



## **U.S. EPA Grants Waiver to California Air Resources Board**

### **All Provisions of Off-Road Diesel Rule are Now Enforceable**

In a Regulatory Advisory fittingly released on Friday the 13<sup>th</sup>, California Air Resources Board (CARB) announced that the United States Environmental Protection Agency (USEPA) has granted authorization to enforce all provisions of the In-Use Off-Road Diesel Regulation (Off-Road Regulation). Up until now only the reporting, labeling, sales disclosure and idling limitations of the rule have been enforced. The authorization CARB received from USEPA allows CARB to begin enforcing bans on adding Tier 0 and Tier 1 engines as well as the emission reduction provisions of the Off-Road Regulation.

Associates Environmental will provide additional details soon, but here is what you need to know immediately:

- Beginning January 1, 2014, any fleet with greater than 2,500 horsepower (large and medium fleets) cannot add a Tier 0 or Tier 1 engine to its fleet. Only Tier 2 and newer engines can be added.
- Beginning January 1, 2014, fleets with 2,500 horsepower (small fleets) cannot add a Tier 0 engine to its fleet.
- Beginning January 1, 2014, small fleets can only add Tier 1 engines which were issued an equipment identification number (EIN) by CARB prior to January 1, 2012 or if the Tier 1 engine entered California for the first time after January 1, 2012.
- On July 1, 2014 CARB will begin enforcing the fleet average and repower/replace/retire requirements for fleets with greater than 5,000 horsepower (large fleets). Large fleets that completed the equipment turnover and/or retrofits necessary to meet the original 2010 requirements likely won't have to make any fleet changes to meet the July 1, 2014 requirements. However, if you have a large fleet and you did not meet the original 2010 requirements you will need to...
  - Meet the NOx Fleet Average Target for your fleet, or
  - Repower/Replace/Retire 4.8% of your fleet horsepower

In the Friday the 13<sup>th</sup> Regulatory Advisory CARB stated that, *"Fleets that fail to comply with the Off-Road Regulation will be subject to enforcement action, including potential fines. Health and Safety Code Sections 39674(a) and (b) authorize civil penalties for the violation of the programs for the regulation of toxic air contaminants."* In a Fact Sheet related to the 2010 amendments of the Off-Road Regulation CARB referred to *"... fines of up to \$10,000 per day possible for each vehicle that is in violation."*

At Associates Environmental we believe that CARB will make enforcement of the Off-Road Regulation a top priority. We have developed our Diesel Regulations for In-Use Vehicles and Equipment (DRIVE) services to help you remain in compliance with the Off-Road Regulation.



If you would like to learn more about the Off-Road Regulation or Associates Environmental DRIVE services please contact one of the following Associates. We will be happy to explain what you need to do to be prepared for enforcement of the Off-Road Regulation.

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To read CARB's Friday the 13<sup>th</sup> Regulatory Advisory, please click on the following link:  
<http://www.arb.ca.gov/msprog/mailouts/msc1325/msc1325.pdf>