate

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## Seller Audits

- Audit sales records for compliance with the disclosure of regulation applicability requirement
- 3 year record retention requirement

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## Enforceable in 2008

- 5 Minute Idling Limit
- Disclosure of Regulation Applicability Requirement

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