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Contractors voice concerns over proposed CARB regs

By **ERIK PISOR**, The Daily Transcript
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On Friday, San Diego-area contractors and other parties who will be affected by the California Air Resources Board's (CARB) proposed on-road, heavy-duty diesel equipment emissions standards met with CARB staff to express their concerns with the draft regulation.

Because the main path to compliance with these future emissions regulations involves retiring older vehicles and replacing them with newer equipment, several in attendance said there will be an upcoming glut of unsold used diesel equipment in the state, as selling pre-1994 diesel engines within the state will be prohibited.

For these contractors and equipment owners, the inability to sell used diesel equipment in state will make it harder to deal with the costs associated with regulation compliance, as the selling off of older equipment can aid a contractor in recouping the costs linked with purchasing a new piece of equipment.

An equipment owner could sell a pre-1994 engine out of state. However, this option may become extinct as neighboring states are monitoring the regulations being adopted and proposed by CARB, and also considering similar legislation.

CARB staff that was in attendance at the Old Town workshop confirmed this statement and said equipment owners, in the future, may have to look to other states within the country or to Mexico or Canada when attempting to sell aging equipment.

During a CARB staff presentation, examples of how sample on road fleets could comply with the proposed regulations were given and Tony Brasil, manager of in use control measures for CARB, stated the board doesn't want these regulations to become unbearable.

However, during that same presentation, CARB staff stated they have not estimated what it would cost various on road fleets to comply with these regulations.

This same statement was uttered during several off-road diesel equipment regulation workshops spanning the past two years.

Although a cost compliance estimate was not reached then, the off-road regulations were adopted in late July of this year.

Brasil said CARB staff is currently awaiting the return of on road fleet information surveys, which will better inform staff as to the cost of compliance with these proposed regulations.

The surveys may also affect the likelihood of future revisions to the regulation language.

Currently, most of the proposed on road regulation is a clone of the adopted off-road rule, requiring diesel equipment owners to meet emission targets for oxides of nitrogen (NOx) and particulate matter (PM) emissions through either fleet averaging or best available control technology (BACT) approaches.

Unlike the off road regulations -- where small fleets are given longer compliance times -- this regulation will require even owner operators, regardless of fleet size, to comply with the same standards, Brasil said.

The new on road regulations will apply to more than 1.7 million pieces of diesel equipment including concrete mixers, dump trucks, crane trucks, tow/hauling trucks, bucket/boom trucks, trucks that haul consumer goods, passenger buses and fuel tank trucks that exceed the 14,000 gross vehicle weight rating.

If a fleet owner chooses the averaging route, that person must demonstrate that on Dec. 31 of each year,

starting in 2010 and ending on Dec. 31, 2021, the NOx Index of the applicable portion of the fleet was less than or equal to the calculated NOx target rate.

Additionally, a fleet owner must demonstrate that on Dec. 31 of each year the PM Index of the applicable portion of the fleet was less than or equal to the calculated PM Target Rate.

The BACT approach, which includes two phases, requires the NOx exhaust emissions from a vehicle to be less than or equal to the NOx emissions from a certified 2007 engine model.

After reaching 2007 NOx emissions, a vehicle would then be required to meet the NOx exhaust emissions of a certified 2010 model.

Compliance dates would begin on Dec. 31, 2010 and end in 2021 depending on engine age.

For instance a 2003 engine would have until Dec. 31, 2012 to produce emissions equivalent to a 2007 engine.

After that, the same 2003 engine would have until Dec. 31, 2017 to produce emission equivalent to a 2010 engine.

BACT also requires that all vehicles in a fleet must be equipped with the highest verified diesel emission control strategy (VDECS) for PM emissions by the applicable compliance deadline.

Exemptions will be given to low-use vehicles with fewer than 1,000 miles and less than 100 hours of operation during previous 12-month period; vehicles used for emergency operations; tactical military vehicles; hybrid vehicles; and any vehicle with a 2007 or newer engine and diesel particulate filter.

Compliance extensions will be given to equipment owners if manufacturer delays occur.

CARB will consider adoption of the proposed on-road regulations in October 2008 following further public workshops.

According to Mike Lewis, executive vice president of the Construction Industry Air Quality Coalition, it is unlikely that CARB and its staff will listen to concerns from various industries or alter the language within the regulations, as comments from contractors during the off- road regulation workshops did little to affect the adopted language.

Currently there are CARB-adopted emissions regulations for solid waste collection vehicles, public agency fleets and transit agency fleets.