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MEMORANDUM

To: ESJPA Board of Directors
From: Mary Pitto, Program Manager
Date: December 8, 2009
RE: Air Resources Board Diesel Activities Update

On-Road Heavy-Duty Diesel-Fueled Public and Utility Fleets

There has been no new recent information on the On-Road Heavy-Duty Diesel-Fueled Public and Utility Fleets Regulation.

As a reminder, for counties that qualify as low-population counties (all RCRC counties except El Dorado) those dates are extended. For those counties selecting the implementation schedule option, 20% of Group 2 vehicles were required to be retrofit by December 31, 2008 and 20 % of Group 1 vehicles are required to be retrofit by December 31, 2009. For those counties that chose the Accelerated Turnover Option, all 1960 - 1993 engines need to be replaced with a 1994 or newer engine by 2020, and then all 1994 - 2006 engines are required to be retrofitted by 2025. (To use this option, a local agency had to send a letter of intent to ARB by July 31, 2008.)

El Dorado County is on the regular schedule for all public agencies and public utilities. The retrofit compliance dates began December 31, 2007, with 20% of the Group 1 (1960-1987) engines and 20% of the Group 2 (1988-2002) engines required to be retrofit with BACT. December 31, 2009 the percentage increases to 60% of the vehicles for both Groups and adds 50% of the Group 3 (2003-2006) engines.

Additional information on the Public Fleet Rule is available on the ARB website, located at: <http://www.arb.ca.gov/msprog/publicfleets/publicfleets.htm>

In-Use Off-Road Diesel-Fueled Fleet Regulation

The In-Use Off-Road Diesel Vehicle Regulation (Off-Road Rule) became effective on June 15, 2008. This rule requires both public and private fleets to reduce emissions of oxides of nitrogen (NO_x) and particulate matter (PM) from off-road diesel vehicles.

Subsequently, the ARB has amended the regulation on December 12, 2008, January 22, 2009, and July 23, 2009. These amendments extended the deadline for double credit for installing exhaust retrofits by 10 months to January 1, 2010, provide new credits for fleets that have experienced drops

in vehicle activity and/or that have reduced their fleet size, delayed some of the 2011 and 2012 requirements until 2013, and added new incentives to spur early retrofits and repowers. There were also several minor clarifying changes made. These amendments have not as yet been formally adopted by the Board or submitted to OAL for approval.

At the July 23rd hearing, the ARB directed staff to report back in December 2009 on a summary of available data regarding the Off-Road Rule. This report has been scheduled for their December 9, 2009 Board meeting at 9:00 AM. RCRC staff will be attending this hearing and will support the public agency and industry interest in any suggested delay in implementation of this rule.

At this point, all fleets should have reported their vehicles to ARB to receive their Equipment Identification Numbers (EINs). The large fleets reporting deadline was April 1, 2009. The medium fleets reporting deadline was June 1, 2009 and small fleets (which includes public agencies in low population counties) was August 1, 2009.

Beginning in 2015, by March 1 of each year the regulation requires each small fleet (25-2,500 horsepower and all public agencies in low-population counties) to meet the fleet average emission rate target for particulate matter (PM) or apply the highest level verified diesel emission control system to 20 percent of its horsepower.

For large fleets (5,001 and greater horsepower) this requirement begins in 2010 and for medium fleets (2,501-5,000 horsepower) in 2013. In addition, the regulation also requires each large and medium fleet to meet the fleet average emission rate target for NOx or to turn over a certain percent of its horsepower (8 percent in early years, and 10 percent beginning 2015).

For additional information go to: <http://www.arb.ca.gov/msprog/ordiesel/ordiesel.htm>

Statewide Portable Equipment Registration Program (Statewide PERP) Regulation and the Airborne Toxic Control Measure (Portable Engine ATCM) for Diesel Fueled Portable Engines

The Air Resources Board (ARB) adopted the Portable Equipment Registration Program (PERP) in 1997 to establish a uniform statewide program for the registration and regulation of portable engines and portable engine-driven equipment units. The regulation establishes a voluntary program to register portable equipment in California in lieu of obtaining permits from air districts. As part of the Statewide PERP, regulation required all diesel engines operating in California be certified to an off-road emission standard as of January 1, 2010, giving businesses a maximum of 13 years to plan for their replacement.

The ARB adopted the Portable Diesel Engine Airborne Toxic Control Measure (Portable Engine ATCM) in February 2004 as part of ARB's Diesel Risk Reduction Program designed to reduce diesel particulate matter. The requirement that diesel engines operating in California be certified to an off-road emission standard as of January 1, 2010, except for those engines designated as emergency use or low use, is now contained in the Portable Engine ATCM, so that it affects all diesel engines statewide.

In recent months, portable diesel engines owners have expressed to ARB staff that compliance with this requirement will result in undue financial hardship when they are currently struggling to survive due to the current economic situation.

ARB staff is considering proposing some amendments to provide some regulatory relief and held a public workshop on November 9th to solicit public input. The proposed amendments would extend the deadline for replacement of certain non-certified engines, as well as modifying the recordkeeping and reporting requirements of the Statewide PERP to be more practical and enforceable. ARB staff is also proposing some minor revisions that are intended to provide additional clarity and expediency to the Statewide PERP Regulation and Portable Engine ATCM.

Staff from El Dorado County contacted RCRC with respect to requesting an additional amendment to the regulation. As you may recall, dedicated snow removal vehicles were exempted from the Public Fleet Rule and the Off-Road Rule. Some of the snow blowing equipment have dual engines, one to propel, which is exempt on the "on-road" rule already, and the portable auxiliary that powers the snow blower head systems, which are subject to the Portable Engine ATCM. These are not machines that lend themselves to a simple *engine* replacement, and to replace the entire vehicle would cost well over \$600,000.00 today. RCRC staff will submit a letter to ARB requesting this consideration and will continue to follow the development of these amendments.

ARB staff plans to present proposed amendments to the ARB in January of 2010.

The staff proposal and additional information will be available on the program website at:
<http://www.arb.ca.gov/portable/portable.htm>.

