

APPENDIX A

Proposed Regulation Order

Proposed Regulation Order

Amend the following sections of title 13, California Code of Regulations, to read as set forth in the following pages:

Amend:	
Section 2021.2	Methods for Determining Compliance for an Owner of Solid Waste Collection Vehicles

NOTE: This document is printed in a style to indicate changes to the preexisting regulation. The proposed amendments are shown in underline to indicate additions and ~~strikeout~~ to indicate deletions. The symbol “* * * * *” means that intervening text not being amended is not shown. Subsection headings are shown in italics and should be italicized in Barclays California Code of Regulations.

The text of sections 2020 and 2021, with amendments approved by the Board at its February 24, 2005 hearing but not yet final, is provided for information only. Amendments approved at that hearing to add language are shown in *italic underline*, and amendments deleting language are shown in *~~italic strikeout~~*.

§ 2020. Purpose and Definitions of Diesel Particulate Matter Control Measures

- (a) *Purpose.* Diesel particulate matter was identified in 1998 as a toxic air contaminant. According to California law, an airborne toxic control measure using the best available control technology shall, therefore, be employed to reduce the public's exposure to diesel particulate matter.
- (b) *Definitions.* For the purposes of the rules specified in article 4, the following definitions apply:

"Alternative fuel" means natural gas, propane, ethanol, methanol, gasoline (when used in hybrid electric buses only), hydrogen, electricity, fuel cells, or advanced technologies that do not rely on diesel fuel. "Alternative fuel" also means any of these fuels used in combination with each other or in combination with other non-diesel fuels.

"Commercially available" means available for purchase and installation at a reasonable cost.

"Heavy-duty pilot ignition engine" means an engine designed to operate using an alternative fuel, except that diesel fuel is used for pilot ignition at an average ratio of no more than one part diesel fuel to ten parts total fuel on an energy equivalent basis. An engine that can operate or idle solely on diesel fuel at any time does not meet this definition.

"Level" means one of three categories of Air Resources Board-verified diesel emission control strategies: Level 1 means the strategy reduces engine diesel particulate matter emissions by between 25 and 49 percent, Level 2 means the strategy reduces engine diesel particulate matter emissions by between 50 and 84 percent, and Level 3 means the strategy reduces engine diesel particulate matter emissions by 85 percent or greater, or reduces engine emissions to less than or equal to 0.01 grams diesel particulate matter per brake horsepower-hour.

"Municipality" means a city, county, city and county, special district, or a public agency of the United States of America or the State of California, and any department, division, public corporation, or public agency of this State or of the United States, or two or more entities acting jointly, or the duly constituted body of an Indian reservation or rancheria.

"Owner" means the same as in title 13, California Code of Regulations, section 2180.1(a)(21).

~~“Retirement” or “Retire” means an engine or vehicle will be withdrawn from an active fleet in California. The engine may be sold outside of California, scrapped, or used in a backup vehicle.~~

“Transit agency” means a public entity responsible for administering and managing transit services. Public transit agencies can directly operate transit service or contract out for all or part of the total transit service provided.

“Terminal” means any place or places where a vehicle is regularly garaged or maintained, or from which it is operated or dispatched, which may include a private business or residence.

“Verified” means that a diesel emission control strategy or system has received approval from the Executive Officer according to the “Verification Procedure for In-Use Strategies to Control Emissions from Diesel Engines” in title 13, California Code of Regulations, commencing with section 2700, and incorporated by reference.

“Warranty Period” means the same as in title 13, California Code of Regulations, section 2707.

NOTE: Authority cited: Sections 39600 and 39601, Health and Safety Code. Reference: Sections 39002, 39003, 39650-39675, 43000, 43013, 43018, 43101, 43102, 43104, 43105 and 43700, Health and Safety Code.

§ 2021. Solid Waste Collection Vehicles

- (a) *Scope and Applicability.* Sections 2021 and 2021.1 shall apply to municipalities that have a contract with owners for residential and commercial solid waste collection service. Sections 2021 and 2021.2 shall apply to solid waste collection vehicle owners, both private and government entities. These regulations mandate the reduction of diesel particulate matter emissions from 1960 to 2006 model year engines in on-road diesel-fueled heavy-duty residential and commercial solid waste collection vehicles with a manufacturer’s gross vehicle weight rating greater than 14,000 pounds.
- (b) *Definitions.* The definitions in Section 2020 shall apply to sections 2021, 2021.1, and 2021.2. In addition, the following definitions apply only to sections 2021, 2021.1, and 2021.2.

“Active fleet” means the total, by terminal, of an owner’s collection vehicles, excluding backup vehicles.

“Backup vehicle” means a collection vehicle that is driven fewer than 1000 miles annually.

“Contract” means an agreement between an owner and a municipality to perform residential or commercial solid waste collection services, in which the contractor’s compensation for providing services, or a formula for determining compensation, is specified.

“Contractor” means an owner with a contract as defined in this section.

“Residential and commercial solid waste” means all putrescible and nonputrescible solid, and semisolid wastes, including garbage, trash, refuse, rubbish, ashes, yard waste, recyclable materials, industrial wastes, demolition and construction wastes, abandoned vehicles and parts thereof, discarded home and industrial appliances, manure, vegetable or animal solid and semisolid wastes, and other discarded solid and semisolid wastes originating from single-family or multiple family dwellings, stores, offices, and other commercial sources, and construction and demolition projects in residential and commercial zones, not including hazardous, radioactive, or medical waste.

“Retirement” or “Retire” means an engine or vehicle will be withdrawn from an active fleet in California. The engine may be sold outside of California, scrapped, or used in a backup vehicle.

“Roll off vehicle” means any heavy-duty vehicle used for transporting waste containers such as open boxes or compactors that may be removed from the tractor.

“Solid waste collection vehicle or collection vehicle” means an on-road heavy-duty vehicle with a manufacturer’s gross vehicle weight rating of greater than 14,000 pounds used for the purpose of collecting residential and commercial solid waste for a fee, including roll off vehicles.

“Total Fleet” means the total of an owner’s collection vehicles, excluding backup vehicles.

NOTE: Authority cited: Sections 39600 and 39601, Health and Safety Code. Reference: Sections 39002, 39003, 39650-39675, 43000, 43013, 43018, 43101, 43102, 43104, 43105, and 43700, Health and Safety Code.

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§ 2021.2. Methods for Determining Compliance for an Owner of Solid Waste Collection Vehicles.

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(g) *Purchase Requirements for an Owner Who Operates One or More Collection Vehicles in the South Coast Air Quality Management District.*

(1) When purchasing a collection vehicle or collection vehicle engine, or leasing a collection vehicle for an active fleet that operates within the jurisdiction of the South Coast Air Quality Management District, an owner shall comply with best engine selection/technology requirements as follows:

(A) A California-certified engine that meets the applicable criterion specified in subsection (g)(2), or

(B) A California-certified engine with a verified diesel emission control strategy that reduces emissions of NOx and PM to the applicable criterion specified in subsection (g)(2), as determined by the verified performance of the strategy and engine combination.

(2) The best engine selection/technology is defined by the following criteria:

(A) *2005-2006 Model Year Engine:* The collection vehicle shall be equipped with an engine certified to the optional NOx plus NMHC standard of 1.8 g/bhp-hr or lower and to the corresponding PM standard of 0.03 or lower g/bhp-hr as specified in title 13, California Code of Regulations, section 1956.8 (a)(2)(A).

(B) *2007 and subsequent Model Year Engine:* Beginning January 1, 2007, the collection vehicle shall be equipped with an engine certified to the 2007 and subsequent standards specified in title 13, California Code of Regulations, section 1956.8 (a)(2)(A), provided the declared NOx FEL of the engine does not exceed 0.20 g/bhp-hr and the declared PM FEL of the engine does not exceed 0.01 g/bhp-hr or meet these specified requirements using the combination of technologies as specified in subsection (g)(1)(B).

(3) *Exemptions.* The Executive Officer shall grant an exemption from the provisions of subsection (g) to an owner demonstrates to the Executive Officer's reasonable satisfaction that the owner meets one of the conditions specified below. In order to qualify for an exemption, the owner must apply to the Executive Officer in writing at least 120 days prior to committing to the purchase of a non-compliant vehicle or engine.

An owner may apply to the Executive Officer for an exemption to the provisions of section (g)(1) for the conditions specified below. An owner shall apply to the Executive Officer in writing at least 120 days prior to committing to the purchase of a non-compliant vehicle or engine.

- (A) *Compliant technology not available.* An owner shall demonstrate that no compliant engine and chassis configuration or verified diesel emission control strategy is commercially available for purchase or lease by providing information including, but not limited to, the bid specifications of the vehicle, the number of vehicles, a list of all manufacturers that have been solicited and all responses. The owner shall in addition list the manufacturer, model, rated horsepower, rated torque, and fuel type of the engines the owner proposes to purchase or lease.
- (B) *Compliant technology available but cannot be used.* An owner shall demonstrate why commercially available technology cannot be used and in addition shall provide a list of vehicles proposed to be purchased or leased instead that includes the manufacturer, model, rated horsepower, rated torque, and fuel type of the engines.
- (C) *Fuel Not Available.* An owner may apply for an exemption if an owner's only option for compliance is to purchase an alternative-fueled vehicle but the required fuel is not available. The owner shall describe why the fuel is not available with reasons including, but not limited to, the locations of the nearest public fueling station and reasons why the owner cannot build its own fueling station. The owner must list all public stations located at transfer stations and landfills that it can access. The Executive Officer shall not grant an exemption if the Executive Officer determines that fuel is sufficiently available at these transfer stations and landfills.

(g)(h) *Non-Compliance.* The Executive Officer or his/her designee may bring an action for civil penalties as specified in state law and regulations, including, but not limited to, Health and Safety Code Section 39674, for any violation of this section.

(i) *Severability.* Each provision of this section is severable, and in the event any provision is held invalid, the remainder remains in full force and effect.

NOTE: Authority cited: Sections 39600, 39601, and 39658, Health and Safety Code. Reference: Sections 39002, 39003, 39650 through 39675, 43000, 43013, 43018, 43101, 43102, 43104, 43105 and 43700, Health and Safety Code.