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PROGRAM MANAGER – MARY PITTO

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## MEMORANDUM

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To: ESJPA Board of Directors  
From: Mary Pitto, Program Manager

Date: May 11, 2010

RE: ARB Diesel Retrofit Update

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### 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 (Public Fleet Rule).

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 ARB Executive Officer held a hearing to take testimony and consider if the In-Use Off-Road Diesel-Fueled Fleet Regulation (Off-Road Rule) should be further modified to account for the current economic condition and subsequent emissions reductions on March 11<sup>th</sup> and was accepting written comments until March 18<sup>th</sup>. RCRC submitted the attached letter supporting any delay in implementation of the regulation and requesting ARB reconsider extending the “Captive Attainment Area Fleet” to those rural counties that are classified as nonattainment for the for ozone and particulate matter (PM) 2.5 strictly due to intrastate transport of air pollution (i.e., western Nevada, Amador, Calaveras, Tuolumne, Mariposa).

In addition, the Off-Road Implementation Advisory Group (ORIAG) met on March 29<sup>th</sup> and also discussed possible revisions to the regulation to provide economic relief. RCRC staff submitted the attached letter including increasing the low-use vehicle exemption hours in addition to the above requests.

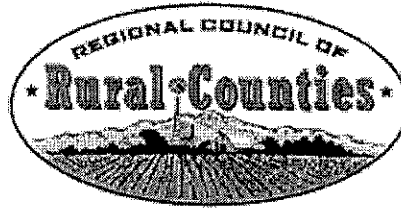
All of the information collected was summarized and presented at the full ARB meeting on April 22<sup>nd</sup>, along with an updated inventory and 2014 State Implementation Plan (SIP) status, and possible revisions to the Off-Road Rule. ARB conducted a workshop on May 6<sup>th</sup> and gave a presentation summarizing the potential concepts to provide economic relief to the Off-Road Rule, as well as the Truck and Bus Rule (private fleets’ on-road). ARB plans to hold additional workshops in June on possible amendments to both the on-road and off road regulations. RCRC will also be requesting that the Public Fleet Rule be extended the same delay as the other rules are extended. Any revisions to these rules would then be considered at the September Board hearing.

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

**Attachments**

- RCRC Comments to ARB on the Off Road Rule (dated March 18, 2010)
- RCRC Comments to ARB on the Off Road Rule (dated March 29, 2010)

Alpine Amador Butte Calaveras Colusa  
Del Norte El Dorado Glenn Imperial Inyo  
Lake Lassen Madera Mariposa Merced



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March 18, 2010

James Goldstene, ARB Executive Officer  
California Air Resources Board  
1001 "I" Street  
Sacramento, CA 95814

RE: Regulation for In-Use Off-Road Diesel-Fueled Fleets

Dear Mr. Goldstene:

On behalf of our thirty-one member counties, the Regional Council of Rural Counties (RCRC) appreciates the opportunity to address potential amendments to the Regulation for In-Use Off-Road Diesel-Fueled Fleets. We appreciate ARB staff's efforts to understand and address the issues that have arisen during the implementation of this regulation and would like to express our support for economic relief that can be provided to fleet owners, especially in our rural counties.

No one questions that California is experiencing a serious economic downturn. However, this depression has severely impacted the construction industry and disproportionately in rural areas. At the public hearing held on March 11<sup>th</sup>, many of the industry representatives were large statewide or urban fleets and spoke of a reduced workforce of around 50%. In our rural areas the construction industry has all but dried up. There are numerous examples of construction businesses' decreased activity well in excess of 50%. In Amador County, for example, two of the larger construction companies are now operating at less than 10% of previous levels, one soon to close its doors altogether.

The most recent unemployment figures released by the state showed that in eight counties the figure exceeded 20%, all of which are rural counties, with Colusa County exceeding 27%. In fact, eleven of our member counties have unemployment rates greater than 15%, and 24 are greater than the statewide average of 13.2%. These high figures directly reflect the decreased construction activity. The companies simply do not have the resources to modernize their fleets at this time and will not until sometime in the future. It would be helpful if the regulation recognized that the rural areas are impacted disproportionately and delay the requirements for the medium and large fleets in rural (low population) counties, the same as they do for small fleets.

Also, the regulation currently exempts fleets located in the National Ambient Air Quality Standards (NAAQS) ozone and particulate matter (PM) 2.5 attainment areas from the oxides of nitrogen (NOx) requirements, if the vehicles are used in only attainment areas, called "Captive Attainment Area Fleet". Private fleets in a number of our rural counties will benefit from this provision. RCRC urges ARB to reconsider extending the "Captive Attainment Area Fleet" to those rural counties that are classified as nonattainment for the for ozone and particulate matter (PM) 2.5 strictly due to intrastate transport of air pollution (i.e., western Nevada, Amador, Calaveras, Tuolumne, Mariposa). These counties are similar in their rural nature to the attainment counties. Compliance with the NOx requirements of the proposed regulations in these counties will not significantly reduce the emissions and would never bring those counties into attainment. However, emission reductions from the contributing upwind districts will lead to the downwind area attainment.

Again, RCRC would like to express our gratitude to you and all the ARB staff for your continued outreach efforts and willingness to understand the rural county constraints. You may call me at (916) 447-4806 if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Mary Pitto". The signature is written in black ink and is positioned above the typed name.

Mary Pitto  
Regulatory Affairs Advocate

cc: RCRC Board Members  
Erik White, Chief, Heavy-Duty Diesel In-Use Strategies Branch  
Kim Heroy-Rogalski, Manager Off-road Implementation Section



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March 29, 2010

Kim Heroy-Rogalski, Manager  
Off-road Implementation Section  
California Air Resources Board  
1001 "I" Street  
Sacramento, CA 95814

SUBJECT: Regulation for In-Use Off-Road Diesel Vehicles

On behalf of our thirty-one member counties, the Regional Council of Rural Counties would like to express our appreciation for staffs' efforts to address the concerns related to these regulations. We previously submitted the attached letter to the Executive Officer. We are asking you to consider three provisions:

- **Increase the "low-use" vehicle exemption hours.** During the development of this regulation, RCRC had initially requested the 100 hours be increased to 300 hours. 100 hours represents only 12.5 - 8 hour working days out of a year, about one day per month. To provide additional relief, we ask the Board reconsider increasing the threshold, especially to small business owners and municipalities in low population counties.
- **Extend the Captive Attainment Area provision** to counties that are classified as nonattainment strictly due to transport. Meeting NOx reductions is a considerable financial impact to our small to medium fleets, which will have a negative economic impact to our rural counties. Compliance with the NOx requirements of the proposed regulations in those counties will not significantly reduce the emissions and will never bring those counties into attainment. However, emission reductions from the contributing upwind districts will lead to the downwind area attainment.
- **We support at least two years delay of implementation of the compliance dates.** The delay should apply to each of the fleet sizes' initial and final compliance date.

Again, RCRC would like to express our gratitude to you and all the ARB staff for your continued efforts to understand the rural county constraints. We will continue to work with you and your staff in outreach efforts and implementation of the rule. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink that reads "Mary Pitto". The signature is fluid and cursive.

Mary Pitto  
Regulatory Affairs Advocate

cc: RCRC Board Members

