



Rural Counties' Environmental Services Joint Powers Authority Board of Directors' Meeting Agenda

801 12th Street – 2nd Floor Conference Room
Sacramento, CA 95814
(916) 447-4806

Thursday, December 14, 2006 9:30 a.m. – 12:00 p.m.

Only those items that indicate a specific time will be heard at the assigned time. All other items may be taken out of sequence to accommodate the Board, the staff and the general public. Indicated time allocations are for planning purposes only and actual times will vary from those indicated.

- I. Call to Order, Self Introductions, and Determination of Quorum**
- II. Approval of minutes from the meeting of October 19, 2006 – Bob Pickard, Chair**
(pp 1-6)
- III. Public Comment**

Any person may address the Board on any matter relevant to the Authority's business, but not otherwise on the agenda.

IV. Presentation Items

- A. Treated Wood Waste Update – Bill Beckman, Hazardous Waste Management, DTSC
(15 minutes)
- B. Landfill Gas and Leachate Issues – Adam Harris and Joe Mello, Division of Water Quality, State Water Resources Control Board *(15 minutes)*
- C. Lassen County Solid Waste Program – Tom Valentino, Director, Lassen Regional Solid Waste Management Authority *(15 minutes)*

V. Solid Waste/Regulatory Update

Discussion and possible action related to the following:

- A. Report from the CIWMB – Kyle Pogue, Supervising Integrated Waste Management Specialist, Office of Local Assistance, CIWMB *(10 minutes)*
- B. AB 32 – Global Warming Solution Act of 2006 – Larry Sweetser, ESJPA Consultant
(pp 7-12; 5 minutes)
- C. CIWMB Closure and Post Closure Requirements – Larry Sweetser *(5 minutes)*
- D. Other Regulatory Issues of Interest or Concern – Alan Abbs, ESJPA Solid Waste Specialist *(pp 13-58; 5 minutes)*

VI. Legislative Update

- A. Legislative overview for 2007 – Paul Smith, RCRC Director of Legislative Affairs
(5 minutes)
- B. 2007 Legislative Task Force – Mary Pitto, ESJPA Program Manager (5 minutes)

VII. ESJPA Program Updates

Discussion and possible action related to the following:

Grant Program Update – Stacey Miner, ESJPA Program Administrator (5 minutes)

VIII. Business Matters

Discussion and possible action related to the following:

- A. Adoption of the 2007 Budget – Stacey Miner (pp 59-62; 5 minutes)
- B. Review and approval of the 2007 Contract Services Agreement between ESJPA and RCRC – Stacey Miner (pp 63-72; 5 minutes)
- C. Adoption of the 2007 Meeting Schedule – Stacey Miner (pp 73-74; 5 minutes)
- D. Election of 2007 ESJPA Chair and Vice Chair – Bob Pickard, Chair
- E. Presentation of Resolutions of Appreciation for Tom Hunter, Mark Rappaport, and John Kovach for their years of participation in the ESJPA – Bob Pickard, Chair
(10 minutes)

IX. Agenda Suggestions for Next ESJPA Board Meeting Scheduled in 2007.

X. Member County Concerns / Comments

XI. Adjournment to Member's Holiday Lunch Buffet

Meeting facilities are accessible to persons with disabilities. By request, alternative agenda document formats are available to persons with disabilities. To arrange an alternative agenda document format or to arrange aid or services to modify or accommodate persons with a disability to participate in a public meeting, please contact our offices at least 72 hours prior to the meeting by calling (916) 447-4806.

Agenda items will be taken as close as possible to the schedule indicated. Any member of the general public may comment on an agenda item at the time of discussion. In order to facilitate public comment, please let staff know if you would like to speak on a specific agenda item.

The final agenda for this meeting of the Board of Directors of the Rural Counties' Environmental Services Joint Powers Authority will be duly posted at its offices: 801 12th Street, Suite 500, Sacramento, California at least 72 hours prior to the meeting.



**Minutes of the Rural Counties’
Environmental Services Joint Powers Authority
Board of Directors’ Meeting**

801 12th Street – 2nd Floor Conference Room

Sacramento, CA 95814

(916) 447-4806

Thursday, October 19, 2006

MEMBERS REPRESENTED

Bob Pickard, ESJPA Chair
 Skip Veatch, Supervisor
 Jim McHargue, Program Manager
 Bill Mannel, Solid Waste Manager
 Steve Rodowick, Recycling Manager
 Lesli Daniel, Recycling Manager
 Kevin Hendrick, Solid Waste Director
 Jon Souza, Public Information Officer
 Mandy Kleykamp, Solid Waste Manager
 William Brunet, Director of Public Works
 Steve Engfer, Solid Waste and Recycling Manager
 Tracy Harper, Recycling Coordinator
 Randy Akana, General Services Manager
 John Kovach, Solid Waste Fiscal Technician
 Melissa Cummins, Solid Waste Fiscal Technician
 Alan Abbs, Solid Waste Director
 Barbara Rapinac, Solid Waste Technician
 Mark Rappaport, Solid Waste Consultant

Mariposa County
 Alpine County
 Amador County
 Butte County
 Butte County
 Calaveras County
 Del Norte County
 El Dorado County
 Glenn County
 Imperial County
 Mariposa County
 Nevada County
 Siskiyou County
 Siskiyou County
 Siskiyou County
 Tehama County
 Trinity County
 Tuolumne County

STAFF IN ATTENDANCE:

Mary Pitto, ESJPA Program Manager
 Stacey Miner, ESJPA Program Administrator
 Rachel Basore, ESJPA Program Assistant
 Paul Smith, Legislative Affairs Director
 Nick Konovaloff, Legislative Analyst
 Larry Sweetser, Consultant to ESJPA

RCRC Governmental Affairs
 RCRC Governmental Affairs
 RCRC Governmental Affairs
 RCRC Governmental Affairs
 RCRC Governmental Affairs
 Sweetser and Associates

OTHERS IN ATTENDANCE:

Nancy Carr, Senior IWMS
 Trace Landberg, IWMS
 Matt McCarron, Special Waste Division (E-waste)
 Karl Palmer, Chief, Regulatory & Program Development

CIWMB
 CIWMB
 CIWMB
 DTSC

Kyle Pogue, Supervising IWMS
 Thomas Rudy, IWMS
 Sherrie Sala-Moore, Supervising IWMS
 Jero Salva, Solid Waste Consultant

CIWMB
 CIWMB
 CIWMB
 Trinity County

MEMBERS NOT REPRESENTED

Colusa County	Inyo County	Lassen County	Modoc County
Mono County	Plumas County	Sierra County	

I. Call to Order / Determination of Quorum / Introductions

The meeting was called to order at 1:15pm by Alan Abbs, ESJPA Solid Waste Specialist, in the absence of the chair. Bob Pickard, ESJPA Chair, resumed his duties at 1:20pm. Roll call was taken, self-introductions were made, and a quorum was established.

II. Business Matters

A. Approval of minutes from the meeting of August 17, 2006.

The Chair called for a motion to approve the minutes of the August 17, 2006 meeting. The motion was made by William Brunet, seconded by Mandy Kleykamp. Kevin Hendrick and Mark Rappaport abstained. Motion carried.

B. Re-adoption of Resolution Approving the Independent Auditors' Report and Financial Statements for the Year Ended December 31, 2005.

The Chair called for a motion to approve the Auditor's Report and Financial Statements. The motion was made by Alan Abbs, seconded by Steve Engfer. Motion carried.

C. Adoption of Resolutions of Appreciation for Tom Hunter and Mark Rappaport for their years of participation in the ESJPA.

The Chair called for a motion to adopt Resolutions of Appreciations for Tom Hunter, Mark Rappaport, and John Kovach. The motion was made by Jim McHargue, seconded by Kevin Hendrick. Motion carried.

III. Public Comment

John Kovach announced that this is his last ESJPA meeting, as he will be retiring from his position as Solid Waste Fiscal Technician on November 17, 2006. He introduced his replacement, Melissa Cummins.

IV. Presentation Items

A. CIWMB Tools for Disposal Reporting Review – Sherrie Sala-Moore, Supervising Integrated Waste Management Specialist, California Integrated Waste Management Board.

- B. Targeted Waste Characterization Studies – Nancy Carr, Senior Integrated Waste Management Specialist, Thomas Rudy, Integrated Waste Management Specialist, California Integrated Waste Management Board.
- C. E-Waste and Universal Waste Management Update – Matt McCarron, Special Waste Division, California Integrated Waste Management Board and Karl Palmer, Branch Manager, Hazardous Waste Management, Department of Toxic Substances Control.
- D. El Dorado County Solid Waste Program – John Souza, Public Information Officer.

V. Solid Waste/Regulatory Update

- A. Report from the CIWMB – Kyle Pogue, Supervising Integrated Waste Management Specialist, Office of Local Assistance

Kyle reported that the 2003 -2004 biennial review spreadsheets with status information for all counties will be sent electronically to jurisdictions. Twelve out of the 22 ESJPA counties have completed their biennial reviews successfully with four out of the twelve falling in “good faith effort” category. Four member counties are not part of the reviews and six counties, Amador, Calaveras, Imperial, Lassen, Modoc, and Plumas, are still awaiting their reviews.

The recent “Consideration of Adoption of Board Governance Policies for Governance Process and Board-Staff Linkage” gave delegation authority to the Executive Directors of the Waste Board. Under the new changes, if jurisdictions have a new waste generation study that is not controversial it will go to the Executive Director and not to the Board. This would apply to those biennial reviews that have diversion rates over 50% and adequate diversion programs. The changes also address delegated authority for other programs such as used oil programs, funding under block grant programs, and resolutions of grant related application disputes/deadlines. Despite these changes, it does not eliminate a jurisdiction’s ability to go before the Board if they want an item heard. Overall, the Board’s goal is to adopt a policy setting focus/philosophy. These changes were approved at the October 17, 2006 Board Meeting, but if jurisdictions have comments, submit them as soon as possible. Kyle will provide updates on how this process unfolds.

In response to this issue, Bob Pickard, ESJPA Chair, directed that a letter be sent to the CIWMB on behalf of the ESJPA addressing member concerns. ESJPA members are primarily concerned about gaining access to attachments and reviews. Under the new system, jurisdictions would not know if non-controversial items are passed. This is of primary concern since new programs and management practices in member counties are often based on those from jurisdictions with successful biennial reviews. Attachments and “success reports” provide programs for rural counties to emulate and are useful learning tools. Access to only non-approved reviews would be detrimental to program development. ESJPA members suggest that all information be available on the web. Jurisdictions would also like assurance that if they are not satisfied with a decision they can approach the Board

for changes and clarification. A letter will be created and a copy will appear in December's meeting packet.

Kyle spoke about the continuing reorganization occurring at the CIWMB. The proposed reorganization will split the Waste Board into two programs: Waste Compliance & Mitigation Program and the Sustainability Program. In this way, enforcement will be separate from assistance. The overall plan is to create local assistance contacts who are generalists, rather than being specialized in one material type or area. No time frame has been proposed for this reorganization. Updates will follow as more is known.

In response to an issue raised at the August 17, 2006 ESJPA Board meeting, Kyle reported that a letter regarding time extensions for the biennial review would be sent to the four jurisdictions on 2005 time extensions. The content of these letters is unknown, but Butte, El Dorado, Mariposa, and Nevada can expect them soon.

A comprehensive list of all 170 jurisdiction C&D ordinances will soon become available online. There are about 25 currently available and the list can be sorted by county.

B. Biennial Review Preparation – Alan Abbs, ESJPA Solid Waste Specialist

Alan reported that he, Mary Pitto, and Larry Sweetser recently met with the Office of Local Assistance about their Biannual Review Tool. It is a format that staff uses to review your jurisdiction and assess your programs. The bottom line is that if you want to know how well your jurisdiction will do in the biennial review, take the time to know how your jurisdiction will appear before the Waste Board based on their format. It is important to have a general knowledge prepared, but the Board wants to hear specific examples about your programs/policies.

Typical questions asked during the review include: "What is the status of your C&D ordinance?", "What is your expanded Environmental Preferred Purchasing Policy?", "What is your sensitivity analysis—how much waste does it take to change your diversion rate by 1%?"

Alan addressed the question as to whether the rural reduction option is still available to counties. Petitions for the rural reduction may be submitted and the Board would have to hear it; however, the Board is not encouraging this option. Rural counties can fluctuate and many not meet their rural reduction consistently, so Board staff encourages rurals to petition for good faith effort instead of the rural reduction. The Board is aware of the realities of rural jurisdictions and has, historically, granted rurals the good faith effort.

C. AB 1497 Significant Changes for Solid Waste Facilities – Larry Sweetser, ESJPA Consultant

Larry noted that the comment letter concerning AB 1497 is included in the meeting packet along with a short version of what the regulations will be. The regulation is going forward.

D. Other Regulatory Issues of Interest or Concern – Alan Abbs

Marry Pitto distributed information on a variety of upcoming workshops and events. Low cost training for a variety of environmental, health, and safety topics is available through regional environmental centers connected with the California community college system. The packet also includes the California Environmentally Preferable Purchasing Manual to assist you in updating your current standards.

VI. Legislative Update

Status of 2005-06 Solid Waste Legislation presented by Paul Smith, RCRC Director of Legislative Affairs.

Paul reported on the 2006 session, which ended August 31 and had an October 1 deadline for bill signing. The 2007-2008 regular session reconvenes December 4, 2006 and major bills will be introduced in January and February. When the session begins, only 35 out of 80 members of the assembly will be the same. The following bills were highlighted:

A. Chaptered Bills

CA AB-1688: Illegal Dumping: Enforcement Officers. Gives jurisdictions the ability to designate powers of arrest to illegal dumping enforcement. Jurisdictions must work with local law enforcement.

CA AB-2296: Solid Waste: Landfill: Postclosure Maintenance. Addresses postclosure issues and requires the CIWMB complete a study in 2008 to identify long-term threats. Regulations are required by 2009. This issue will stick around and will reappear next year related to financing post closure.

CA AB-2249: Recycling: Plastic Bags. Requires retailers that hand out plastic shopping bags to have methods to recycle bags in their stores. Local jurisdictions may not implement their own bag recycling efforts. Counties can adopt ordinances for bag tax or mandating reuse only on stores not complying with the law.

CA AB-3056: Beverage Container: Quality Incentive Payments: Refund. Law contains many components, but of most importance is the acceleration of handling fees and newly defined convenience zones. First, the law increases the deposit return rate for a 6 months period until the end of the period when the rate equalizes. Starting January 1, 2007, handlers and consumers will enjoy a 1-cent windfall. Secondly, the changed law allows certified recyclers to be eligible for handling fees in areas where they were not before. The Department of Conservation identified about 30 sites; however data was only pulled from currently established certified recyclers. Imperial, Madera, Mono, Nevada, and Plumas have recyclers who may ultimately be given handling fees. The 3-mile zone is calculated from the nearest retailer—not from the recycler-- and creates a much larger catch zone for obtaining the \$2 million gross annual sales figure.

RCRC has summarized the guidelines (distributed at meeting) and will deliver them and other materials to all counties. The key is that recyclers must complete the petition prior

to December. New zones only go into effect January 1st of each year and if recyclers miss the deadline they would have to wait until January 2008. There is no hard cutoff date for petitions, but they must be approved before January. Counties should let Mary or Paul know if they require assistance in the process. Recyclers need not be the petitioner; counties may petition on behalf of the recycler, but must have an accurate estimation of sales.

CA SB-369: Solid Waste: Tire Recycling: Rubberized Asphalt. Creates major changes in terms of eligibility factors for grants. Rural counties that did not take advantage of these grants in the past may now be able to do so.

B. Vetoed Bills

Paul encouraged members to read the bill veto messages.

C. Bills that Failed

VII. ESJPA Program Updates

Grant Program Update by Stacey Miner. Stacey referenced the Grant Program Update memo in the meeting packet. Based on the CIWMB October meeting, it appears that applications for the Local Government Waste Tire Cleanup and Amnesty Event Grants will not occur in November 2006 and will be pushed back. Stacey encouraged counties to consider the Solid Waste Management Grants through the USDA, as they have very broad criteria and no funding cap.

VIII. Agenda Suggestions for next ESJPA Board Meeting scheduled for December 14th, 2006

Suggestions should be forwarded to ESJPA staff.

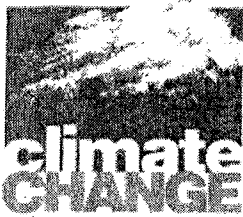
IX. Member County Concerns / Comments

X. Adjournment at 4:14pm

Respectfully submitted,

Rachel Basore

Rachel Basore, Environmental Program Assistant
Rural Counties' Environmental Services Joint Powers Authority



B A C K G R O U N D E R

The Greenhouse Effect And California

Simply put, the greenhouse effect compares the earth and the atmosphere surrounding it to a greenhouse with glass panes. Plants in a greenhouse thrive because the glass panes keep the air inside at a fairly even temperature day and night, and throughout the four seasons of the year.

Just as the glass lets heat from sunlight in and reduces the heat escaping, greenhouse gases and some particles in the atmosphere keep the Earth at a relatively even temperature. Greenhouse gases like carbon dioxide, methane, and nitrous oxide in our atmosphere keep the Earth's average surface temperature close to a hospitable 60 degrees Fahrenheit. Without the greenhouse effect, the Earth would be a frozen globe, with an average temperature of about 5 degrees Fahrenheit. Most life as we know it would cease.

Thus, the naturally occurring greenhouse effect is beneficial, creating a pleasant, livable environment on the Earth. Natural levels of greenhouse gases have changed in the past. However since the start of the industrial revolution, the rate of increase has accelerated markedly because of the use of machines powered by fossil fuels like coal and oil.

There appears to be a close relationship between the concentration of greenhouse gases in the atmosphere and global temperatures. The burning of fossil fuels produces large amounts of carbon dioxide as well as other pollutants. Many of these pollutants absorb infrared energy that would otherwise escape from the Earth. As the infrared energy is absorbed, the air surrounding the earth is heated. An overall warming trend has been recorded since the late 19th century, with the most rapid warming occurring over the past two decades. The 10 warmest years of the last century all occurred within the last 15 years. It appears that the decade of the 1990s was the warmest in human history, and preliminary information is pointing to 2002 possibly being the warmest year on record. Global warming is changing the Earth's climate.

While the evidence for climate change is overwhelming, it is impossible to predict exactly how it will affect California's ecosystems and economy in the future. There are, many areas of concern.

As the average temperature of the Earth increases, weather is affected. Rainfall patterns change. Droughts and flashfloods are likely to become more frequent and intense. Mountain snowcaps will continue to shrink. Climate change and the resulting rise in sea level are likely to increase the threat to buildings, roads, powerlines, etc. Agricultural patterns will change as crops and productivity shift along with the climate change. Physical changes such as these impact California's public health, economy and ecology.

We can expect to see worsening air quality, an increase in the number of weather-related deaths, and a possible increase in infectious diseases. Higher temperatures contribute to increased smog, which is damaging to plants and humans. Climate change also affects forests in ways that increase fire hazards and make forests more susceptible to pests and diseases.

One area of considerable concern is the effect of climate change on California's water supply. During the winter, high in the Sierra Nevada, snow accumulates in a deep pack, preserving much of California's water supply in "cold storage" for the hot, dry summer. If winter temperatures are warmer however, more precipitation will fall as rain, decreasing the size of the snowpack. Heavier rainfall in the winter could bring increased flooding. Less spring runoff from a smaller snowpack will reduce the amount of water available for hydroelectric power production and agricultural irrigation. Evidence of this problem already exists. Throughout the 20th century, annual April to July spring runoff in the Sierra Nevada has been decreasing, with water runoff declining by about ten percent over the last 100 years.

Another predicted outcome of climate change, a rise in sea level, is already being seen in California, with a 3 - 8 inch rise in the last century. This can lead to serious consequences for the large populations living along California's coast. Sea level rise and storm surges can lead to flooding of low-lying property, loss of coastal wetlands, erosion of cliffs and beaches, saltwater contamination of drinking water, and damage to roads and bridges.

Higher temperatures also cause an increase in harmful air emissions -- more fuel evaporates, engines work harder, and demands for electric power increase along with an increase in power plant air pollution. Air pollution is also made worse by increases in natural hydrocarbon emissions from vegetation during hot weather. High temperatures, strong sunlight, and a stable air mass are ideal for formation of ground-level ozone, the most health-damaging constituent of smog. As the temperature rises and air quality diminishes, heat related health problems also increase.

While carbon dioxide is the greenhouse gas emitted in the largest quantity, other greenhouse gases such as methane, nitrous oxide, and hydrofluorocarbons also contribute to climate change. Many greenhouse gases have lifetimes of decades or even centuries in the atmosphere, so the problem cannot be eliminated quickly. Thus, the problems we are experiencing today do not accurately represent the full effects we may see years from now based on current levels of greenhouse gases.

The United States has the highest emissions of greenhouse gases of any nation on Earth. In California, more than half of the fossil fuel emissions of carbon dioxide are related in some way to transportation. Fossil fuel combustion accounts for 98 percent of carbon dioxide emissions.

To lessen the State's contribution to climate change, California needs to start now - to develop integrated strategies that will reduce traffic congestion, criteria air pollutants, and emissions of greenhouse gases from mobile sources. To learn more about greenhouse gases and climate change, access the ARB's Internet site on these subjects at www.arb.ca.gov.

For More Information:

Call our Public Information Office at (916) 322-2990 or visit our website at www.arb.ca.gov

AB 32 Fact Sheet - California Global Warming Solutions Act of 2006

Establishes first-in-the-world comprehensive program of regulatory and market mechanisms to achieve real, quantifiable, cost-effective reductions of greenhouse gases (GHG).

Makes the Air Resources Board (ARB) responsible for monitoring and reducing GHG emissions. Continues the existing Climate Action Team to coordinate statewide efforts.

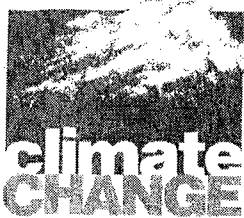
Authorizes the Governor to invoke a safety valve in the event of extraordinary circumstances, catastrophic events or the threat of significant economic harm, for up to 12 months at a time.

Requires ARB to:

- Establish a statewide GHG emissions cap for 2020, based on 1990 emissions by January 1, 2008.
- Adopt mandatory reporting rules for significant sources of greenhouse gases by January 1, 2008.
- Adopt a plan by January 1, 2009 indicating how emission reductions will be achieved from significant GHG sources via regulations, market mechanisms and other actions.
- Adopt regulations by January 1, 2011 to achieve the maximum technologically feasible and cost-effective reductions in GHGs, including provisions for using both market mechanisms and alternative compliance mechanisms.
- Convene an Environmental Justice Advisory Committee and an Economic and Technology Advancement Advisory Committee to advise ARB.
- Ensure public notice and opportunity for comment for all ARB actions.
- Prior to imposing any mandates or authorizing market mechanisms, requires ARB to evaluate several factors, including but not limited to: impacts on California's economy, the environment, and public health; equity between regulated entities; electricity reliability, conformance with other environmental laws, and to ensure that the rules do not disproportionately impact low-income communities.
- Adopt a list of discrete, early action measures by July 1, 2007 that can be implemented before January 1, 2010 and adopt such measures.

For More Information:

Please contact the ARB toll-free at (800) END-SMOG/(800) 363-7664 (California only) or (800) 272-4572. For information on the ARB's Climate Change Program, visit www.arb.ca.gov/cc/cc.htm. You may obtain this document in an alternative format by contacting ARB's Americans with Disabilities Act Coordinator at (916) 322-4505 (voice); (916) 324-9531 (TDD, Sacramento only); or (800) 700-8326 (TDD, outside Sacramento).



Timeline - California Global Warming Solutions Act of 2006

By July 1, 2007	The State Air Resources Board (ARB) forms Environmental Justice and Economic & Technology Advancement advisory committees.
By July 1, 2007	ARB adopts list of discrete early action measures that can be adopted and implemented before January 1, 2010.
By Jan 1, 2008	ARB adopts regulations for mandatory greenhouse gas (GHG) emissions reporting. ARB defines 1990 emissions baseline for California (including emissions from imported power) and adopts that as the 2020 statewide cap.
By Jan 1, 2009	ARB adopts plan indicating how emission reductions will be achieved from significant sources of GHGs via regulations, market mechanisms and other actions
During 2009	ARB staff drafts rule language to implement its plan and holds a series of public workshop on each measure (including market mechanisms).
By Jan 1, 2010	Early action measures take effect.
During 2010	ARB conducts series of rulemakings, after workshops and public hearings, to adopt GHG regulations including rules governing market mechanisms.
By Jan 1, 2011	ARB completes major rulemakings for reducing GHGs including market mechanisms. ARB may revise the rules and adopt new ones after 1/1/2011 in furtherance of the 2020 cap.
By Jan 1, 2012	GHG rules and market mechanisms adopted by ARB take effect and are legally enforceable.
Dec 31, 2020	Deadline for achieving 2020 GHG emissions cap.

For More Information

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Conversion of 1 MMT CO₂ to Familiar Equivalents

Climate change documentation uses the unit of million metric tons of carbon dioxide equivalents (MMT CO₂) to describe the magnitude of greenhouse gas (GHG) emissions or reductions. However, most of us have little "feel" for this unit of measure. For public benefit and the news media, we provide the following conversions to a "visual" equivalent unit, such as numbers of passenger cars not driven for one year or gallons of gasoline usage avoided. The references and databases for these conversions are publicly available and can be provided by the contact below.

Reducing 1 MMT of CO₂ emissions is equivalent to:

- Avoiding the total emissions from 1.5 state-of-the-art 500 megawatt (MW) combined-cycle gas-fired power plants for one year (in California, there are a total of 965 power plants of all types ranging in size from 0.1 MW to 2,545 MW)
- Converting a typical 500 MW power plant burning coal to two state-of-the-art 500 MW combined-cycle gas-fired power plants and running for one year (i.e., the efficiency gains are great enough to reduce CO₂ emissions while generating twice the electricity)
- 216,000 passenger cars not driven for one year (in 2005, about 14 million passenger cars were operated on California roads)
- 179,000 passenger cars and light trucks not driven for one year (in 2005, over 21 million passenger cars and light trucks were operated on California roads)
- 114 million gallons of gasoline saved (California consumes about 16 billion gallons of gasoline per year)
- 2.3 million barrels of oil saved (California consumes about 320 million barrels of oil per year)
- 13,400 tanker trucks of gasoline saved
- One year of electricity use by 128,000 average U.S. households
- One year of electricity use by 193,000 average California households
- Replacing 1.5 million inefficient refrigerators with Energy Star refrigerators
- The energy savings in one year from replacing 13 million standard light bulbs with compact fluorescent lamps
- Every adult under 65 in California walking up one floor instead of taking an elevator each workday
- 26,000,000 tree seedlings grown for 10 years
- 833,000 acres of pine or fir forests storing carbon for one year
- 556,000 tons of waste being recycled instead of going to a landfill in California
- 110,000 round trips around the world by one typical passenger car (traveling at the equator)
- 483 Empire State Buildings of volume (under standard conditions of pressure and temperature)
- 200,000 hot air balloons of volume (under standard conditions of pressure and temperature)

For More Information:

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The AB 32 Industry Implementation Group

November 27, 2006

The California Air Resources Board (CARB) will soon begin their rulemaking process to implement California's new greenhouse gas law to reduce carbon emissions (AB 32). Assembly Bill 32 gives CARB unfettered discretion to develop the rules that will result in a 20% reduction in greenhouse gases by the year 2020. Regardless of whether you supported or opposed AB 32, it is the law of California and its implementation will have important implications for companies that do business in California. This is an invitation to join the "AB 32 Industry Implementation Group" in advocating for AB 32 regulations that will protect your business and the California economy.

Our goal is to minimize AB 32 compliance costs by lobbying for control measures that reduce carbon while allowing for continued economic growth. We will continue to pursue opportunities for infrastructure and energy efficiency projects. We will also fight for rules that are technically and economically feasible, cost-effective, based on sound science and coordinated with other relevant programs. Rational regulations to implement AB 32 will keep businesses in California and show other states and countries that climate change policies can help, not hurt, the economy.

The next 15 months are critical. By June 2008 CARB must determine an estimate for statewide emission levels for 1990, create a list of early action items, choose a methodology for determining economic impacts, and impose mandatory reporting protocols. This work will set the stage for allocating emission reduction responsibility and creating the market trading systems to be in place by 2012.

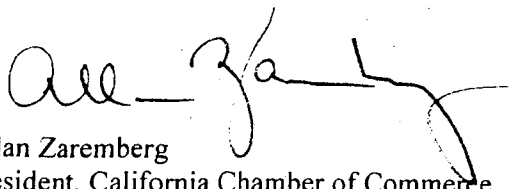
We need your help to show broad business support as we advocate for responsible and economically sound implementation of this unprecedented law. Specifically, we need your input to determine the economic impact of proposed regulations as they become apparent to the public. It is also important that we explore what financial incentives and programs would be most effective in reducing the financial burden of AB 32 on affected industries.

We invite you to join this coalition of businesses and associations to provide a unified, visible, and consistent presence at CARB, before the Legislature and in discussions with the Governor's office AB 32 implementation.

As a supporter you will be well informed of the group's activities, filings and positions. You will be listed as a supporter on general information given to agencies about the coalition. If you agree, your company could be listed on letterhead. You will NOT be named as a party in formal filings without prior approval. Of course, you may also remove yourself as a supporter at anytime.

Please see the attached for more information. If you would like to join as a supporter, please complete and return the attached form.

Sincerely,



Allan Zarembeg
President, California Chamber of Commerce



R. William Hauck
President, California Business Roundtable



Rural Counties' Environmental Services Joint Powers Authority

Technical Advisory Group

Steve Engfer, Chair

Bill Mannel, Vice Chair

Fifth Floor Conference Room, 801 12th Street, Sacramento, CA 95814

1:30 pm – 3:30pm

Thursday, December 14, 2006

1. Review/Revise/Prioritize Agenda Items -- Alan Abbs
2. E and U-Waste Updates- Larry Sweetser
3. ARB Diesel Retrofit Update – Mary Pitto
4. C & D Debris Programs Update– Rachel Basore
5. Treated Wood Waste Updates – Larry Sweetser
6. Update on Closure/Postclosure Financial Assurance – Larry Sweetser
7. DTSC Lead Regulations Update – Larry Sweetser
8. Waste Board Active Landfill Gas Regulations – Larry Sweetser/Alan Abbs
9. Highlights of Nov/Dec Waste Board meetings -- Larry Sweetser/Alan Abbs
10. Election of TAG Chair and Vice-Chair for 2007
11. Any other issues/items of interest or concern
12. Topic suggestions for next Technical Advisory Group meeting

-- adjourn --



MEMORANDUM

To: ESJPA TAG
From: Mary Pitto, ESJPA Program Manager
Date: December 4, 2006
RE: Update on Air Resources Board (ARB) In-Use Diesel Emission Control Requirements for Off-Road Equipment

The Air Resources Board (ARB) released a second draft of Regulatory Concepts for the Off-Road Equipment Rule and held a workgroup meeting in July 2006. The regulatory concepts defined and differentiated between large, medium, and small fleets (based on total fleet horsepower) and were structured on meeting a fleet average emission rate target specific to three engine group sizes. The implementation schedule begins in 2009 with final compliance in 2020 for large fleets, is from 2010 to 2020 for medium fleets, and from 2015 to 2025 for small fleets. A copy of these concepts was included in your August Board packet.

ARB plans to release the draft regulatory language in December and has scheduled workshops on Monday, December 18 in Sacramento, Wednesday, December 20 in Los Angeles, and Thursday, December 21 in Fresno to present the following:

- proposed regulatory language,
- revised emissions inventory estimates,
- preliminary emissions benefits, and
- preliminary estimates of the cost to implement the proposed regulation.

The notice of the workshops and the proposed regulatory language will be available on the web at: <http://www.arb.ca.gov/msprog/ordiesel/ordiesel.htm>

The proposed regulation is anticipated to be considered for adoption by the ARB at a hearing in Spring of 2007.

Off-road Equipment Funding

On another note, with the passage of the Transportation and Air Quality Bond on November 7, 2006, significant funding will be available for the replacement and retrofit of high polluting school buses. In accordance with the 2006-2007 Budget Bill \$25 million originally allocated for the replacement of older school buses will now be made available as grants to public agencies to purchase low-polluting diesel off-road construction equipment.

The ARB conducted a public workshop on November 30, 2006 to present and discuss the proposed concepts for the allocation of the \$25 million. The ARB staff presented draft concepts (attached) and the timeline for application, awards, contracts, and expenditure of the funds at the workshop. As proposed, the grants can be used for replacement, repower, or retrofit of the equipment and will be awarded based on specific criteria. It is expected to be very competitive, especially with the pending Off-road Equipment Rule anticipated to be adopted in Spring of 2007.

While this money is not a part of the Carl Moyer program and not subject to all its criteria, ARB will rely on portions of the Carl Moyer program to administer the money. The intent of this money was to help public agencies with reducing emissions from construction equipment in and around sensitive areas, generally assumed in urban residential areas with high pollutant levels (Environmental Justice areas). However, we are pleased to report that \$2.5 million is recommended to be set aside specifically for the "low population" counties (from the Fleet Rule for Public Agencies and Utilities). While this is not a lot of money to spread amongst our rural counties, without the set aside, our counties could not compete with the urban areas at all.

The concepts are scheduled to be heard by the ARB at their December 7, 2006 hearing for approval. The ARB anticipates the NOFA being released in February, applications due in March, and awards made in May, with the contracts signed by June 30, 2007. By statute, these funds must be *encumbered* by June 30, 2007, so the timeframes are very tight.

We will keep you informed about the timeframes, criteria, and expected funding priorities.

Attachments

ARB Diesel Off-Road Equipment Measure Regulatory Concepts

ARB Concepts for Expenditure of \$25 Million for the Purchase of Low-Emission Construction Equipment for Public Agencies

DIESEL OFF-ROAD EQUIPMENT MEASURE REGULATORY CONCEPTS

- I. **Purpose** – The overall goals of the Air Resources Board (ARB) for reducing public exposure to diesel particulate matter (PM), which is a toxic air contaminant, are described in ARB's 2000 *Risk Reduction Plan to Reduce Particulate Matter Emissions from Diesel-Fueled Engines and Vehicles*. The primary purpose of this measure is to reduce diesel PM emissions from off-road equipment as much as technically and economically feasible in the short- and long-term. A secondary purpose is to reduce oxides of nitrogen (NOx) emissions as well.

- II. **Applicability** – Rule will apply to any person who sells, offers for sale, purchases, owns, or operates any mobile diesel-fueled off-road compression ignition equipment over 25 horsepower. Such equipment is used in construction, mining, airport ground support equipment, and industrial operations. The measure will not cover locomotives, commercial marine vessels, marine engines, recreational vehicles, or combat and tactical support equipment. The measure will also not cover stationary or portable equipment, or equipment used in agricultural operations, at ports or intermodal railyards, or already covered by another measure or agreement.

- III. **Definitions**
 - a. Agricultural operations – Agricultural operations means the growing or harvesting of crops or the raising of fowl or animals for the primary purpose of making a profit, providing a livelihood, or conducting agricultural research or instruction by an educational institution. Agricultural operations do not include activities involving the processing or distribution of crops or fowl.

 - b. Airport Ground Support Equipment Fleet – An airport ground support equipment fleet is a fleet that contains primarily airport ground support equipment. Airport ground support equipment (GSE) is mobile diesel-fueled off-road compression ignition equipment over 25 horsepower used to service and support aircraft operations. GSE perform a variety of functions, including but not limited to: starting aircraft, aircraft maintenance, aircraft fueling, transporting cargo to and from aircraft, loading cargo, baggage handling, lavatory service, and food service. GSE include equipment types such as baggage tugs, belt loaders, and cargo loaders.

 - c. Combat and Tactical Support Equipment – Equipment that meets military specifications, is owned by the U.S. Department of Defense and /or the U.S. military services or its allies, and is used in combat, combat support, combat service support, tactical or relief operations or training for such operations.

 - d. Construction/Mining Equipment Fleet – A construction/mining equipment fleet is a fleet that contains primarily construction/mining equipment. Construction/mining equipment is mobile diesel-fueled off-road compression ignition equipment over 25 horsepower commonly used in building or

demolition operations, or the extracting of materials from the earth. Construction/mining equipment includes such equipment types as loaders, backhoes, scrapers, and excavators. Construction/mining equipment fleets include fleets owned by construction, mining, landscaping, recycling, landfilling, and composting companies, as well as government agencies.

- e. Equipment to Alleviate Emergency Event – Equipment to alleviate emergency event is equipment (1) kept in California and used exclusively for emergency operations or (2) brought into California and kept in California for less than 6 months for use in emergency operations. Emergency operation means helping alleviate an immediate threat to public health or safety. Examples of emergency operation include repairing or preventing damage to roads, buildings, terrain, and infrastructure as a result of an earthquake, flood, storm, fire, terrorism, or other act of nature.
- f. Final Tier 4 PM Emission Standards – The final after-treatment-based Tier 4 emission standards in Table 1 b of Title 13, CCR, Section 2423, as shown in the table below:

Horsepower	PM Standard [g/bhp-hr]
25-74	0.02
75-174	0.015
175-750	0.015
>750	0.03

- g. Industrial Equipment Fleet – An industrial equipment fleet is a fleet that contains primarily industrial equipment. Industrial equipment is mobile diesel-fueled off-road compression ignition equipment over 25 horsepower that is not construction/mining equipment or airport ground support equipment. Industrial equipment includes equipment types such as forklifts, aerial lifts, mowers, and snow cats. Industrial equipment may include equipment used in manufacturing, warehousing, and ski industry operations, as well as in other industries.
- h. Interim Tier 4 PM Emission Standards – The interim Tier 4 emission standards in Table 1 b of Title 13, CCR, Section 2423, as shown in the table below:

Horsepower	PM Standard [g/bhp-hr]
25-74	0.22
>750	0.07

- i. Large fleets – Fleet with 5 or more pieces of mobile diesel-fueled off-road compression ignition equipment over 25 horsepower.
- j. Low-use Equipment – Low-use equipment is equipment that operates less than 50 hours per year, based on a three calendar-year rolling engine-hour average. Until December 31, 2009, if less than three years of engine

operating hour data are available, the low-use definition may be based on an average of annual engine operating hours since January 1, 2007. Equipment that operates both inside and outside of California can meet the low-use equipment definition if it is used less than 50 hours per year in California, based on a three-year rolling engine-hour average.

- k. Sequential Engine Identification Number – Each engine in an owner's fleet subject to this rule should be assigned and labeled with a unique sequential engine identification number (1, 2, 3, etc.). All reporting and recordkeeping will link engine data with this number.
- l. Small fleet - Fleet with less than 5 pieces of mobile diesel-fueled off-road compression ignition equipment over 25 horsepower
- m. Tier 0 – For the purposes of the performance requirements in IV, Tier 0 is defined as in the table below:

Horsepower	Tier 0: Engine Model Year at or Earlier Than
25-174	1999
175-750	1995
>750	1999

- n. Tier 1 - For the purposes of the performance requirements in IV, Tier 1 is defined as in the table below:

Horsepower	Tier 1: Engine Model Year In Range
25-99	2000-2003
100-174	2000-2002
175-299	1996-2002
300-599	1996-2000
600-750	1996-2001
>750	2000-2005

- o. Tier 2 Emission Standards – The Tier 2 new engine PM emission standards in Table 1a of Title 13, CCR, Section 2423, as shown in the table below:

Horsepower	PM Standard [g/bhp-hr]
25-49	0.45
50-99	0.30
100-174	0.22
175-750	0.15
>750	0.15

- p. Tier 3 Emission Standards – The Tier 3 new engine PM emission standards in Table 1a of Title 13, CCR, Section 2423, as shown in the table below:

Horsepower	PM Standard [g/bhp-hr]
75-99	0.30
100-174	0.22
175-750	0.15
>750	0.15

- q. To Retire – To take an engine out of service and not operate it again in the State of California. Engine may be moved outside of California, sold outside of California, or scrapped.
- r. Verified Diesel Emission Control System (VDECS) – An emissions control strategy, designed primarily for the reduction of diesel PM emissions, which as been verified pursuant to the “Verification Procedures for In-Use Strategies to Control emissions from Diesel Engines” in Title 13, California Code of Regulations, commencing with Section 2700.

IV. Performance Requirements –

a. Small Fleet Requirements

The control technology requirements described in IV.b. below do not apply to small fleets. However, small fleets must comply with the January 1, 2008 initial equipment reporting requirements.

As of January 1, 2008, small fleets are prohibited from adding any mobile diesel-fueled off-road compression ignition equipment with Tier 0 or Tier 1 engines to their fleets, unless it has been retrofit with at least a Level 2 control device.

As of January 1, 2017, small fleets may no longer operate equipment with Tier 0 or Tier 1 engines, unless the equipment is low-use equipment as defined above or has been retrofit with at least a Level 2 control device. As of January 1, 2020, small fleets may no longer operate low-use equipment with Tier 0 or Tier 1 engines, unless the equipment has been retrofit with at least a Level 2 control device.

b. Large Fleet Requirements

By January 1, 2008, large fleets must choose one of the following compliance paths and notify ARB of their choice:

- Best Available Control Technology (BACT), or
- Fleet Average

Low-use equipment is not required to meet the BACT or fleet average requirements. However, by January 1, 2020, low-use equipment in large fleets must use an engine or

power system certified to the Tier 3 emission standards (in Table 1a of Title 13, CCR, Section 2423), or interim or final Tier 4 emission standards (in Table 1b of Title 13, CCR, Section 2423), or must be retrofit with at least a Level 3 VDECS.

The large fleet compliance paths are described further below.

1. BACT Path

Large fleets choosing the BACT compliance path must use BACT on each engine as required by the compliance schedule below:

Group	Engine Model Years	Compliance Phase-in Dates ¹			
		25%	50%	75%	100%
1	Pre-1988	2009	2010	2011	2012
2	1988-1995	2011	2012	2013	2014
3	1996-2002	2010	2011	2012	2013
4	2003-2006	2012	2013	2014	2015
5 ²	2007-2021	Model year (MY) +5	MY+6	MY+7	MY+8

The final Tier 4 standards will be in effect for engines of all horsepower by 2015. However, some "flexibility engines" that will not meet the final Tier 4 emission standards can be manufactured during the years Tier 4 standards are in effect due to percent of production allowances, existing allowances, etc. Such "flexibility engines" must meet BACT just like any other pre-final Tier 4 engine.

BACT is defined as meeting one of the following BACT options:

- Final Tier 4 or equivalent: An engine or power system certified to the final Tier 4 particulate matter (PM) emission standard as defined above³ or the 2007 or later model year on-road emission standards for the year manufactured as specified in Title 13, California Code of Regulations (CCR), Section 1956.8. *This BACT option*

¹ 25% of model year group must meet BACT by Jan. 1 of first year, 50% by Jan. 1 of second year, 75% by Jan. 1 of third year, and 100% by Jan. 1 of the fourth year. If the phase-in percentage times the number of engines in a model year group is not equal to a whole number, the owner shall round up when the fractional part is greater than or equal to one-half, and round down when the fractional part of is less than one-half.

² Each model year in Group 5 has its own compliance phase-in dates. For example, 25% of model year 2007 engines must be retrofit by Jan. 1, 2012, 50% by Jan. 1, 2013, 75% by Jan. 1, 2014, and 100% by Jan. 1, 2015.

³ Final Tier 4 PM standards must be met by 2011-2013 for engines <= 750 hp and 2015 for engines >750 hp (except for some engines may not meet standards due to manufacturer flexibility provisions).

will most likely involve replacing the whole piece of equipment with equipment with a Tier 4 engine.

OR

- Tier 0 and Highest Level VDECS: An engine not certified to an on- or off-road diesel engine standard, and used with the highest level VDECS available as of the compliance date⁴ If the highest level VDECS is Level 1, then by Jan. 1, 2016, install a Level 3 VDECS, or meet the final Tier 4 particulate emission standard.³ *If there is no VDECS available for the Tier 0 engine as of the compliance date, then this BACT option is not available.*

OR

- Tier 1 and Highest Level VDECS: An engine certified to the Tier 1 off-road diesel engine standard, and used with the highest level VDECS available as of compliance date. If the highest level VDECS is Level 1, then by Jan. 1 of the latter of the engine model year plus 10 years or 2016, either install a Level 3 VDECS, or meet the final Tier 4 particulate emission standard.³ *This BACT option may involve repowering with a Tier 1 engine, or replacing the whole piece of equipment with equipment with a Tier 1 engine, and then retrofitting with a VDECS. If there is no VDECS available for the Tier 1 engine as of the compliance date, then this BACT option is not available.*

OR

- Tier 2/3/interim 4 and Highest Level VDECS: An engine certified to the Tier 2 or Tier 3 or interim Tier 4 off-road diesel engine standard, and used with the highest level VDECS available as of compliance date. If the highest level VDECS is Level 1, then by Jan. 1 of the latter of the engine model year plus 10 years or 2016, either install a Level 2 or 3 VDECS⁵, or meet the final Tier 4 particulate emission standard.³ *This BACT option may involve repowering with a Tier 2 or 3 engine, or replacing the whole piece of equipment with equipment with a Tier 2 or 3 engine, and then retrofitting with a VDECS.*

OR

- Alternative fuel or heavy-duty pilot ignition engine.

OR

- No final Tier 4 engine or VDECS available. As of the compliance date, if no equipment with an engine meeting the final Tier 4 PM emission standard is available for the given equipment type and application, and no VDECS is available for the engine, then:

⁴ Retrofit would only be required if a diesel PM control technology is verified for the engine in question, and if the engine's use pattern is appropriate for that technology (i.e., a diesel emission control strategy manufacturer or authorized dealer agrees device can be used on the specified engine without jeopardizing the original engine warranty).

⁵ Must install highest level VDECS available as of Mar. 1, 2015. If both Level 2 and Level 3 VDECS are available, must install Level 3 VDECS.

If the engine is Tier 0, then must either:

1. Use an engine certified to the Tier 2 or 3 or interim Tier 4 off-road diesel engine standard, and install the highest level VDECS available as of compliance date. If there is no VDECS or the highest level VDECS is Level 1, then by Jan. 1, 2016, either install a Level 2 or 3 VDECS⁵, or meet the final Tier 4 particulate emission standard.³

or

2. Use an engine certified to the Tier 1 off-road diesel engine standard, and install the highest level VDECS available as of compliance date. If there is no VDECS available for the Tier 1 engine, then this BACT option is not available. If the highest level VDECS is Level 1, then by Jan. 1 of the latter of the engine model year plus 10 years or 2016, either install a Level 3 VDECS, or meet the final Tier 4 particulate emission standard.³

If the engine is not Tier 0, then must either:

1. Use an engine or power system certified to the final Tier 4 PM emission standard within 12 months after such an engine becomes available, or Jan. 1 of the engine model year plus 10 years, whichever is later.³ *This will likely involve replacing the whole piece of equipment with equipment with a newer engine.*

or

2. If a VDECS becomes available for the engine (i.e., is verified), install the VDECS within 12 months. If the highest level VDECS is Level 1, then by Jan. 1 of the latter of the engine model year plus 10 years or 2016, must either install a Level 2 or 3 VDECS,⁵ or meet the final Tier 4 particulate emission standard.³

2. Fleet Average Path

Fleets choosing the fleet average path must comply with the PM emission fleet averages shown in the tables below. The PM emission fleet averages are expressed as grams per brake horsepower-hour (g/bhp-hr). The fleet average PM emission rates are determined by the following formula for each horsepower group (0-174 hp, 175-750 hp, and >750 hp):

Fleet Average = [Sum of (bhp x Emission Factor) for all engines in horsepower group] ÷ [Sum of (bhp) for all engines in horsepower group]

where:

bhp = Maximum rated horsepower for engine
Emission Factor = PM emission standard to which engine is certified in g/bhp-hr.
If the engine is not certified to an emission standard (i.e., is a Tier 0 engine or a Tier 1 engine with no PM standard), the Emission Factor is the uncontrolled emission factor shown in Appendix A.

For engines certified to a Family Emission Limit (FEL), the Emission Factor is the FEL.

For engines that have been retrofit with VDECS, the Emission Factor is the PM emissions standard to which the engine is certified times 0.75 for a Level 1 VDECS, 0.50 for a Level 2 VDECS, or 0.15 for a Level 3 VDECS.

To avoid having to meet multiple sets of fleet average targets, each equipment owner should choose whether his fleet is construction/mining, airport ground support equipment, or industrial based on the primary function of his fleet. For example, a fleet that contains some construction equipment but is used primarily for aircraft support operations would be defined as "airport ground support."

Each fleet must calculate fleet average PM emission factors for each horsepower group (0-174 hp, 175-750 hp, and >750 hp) for which has at least one piece of equipment. Thus, a fleet with equipment in all three horsepower groups must calculate three fleet average PM emission rates and comply with three fleet averages.

Fleets of construction/mining equipment and industrial equipment may include only mobile diesel-fueled off-road compression ignition equipment over 25 horsepower in their fleet average calculations. Fleets of airport ground support equipment may include mobile electric equipment over 25 horsepower in their fleet average calculations. The Emission Factor for electric equipment is zero.

**Construction/Mining Equipment Fleet Average Targets
[g/bhp-hr]**

Compliance Date	Horsepower group		
	26-174 hp	175-750 hp	>750 hp
1/1/2010	0.30	0.15	0.16
1/1/2013	0.13	0.07	0.09
1/1/2017	0.10	0.05	0.07
1/1/2020	0.08	0.04	0.06

**Industrial Equipment Fleet Average Targets
[g/bhp-hr]**

Compliance Date	Horsepower group		
	26-174 hp	175-750 hp	>750 hp
1/1/2010	0.30	0.19	0.17
1/1/2013	0.14	0.09	0.11
1/1/2017	0.10	0.05	0.10
1/1/2020	0.08	0.04	0.09

**Airport Ground Support Equipment Fleet Average Targets
[g/bhp-hr]**

Compliance Date	Horsepower group	
	26-174 hp	175-750 hp
1/1/2010	0.30	0.15
1/1/2013	0.10	0.06
1/1/2017	0.08	0.04
1/1/2020	0.06	0.03

c. Idling Limit

As of January 1, 2008, small and large fleets must not idle mobile diesel-fueled off-road compression ignition equipment over 25 horsepower for more than 5.0 minutes.

As of January 1, 2008, large fleets must also have a written idling policy that limits idling to 5.0 minutes or less.

The idling limit need not apply to:

- (1) idling when queuing,
- (2) idling to verify that the equipment is in safe operating condition,
- (3) idling for testing, servicing, repairing or diagnostic purposes,
- (4) idling necessary to accomplish work for which the equipment was designed such as operating a crane.

An equipment owner may apply to the Executive Officer for a waiver to allow additional idling beyond 5.0 minutes. The equipment owner must provide justification as to why such idling is necessary.

We would like to solicit input from stakeholders on any additional exemptions that would be appropriate.

d. Special Provisions/ Compliance Extensions

1. **Verified Diesel Emission Control System (VDECS) Failure:** For any VDECS installed pursuant to the BACT path in this regulation, if the VDECS fails or is damaged within its warranty period and it can not be repaired, the owner must replace it with same level VDECS or meet another BACT option for the equipment within 90 days of the failure. For any VDECS installed pursuant to the BACT path in this regulation, if the VDECS fails or is damaged outside of its warranty period and it cannot be repaired, within 90 days of the failure, the owner must replace it with highest level VDECS available for engine at time of failure or meet another BACT option for the equipment.

For any VDECS installed pursuant to the fleet average path in this regulation, if the VDECS fails or is damaged within its warranty period and it can not be repaired, the owner must replace it with same level VDECS within 90 days. For any VDECS installed pursuant to the fleet average path in this regulation, if the VDECS fails or is damaged outside of its warranty period and it cannot be repaired, within 90 days of the failure, the owner must replace it with highest level VDECS available for engine at the time of failure.

2. **Fuel Strategy VDECS:**

- (a) If an equipment owner determines that the highest level diesel emission control strategy for a small percentage of his fleet would be a level 2 fuel-based strategy, and implementation of this diesel emission control strategy would require installation of a dedicated storage tank, then the owner may request prior approval from the Executive Officer to allow use of a lower level diesel emission control strategy.

- (b) If an owner elects to use level 2 fuel-based diesel emission control strategy across its fleet, and some equipment can use a level 3 hardware diesel emission control strategy, then the owner may request prior approval from the Executive Officer to allow use of the level 2 fuel-based diesel emission control strategy across his whole fleet.

3. **Equipment to Alleviate an Emergency Event:** Equipment to alleviate an emergency event is exempt from the fleet requirements above.

4. **Compliance Extension for an Engine Near Retirement:** If a large fleet owner chooses the BACT path and has applied BACT to its fleet pursuant to the schedule above, and the next engine(s) subject to the BACT compliance schedule are scheduled to be retired from the active fleet within one year of the applicable compliance deadline, the owner does not need to apply BACT to those engines, provided (1) BACT has been or is being applied to all other engines in the owner's fleet, and (2) the owner maintains appropriate records

and documentation regarding the assigned retirement dates and the engines are retired on or before the assigned dates.

5. **Use of Experimental Diesel Particulate Matter Emission Control Strategies:** An owner may apply to the Executive Officer for an annual compliance extension for the use of an experimental, or non-verified, diesel PM control strategy if a VDECS is not available or if the owner can demonstrate that an existing VDECS is not feasible for their equipment or application. The owner or operator shall keep documentation of this use in records as specified. The application must include emissions data demonstrating the experimental control achieves at least a Level 1 diesel PM emission reduction. If the emissions data demonstrates that the device achieves at least 25% reductions in PM, it may be treated like a Level 1 VDECS for the purposes of complying with the performance requirements in IV. If the emissions data demonstrates that the device achieves at least 50% reductions in PM, it may be treated like a Level 2 VDECS. If the emissions data demonstrates that the device achieves at least 85% reductions in PM, it may be treated like a Level 3 VDECS.

Each equipment engine retrofit with the experimental strategy will be considered to be in compliance for the duration of the experiment, until the extension expires. The owner must bring the equipment into compliance within six months of the end of the annual compliance extension.

6. **Commercial feasibility:** An owner may apply to the Executive Officer for a compliance extension if no VDECS is commercially available for a piece of equipment, and replacing or repowering the equipment is not commercially feasible.
7. **Compliance Extension for Equipment Manufacturer Delays.** An owner or operator who has purchased new equipment in order to comply with this regulation, will be considered to be in compliance if the new equipment has not been received due to manufacturing delays as long as the following conditions are met:
 - (a) The equipment was purchased, or the owner and seller had entered into contractual agreement for the purchase, at least six months prior to the required compliance date; and
 - (b) Proof of purchase, such as a purchase order or signed contract for the sale, including engine specifications for each applicable equipment, must be maintained by the owner and provided to an agent or employee of ARB upon request.

- V. **Ban on Sale and Purchase of Tier 0 Equipment** – After January 1, 2008, no person who is engaged in California in the business of selling to an ultimate purchaser used mobile diesel-fueled off-road compression ignition equipment over 25 horsepower,

including but not limited to, manufacturers, distributors, and dealers, shall sell, offer for sale, import, deliver, purchase, receive, or otherwise acquire a piece of such equipment that has a Tier 0 engine, unless the engine has been retrofit with a Level 2 or 3 VDECS.

VI. **Record keeping –**

Fleet owners must maintain the records listed below and provide them to an agent or employee of the Air Resources Board upon request.

a. **Small and Large Fleets –**

1. **Owner Contact Information**

2. **Engine List** – A list of each engine subject to the off-road in-use rule, and its make, model, engine family, engine serial number, model year, application, horsepower, and any retrofit emission control equipment (including VDECS level). Each engine in an owner's fleet should be assigned a unique sequential engine identification number (1, 2, 3, etc.)

3. **Label** – The owner or operator of each piece of equipment subject to the off-road in-use rule shall keep the following information affixed to the driver's side door jamb, or another readily accessible location known by the owner or operator, in the form of a legible and durable label or in an alternative form approved by the Executive Officer that is immediately accessible at the time of inspection – owner, engine identification number(s) for any engines in the equipment. The label should allow an inspector to find the engine on the owner's engine list, identify its characteristics such as horsepower and model year, and, for large fleets, to identify the BACT option, Emission Factor used for fleet averaging, and any VDECS that ought to be installed.

4. **Low-Use Equipment** – For equipment defined as low-use, annual usage records (hour meter readings) for the past 3 years. If less than three years of engine operating hour data are available, the annual engine operating hours since January 1, 2007 may be recorded.

5. **VDECS Failure** – Records of any VDECS failure and replacement

b. **Large Fleets –**

1. **Compliance Path** – The compliance path chosen – BACT or fleet average.

2. **BACT** – For large fleets on the BACT path, record the following:

(a) **Control Strategy** – For each engine on the engine list, indicate the Model Year Group. For Model Year Groups for which the first compliance date in IV.b.1. has passed, show which BACT option each engine has met and demonstrate that the required percent BACT (25, 50, 75, or 100%) has been met.

(b) **No Tier 4/VDECS Justification** - Justification that no VDECS or final Tier 4 engine is available for any engines meeting BACT with the "No Tier 4 engine or VDECS available" option.

3. **Fleet Average** – For large fleets on the fleet average path, record the following:

(a) **Emission Factor** for each engine subject to the off-road in-use rule, including any assumed reduction due to VDECS,

(b) The fleet average emission rate for each horsepower group (26-174 hp, 175-750 hp, and >750hp), calculated according to the formula in Section IV.b.2. for the most recent of the following dates that has already passed – January 1, 2010, January 1, 2013, January 1, 2017, and January 1, 2020.

- c. Experimental Diesel PM Control Strategy – For fleets using an experimental diesel PM control strategy, approval from the Executive Officer for use of the experimental diesel PM control strategy, the test plan and test data used in the experimental diesel PM control strategy application, etc.

VII. Reporting –

- a. Initial equipment reporting – Owners of small and large fleets must submit the following to ARB by January 1, 2008.
1. **Owner Contact Information**
 2. **Engine List** – A list of each engine subject to the off-road in-use rule, and its sequential engine identification number, make, model, engine family, engine serial number, model year, application, horsepower, and any retrofit emission control equipment.
 3. **Low-Use Equipment** – For equipment that owners intend to define as low-use, report the annual hours of use based on a three calendar-year rolling engine-hour average. If less than three calendar years of engine operating hour data are available, the annual engine operating hours since January 1, 2007 may be reported.
 4. **Compliance Path** – Owners of large fleets must report the compliance path chosen – BACT or fleet average.
 5. **Fleet Averages** – Owners of large fleets choosing the fleet average path must report the Emission Factor as defined in Section IV.b.2. for each engine, and the fleet average emission rate for each horsepower group (26-174 hp, 175-750 hp, and >750hp), calculated according to the formula in Section IV.b.2.
- b. BACT Path Annual Compliance Demonstration – By March 1 of the year following the first compliance date for an owner's fleet, and annually thereafter through 2029 for each year for which the owner's fleet has a compliance date, large fleet owners on the BACT path must submit the following to ARB:
1. **Owner Contact Information**
 2. **Compliance Certification** – A certification signed by a responsible official that the fleet is in compliance.
 3. **BACT Control Strategy** – A list of each engine in a Model Year Group with a compliance date in the reporting year, its sequential engine identification number, make, model, engine family, engine serial number, model year, application, horsepower, and control strategy implemented.
 4. **Low-Use Equipment** – For equipment defined as low-use, report the sequential engine identification number and annual hours of use based on a three calendar-year rolling engine-hour average. If less than three years of engine operating

hour data are available, the average annual engine operating hours since January 1, 2007 may be reported.

5. **No Tier 4 or VDECS Available** – Owner must provide justification that no VDECS or final Tier 4 engine is available for any engines meeting BACT with the “No Tier 4 engine or VDECS available” option.

c. **Fleet Average Compliance Demonstration** – By March 1 of 2010, 2013, 2017, and 2020, large fleet owners on the fleet average path must submit the following to ARB:

1. **Owner Contact Information**
2. **Compliance Certification** – A certification signed by a responsible official that the fleet is in compliance.
3. **Engine List** – List of each engine subject to the off-road in-use rule, its sequential engine identification number, make, model, engine family, engine serial number, model year, application, horsepower, and any retrofit emission control equipment, and Emission Factor as defined in Section IV.b.2.
4. **Low-Use Equipment** – For equipment defined as low-use, report the sequential engine identification number and annual hours of use based on a three calendar-year rolling engine-hour average.
5. **Fleet Average** – The fleet average emission rate for each horsepower group (26-174 hp, 175-750 hp, and >750hp), calculated according to the formula in Section IV.b.2.

d. **Small Fleet 2017 Reporting** – By March 1, 2017, small fleet owners must submit the following to ARB:

1. **Owner Contact Information**
2. **Compliance Certification** – A certification signed by a responsible official that the fleet was in compliance as of Jan. 1, 2017.
3. **Low-Use Equipment** – For equipment that owners are defining as low-use, report the annual hours of use based on a three calendar-year rolling engine-hour average.

VIII. **Right of Entry** – An agent or employee of the Air Resources Board has the right of entry to any facility where off-road equipment is or off-road equipment records are for the purpose of inspecting off-road equipment and their records to determine compliance with these regulations.

IX. **Penalties** – Any person who fails to comply with this regulation or fails to submit any information, report, or statement required by this regulation is subject to a civil penalty ranging from five hundred dollars (\$500) to ten thousand dollars (\$10,000) for each day that the information, report, or statement is not submitted, or that the violation continues (Section 44381, California Health and Safety Code).

Any person who knowingly submits any false statement or representation in any application, report, statement, or other document filed, maintained, or used for the purposes of compliance with this regulation is subject to a civil penalty of not less than one thousand dollars (\$1,000) or more than twenty-five thousand dollars (\$25,000) per

day for each day that the information remains uncorrected (Section 44381, California Health and Safety Code).

Appendix A – Emission Factors for Engines not Certified to a PM Emission Standard [g/bhp-hr]

	1969	1970-71	1972-1987	1988	1989-1995	1996-1999	2000-2002	2003
25-49	0.684	0.684	0.684	0.684	0.684	0.684	--	--
50-74	0.756	0.756	0.756	0.756	0.621	0.621	0.690	0.690
75-99	0.756	0.756	0.756	0.756	0.621	0.621	0.690	0.690
100-174	0.693	0.594	0.495	0.343	0.343	0.343	0.380	--
175-299	0.693	0.594	0.495	0.343	0.343	--	--	--
300-599	0.666	0.568	0.478	0.343	0.343	--	--	--
600-750	0.666	0.568	0.478	0.343	0.343	--	--	--
751+	0.666	0.568	0.478	0.343	0.343	0.343	--	--

These factors are scaled from the emission factors in Table B-12 Emission Factors for Off-road Diesel Engines [g/bhp-hr] of the 2005 Moyer Guidelines, Appendix B (1.25 times the Moyer emission factor).

**Proposed Concepts for Expenditure of \$25 Million for the Purchase of
Low-Emission Construction Equipment for Public Agencies**

- For discussion at the November, 30, 2006 workshop -

This is staff's proposal on allocation of \$25M for the purchase of low-emission construction equipment by public agencies. Due to legislative constraints, ARB must allocate these funds quickly and therefore the staff has put together a fairly detailed preliminary proposal. Due to this timing, the staff proposal relies on consistency with existing programs and regulations, such as the Carl Moyer Program and ARB fleet rules. Expedited input is appreciated to make this unique program a success.

Construction equipment emits significant quantities of toxic diesel particulate matter and nitrogen oxides that form smog and particles in the atmosphere. Next year, ARB will be proposing a regulation for in-use off-road equipment which will apply to both public and private fleets. This funding will assist public agencies in providing leadership in cleaning up their fleets in advance of the rule, while also providing early emission reductions and relieving some of the financial burden.

1. Why is this funding available?

In the 2006-2007 Budget Bill, \$25 million was allocated for the replacement of older school buses. The Budget Bill contained language that redirected these funds as grants to public agencies for the purchase of low-polluting construction equipment if the Transportation and Air Quality Bond, Proposition 1B, in the November 2007 election was approved.

Excerpted from 2006-2007 Budget Bill, AB 1801, Chapter 47, Statutes of 2006 (Chaptered on June 30, 2006).

Provisions:

2. Of the funds appropriated in this item, \$25,000,000 shall be available for grants to public agencies to purchase low-polluting construction equipment if the Transportation and Air Quality Bond is passed by the voters at the November 4, 2006, general election; otherwise, these funds are allocated for replacement of pre-1977 model-year school buses.

Proposition 1B provides \$200 million for the replacement and retrofit of school buses. On November 7, 2007, this proposition was approved; therefore a one-time allocation of \$25 million is now available for public agency construction fleets.

2. How is staff proposing to define “public agency”?

Staff is proposing to define “public agency” consistent with ARB’s On-Road Fleet Rule for Public Fleets and Utilities. Agencies that are subject to the rule are municipalities defined in section 2020, title 13 of the California Code of Regulations (CCR) as a city, county, city and county, special district, or a public agency of the United States or the State of California, and any department, division, public corporation, or public agency of this State or of the United States, or two or more entities acting jointly, or the duly constituted body of an Indian reservation or rancheria. Public fleets that are exempt from the On-Road Fleet Rule for Public Fleets and Utilities will not be eligible for this funding.

3. How is staff proposing to define “construction equipment”?

Staff is proposing to define “construction equipment” as heavy power machines which perform specific construction or demolition functions. This equipment is consistent with that included in the “construction” category of ARB’s OFFROAD emission inventory model and includes, but is not limited to, loaders, backhoes, paving equipment, cranes, rollers, trenchers, rough terrain forklifts, and crushing equipment. The following equipment will not be eligible for funding: farming equipment, aircraft ground support equipment, forklifts that are neither rough terrain nor powered by diesel engines, generator sets, scrubbers/sweepers, turf care equipment, and other industrial equipment. Staff is proposing to limit this funding to diesel equipment.

4. What are the available low-emission technologies for construction equipment?

Currently, there are two types of low-emission technologies available for construction equipment: exhaust retrofits and cleaner engines.

Retrofits. Retrofits, or diesel emission control strategies, are generally bolt-on systems which control emissions of particulate matter (PM) and oxides of nitrogen (NOx) from diesel-fueled engines. These strategies may include but are not limited to, diesel particulate filters, diesel oxidation catalysts, fuel additives, selective catalytic reduction systems, exhaust gas recirculation systems, and alternative diesel fuels. ARB verifies retrofits to reduce PM by 25% (Level 1), 50% (Level 2), or 85% (Level 3) and NOx if reductions are $\geq 15\%$. More information on retrofits verified by ARB may be found at <http://www.arb.ca.gov/diesel/verdev/verdev.htm>.

Cleaner Engines. Cleaner engines can be deployed either through replacement of just the old engine, referred to as repower, or replacement of the entire equipment. Prior to 1996, off-road diesel engines were unregulated and considered uncontrolled (or pre-Tier 1) engines. In 1996 the first phase of emission standards, referred to as Tier 1 standards, were implemented and primarily targeted oxides of nitrogen (NOx) emission reductions. The second and third phases of more stringent emission

standards, referred to as Tier 2 and Tier 3, are phased in and apply to the full range of diesel off-road engine power categories. The Tier 2 standards were completely phased-in during 2006. Tier 3 standards further reduce emissions of hydrocarbon (HC) and NOx and are scheduled to be phased-in starting in 2006 and finishing by 2008. More information on off-road engine standards may be found at <http://www.arb.ca.gov/msprog/offroad/orcomp/orcomp.htm>.

5. What types of projects are staff proposing be eligible for grants?

Staff is proposing that grants would be provided for the cleanest available low-emission technology, which includes the following: A) purchase of the cleanest available construction equipment for the horsepower category, B) repower with the cleanest available engine for the horsepower category, or C) installation of a Level 3 retrofit.

A. New equipment purchase. Staff is proposing to allow replacement of fully-functioning uncontrolled (pre-Tier 1) equipment in the agency's current fleet with a new purchase of a similar piece of equipment. Priority would be given to purchases of equipment with Tier 3 engines. The old piece of equipment would have to be scrapped by the agency, or the agency could give their old piece of equipment to another agency which would in turn scrap an older piece of equipment. New purchases would also be required to install the best available retrofit at the time of application. If no retrofit is available, the project would still be eligible and no retrofit would be installed. New construction equipment purchases have traditionally not been eligible for incentive funding from ARB due to concerns about providing grants for equipment that would have been purchased anyway. In order to help the ARB staff to better understand the operating characteristics of the old and replacement equipment to develop future grant programs, public agencies would be required to provide historical information about the old equipment and operating information about the replacement equipment.

B. Repower. Staff is proposing that repowers would be limited to replacing an uncontrolled (pre-Tier 1) engine in the agency's current fleet the cleanest available engine for the horsepower category, either a Tier 2 or Tier 3 engine. Priority would be given to repowers with Tier 3 engines. The old engine would have to be scrapped by the agency. Repowers would also include installation of the best available retrofit at the time of application. If no retrofit is available, the project would still be eligible and no retrofit would be installed.

C. Retrofits. Staff is proposing that retrofits would be limited to ARB verified Level 3 retrofits of controlled equipment (Tier 1 engine or better). Priority will be given to retrofits that also provide NOx reductions.

6. What criteria is staff proposing to use to choose projects?

Projects will be selected through a Request for Proposal process and scored competitively against all other qualifying projects. Staff is proposing that projects will be ranked on the following:

- cost-effectiveness calculated using the emission factors and methodology described in the 2005 Carl Moyer Program Guidelines
- projects using a Tier 3 engine would receive additional points
- ozone and fine particulate matter non-attainment status of the area where the equipment is located
- project implementation plan
- application completeness.

Staff is not proposing any specific ranking criteria or point scheme at this time, but welcomes comments.

7. Will any funds be set aside for agencies located in low-population areas?

Municipalities located in a low population counties often have less access to revenue sources such as vehicle license fees, road tax, property taxes, sales taxes, etc. than those located in other areas in the state. These agencies often can not afford to turn over their fleet and the projects are usually not as competitive for grants as those in more urban areas because of the low usage of the equipment. Therefore, staff is proposing that 10 percent, or \$2.5 million, be set aside for rural agencies. Grants to these agencies would not be limited to 10 percent of the funds. Projects in low-population areas not funded with the 10 percent set aside would then compete with all other projects for additional funding. Staff is proposing to use the definition of low-population county in the On-Road Fleet Rule for Public Fleets and Utilities to define which agencies would be eligible for these funds. This would include a municipality that is headquartered in a county in the subsequent table.

Low-Population Counties

Alpine	Inyo	Mono	Sutter
Amador	Lake	Nevada	Tehama
Calaveras	Lassen	Plumas	Trinity
Colusa	Mariposa	San Benito	Tuolumne
Del Norte	Mendocino	Sierra	Yuba
Glenn	Modoc	Siskiyou	

A municipality, as defined in the On-Road Fleet Rule for Public Fleets and Utilities, may also qualify to be eligible for these funds if they have been designated as a fleet located in a designated "low-population county" by the Executive Officer in accordance with the On-Road Fleet Rule for Public Fleets and Utilities (title 13, California Code of Regulations section 2022.1 (c)(4)).

8. Are there limits to how much funding an agency may receive?

ARB is proposing to limit funding for each agency's fleet to a maximum of \$500,000 for public agencies in low-population counties and \$1 million for all other fleets to ensure that more agencies qualify for funding. Using the definition for fleet in the On-Road Fleet Rule for Public Fleets and Utilities and in the proposed Off-Road In-Use Control Measure, an agency's fleet is considered the total of the equipment owned by a public agency or the total equipment under common ownership.

9. Will the public agency be required to have a cost buy-in?

ARB staff is proposing that all public agencies will be required to provide a minimum percent buy-in for each new purchase and repower. Staff is requesting comments on the appropriate minimum buy-in. A greater cost buy-in will make the funding go further. Agencies may contribute more than the minimum buy-in which will help lower the cost-effectiveness of the project, making it more competitive. Consistent with the Carl Moyer Program Guidelines, retrofits will have no cost share, however if an agency chooses to provide a buy-in, it would make the project more competitive.

10. What is the proposed timeline for allocating the funds?

February 1, 2007	-	Release RFP
March 1, 2007	-	Applications due to ARB
May 1, 2007	-	Select projects/ begin grant process
June 30, 2007	-	All grants signed
June 30, 2008	-	All projects must be completed and in operation

11. How is ARB proposing to manage distribution of the funds?

ARB staff plans to grant the funds directly to the public agencies selected for projects. A sample grant award agreement will be available in the RFP for agency review. The grant awards must be fully executed no later than June 30, 2007.

12. Will there be a chance for additional public input?

ARB staff will be presenting the final staff proposal to the Board at the December 7, 2006 Board Meeting in Bakersfield. The meeting will be available via webcast at http://www.arb.ca.gov/app/calendar/cal_wbcst.php. If you have questions regarding these concepts, please contact Ms. Edie Chang, Manager, Carl Moyer Off-Road Section, at (916) 322-6924 or by email at echang@arb.ca.gov or Ms. Johanna Levine, Air Pollution Specialist, at (916) 324-6971 or by email at jlevine@arb.ca.gov



MEMORANDUM

To: ESJPA Board of Directors

From: Mary Pitto, ESJPA Program Manager

Date: December 4, 2006

RE: Update on Air Resources Board (ARB) Air Toxic Control Measure (ATCM) for On-Road Heavy-Duty Diesel-Fueled Vehicles Owned or Operated by Public Agencies and Utilities (Fleet Rule for Public Agencies and Utilities)

The Final Rulemaking Package was filed with Office of Administrative Law (OAL) on October 20, 2006. OAL has until December 5, 2006 to make a determination. If approved, the ATCM will become effective within 30 days.

ARB staff worked with RCRC and our member counties to include many considerations for our rural counties in the final regulation and it is a far cry from where it started. The original draft virtually required our counties retrofit, repower, or replace (pre-1988 engines) on-road diesel fleets in a 5 year timeframe. However, the final language includes provisions that will significantly reduce the economic impact to all of our counties as follows:

- Exempts dedicated snow removal equipment in every county
- Defines "Low Population County" as a county with a population of less than 125,000
- Extends the implementation schedule for low population counties, beginning December 31, 2008 and ending December 31, 2017
- Offers an alternative accelerated turnover option for low population counties (replacement of all 1993 and older vehicles with 1994 or newer engines by 2020, and retrofit any 1994-2006 engines by 2025)
- Increases the low usage vehicle exemption from 1000 miles to 3000 miles for low population counties and allows subtracting any time the equipment is used for snow removal from the overall mileage
- Allows the use of Level 1 technologies on Group 1 engines (1960 -1987) in low population counties
- 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

Attachment:

ARB Final Regulation Order the Fleet Rule for Public Agencies and Utilities

Final Regulation Order

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

Adopt title 13, California Code of Regulations, sections 2022 and 2022.1 to read as follows. Note that the entire text of sections 2022 and 2022.1 set forth below is new language to be added to the California Code of Regulations. Subsection headings are shown in *italics* and should be printed in italics in Barclays California Code of Regulations.

Section 2022. Diesel Particulate Matter Control Measure for Municipality or Utility On-road Heavy-duty Diesel-fueled Vehicles

- (a) *Scope and Applicability.* Sections 2022 and 2022.1 apply to any municipality or utility that owns, leases, or operates an on-road diesel-fueled heavy-duty vehicle with a 1960 to 2006 model-year medium heavy-duty or heavy heavy-duty engine and manufacturer's gross vehicle weight rating greater than 14,000 pounds. These sections do not apply to a vehicle subject to the solid waste collection vehicle rule commencing with title 13, California Code of Regulations, section 2021 or to the fleet rule for transit agencies commencing with section 2023, or to a school bus as defined in Vehicle Code section 545, or to a military tactical support vehicle, as described in title 13, California Code of Regulations, section 1905, or to an emergency vehicle as described in California Vehicle Code, section 27156.2, or to an off-road vehicle as described in title 13, California Code of Regulations, sections 2401, 2421, 2411 and 2432.
- (b) *Definitions.* The definitions in section 2020 shall apply to sections 2022 and 2022.1. In addition, the following definitions apply only to sections 2022 and 2022.1.
- (1) "Dedicated Snow Removal Vehicle" means a vehicle that has permanently affixed snow removal equipment such as a snow blower or auger and is operated exclusively to perform snow removal operations.
 - (2) "Low-Population County" means a county with a population of less than 125,000, based upon the California Department of Finance estimates as of July 1, 2005, and as listed in Table 2 of title 13, California Code of Regulations section 2022.1.
 - (3) "Low Usage Vehicle" means a vehicle that is operated for fewer than 1000 miles or 50 hours per year, based on a 5 year rolling mileage or engine-hour average. A vehicle that does not have a properly functioning odometer, tachograph, or other reliable device to measure usage may not qualify as a low usage vehicle.

- (4) "Low-Population County Low Usage Vehicle" means a vehicle that is owned or operated by a municipality or utility located in a low-population county and is operated, based on a 5 year rolling mileage or engine hour average for fewer than 3000 miles or 150 hours, excluding mileage or engine hours used during snow removal operations. A vehicle that does not have a properly functioning odometer, tachograph, or other reliable device to measure usage may not qualify as a low-population county low usage vehicle.
- (5) "Retirement" or "Retire" means the withdrawal of an engine or vehicle subject to this rule from a municipality or utility fleet in California; the engine may be sold outside of California, scrapped, converted for use in a low usage vehicle or low-population county low usage vehicle. "Retirement" or "retire" also means the transfer of an engine or vehicle, which is subject to this rule and has been brought into compliance with title 13, California Code of Regulations, section 2022.1(b), from a municipality or utility fleet in California to another person or entity in California.
- (6) "Total Fleet" means the total of a municipality's or utility's on-road heavy-duty vehicles with a 1960 to 2006 model-year medium heavy-duty or heavy heavy-duty engine and a manufacturer's gross vehicle weight rating greater than 14,000 pounds, excluding low usage vehicles; low-population county, low usage vehicles; dedicated snow-removal vehicles; and gasoline fueled vehicles.¹
- (7) "Utility" means a privately-owned company that provides the same or similar services for water, natural gas, and electricity as a public utility operated by a municipality.
- (8) "Vehicle Type" means one of the following categories: "Compliant" for those vehicles that meet the requirements of section 2022.1(b); "Future Compliant" for those vehicles for which the municipality or utility has a planned compliance date; "Retired" for those vehicles that will meet the definition of "retirement" at a planned retirement date; "Low Usage or Low-Population County Low Usage" for those vehicles that meet the applicable definitions in this section; and "Experimental" for those vehicles that are part of an experimental program and comply with the provisions of section 2022.1(d)(5).

NOTE: Authority cited: Sections 39600 and 39601, Health and Safety Code.
Reference: Sections 39002, 39003, 39655, 39656, 39657, 39658, 39659, 39660,

¹ Gasoline vehicles that do not meet the best available control technology (BACT) requirements specified in title 13, California Code of Regulations, section 2022.1(b)(3) are excluded from the total fleet calculation.

39661, 39662, 39664, 39665, 39667, 39669, 39674, 39675, 43000, 43013, 43018, 43101, 43102, 43104, 43105, and 43700, Health and Safety Code.

Section 2022.1. Determining Compliance for a Municipality or Utility.

- (a) *Compliance Requirements.* Beginning with the applicable effective dates, a municipality or utility is required to comply with this diesel particulate matter control measure for each vehicle in its total fleet. Compliance requires all of the following:
- (1) Use of a best available control technology for each vehicle in the total fleet as specified in subsection (b);
 - (2) Implementation for each vehicle in the total fleet as specified in subsection (c);
 - (3) If a compliance deadline extension is granted by the Executive Officer per subsection (d), the municipality or utility shall be deemed to be in compliance as specified by the Executive Officer's authorization;
 - (4) Special circumstances must be followed as specified in subsection (e);
 - (5) Records must be kept as specified in subsection (f); and
 - (6) Continuous compliance: municipality or utility is required to keep each vehicle in compliance with this regulation, once it is in compliance, so long as the municipality or utility is operating the vehicle in California.
- (b) *Best Available Control Technology.* Each municipality or utility shall use one of the following best available control technologies on each applicable vehicle in its total fleet as required by the implementation schedule in subsection (c):
- (1) An engine or power system certified to the optional 0.01 grams per brake horsepower-hour (g/bhp-hr) particulate emission standard as specified in title 13, California Code of Regulations, section 1956.8(a)(2), or the 0.01 g/bhp-hr particulate emission standard as specified in title 13, California Code of Regulations, section 1956.8(a), as appropriate for the engine's model-year; or
 - (2) An engine or power system certified to the 0.10 g/bhp-hr particulate emission standard, as specified in title 13, California Code of Regulations, section 1956.8, used in conjunction with the highest level diesel emission control strategy as defined in subsection (b)(4) applied by the implementation schedule in subsection (c); or

- (3) An alternative fuel engine, heavy-duty pilot ignition engine, or gasoline engine; model-year 2004-2006 alternative fuel engines must be certified to the optional, reduced emission standards as specified in title 13, California Code of Regulations, section 1956.8 (a)(2)(A); gasoline engines must be certified to the emission standards as specified in title 13, California Code of Regulations, for heavy-duty Otto-cycle engines used in heavy-duty vehicles over 14,000 pounds gross vehicle weight, sections 1956.8(c)(1)(B) and 1976(b)(1)(F); or
- (4) The highest level diesel emission control strategy per title 13, California Code of Regulations, section 2702 (f), Table 1, that is verified for a specific engine to reduce diesel particulate matter and which the diesel-emission-control strategy manufacturer or authorized dealer agrees can be used on a specific engine and fleet-vehicle combination, without jeopardizing the original engine warranty in effect at the time of application.

(c) *Implementation Schedule.*

- (1) A municipality or utility shall comply with the schedule in Table 1 - Implementation Schedule for a Municipal and Utility Total Fleet Vehicle, 1960 to 2006 Model-Year Engines for the specified percentage of vehicles by each applicable compliance deadline.

Table 1 - Implementation Schedule for a Municipal and Utility Total Fleet Vehicle, 1960 to 2006 Model-Year Engines.

<i>Group</i>	<i>Engine Model-Years</i>	<i>Percentage of Group to Use Best Available Control Technology</i>	<i>Compliance Deadline, As of December 31</i>
1 ^a	1960 – 1987	20	2007
		60	2009
		100	2011
2	1988 – 2002	20	2007
		60	2009
		100	2011
3	2003 – 2006 (Includes dual-fuel and bi-fuel engines)	50	2009
		100	2010

^a An owner may not use Level 1 technology, as classified pursuant to title 13, California Code of Regulations section 2700, as best available control technology on a Group 1 engine or vehicle.

- (2) *Municipality or Utility Located in a Low-Population County.* A municipality or utility that is headquartered in a county in Table 2 may elect to follow the option in Table 3 below in lieu of the implementation schedule in Table 1.

Table 2 – Low-Population Counties

<i>COUNTY</i>	<i>Population as of July 1, 2005</i>
ALPINE	1,300
AMADOR	37,600
CALAVERAS	47,800
COLUSA	24,200
DEL NORTE	31,500
GLENN	31,800
INYO	18,800
LAKE	69,200
LASSEN	39,800
MARIPOSA	19,600
MENDOCINO	95,500
MODOC	10,100
MONO	14,200
NEVADA	106,300
PLUMAS	21,900
SAN BENITO	63,600
SIERRA	3,700
SISKIYOU	47,200
SUTTER	90,400
TEHAMA	63,400
TRINITY	13,800
TUOLUMNE	62,200
YUBA	66,000

Table 3 - Implementation Schedule for a Municipality or Utility Located in a Low-Population County or Granted Low-Population County Status

Group	Engine Model-Years	Percentage of Group to Use Best Available Control Technology	Compliance Deadline, as of December 31
1	1960 – 1987	20	2009
		40	2011
		60	2013
		80	2015
		100	2017
2	1988 – 2002	20	2008
		40	2010
		60	2012
		80	2014
		100	2016
3	2003 – 2006 (Includes dual-fuel and bi-fuel engines)	20	2011
		40	2012
		60	2013
		80	2014
		100	2015

- (3) *Accelerated Turnover Option for Municipality or Utility Located in a Low-Population County.* A municipality or utility headquartered in a county listed in Table 2 may elect to follow the option in Table 4 below in lieu of the implementation schedules in Table 1 or 3.

Table 4 – Accelerated Turnover Option for a Municipality or Utility Located in a Low-Population County

Engine Model-Year	Fleet Percent to Repower with a 1994 or newer engine	Compliance Date as of Dec 31	Percent of Fleet to use BACT	Compliance Date as of Dec 31
1960 – 1993	100%	2020	100%	2025
1994 - 2006	N/A	N/A	100%	2025

- (4) A municipality or utility not specifically listed in Table 2 may apply to the Executive Officer for consideration as a fleet located in a designated “low-population county.” The Executive Officer shall issue that designation provided that all of the following criteria are met:

- (A) The total fleet is located in a "nonurbanized area," a "rural and small urban area," or any area outside of an urbanized area, as designated by the U.S. Bureau of the Census. An urbanized area consists of a core area and the surrounding densely populated area with a total population of 50,000 or more, with boundaries fixed by the Bureau of the Census or extended by state and local officials; or
 - (B) The fleet is located in a county that, as of July 1, 2005, has a population of less than 325,000 and meets the definition of a low-population county when the population of one or more cities that have their own municipal vehicle fleet are subtracted from the county population, and the fleet does not operate within those cities' boundaries; and
 - (C) The fleet revenue is not based on special district assessments or fees.
- (5) *Calculating Number of Total Fleet Vehicles Required for Implementation.*
- (A) As of January 1 of each year where a compliance deadline is applicable, a municipality or utility shall calculate, for each engine model-year group, the number of vehicles in its total fleet for which compliance will be required. This fleet size by engine model-year group ($\#MUV_{by\ group}$)² must be calculated using the following equation:

$$\#MUV_{by\ group} = \# Vehicles_{by\ group} + TotRetire_{by\ group}$$

Where:

$\#Vehicles_{by\ group}$ = the number of vehicles in an engine model-year group subject to the rule, and

$TotRetire_{by\ group}$ = the number of vehicles removed from the model-year group by retirement in prior years, beginning with January 1 of the initial applicable compliance deadline year for each group.

If a vehicle has left the total fleet for reasons other than retirement, it must not be included in the calculation of $\#MUV_{by\ group}$.

- (B) The municipality or utility shall use the following equation to determine the total number of vehicles in an engine model-year group that are required to be in compliance by the deadline in Table 1 ($TotVeh_{by\ group}$):

$$TotVeh_{by\ group} = Group\%BACT_{by\ group} \times \#MUV_{by\ group}$$

² "by group" means all vehicles in an engine model-year group as described in Table 1 under (c)(1).

Where:

$\text{Group\%BACT}_{\text{by group}}$ = the percentage of vehicles in an engine model-year group that must meet BACT requirements for a given year as specified in subsection (c), and

$\#\text{MUV}_{\text{by group}}$ = the total fleet size by engine model-year group as defined in paragraph (5)(A) above

- (C) After the first compliance deadline for each group, the municipality or utility shall determine the number of additional vehicles in each model-year group to be brought into compliance each year that a compliance deadline is applicable ($\text{TotAddComp}_{\text{by group}}$). The following equation must be used to calculate $\text{TotAddComp}_{\text{by group}}$:

$$\text{TotAddComp}_{\text{by group}} = \text{TotVeh}_{\text{by group}} - \text{TotBACT}_{\text{by group}} - \text{TotRetire}_{\text{by group}}$$

Where:

$\text{TotVeh}_{\text{by group}}$ = the total number of vehicles in an engine model-year group required to be in compliance, as defined in paragraph (5)(B) above,

$\text{TotBact}_{\text{by group}}$ = the number of vehicles in an engine model-year group that have been brought into compliance since the earliest compliance deadline using the method listed in subsection (b), and

$\text{TotRetire}_{\text{by group}}$ = the number of vehicles retired in prior years as defined in paragraph (5)(A) above

If a vehicle has left the total fleet for reasons other than retirement, it must not be included in the calculation of $\text{TotAddComp}_{\text{by group}}$.

- (D) Notwithstanding subsection (C) above, in the 100 percent compliance deadline year for each engine model-year group, the municipality or utility shall bring the remaining vehicles into compliance.
- (E) If the $\text{TotVeh}_{\text{by group}}$ or $\text{TotAddComp}_{\text{by group}}$ is not equal to a whole number, the municipality or utility shall round up a whole number when the fractional part of $\text{TotAddComp}_{\text{by group}}$ is equal to or greater than 0.5, and round down if less than 0.5.

- (d) *Compliance Extensions.* A municipality or utility may be granted an extension to a compliance deadline specified in subsection (c) for one of the following reasons:

(1) *Compliance Extension Based on Early Implementation.* A municipality or utility may be granted an extension based on compliance with one or more of the following early implementation schedules, provided the Executive Officer has received a letter by the applicable early compliance deadline stating the municipality's or utility's intent to comply with one of the following conditions and meets the requirements set forth in paragraphs (A), (B), (C) or (D).

(A) If a municipality or utility has implemented best available control technology on fifty percent or more of its Group 1 vehicles in its total fleet by December 31, 2007, then the municipality or utility may delay the intermediate and final compliance deadlines for the remaining Group 1 vehicles to July 1, 2012.

(B) If a municipality or utility has implemented best available control technology on fifty percent or more of its Group 2 vehicles in its total fleet by December 31, 2007, then the municipality or utility may delay the intermediate and final compliance deadlines for the remaining Group 2 vehicles to July 1, 2012.

(C) If a municipality or utility has implemented BACT on 100 percent of its Group 1 and Group 2 engines by December 31, 2008, then the municipality or utility may follow the alternate implementation schedule for its Group 3 engines of 20 percent BACT by December 31, 2009, 60 percent BACT by December 31, 2011 and 100 percent BACT by December 31, 2012.

(D) If a municipality or utility employs significant quantities of advanced technology vehicles (for example, hybrid electric vehicles) to meet BACT requirements, then the municipality or utility may apply to the Executive Officer for approval of a longer implementation schedule for its Group 2 and Group 3 vehicles, or approval of credits to be used towards BACT compliance. The longer implementation schedule must be proportionate to the additional emissions benefits from the use of the advanced technology vehicles, and BACT credits cannot exceed the additional emissions benefits. The advanced technology vehicles must meet or exceed MY 2007 and later emissions standards and significantly reduce greenhouse gas emissions and petroleum use.

(2) *Compliance Extension Based on No Verified Diesel Emission Control Strategy.* If the Executive Officer has not verified a diesel emission control strategy, or one is not commercially available, for a particular engine and vehicle combination, an annual extension in compliance may be granted by the Executive Officer under one of the conditions specified below:

- (A) *Executive Officer Compliance Extension.* The Executive Officer shall grant a blanket one-year compliance extension if a diesel emission control strategy is not verified for an engine ten months prior to each compliance deadline specified in subsection (c).
1. For a Group 1 engine for which there is no verified diesel emission control strategy, the Executive Officer shall grant a one-year extension, after which the municipality or utility shall comply with subsection (b). If no diesel emission control strategy for the engine is verified during the extension period, the Executive Officer shall grant an additional one year extension. The Executive Officer may grant one-year extensions until December 31, 2012, (or December 31, 2018 for a municipality or utility located in a low-population county, or granted low-population county status), after which the municipality or utility shall comply with subsection (b).
 2. For a Group 2 engine for which there is no verified diesel emission control strategy, the Executive Officer shall grant a one-year extension, after which the municipality or utility shall comply with subsection (b). If no diesel emission control strategy for the engine is verified during the extension period, the Executive Officer shall grant an additional one-year extension. The Executive Officer may grant one-year extensions until December 31, 2012, (or December 31, 2017 for a municipality or utility located in a low-population county), after which the municipality or utility shall comply with subsection (b)
- (B) *Municipality or Utility Application for Compliance Extension.* A municipality or utility may apply to the Executive Officer for a compliance extension pursuant to subsection (d) for an engine no later than July 31 prior to each compliance deadline specified in subsection (c). Before requesting this extension, the municipality or utility shall demonstrate compliance or intent to comply with applicable deadlines for the remaining vehicles in the fleet. The municipality or utility shall meet the following application conditions and documentation requirements by providing the following to the Executive Officer:
1. Identification of each engine, by vehicle identification number; engine manufacturer, model-year, family, and series; and type of vehicle for which no diesel emission control strategy has been verified; or
 2. Identification of each engine, by vehicle identification number; engine manufacturer, model-year, family, and series; and type

of vehicle for which a specific diesel emission control strategy would void the original engine warranty and a statement from the engine manufacturer or authorized dealer stating the original engine warranty would be voided; or

3. Identification of each engine and vehicle combination, by vehicle identification number; engine manufacturer, model-year, family, and series; and type of vehicle for which no diesel emission control strategy is commercially available and a list of manufacturers that have been contacted, with the manufacturers' responses to a request to purchase; and
4. A description of the reason for the request for a compliance extension for each engine or engine and fleet-vehicle combination; and
5. A copy of the statement of compliance as required in subsection (f)(1)(K); and
6. The application for compliance extension to be submitted to the Executive Officer no later than July 31 annually beginning 2007.
 - a. *A municipality or utility.* For a Group 1 engine, the Executive Officer will accept an annual compliance-extension application until July 31, 2011, after which the municipality or utility shall comply with subsection (b) by December 31, 2012. The Executive Officer will only grant one compliance extension for an engine in Group 1. For a Group 2 engine, the Executive Officer will accept an annual compliance extension application until July 31, 2011, after which the municipality or utility shall comply with subsection (b) by December 31, 2012.
 - b. *A municipality or utility either located in a low-population county, or granted low-population county status.* For a Group 1 engine, the Executive Officer will accept an annual compliance extension application until July 31, 2017, after which the municipality or utility shall comply with subsection (b) by December 31, 2018. The Executive Officer will only grant one compliance extension for an engine in Group 1. For a Group 2 engine, the Executive Officer will accept an annual compliance extension application until July 31, 2016, after which the municipality or utility shall comply with subsection (b) by December 31, 2017.

- (3) *Compliance Extension for a Municipality or Utility that Operates a Dual-Fuel or Bi-Fuel Engine.* A municipality or utility may delay implementation of a Group 1 or 2 dual-fuel or bi-fuel engine to the Group 3 compliance deadlines.
 - (4) *Compliance Extension for an Engine Near Retirement.* If a municipality or utility has applied best available control technology to all engines as required, and the next engine subject to implementation under subsection (c) is scheduled to be retired from the total fleet within one year 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.
- (e) *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 level of best available control technology, except under specified special circumstances, as follows:
- (1) *Fuel Strategy Diesel Emission Control Strategy.*
 - (A) If a municipality or utility determines that the highest level diesel emission control strategy for a small percentage of its fleet would be a level 2 fuel-based strategy, and implementation of this diesel emission control strategy would require installation of a dedicated storage tank, then the municipality or utility shall request prior

approval from the Executive Officer to allow use of a lower level diesel emission control strategy; or

- (B) If a municipality or utility elects to use a fuel-based diesel emission control strategy across its fleet, and some vehicles can use a level 3 hardware diesel emission control strategy, then the municipality or utility shall request prior approval from the Executive Officer to allow use of a lower level diesel emission control strategy. This provision is only available if a minimum level 2 diesel emission control strategy is used.

- (2) *Diesel Emission Control Strategy Failure or Damage.* In the event of a failure or damage of a diesel emission control strategy, the following conditions apply:

- (A) *Failure or Damage During the Warranty Period.* If a diesel emission control strategy fails or is damaged within its warranty period and the diesel emission control strategy manufacturer or authorized dealer determines it cannot be repaired, the municipality or utility shall replace the diesel emission control strategy with either the same level diesel emission control strategy or another best available control technology as defined in subsection (b).

- (B) *Failure or Damage Outside of Warranty Period.* If a diesel emission control strategy fails or is damaged outside of its warranty period, and it cannot be repaired, the municipality or utility shall apply the best available control technology at the time of replacement, as defined in subsection (b).

- (3) *Discontinuation of Fuel Verified as a Diesel Emission Control Strategy.* If a municipality or utility discontinues use of a fuel verified as a diesel emission control strategy, the municipality or utility shall apply best available control technology within 30 days of the date of discontinuation or submit a compliance plan to the Executive Officer no later than 30 days after discontinuation that demonstrates how the municipality or utility will bring the vehicles into compliance within six months of the date of discontinuation.

- (4) *Limited Use of Level 1 Diesel Emission Control Strategy.* If a Level 1 diesel emission control strategy is identified as the best available control technology pursuant to subsection (b), a municipality or utility is subject to the following limitations:

- (A) *Group 1*

- 1. A municipality or utility may not use a Level 1 diesel emission control strategy on any Group 1 engine.

2. *Exception for low-population counties.* The limitation in (A)1. does not apply to a vehicle owned or operated by a municipality or utility located in a low-population county (Table 2), or to a vehicle owned or operated by a municipality or utility that has been granted low-population county status.

(B) *Group 2*

1. *Ten year limit.* A municipality or utility may use a Level 1 diesel emission control strategy in a Group 2 engine for up to ten years. The municipality or utility shall then replace the Level 1 diesel emission control strategy with the best available control technology from subsection (b). The replacement cannot be a Level 1 diesel emission control strategy.
2. *Exception for low-population counties.* The limitation in (B)1. does not apply to a vehicle owned or operated by a municipality or utility located in a low-population county (Table 2) or to a vehicle owned or operated by a municipality or utility that has been granted low-population county status.

(C) *Group 3*

1. *Five year limit.* A municipality or utility may use a Level 1 diesel emission control strategy in a Group 3 engine for up to five years. The municipality or utility shall then replace the Level 1 diesel emission control strategy with the best available control technology from subsection (b). The replacement cannot be a Level 1 diesel emission control strategy.
2. *Exception for low-population counties.* The limitation in (C)1. does not apply to a vehicle owned or operated by a municipality or utility located in a low-population county (Table 2) or to a vehicle owned or operated by a municipality or utility that has been granted low-population county status.

(f) *Record Keeping Requirement.* A municipality or utility shall maintain the following records. The municipality or utility shall provide the following records upon request to an agent or employee of the Air Resources Board for all vehicles in its total fleet subject to compliance with this regulation.

(1) *Records to be Kept For Inspection.* Beginning December 31, 2007, the municipality or utility shall keep the following records either in hard-copy format or as computer records:

- (A) A list by vehicle identification number of vehicles, identifying each vehicle type; engine manufacturer, model-year, family, and series; and status as a total fleet or low usage vehicle; and

- (B) Correlated to each vehicle, the installed diesel emission control strategy family name, its serial number, manufacturer, installation date, and if using a Level 1 or Level 2 verified diesel emission control strategy, the reason for the choice; and
- (C) Records of maintenance for each installed diesel emission control strategy; and
- (D) For fuel or fuel additives used as a diesel emission control strategy, the most recent two years' worth of records of purchase that demonstrate usage; and
- (E) For each low usage vehicle, or low-population county low usage vehicle, its mileage or engine hours as of December 31 of each year beginning 2007, and records to document its five-year mileage or engine hours, as of December 31 of each year beginning 2007, correlated to the vehicle identification information in paragraph (1)(A) above; and
- (F) If a municipality or utility is located in a low-population county or has been granted low-population county status, documentation affirming that the vehicle is not operated at any time in a metropolitan statistical area as defined by the U.S. Census Bureau; and
- (G) For each engine for which a municipality or utility is claiming an extension pursuant to paragraph (d)(4), the retirement date correlated to the vehicle identification information in paragraph (1)(A) above; and
- (H) For each engine for which a municipality or utility is claiming an extension pursuant to paragraph (d)(5), the records of the test plan, including start and end dates of the experiment; diesel emission control strategy manufacturer name and contact information (representative, address, and phone number); name and type of experimental diesel particulate matter emission control strategy; and targeted data to be generated by experiment and correlated to the vehicle identification information in paragraph (1)(A) above; and
- (I) For each engine for which a municipality or utility located in a low-population county is following the accelerated turnover path in Table 3, the date of each engine repower correlated to the vehicle identification information in paragraph (1)(A) above; and
- (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) 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.

(3) *Records Kept in the Vehicle.* For each vehicle, beginning December 31, 2007, the municipality or utility shall keep the following information in the form of a legible and durable label affixed to the driver's side door jamb, or another readily accessible location known to the driver of each vehicle:

- (A) For each installed diesel emission control strategy, the diesel emission control strategy family name as specified in title 13, California Code of Regulations, section 2706(g)(2), and the installation date; or
- (B) Engine model-year and planned compliance date, and a statement that the vehicle is following the accelerated turnover option, if applicable; or
- (C) Designation as a low usage vehicle or low-population county low usage vehicle (as applicable) and the vehicle's mileage or hours as of December 31 of each year beginning December 31, 2007; or

- (D) Engine model-year and terminal where the vehicle is permanently housed if the municipality or utility is located in a low-population county or has been granted low-population county status; or
 - (E) Engine model-year and retirement date for an engine for which a municipality or utility is claiming an extension pursuant to paragraph (d)(4); or
 - (F) Engine model-year and the beginning and the ending dates for the test plan of an engine for which a municipality or utility is claiming an extension pursuant to paragraph (d)(5).
- (4) Each municipality or utility shall maintain these records for each vehicle until it is sold outside of the State of California or is no longer owned or operated by the municipality or utility. If ownership is transferred, the seller shall convey these records to the buyer, or a third-party sales representative.
- (g) *Contractor Compliance Requirement.* In any contract for services that a municipality or utility enters that has an effective date of December 31, 2007, or later, the municipality or utility shall include language requiring the contractor to be in compliance with all federal, state, and local air pollution control laws and regulations applicable to the contractor.
- (h) *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.



MEMORANDUM

To: ESJPA Board of Directors
From: Stacey Miner, ESJPA Program Administrator
Date: December 1, 2006
RE: ESJPA Budget – CY 2007

The proposed ESJPA budget for the 2007 calendar year is shown on the following page based on the existing dues payment schedule.

In order to understand the budget, it is necessary to understand the inter-relationship between the ESJPA and RCRC. The following description is offered to assist in this regard. As everyone should know, the ESJPA and RCRC are two separate legal entities each with their own by-laws. Generally speaking, the Board of Directors of the ESJPA consists of delegates (or designated staff “alternates”) from 22 member counties. RCRC leadership is provided by a Board of Directors consisting of County Supervisors who are representatives of 30 participating counties. The ESJPA is a governmental agency and RCRC is a non-profit, mutual benefit corporation. The ESJPA, itself, does not employ staff. Instead, the ESJPA contracts with RCRC to provide the management, technical, and administrative services required to carry out direction from ESJPA delegates. This contract is subject to annual review and is next on the agenda.

The current composition of staffing for ESJPA includes three RCRC employees, assigned wholly or partly, to ESJPA activities: Mary Pitto, Program Manager (50%); Stacey Miner, Program Administrator (95%); and Rachel Basore, Program Assistant (95%). Alan Abbs, Director, Tehama County/Red Bluff Landfill Management Agency, has been under contract for additional solid waste technical support.

The ESJPA’s 2007 revenue includes \$118,800 in membership dues. Revenue from dues (plus \$1,680 in miscellaneous income) are used by the ESJPA to pay: (1) RCRC for Technical Services (including advocacy efforts, regulatory involvement in accordance with the Board approved ESJPA/RCRC Agreement, and the part-time solid waste technical services of Alan Abbs; (2) the consulting services of Sweetser & Associates, and; (3) other miscellaneous expenses as listed in the budget.

Note that the budget on the following page shows a payment of \$90,000 to RCRC for its Technical Support services to the ESJPA. This payment partially reimburses RCRC for the overall ESJPA

costs, including personnel, overhead, and infrastructure support (i.e. office equipment, supplies, duplication costs, annual auditing, insurance, legal fees, postage, etc). RCRC's cost has generally exceeded the revenue for the ESJPA between \$20,000 to 60,000 annually. However, this year RCRC is projecting \$16,763 in revenue over expenses.

In addition to income from membership dues, the ESJPA's CY 2007 revenue also includes grant reimbursements. As shown on the attached ESJPA Budget Summary, expense line items for Personnel (Direct Labor Grants and Overhead Grants) and Grant Reimbursed Costs are equal to the income line items similarly named. Grant related income is simply reimbursement for the actual grant eligible costs (to vendors, suppliers, contractors, etc) expended by the ESJPA. To cover its ESJPA-related personnel expenses, RCRC bills the ESJPA (in accordance with the ESJPA-RCRC Agreement) on an hourly basis for all grant-related work. The ESJPA then receives reimbursement from the granting agencies for these costs and uses grant reimbursement funds to pay the RCRC invoice.

The following is a list of current grant activities that are included in the CY 2007 budget.

- Household Hazardous Waste Grant (Regional) – 14th Cycle
- Used Oil Opportunity Grant (Regional) – 8th Cycle
- Used Oil Block Grants (Alpine, Amador, Colusa and Mariposa)
- Department of Conservation City/County Payments
- Tire Amnesty Day Grant (Mariposa)

Also attached for your review is the 2006 Budget v. Actual Comparison as estimated through December 31, 2006.

Recommendation:

It is recommended that the ESJPA Board adopt the 2007 ESJPA Budget as shown on the following page.

**ESJPA Agency
2007 BUDGET**

Acct. No.	Description	2007 Budget	2006 Budget	Variance
INCOME:				
1202.70	Dues	118,800	118,800	-
4202.70	Personnel - Direct Grants	78,358	56,992	21,366
4202.70	Personnel - Overhead Grant Revenue	87,739	42,613	45,126
	Grant Reimbursed Costs	372,745	307,000	65,745
4600.70	Misc. Income - ESJPA	1,680	1,500	180
TOTAL INCOME:		<u>659,323</u>	<u>526,905</u>	<u>132,418</u>
EXPENSES:				
2020.70	Technical Services	90,000	90,000	-
2020.70	Personnel - Direct Labor (Grants)	78,358	56,992	21,366
2020.70	Personnel - Overhead (Grants)	87,739	42,613	45,126
	Grant Reimbursed Costs	372,745	307,000	65,745
6134.70	Bank Fees	200	200	-
6145.70	Community relations	400	400	-
6170.70	Consultants	21,000	18,000	3,000
6550.70	Meetings	5,000	2,100	2,900
6600.70	Miscellaneous	0		-
6900.70	Travel	3,200	3,200	-
6950.70	Ford F250	680	500	180
6951.70	International Truck (SOLD)			-
	Contingency		5,900	5,900
TOTAL EXPENSES:		<u>659,323</u>	<u>526,905</u>	<u>144,218</u>
TOTAL REVENUE OVER EXPENSES:		<u>-</u>	<u>-</u>	<u>(11,800)</u>

ESJPA Agency
2006 BUDGET v ACTUAL

Acct. No.	Description	2006 Actual	2006 Budget	2006 Variance
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INCOME:

1202.70	Dues	118,800	118,800	-
4202.70	Personnel - Direct Grants	37,935	56,992	(19,057)
4202.70	Personnel - Overhead Grant Revenue	37,709	42,613	(4,904)
	Grant Reimbursed Costs	202,878	307,000	(104,122)
6560.70	Member Services (reimb)	48		48
4600.70	Misc. Income - ESJPA	1,966	1,500	466

TOTAL INCOME: 399,336 526,905 (127,569)

EXPENSES:

2020.70	Technical Services	90,000	90,000	-
2020.70	Personnel - Direct Labor (Grants)	37,935	56,992	(19,057)
2020.70	Personnel - Overhead (Grants)	37,709	42,613	(4,904)
	Grant Reimbursed Costs	202,878	307,000	(104,122)
6134.70	Bank Fees	48	200	(152)
6145.70	Community relations	150	400	(250)
6170.70	Consultants	18,000	18,000	-
6550.70	Meetings	2,461	2,100	361
6560.70	Member Services (reimb)	0		(0)
6600.70	Miscellaneous	375		375
6900.70	Travel	125	3,200	(3,075)
6950.70	Ford F250	585	500	85
	Contingency	0	5,900	(5,900)

TOTAL EXPENSES: 390,265 526,905 (136,640)

TOTAL REVENUE OVER EXPENSES: 9,070 - 9,070



CHAIR – BOB PICKARD, MARIPOSA COUNTY
VICE CHAIR – CHRISTY SCOFIELD, COLUSA COUNTY
EXECUTIVE DIRECTOR – GREG NORTON

PROGRAM MANAGER – MARY PITTO
TECHNICAL ADVISORY GROUP CHAIR – STEVE ENGFER,
MARIPOSA COUNTY

MEMORANDUM

To: ESJPA Board of Directors
From: Stacey Miner, Program Administrator
Date: December 1, 2006
RE: ESJPA – RCRC Contract Services Agreement – CY 2007

The proposed ESJPA – RCRC Contract Services Agreement for the 2007 calendar year is shown on the following pages and is presented for your consideration and approval.

The purpose of this agreement is to provide personnel services for technical and grant-related activities. The terms and conditions of the 2007 contract remain consistent with the 2006 contract. RCRC will continue to provide technical and grant-related personnel services to the ESJPA. The ESJPA would pay RCRC \$7,500 per month (\$90,000 per year) out of the membership dues for advocacy efforts and regulatory involvement.

The Agreement also provides that the ESJPA will pay RCRC for reimbursable grant-related activities (principally staff time) on a per hour basis calculated monthly. The estimate for reimbursable grant-related activities 2007 is \$166,098. This amount includes direct and indirect personnel costs consistent with the terms and conditions of each grant or contract ESJPA is assigned to implement on behalf of participating member jurisdictions.

Recommendation:

It is recommended that the ESJPA Board adopt the 2007 ESJPA – RCRC Contract Services Agreement.

AGREEMENT

THIS AGREEMENT ("Agreement"), dated as of January 1, 2007, is entered into by and between the Rural Counties' Environmental Services Joint Powers Authority, a joint powers agency organized and operated under Articles 1-4 of Chapter 5 of Division 7 of Title I (commencing with Section 6500) of the California Government Code (hereinafter "ESJPA"), and the Regional Council of Rural Counties, a California nonprofit corporation (hereinafter "Contractor").

R E C I T A L S

WHEREAS, ESJPA desires to obtain the services of Contractor; and,

WHEREAS, Contractor is competent and willing to provide such services to ESJPA,

NOW, THEREFORE, in consideration of the mutual promises and covenants contained herein, ESJPA and Contractor (each a "party," or collectively, the "parties") agree as follows:

1. Contractor's Services.

Contractor shall perform the services described herein and otherwise as specified in **Exhibit A** hereto which is incorporated herein by this reference, under the supervision of ESJPA's Contract Manager. Contractor understands that ESJPA may desire Contractor to perform certain additional services related to the scope of services hereunder, and Contractor agrees to perform such additional services when requested by ESJPA in writing. All such additional services shall be performed as provided herein, unless otherwise provided by written amendment hereto, subject only to an adjustment reflecting the cost of such additional services and the time for performance.

2. Contractor's Personnel.

Contractor acknowledges that the personal services of Contractor's personnel are essential to the performance of Contractor's obligations hereunder, and that no substitution of Contractor's personnel so identified may be made without the prior written approval of ESJPA. Contractor shall not subcontract or assign any portion of the services provided hereunder without the prior written approval of ESJPA, except any subcontracted services identified in **Exhibit A**.

Contractor, and its agents and employees, in the performance of this Agreement, shall act in an independent capacity and not as officers, employees or agents of ESJPA. By initialing this Agreement in the space provided immediately below, Contractor acknowledges that this Agreement is complete, that it does not create an employer-employee relationship between ESJPA and Contractor or any person performing services hereunder on behalf of

Contractor, and that this Agreement cannot and will not be modified by any oral representation of employment.

Contractor's Initials: _____

Contractor further acknowledges that its taxpayer identification number is 94-1366200, and warrants that it is responsible for paying payroll or any other kind of taxes resulting from compensation paid to Contractor hereunder.

3. Term.

This Agreement shall cover services rendered hereunder from January 1, 2007, until the earlier of completion of Contractor's work hereunder, termination of this Agreement as provided herein, or December 31, 2007, unless the term of the Agreement is otherwise extended by mutual consent of both parties. Contractor specifically acknowledges that time is of the essence with respect to completing its obligations hereunder, and that any failure to meet deadlines provided herein will result in material damage to ESJPA.

4. Compensation.

For services described in **Exhibit A** as "Non-Grant Related," Contractor shall be paid the sum of \$7,500 per month which shall be deemed to include all reasonable actual ordinary and necessary business expenses incurred for work performed hereunder.

For services described as "Grant Related" in **Exhibit A**, Contractor shall be compensated in the amount of the actual cost of personnel provided, including direct salary, benefits and related overhead expenses, all as specified in Contractor's invoices. However, if a specific grant program ("**Grant Program**") that the Contractor is administering, hereunder, includes a limitation on the right of Contractor to receive compensation for overhead costs, Contractor's compensation for such overhead costs shall be subject to the limitation specified in the Grant Program. The actual overhead for each hour of work performed by Contractor under this Agreement shall be the amount determined by Contractor's auditors, as adjusted from time-to-time. Nothing herein shall preclude ESJPA from directly contacting granting authorities for each Grant Program to seek the authority to modify any limitation on overhead compensation to be charged against a Grant Program.

Contractor shall submit invoices for services rendered and reimbursable expenses incurred to date not more frequently than monthly for compensation and reimbursement of allowable expenses. Approved invoices shall be paid by ESJPA within ninety (90) calendar days of receipt of such invoices.

The fees provided in this paragraph shall be the entire compensation due Contractor for these services and ESJPA shall not be liable for additional compensation for any of Contractor's time or expense except as provided herein.

5. Work Product; Confidentiality.

Contractor understands and agrees that all documents, information and reports developed in the course of performing its obligations hereunder shall be the property of ESJPA. Contractor agrees to exert its best efforts in the production of such work product of this Agreement. Contractor may retain copies of materials collected or produced hereunder during the term hereof, but in the event of termination of this Agreement, Contractor shall promptly deliver any such materials to ESJPA without exception or reservation.

If, in the course of performing its obligations hereunder, Contractor comes into possession of information known or reasonably expected to be confidential information from any source, Contractor will respect and maintain such confidentiality, whether under state, federal or common law, and be solely liable to any injured person in the event of its wrongful distribution of such confidential material.

6. Nonassignability.

No assignment of the rights nor delegation of the duties of Contractor whether in whole or in part shall be valid unless specifically agreed to in writing by ESJPA.

7. Termination.

A. Either party may terminate this Agreement at any time in the event the other party defaults in performance, fails to perform services in a timely fashion, or otherwise fails to comply with the terms of this Agreement. Either party's default or failure to perform shall be excused if prevented by acts of God, labor disputes or strikes, or other forces beyond such party's control.

B. Either party may terminate this Agreement without cause or default after having given thirty (30) calendar days notice to the other party which indicates which services and/or expenses hereunder are suspended from the date of such notice and the date of termination. Upon such termination, Contractor shall be entitled to compensation for services not suspended and actually rendered and/or expenses allowed to the date of termination and for any unreimbursed expenses otherwise payable hereunder.

8. Attorney's Fees, Costs.

If any action at law or in equity is brought to enforce or interpret the terms of this Agreement, the prevailing party shall be entitled to reasonable attorney's fees and costs, in addition to any other relief to which that party may be entitled. This provision for the recovery of attorney's fees and costs shall be construed as applicable to the entire Agreement.

9. Indemnification and Insurance.

Contractor shall indemnify, defend and hold harmless ESJPA, its officers, directors, agents, employees and attorneys, from any and all claims, causes of action, damages and losses, whether in law or equity (collectively, "**Claim**") arising from or related to the services performed by Contractor under this Agreement or accruing or resulting to any and all

contractors, subcontractors, materialmen, laborers and any other person, firm or corporation furnishing or supplying work, services, materials or supplies, in connection with Contractor's willful misconduct or negligent acts or omissions in the performance of Contractor's duties and services hereunder.

ESJPA shall promptly notify Contractor of any Claim made in connection with the performance of services rendered hereunder.

In order to ensure Contractor's obligations hereunder, Contractor shall maintain insurance as follows:

(1) Contractor shall maintain a commercial general liability insurance policy in the amount of not less than \$1 million per occurrence, and not less than \$2 million in the aggregate, from a carrier admitted in the State of California with a Best rating of not less than A-, VIII;

(2) Comprehensive business or commercial automobile liability coverage, including non-owned and hired automobile liability, in the amount of not less than \$1 million from a carrier admitted in the State of California with a Best rating of not less than A-, VIII;

(3) Worker's Compensation Insurance as may be required by the California Labor Code for Coverage A (statutory limits) and not less than \$1 million for Coverage B (employer liability limits) from a carrier admitted in the State of California with a Best rating of at least B+, VIII;

(4) All such policies shall remain in force during the term of this Agreement and shall be payable on a "per occurrence" basis unless otherwise accepted in writing by ESJPA, and shall be in form acceptable to ESJPA and its insurance advisers. ESJPA shall be named as an "additional insured" on any policy as may be requested by ESJPA and Contractor shall provide certificates of insurance and any endorsements required signed by Contractor's insurer prior to the commencement of Contractor's services hereunder. Any such policies or endorsements shall provide for 30 days prior notice to ESJPA in the event of any termination or reduction in coverage of such insurance.

(5) Nothing contained herein shall be construed as or constitute a limitation of Contractor's liability or Contractor's responsibility in law or equity to indemnify and hold harmless from any and all claims, damages, losses and expenses that may arise by reason of Contractor's willful misconduct or negligence, and all remedies provided hereunder shall be cumulative with all other remedies under law or equity.

10. Jurisdiction and Venue.

This Agreement shall be governed by the laws of the State of California without regard to choice of law if an action is brought in California based on activities outside California. Any action to enforce or interpret the terms of this Agreement shall be brought in Sacramento County, California.

11. Miscellaneous Provisions.

A. Partial Invalidity.

If any provision of this Agreement shall be declared invalid, illegal or unenforceable, the validity, legality and enforceability of the remaining provisions hereof shall not in any way be affected or impaired.

B. Contractor's Qualifications.

Contractor covenants that it is competent to provide the services required hereunder and is licensed and qualified as necessary to perform such services in California and/or as provided herein. Contractor covenants that it will comply with all applicable federal, state and local laws affecting services provided hereunder.

C. Records and Audit.

Contractor shall maintain current and complete books and records relating to this Agreement, including, but not limited to, documents supporting all bids, income and expenditures. Books and records kept shall be original entry books with a general ledger itemizing all debits and credits for work performed hereunder. In addition, where applicable, Contractor shall maintain detailed payroll records including subsistence, travel and field expenses, and canceled checks, receipts and invoices for all such items. Contractor's documents, books and records shall be retained for at least five (5) years from the date of completion of this Agreement, and Contractor shall permit access to audit its books, accounts and records relating hereto, and such records of all business entities controlled by Contractor who participated in the performance of this Agreement. Any audit by ESJPA may be conducted on Contractor's premises, or at the option of ESJPA, Contractor shall provide all such records to ESJPA for such audit elsewhere. Contractor shall refund any moneys erroneously paid; if Contractor has erroneously billed for an amount exceeding five percent (5%) of the compensation paid hereunder, Contractor shall also be liable for the cost of audit in addition to any other penalty.

D. Nondiscrimination Clause.

During the performance of this Agreement, Contractor shall not unlawfully discriminate against any employee or applicant for employment because of race, religion, color, national origin, sex or sexual orientation, ancestry, physical handicap, medical condition, marital status, or age (over 40).

E. Cooperation.

The parties shall cooperate with each other in the performance of their respective obligations hereunder. ESJPA's Contract Manager shall be Mary Pitto or such other person designated in writing by ESJPA. Contractor's representative for the purpose of any approvals or requests made hereunder shall be Greg Norton.

F. Entirety, Amendments.

This Agreement supersedes any and all other agreements, oral or in writing, between the parties hereto with respect to the subject matter hereof and contains all of the covenants and agreements between the parties with respect to said matter, and each party to this Agreement acknowledges that no representations, inducements, promises, or agreements, orally or otherwise, have been made by any party, or anyone acting on behalf of any party, which are not embodied or referred to herein, and that no other agreement, statement, or promise not contained or referred to in this Agreement shall be valid or binding.

This Agreement is entire as to all of the performances to be rendered under it. Breach of any of the performances to be rendered by Contractor shall constitute a breach of the entire Agreement and shall give ESJPA the right to terminate this Agreement. ESJPA's breach of any of the obligations created by this Agreement shall constitute a breach of the entire Agreement and give Contractor the right to terminate this Agreement.

No amendment or modification of the provisions of this Agreement shall be valid unless made in writing and signed by the parties hereto.

G. Disclosure.

Contractor agrees to make any necessary disclosures and filings required of Contractor under the California Government Code, if applicable.

H. Notice.

Any notice, tender, or delivery to be given hereunder by either party to the other may be effected by personal delivery in writing or by mail, postage prepaid, and shall be deemed communicated as of the date of actual receipt. Mailed notices shall be addressed as set forth below, but each party may change its address by written notice in accordance with this paragraph.

To Contractor: Regional Council of Rural Counties
801 12th Street, Suite 600
Sacramento, California 95814
Attn: Greg Norton, President and CEO

To ESJPA: Rural Counties' Environmental Services
Joint Powers Authority
801 12th Street, Suite 500
Sacramento, California 95814
Attn: Mary Pitto, Program Manager

WHEREFORE, the parties hereto have executed this Agreement as of the date set forth above.

CONTRACTOR:

REGIONAL COUNCIL OF RURAL COUNTIES,
A CALIFORNIA NONPROFIT CORPORATION

By: _____

Greg Norton
President and CEO

ESJPA:

RURAL COUNTIES' ENVIRONMENTAL
SERVICES JOINT POWERS AUTHORITY, A
JOINT POWERS AGENCY

By: _____

Bob Pickard
ESJPA Board Chair

EXHIBIT A

Contractor shall provide professional, technical, administrative, and related support services to the ESJPA as follows:

A. Non-Grant Related Work: For the purposes of this Agreement, "non-grant related work" shall include all services provided by the Contractor for which the ESJPA does not receive reimbursement from a grantor agency. Under the direction of the ESJPA Board of Directors, this work shall include providing advocacy services on behalf of the member county interests; providing technical support services and information distribution; organizing, scheduling, preparing agendas, and recording minutes for ESJPA Board meetings, for the ESJPA Technical Advisory Group, and for the ESJPA Legislative Task Force; representing the ESJPA at conferences, workshops, and seminars, as well as to governmental agencies, trade associations, private industry, and other organizations; facilitating coordination and cooperation between member counties; preparing reports, technical memoranda, grant applications, and other documents on behalf of the ESJPA; managing ESJPA contracts and performing associated administrative and clerical duties; and other related services and projects as may be requested by the ESJPA Board of Directors.

B. Grant Related Work: Upon request by the ESJPA and/or member counties, Contractor shall provide services for the administration and implementation of grant-related projects. Services shall be provided by the Contractor in accordance with the requirements of the grantor agency and shall be consistent with the approved scope of work as described in the grant agreement between the ESJPA and grantor agency.

Contractor shall provide requested services to the ESJPA for the following grant programs:

- Household Hazardous Waste Grants
- Waste Tire Grants
- Used Oil Block Grants
- Used Oil Opportunity Grants
- SB 332 City/County Recycling Programs

Upon mutual agreement, RCRC may provide additional grant-related services, in accordance with the terms of this agreement, for other grant programs as may be requested by the ESJPA in writing.

C. Additional Work: Upon mutual written agreement of the parties, RCRC may provide additional services to the ESJPA beyond those specified above. The basis for compensation to RCRC for these additional services shall be as specified in writing and as agreed to by both parties.



MEMORANDUM

To: ESJPA Board of Directors

From: Stacey Miner, ESJPA Program Administrator

Date: December 1, 2006

Re: ESJPA Proposed Meeting Calendar – CY 2007

The proposed ESJPA meeting schedule for the 2007 calendar year is shown on the following page and is presented for your consideration and adoption. The proposed meeting schedule includes five meeting dates commencing in March 2007. This meeting schedule coincides with RCRC meeting dates to the greatest extent possible.

Please note that when RCRC has a one-day Board meeting, the ESJPA will begin its Board meetings at 9:30 a.m. When RCRC meetings carry over to the following day, ESJPA will begin its Board meetings at 1:30 p.m. The ESJPA Technical Advisory Group meetings will be held either before or after the ESJPA Board meetings. Notifications regarding meeting times will be sent out 10 days prior to the meeting date.

Note that the recommended 2007 ESJPA meeting schedule does not include an ESJPA Board meeting during the RCRC Annual Conference in September 2007.

Recommendation:

Consistent with the requirements of Section 8 of the Joint Exercise of Powers Agreement, amended and restated December 16, 2004, it is recommended that the ESJPA Board adopt the 2007 Board meeting schedule as shown on the attached.

ALPINE, AMADOR, BUTTE, CALAVERAS, COLUSA,
DEL NORTE, EL DORADO, GLENN, IMPERIAL, INYO, LASSEN

CHAIR – BOB PICKARD, MARIPOSA COUNTY

VICE CHAIR – CHRISTY SCOFIELD, COLUSA COUNTY

EXECUTIVE DIRECTOR – GREG NORTON



MADERA, MARIPOSA, MODOC, MONO, NEVADA, PLUMAS,
SIERRA, SISKIYOU, TEHAMA, TRINITY, TUOLUMNE

PROGRAM MANAGER – MARY PITTO

TECHNICAL ADVISORY GROUP CHAIR – STEVE ENGFER,
MARIPOSA COUNTY

ESJPA BOARD OF DIRECTORS 2007 MEETING CALENDAR

Thursday, March 22 nd	RCRC Conference Room - 2 nd Floor
Thursday, May 17 th	RCRC Conference Room - 2 nd Floor
Thursday, August 16 th	RCRC Conference Room - 2 nd Floor
Thursday, October 18 th	RCRC Conference Room - 2 nd Floor
Thursday, December 13 th	RCRC Conference Room - 2 nd Floor

**** Note:** Meeting times are anticipated to be held from 9:30 a.m. to 12:00 p.m.

G:\ESJPA Board of Directors\Meetings\BOD Meeting Packet\2006_12.14\2007.ESJPA.Meeting.Calendar.doc