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CARB passes final regulations on off-road diesel emissions

By **ERIK PISOR**, The Daily Transcript
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California contractors who utilize off-road diesel equipment may now have to spend millions of dollars to evaluate their fleets and replace or retrofit diesel engines, following the California Air Resources Board's (CARB) unanimous adoption of new off-road diesel equipment emissions regulations.

"Unfortunately the rule adopted will do nothing but move California's economy backward," said Mike Lewis, chair of the Coalition to Build a Cleaner California and executive vice president of the Construction Industry Air Quality Coalition (CIAQC). "Jobs will be lost, businesses will cease to exist and the state's infrastructure rebuilding efforts will suffer."

The decision to adopt these emissions standards comes after nearly two years of CARB and its staff crafting and revising language within the regulations. Spanning the past year, CARB has also hosted numerous hearings with the construction industry throughout the state, including three in San Diego.

According to the adopted regulations, a contractor's diesel engine fleet will be required to meet fleet average emission rate targets for particulate matter (PM) and oxides of nitrogen (NOx) by March of each year.

The largest fleets -- more than 20,000 horsepower -- will have to comply with fleet average targets in March of 2010 and medium fleets equal to or less than 20,000 horsepower will begin meeting the fleet average in 2013.

Small fleets fewer than 2,500 horsepower are exempt from the NOx average, but must comply with the PM fleet average requirement starting in 2015.

According to Dan Fauchier, who represents San Diego CIAQC and testified during Thursday's meeting in Sacramento, the construction industry requested that compliance dates be established every three years instead of annually, which would enable contractors to have the financial capability to be in compliance despite a one-year downturn in county or statewide construction.

However during the meeting CARB voted 6-3 not to include the request as part of the adopted language.

"The Coalition to Build a Cleaner California is disappointed CARB chose to disregard the input of construction contractors and workers by adopting an unrealistic regulation," Lewis said, adding with just a few changes CARB had the opportunity to make the regulation a win-win for the state's environment and economy.

Focusing on compliance, a company can ensure its fleet meets yearly PM emissions averages by retrofitting 20 percent of their vehicles with verified diesel-emission control devices (VDECs), which are designed for reduction of diesel PM emissions on used diesel equipment.

If a large or medium fleet is unable to meet the NOx target, it must turn over more than 10 percent of its fleet per year.

CIAQC and some equipment manufacturers predict the cost for retrofitting some individual machines could top \$1 million per unit.

Previously contractors had expressed concern over the availability of VDECs and new tier engines used to retrofit equipment and CARB responded with an exemption.

According to the regulations, an owner or operator who has purchased new equipment (including VDECs) or vehicles in order to comply with this regulation will be excused from immediate compliance if the new equipment or vehicles have not been received, due to manufacturing delays so long as a contractual agreement for

purchase was established six months prior to the required compliance date.

Both PM emissions and NOx targets decline over time, requiring fleets to reduce their emissions further and prove yearly documentation of compliance. Small fleets are required to report until 2026, while large/medium fleets must report until 2021.

All vehicles with engines subject to the regulations must be labeled with an ARB-issued equipment identification number.

Inspectors from the CARB and the local Air Pollution Control Districts will be responsible for enforcement.

Noncompliance to these regulations could equate to a daily \$5,000 to \$25,000 fine per engine in violation.

A noncompliant contractor would also not be given a certificate from CARB stating the company's fleet meets emissions targets.

According to Fauchier, CARB is using these certificates as a method of enforcement, as they are encouraging state and local agencies to not accept bids from noncompliant contractors.

The regulations also require off-road diesel vehicle operators to shut down their vehicles rather than keep idle for more than five minutes, unless such idling is necessary for proper operation of the vehicle.

The board was initially scheduled to make a final decision on whether to adopt the emissions standards during a hearing held May 25 in Del Mar, but further consideration of contractor comment was required.

Now that these regulations have been adopted, CARB is expected to craft similar standards for use on road diesel equipment.