

State of California
AIR RESOURCES BOARD

Notice of Public Availability of Modified Text

**PUBLIC HEARING TO CONSIDER AMENDMENTS TO THE VERIFICATION
PROCEDURE, WARRANTY AND IN-USE COMPLIANCE REQUIREMENTS FOR
IN-USE STRATEGIES TO CONTROL EMISSIONS FROM DIESEL ENGINES**

Public Hearing Date: January 28, 2010
Public Availability Date: September 22, 2010
Deadline for Public Comment: October 7, 2010

At its January 28, 2010, public hearing, the Air Resources Board (Board or ARB) approved the adoption of modifications to the Verification Procedure, Warranty and In-Use Compliance Requirements for In-Use Strategies to Control Emissions from Diesel Engines (the Procedure), contained in sections 2701-2707 and the adoption of section 2711, title 13, California Code of Regulations (CCR). The adopted modifications revise, clarify and provide guidance for specific requirements that pertain to the process for obtaining verification by ARB of devices or strategies to control emissions from in-use diesel engines.

The Board's Action

At the January 28, 2010, hearing, the Board adopted Resolution 10-3 (the Resolution, Appendix I), approving the modifications to the Procedure as proposed by staff. The approved modifications were attached to the Resolution as the Proposed Regulation Order (Attachment A), as modified by Attachment B. The Board directed staff to modify the regulatory language set forth in Attachment A of the Resolution with the amendments provided in Attachment B of the Resolution, along with other modifications as may be appropriate, and to make such modifications available for a supplemental comment period of at least 15 days. The Resolution (and its attachments) approving the modifications to the Procedure as proposed by staff are available online at the following ARB website: <http://www.arb.ca.gov/regact/2010/verdev2010/verdev2010.htm>

Background

In 1998, ARB identified diesel particulate matter (PM) as a toxic air contaminant (title 17, CCR, section 93000). In 2000, ARB adopted the Diesel Risk Reduction Plan (DRRP) with the goal of reducing PM emissions and their associated health risks by 85 percent by the year 2020. The DRRP identified a number of key measures to achieve this goal: more stringent standards for all new diesel-fueled engines and vehicles, retrofitting in-use diesel engines with diesel emission control systems (Systems or DECS), and the use of low-sulfur diesel fuel.

To support the DRRP, staff developed the Procedure for in-use DECS that was adopted by the Board in May 2002. The Procedure is used by staff to ensure that in-use DECS achieve real and durable PM and oxides of nitrogen emissions reductions. It specifies test procedures, warranty requirements, and in-use compliance testing requirements. Systems that meet all of the Procedure's requirements are verified and thus become candidate compliance options for ARB fleet regulations that require the control of diesel emissions from in-use fleets.

In-use fleet regulations rely on having verified DECS available to fleet owners as compliance options. Diesel vehicles and equipment for which regulations have already been adopted include transit buses (title 13, CCR, section 2023 et seq.), solid waste collection vehicles (title 13, CCR, section 2021 et seq.), vehicles that belong to public agencies and utilities (title 13, CCR, section 2022 et seq.), mobile cargo handling equipment at ports and intermodal rail yards (title 13, CCR, section 2479), transport refrigeration units (title 13, CCR, section 2477), off-road diesel equipment (title 13 CCR, section 2449 et seq.), and private on-road diesel vehicles (title 13, CCR, section 2025 et seq.). These regulations provide several paths to compliance, one of which is the installation of verified DECS. To support the successful implementation of these regulations, it is therefore critical for the Procedure to be an effective and efficient means to evaluate DECS. However, as the verification program has matured, staff has found that a number of amendments to the Procedure are necessary to better serve the needs of the in-use fleet regulations.

Modified Text Now Available for Comment

Staff has completed the modified regulatory text and is making it available for public comment (see Appendix II). The modifications being made available include both those in Attachment B to the Resolution (appearing in Appendix I) and additional conforming or related modifications prepared by staff after the hearing.

Some of the proposed modifications are either identical to text in Attachment B or implement a specific and approved modification in Attachment B; additional proposed modifications are new conforming modifications. Staff is proposing clarifying technical modifications to the regulatory text as needed to reflect the intent of the amendments as approved by the Board.

A more complete discussion of these proposed modifications is provided below. The proposed regulatory text, including staff's modifications, is appended to this notice as Appendix II. Additions to the initially noticed regulatory text are denoted by double underline and deletions by ~~double-strikeout~~.

In accordance with section 11346.8 of the Government Code, the Board directed the Executive Officer to adopt the modifications to sections 2701, 2702, 2703, 2704, 2705, 2706, 2707, and adopt section 2711, title 13, CCR, after making them available to the public for comment for a period of at least 15 days. The Board further provided that the Executive Officer shall consider such written comments as may be submitted during this

period, shall make such modifications as may be appropriate in light of comments received, and shall present the regulations to the Board for further consideration if warranted.

Summary of Proposed Modifications

The following explains and identifies the modifications by section number, and is provided to give stakeholders the opportunity to review and respond with comments.

Modifications to Title 13, CCR, Section 2702

Section 2702(d) Application Format

(8)(A)(A.5) Equipment Specifications and Calibrations: Staff included a clarification for applicants to follow the applicable test equipment calibrations and specifications as required by the appropriate test procedure.

Modifications to Title 13, CCR, Section 2703

Section 2703 Quality Control of Test Data

(I) Staff modified the text by removing a specific test procedure reference and replacing it with more appropriate general language directing the applicant to use the applicable test procedure as required in other sections of the Procedure.

Modifications to Title 13, CCR, Section 2704

Section 2704 Emission Tests Required for Durability Demonstration

Table 4. Staff modified the table to provide uniformity in acronym usage. The original text spelled out “transport refrigeration units” and “auxiliary power systems”. Staff replaced these with “TRU” and “APU” respectively.

Modifications to Title 13, CCR, Section 2706

Section 2706 Other Requirements

(h)(2) Staff modified the language to clarify that the applicant is required to provide DECS maintenance information to the owner only for routine maintenance practices.

(i)(2)(G)(2.) Staff removed the language “listed on device label” since in some cases the date of manufacture is not available on the label but rather through the device manufacturer by reference to the DECS serial number.

(I) Staff included language to clarify that an owner’s manual must be provided to ARB’s Executive Officer and, upon delivery of the DECS, to the end-user.

(l)(9) Staff added the requirement that statements be included in the owner's manual which stress the following:

- 1) The importance of proper engine maintenance for the proper functioning of a DECS.
- 2) The importance of proper record keeping during DECS maintenance and/or repair events.

(r)(1) Staff added clarifying language which requires that all DECS and related components be installed in the proper order relative to the exhaust flow.

(r)(3)(C)(iii) Staff extended the deadline for installation of DECS that do not comply with directionality requirements from July 1, 2010, to December 31, 2011, provided the DECS were manufactured prior to December 31, 2009.

(r)(3)(D) Staff included a provision to allow the applicant to request that the Executive Officers waive directionality labeling requirements for aftertreatment parts, with the exception of parts that have a diesel PM trapping mechanism.

(t) Staff added language clarifying that the party conducting the pre-installation compatibility assessment is the party responsible for ensuring that:

- a) Compatibility between the candidate engine and DECS is demonstrated and documented.
- b) The exhaust temperature is measured and recorded to ensure DECS exhaust temperature requirements are met.
- c) The end-user is provided with a written statement outlining all the pertinent DECS and engine data.

(t)(4) Staff modified the proposed language by removing the requirement that the owner must maintain oil consumption records for each retrofitted vehicle. Additionally, staff provided a list of basic actions the installer must follow in order to conduct a basic assessment of an engine's state of maintenance prior to installation.

Modifications to Title 13, CCR, Section 2707

Section 2707 Warranty Requirements

(b)(1) Staff added a statement to require that applicants must provide an owner's manual to each owner upon delivery of a DECS.

(c) Staff added language clarifying that a warranty report must be submitted to ARB within 30 calendar days if the warranty claim threshold of four percent is exceeded at any time.

Comments and Subsequent Action

Written comments on the modifications approved by the Board must be submitted by postal mail or electronic mail as follows:

Postal mail: Clerk of the Board, Air Resources Board
1001 I Street, Sacramento, California 95814

Electronic submittal: <http://www.arb.ca.gov/lispub/comm/bclist.php>

Please note that under the California Public Records Act (Gov. Code § 6250 et seq.), your written and oral comments, attachments, and associated contact information (e.g. your address, phone, email, etc.) become part of the public record and can be released to the public upon request. Additionally, this information may become available via Google, Yahoo, and any other search engines.

In order to be considered by the Executive Officer, comments must be directed to ARB in one of the two forms described above and received by ARB by 5:00 p.m., on the deadline date for public comment listed at the beginning of this notice. Only comments relating to the above-described modifications to the text of the regulations shall be considered by the Executive Officer.

If you need this document in an alternate format (i.e., Braille, large print, etc.) or another language, please contact the Clerk of the Board at (916) 322-5594 or by facsimile at (916) 322-3928 no later than five (5) business days from the release date of this notice. TTY/TDD/Speech to Speech users may dial 711 for the California Relay Service.

Si necesita este documento en un formato alterno (por decir, sistema Braille, o en impresión grande) u otro idioma, por favor llame a la oficina del Secretario del Consejo de Recursos Atmosféricos al (916) 322-5594 o envíe un fax al (916) 322-3928 no menos de cinco (5) días laborales a partir de la fecha del lanzamiento de este aviso. Para el Servicio Telefónico de California para Personas con Problemas Auditivos, ó de teléfonos TDD pueden marcar al 711.

Appendices (2)

I – Resolution 10-3

II –Staff’s Modifications to the Original Proposed Regulation Order

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see ARB’s website at www.arb.ca.gov.