

State of California
AIR RESOURCES BOARD

**Notice of Public Availability of Modified Text, Availability of
Additional Documents and Information and Availability of
References, to which Corrections Have Been Made, that Were
Listed in the Initial Statement of Reasons.**

PUBLIC HEARING TO CONSIDER THE ADOPTION OF PROPOSED AMENDMENTS
TO THE REGULATION TO REDUCE EMISSIONS OF DIESEL PARTICULATE
MATTER, OXIDES OF NITROGEN AND OTHER CRITERIA POLLUTANTS FROM
IN-USE ON-ROAD DIESEL-FUELED VEHICLES AND TO THE REGULATION TO
REDUCE EMISSIONS FROM IN-USE ON-ROAD DIESEL-FUELED HEAVY-DUTY
DRAYAGE TRUCKS AT PORTS AND INTERMODAL RAIL YARD FACILITIES

Public Hearing Date: December 17, 2010
Public Availability Date: May 19, 2011
Deadline for Public Comment: June 3, 2011

At its December 17, 2010, public hearing, the Air Resources Board (ARB or Board) considered proposed amendments to the Regulation to Reduce Emissions of Diesel Particulate Matter, Oxides of Nitrogen and Other Criteria Pollutants from In-Use Heavy-Duty Diesel-Fueled Vehicles (Truck and Bus regulation) California Code of Regulations (Cal. Code Regs.), title 13, section 2025 and the regulation for In-Use On-Road Heavy-Duty Diesel-Fueled Drayage Trucks at Ports and Intermodal Rail Yard Facilities (Drayage Truck regulation), Cal. Code Regs., title 13, section 2027. At the hearing, the Board directed staff to propose additional modifications to both regulations. This notice is an announcement of the opening of a 15-day comment period in which the public may provide comments on the proposed modifications to the Truck and Bus regulation and the Drayage Truck regulation, on the availability of additional documents and information, and availability of references, to which corrections have been made, that were listed in the Initial Statement of Reasons (Staff Report).

I. The Board's Action

At the hearing, the Board adopted Resolution 10-44 and Resolution 10-45 that respectively covered the proposed amendments to the Truck and Bus and the Drayage Truck regulations. The Board adopted Resolution 10-44 after considering the amendments to Cal. Code Regs., title 13, section 2025 as initially proposed by staff and covered by the Notice of Public Hearing (45-Day Public Notice) and Staff Report, which were initially published on October 19, 2010, and staff's suggested changes to the proposed amendments (Attachment B to the resolution), which were made in response

to comments received before the Board hearing regarding staff's initial proposal. The Board directed the staff to modify the initially proposed amendments consistent with the suggested modifications in Attachment B and the Board's findings as set forth in the resolution.

The Board adopted Resolution 10-45 after considering the amendments to Cal. Code Regs., title 13, section 2027 initially proposed by staff and covered by the 45-Day Public Notice and Staff Report, and directed that the proposed amendments be modified consistent with the Board's findings therein.

Both resolutions directed the Executive Officer to make the modifications to the initially proposed amendments to the two regulations available for public comment for a period of 15 days, that he consider written comments submitted during the 15-day comment period, make such further modifications as may be appropriate in light of the comments received, and that he should return to the Board for further consideration if he determines that this is warranted.

Both resolutions further directed the Executive Officer to prepare and approve written responses to comments received, including comments raising significant environmental issues, as required by Government Code section 11346.9, Public Resource Code section 21080.5(d)(2)(D), and Cal. Code Regs., title 17, section 60007, to determine whether there are feasible alternatives or mitigation measures that could be implemented to reduce or eliminate any potential adverse environmental impacts, while at the same time addressing the serious economic recession and its impact on industry and residents of the State, to make findings as required by Public Resources Code section 21081 if the proposed amendments would result in one or more significant adverse environmental effects, and to take final action to adopt the proposed amendments to the Truck and Bus regulation and Drayage regulation, as modified in the publicly noticed 15-day changes.

Resolutions 10-44 and 10-45 are available online at the following ARB website: <http://www.arb.ca.gov/regact/2010/truckbus10/truckbus10.htm>.

Printed copies may be obtained by contacting Ms. Gloria Lindner, Mobile Source Control Division, at (916) 323-2803.

A. Background of Modifications to the Initially Proposed Amendments to the Truck and Bus Regulation

In an update to the Board on December 9, 2009, a staff analysis showed that because of the global recession, emissions from trucks and buses covered by the regulation were lower than originally anticipated. The Board directed staff to propose amendments to the Truck and Bus regulation that would provide additional compliance flexibility for fleets without impairing the State's ability to meet national ambient air quality standards (NAAQS).

Staff presented proposed amendments to the Truck and Bus regulation at the December 17, 2010 Board hearing. Among other things, staff's proposed amendments delayed the initial particulate matter (PM) filter requirements by one year to January 1, 2012 and extended the time for vehicles with PM filters to comply. The amendments also deferred the initial engine replacement requirements for two years until January 1, 2015. Prior to 2020, replacements would be limited to 20 year old or older vehicles that are not equipped with PM filters. By January 1, 2023, most vehicles would still need to be equipped with 2010 model year or emissions-equivalent engines. The staff proposal also exempted lighter school buses (those with GVWR of 26,000 pounds or less) from the PM filter requirement.

At the hearing, staff also recommended additional modifications that were made after the Truck and Bus Staff Report was initially published (Attachment B to Resolution 10-44). The additional changes included: modifying the compliance dates for the 1996, 1997 and 2000 model year engines, adding credits for the early purchase of newer engines, delaying implementation of requirements for vehicles that operate exclusively in Oxides of Nitrogen (NOx) exempt areas, adding an extension for fleets that equip all engines in the fleet with PM filters by January 1, 2014, and delaying the PM phase-in schedule for low mileage construction trucks. Staff also proposed to develop a method to allow fleets to use credits accrued in the Off-Road In-Use Diesel Vehicle regulation, Cal. Code Regs., title 13, Section 2449 or the Truck and Bus regulation for installing retrofits beyond what is required under the respective regulations to count towards compliance in the other regulation. The Board directed staff to make these modifications available for public comment.

The Board further directed staff to also make available for public comments several additional changes, including expanding the definition of NOx exempt areas to include northern Sonoma County; providing additional compliance flexibility for fleets with low-mileage construction trucks fleets, to the extent feasible without compromising emission reductions necessary to achieve attainment with NAAQS; and retaining the PM filter requirements for lighter school buses. The modified text for the Truck and Bus regulation being made available for public comment is described below in section 'II. A.' and in Attachment 1.

B. Background of Modifications to the Initially Proposed Amendments to the Drayage Truck Regulation

Staff's proposed amendments to the Drayage Truck regulation presented during the December 17, 2010 Board hearing expanded the definition of a drayage truck to include smaller class 7 trucks with a gross vehicular weight rating of 26,001 lbs. to 33,000 lbs. and to include trucks operating off of port or rail yard properties that haul cargos that are bound for or that originated from a port or intermodal rail yard. Staff further proposed to: add a regulatory sunset date of 2017; require class 7 drayage trucks to operate with a Level 3 diesel particulate filter after December 31, 2013; require drayage truck operators to identify cargo origins and destinations; and eliminate the Phase 2 requirement that mandates drayage trucks to meet 2007 or newer emission standards after December, 31, 2013. Lastly, staff proposed amendments to clarify that certain

record keeping and reporting requirements would continue to only apply to trucks operating on port or rail yard grounds.

The Board directed staff to modify the proposed amendments to the Drayage Truck regulation and make those modifications available for public comment. The modifications included: (1) retaining the Phase 2 provision that requires the drayage fleet to meet 2007 or newer engine emission standards after December 31, 2013, (2) requiring class 7 trucks that operate in the South Coast Air Basin to be equipped with a level three diesel particulate filter after December 31, 2011, and (3) requiring all class 7 trucks to meet the Phase 2 requirement after December 31, 2013. To conform to the above modifications, staff is proposing that the initially proposed December 31, 2016 sunset date be changed to December 31, 2022. The modified text for the Drayage Truck regulation being made available for public comment is described under section 'B' below and in Attachment 2.

II. The Modified Text Being Made Available for Public Comment

A. Truck and Bus Regulation – Attachment 1

Attachment 1 to this notice contains the proposed regulatory text showing the modifications to the initially proposed text of the Truck and Bus Regulation that was made available at the time of the 45-Day Public Notice. Additions to the initially proposed language are shown in double underline and deletions are shown in ~~double strikeout~~. Text that is both ~~single underlined and double struck through~~ is text that staff proposed during the 45 day public notice period but later retracted as part of this 15-day public notice period.

The following is a summary of proposed modifications to the regulatory text, but it does not describe editorial number reformatting and minor grammatical changes.

B. Summary of Proposed Modifications to the Truck and Bus Regulation

1. Scope and Applicability: section 2025(b)

Staff revised language in this section for clarification. The addition of the term “used for agricultural operations” adds clarity because these are the only yard goats with off-road engines that are within the scope of the regulation. All other yard goats with off-road engines are exempt because they are already subject to Cal. Code Regs., title 13, section 2449. The abbreviation for pounds (lbs) was added to the text to improve clarity and maintain internal consistency.

2. Exemptions: section 2025(c)

Vehicles owned by a Municipality: section 2025(c)(2)

The term “On-road diesel-fueled heavy-duty vehicles over 14,000 pounds” was deleted because it is already defined within section 2025(b), which covers general scope and applicability.

Off-road Vehicles: section 2025(c)(7)

The exemption definition for off-road vehicles has been clarified to specifically include only the vehicles equipped with engines that are covered by the cited sections.

Two Engine Cranes: former section 2025(c)(9)

The section was deleted and incorporated with the changes made to 2025(c)(13)

Drayage Trucks: renumbered section 2025(c)(11)

The change in the date that Drayage Trucks would be exempt from the Truck and Bus regulation is being changed for consistency with the amendments being made to the Drayage Truck regulation commencing with Cal. Code Regs., title 13, section 2027 that changes the date that the Drayage Truck regulation will sunset to January 1, 2023. Drayage trucks will become subject to the Truck and Bus regulation requirements to be equipped with a 2010 model-year emissions equivalent engine commencing January 1, 2023. Therefore, it is no longer appropriate to go back to the original January 1, 2021 date for the exemption.

On-road Vehicles Subject to the In-Use Off-road Regulation: renumbered section 2025(c)(13)

The modifications delete the express exemptions for two-engine cranes and two-engine water well drilling rigs, which were respectively covered in former sections 2025(c)(9) and (14). These exemptions are now incorporated in the new language of renumbered section 2025(c)(13) to provide clarity as to the types of vehicles that are exempt because they must all comply with the Off-Road In-Use Diesel Vehicle Regulation.

Lighter School Buses: former section 2025(c)(15)

The exemption for school buses with a GVWR greater than 14,000 lbs and less than 26,001 lbs specified in former section 2025(c)(13) has been deleted because the Board did not approve the proposed change to exempt lighter school buses.

Staff also made minor changes to the text of sections 2025(c)(2), and 2025(c)(3), and to renumbered sections 2025(c)(11) and 2025(c)(12) to improve clarity and maintain internal consistency.

3. Definitions: section 2025(d)

2006 Baseline Fleet: section 2025(d)(1)

The definition of the 2006 Baseline Fleet was revised for clarity, with no intent to change the meaning of the section.

2007 Model Year Emissions Equivalent: section 2025(d)(2)

Section 2025(d)(2)(A) was reorganized and restructured for clarity, description of former section 2025(d)(2)(A)2. renumbered as 2025(d)(2)(B). Former section 2025(d)(2)(B) was deleted because it was redundant with former section 2025(d)(2)(A). A new section 2025(d)(2)(C) replaces the definition that was inadvertently deleted when the original staff proposal was made.

2010 Model Year Emissions Equivalent: section 2025(d)(3)

Section 2025(d)(3)(A) was reorganized and restructured so that the description of former section 2025(d)(3)(A)(2) would be renumbered as 2025(d)(3)(B) for clarity. Renumbered sections 2025(d)(3)(C) and 2025(d)(3)(D) edits were made to clarify that that 2010 model year emissions equivalent engines must meet PM BACT. Renumbered section 2025(d)(3)(E) was modified to clarify the equivalent engine emissions certification level for PM by adding “and 0.01 g/bhp-hr or less PM emissions level”.

Agricultural Vehicles: section 2025(d)(5)

Section 2025(d)(5)(A) has been reorganized to improve readability. Section 2025(d)(5)(B) has been modified to clarify the definition of agricultural vehicles used in bee keeping operations to also include vehicles used to transport honey to the processor. Section 2025(d)(5)(E) was modified to clarify that yard trucks and other vehicles that operate between the farm and the first point of processing are eligible.

Farming Business: section 2025(d)(26)

Section 2025(d)(26) the definition of a farming business was modified so that farming businesses include farm management companies that do not own or rent land but the term “exclusively” was added so that the definition would not apply to companies that periodically cultivate land or provide some farm related services.

Fleet: section 2025(d)(28)

Changes in this section were made for clarity and consistency.

Fuel Efficient Hybrid Vehicle: section 2025(d)(31)

The section language was modified for clarity.

Gross Vehicle Weight Rating: section 2025(d)(33)

The term “gross vehicle weight rating” was added for clarity and the definition language was deleted and replaced with a reference to Vehicle Code Section 350 to ensure consistency with the motor vehicle code.

Historic Vehicle: section 2025(d)(36)

The section language was modified to clarify that a historic vehicle must also have a historic vehicle license plate and that a vehicle does not meet the definition if it is registered for commercial use.

Log Truck: section 2025(d)(39)

The section language was modified for clarity.

Low-Mileage Construction Trucks: Renumbered section 2025(d)(40)

A new definition was added to identify the types of construction trucks that would qualify for a newly added provision to delay compliance with the PM BACT requirements for two years for trucks that travel below annual mileage limits. These trucks include dump trucks, cement trucks, and trucks owned by licensed contractors. The annual mileage limits vary by truck type. The change in the definition in combination with the language added in a new section 2025(p)(2) is in response to the Board directive to develop a more flexible compliance option for construction trucks than staff presented at the hearing.

Low-Use Vehicle: Renumbered section 2025(d)(41)

The definition of a low-use vehicle in section 2025(d)(40) has been renumbered as 2025(d)(41). The text has also been modified and reorganized to clarify when mileage or hours of operational use are to be used in determining whether a vehicle qualifies as low-use. The definition was also modified to clarify that if engine power is used through what is commonly known as a power-take-off system (PTO) or another mechanism, such as a transfer case, that is not referred to as PTO, the hours of operation would still be limited because the intent is to limit engine emissions. Also, language was added to more clearly identify uses of PTO or engine power that do not result in significant emissions and are incidental to the operation of the vehicle. This change reduces reporting and record keeping requirements for fleet owners with no impact on emissions. The change also allows fleet owners to document and report either engine hour or PTO hours so that fleets can rely on existing maintenance records, tax forms or other existing business practices to meet the reporting and record keeping requirements. In addition, the modification removes text that is redundant with requirements addressed in the reporting sections of the regulation.

NOx Exempt Areas: renumbered section 2025(d)(46)

The definition of NOx Exempt Areas, formerly defined in section 2025(d)(55), was modified to include the northern portion of Sonoma County because it is in the Federal attainment area. In part, this change was made because log trucks and other trucks have no practical way to stay in the NOx exempt areas as originally defined because of limited roadway options in the region travel through northern Sonoma County. By including northern Sonoma County as a NOx Exempt Area, fleets would avoid having to take significantly longer routes to take advantage of the provision. Northern Sonoma County is now in attainment of the federal air quality standards and is not an emissions transport couple to areas that are not in attainment which is consistent with the areas already included in the NOx Exempt Area definition.

PM BACT: renumbered section 2025(d)(48)

The definition was modified for clarity and consistency.

Specialty Agricultural Vehicle: renumbered section 2025(d)(54)

The date in former section 2025(d)(53) was removed because it is more appropriately located in the requirements section. The definition of a feed mixer truck in renumbered

section 2025(d)(54)(D) was modified to clarify that feed supply trucks that are used to restock storage silos are not eligible since they do not dispense feed to cattle. A new definition was added in a newly created subsection 2025(d)(54)(E) to identify lettuce harvest trucks commonly known as a Fabco trucks as eligible for the exemptions. The lettuce harvest trucks are custom-made vehicles with moving chain beds designed specifically for lettuce harvest. There may be about 100 in the state. Expanding the types of trucks that can qualify for the specialty vehicle definition does not result in increased emissions because the number of specialty truck exemptions are capped by the regulation. Therefore, no more specialty truck exemptions will be approved as a result of the change.

Three Day Pass: Renumbered section 2025(d)(55)

The language describing the requirements to use the exemptions was removed from the definition and moved into the requirements section.

Two-Engine Sweeper: renumbered section 2025(d)(58)

The definition was modified for consistency and to clarify that the definition applies to sweepers used both on road surfaces and other surfaces such as construction sites or parking lots.

Unique Vehicles: former section 2025(d)(58)

The definition of a unique vehicle has been deleted from former section 2025(d)(58). The language is not needed since the description of the compliance extension for unique vehicles section 2025(p)(2) of the regulation incorporates the criteria to be used to define a unique vehicle.

4. General Requirements: section 2025(e)

Staff made changes to renumbered section 2025(e)(1) to clarify which requirements apply to school buses and to clarify the GVWR that applies. The deleted text removes references to reporting requirements that are already addressed in other sections, and deletes text referring to provisions that are now grouped in section 2025(e)(5). The reporting requirements and exemptions and extensions in section 2025(e)(2) were moved to section 2025(g)(5). In section 2025(e)(4), the compliance date for drayage trucks was changed for consistency with the change already described for section 2025(c)(11) and references to the appropriate subsections was added for clarity. Renumbered section 2025(e)(6) was modified to clarify that it also applies to fleets that comply with section 2025(g), and additional language was added to clarify that credits or provisions that cannot be determined without having information about the entire fleet can only be used if all vehicles in the fleet are reported. Changes to renumbered section 2025(e)(7) were made for clarity and to include reference to newly added sections.

5. Requirements for Vehicles with a GVWR 26,000 pounds or less:
section 2025(f)

The first paragraph was added to clarify that record keeping is required but that reporting is not. In addition, a sentence was added to remind readers that school buses must comply with a different requirement. Former section 2025(f)(2) was deleted because it is not adding any new information. Former section 2025(f)(3) was deleted because the reporting requirements are now addressed in the first paragraph. Renumbered section 2025(f)(2) was modified to improve clarity and to specify that the reporting requirement only applies to the vehicle that is equipped with a PM filter prior to 2014 rather than the fleet. Newly added section 2025(f)(3) clarifies that the agricultural provisions and the extensions of 2025(p) are the only other alternative compliance options for vehicles with a GVWR 26,000 lbs or less. In newly added section 2025(f)(4), an extension was added to delay the 2010 model year emissions equivalent engine requirements until 2023 if all lighter trucks are equipped with PM filters by 2014. This change was made for consistency with the addition of a similar credit for heavier vehicles.

6. Requirements for Vehicles with a GVWR greater than 26,000 pounds:
section 2025(g)

Changes were made to the first paragraph in 2025(g) to clarify that if fleets with heavier trucks meet the requirements in Table 2 then no reporting is required. In addition, language was added to clarify that fleets may alternatively choose to comply using the phase-in option of section 2025(i). In Table 2, the engine model year groups were restructured to “1996-1999,” “2000-2004,” and “2007 and newer.” With the change, 1996 to 1997 model year engines would be required to have PM filters by 2012 and to upgrade to 2010 model year emission equivalent engines by 2020. The change would achieve additional emissions reductions and would offset emissions increases from additional provisions for low mileage construction trucks and additional credits for the early purchase of newer engines without increasing emissions in 2014. This modification would also delay the compliance requirements for 2000 model-year engines by one year so that these vehicles remain eligible for incentive funding.

In section 2025(g)(2), the first sentence was deleted because it did not add any new information. Section 2025(g)(3) was modified for clarity and to remove the redundancy with the term “PM BACT,” and the subsections were renumbered to the appropriate format. Section 2025(g)(4) was modified to clarify that the provision is applicable to the engine and not the vehicle and otherwise to improve readability. Language was also added to clarify that fleets must meet the reporting requirements by January 31, 2014 to use the exemption, which allows fleets to report individual vehicles even if the fleet has not previously been required to report under section 2025(r). A new section 2025(g)(5) was added to clarify which exemptions or extensions could be used with this compliance option. A new section 2025(g)(6) was added to clarify that the extension for unavailability of the highest level verified diesel emission control strategy (VDECS) is applicable to 1996 model year and newer engines that are subject to the PM BACT requirements.

7. Small Fleet Compliance Option: section 2025(h)

The first paragraph was modified to better describe the small fleet option. The last sentence was deleted because it is repetitive with the requirements described in the immediately following sections 2025(h)(1) and 2025(h)(2). The language of section 2025(h)(1) was modified and reorganized to emphasize and clarify the yearly requirements for small fleets. The latter part of the language in section 2025(h)(2) that requires small fleets to meet the 2010 model year emission equivalent requirement of the engine model year compliance table was moved to its own section, 2025(h)(6). Former section 2025(h)(3) was moved to newly added section 2025(h)(7). Renumbered sections 2025(h)(3) and 2025(h)(4) were modified to be aligned with the changes made to Table 2 in section 2025(g) so that small fleets must report to claim the exemption in the years where other fleets would be required to comply with the model year compliance schedule. A new section 2025(h)(8) was added to clarify that small fleets can also utilize the agricultural vehicle provision and the extensions and exemptions of 2025(p). Finally, a new section 2025(h)(9) was added to clarify that the extension based on the unavailability of highest level VDECS is available for all engine model years in the fleet.

8. Phase-in Option: section 2025(i)

The words “for large fleets” of the title in section 2025(i) “Phase-in Option for Large Fleets” was deleted to clarify that any size fleet may utilize the option and the first paragraph was modified for clarity. Language was added to section 2025(i)(1) to clarify that all vehicles must meet PM BACT by January 1, 2016, and then must upgrade to 2010 model year engine emissions as required in section 2025(g) starting January 1, 2020. The requirements in Table 3 were modified so that the percentage schedule applies to meeting PM BACT. The change to the table was made in combination with the addition of a new section 2025(i)(6) to clarify that fleets could still take advantage of the delay based on the unavailability of the highest level VDECS for all vehicles in the fleet. In section 2025(i)(2), the term “in each model year group” was deleted to eliminate the inconsistency because the number of engines used in the calculation are based on the entire fleet of vehicles and not model year groups. Section 2025(i)(3) was modified to clarify that vehicles that were purchased, repowered or retrofitted with public funds would not count towards compliance until the funding contract emissions surplus period ends. In newly added section 2025(i)(5), language was added to identify which credits and exemptions may be used under this option. New section, 2025(i)(6) was added to clarify that the extension based on unavailability of highest level VDECS is applicable with this option. Finally, former section 2025(i)(5) was deleted from the section and moved to section 2025(j)(1).

9. Credits for Fleets that have Downsized, Early PM Retrofits, Hybrid Vehicles, Alternative Fueled Vehicles, Vehicles with Heavy-Duty Pilot Ignition Engines, and Early Addition of Newer Vehicles: section 2025(j)

Staff inserted “Fleets that have Downsized” and “Early addition of newer vehicles” to the title of section 2025(j), as shown above. The language in section 2025(j)(1) was added to clarify that the credit would apply to the phase-in option of section 2025(i). The

second portion of section 2025(j)(1)(C) was split into a new section 2025(j)(1)(D) and additional language was added to clarify that vehicles that were partially funded by public funds, drayage trucks and on-road vehicle that are now subject to the In-Use Off-road Diesel vehicle regulation would continue to be counted in determining the fleet size for purposes of determining the credit so that credit is not given in terms of a fleet size reduction simply because vehicles are in a different regulation and the number of vehicles in the fleet has not declined.

Section 2025(j)(2) was modified for clarity. The part of the first paragraph that addresses actions taken on vehicles with a GVWR from 14,000 lbs to 26,000 lbs was deleted and moved into each section that describes the action.

In section 2025(j)(2)(A), the option to make a 20 percent deposit was added so the fleets would not need to pay in full to qualify for the credit, and the date for which the VDECS must be installed was extended one month, to October 1, 2011, to ensure that fleets have sufficient time to install the VDECS. In addition, the reporting date was added to clarify that fleets must report by January 31, 2012 to claim the credit and must meet the record keeping requirements.

Staff added, alternative fueled or heavy-duty pilot ignition engines to section 2025(j)(2)(B) and deleted former section 2025(j)(1)(C), in which the credit for these vehicles was formerly set forth. Staff also added language to clarify that alternative fueled engines or heavy-duty pilot ignition engines must be counted when determining the number of vehicles in the fleet if the vehicles are reported for claiming credits.

A new section 2025(j)(2)(C) was added to allow credits granted in the Off-Road In-Use Diesel Vehicle regulation to be counted in the Truck and Bus regulation and vice versa for each compliance year. PM filters installed on off-road vehicles that go beyond the compliance requirements in the Off-Road In-Use Diesel Vehicle regulation, would earn credits that can be used towards compliance with the Truck and Bus regulation. Similarly credits could be earned in the Truck and Bus regulation that could be used to comply with the Off-Road In-Use Diesel Vehicle regulation.

Section 2025(j)(3) was added as a new credit for the early addition of newer vehicles to the fleet for vehicles greater than 26,000 pounds. The credit would allow the fleet to delay compliance for other vehicles in the fleet if using the phase-in option of section 2025(i). The language includes a method to calculate the credit amount that is based on the average age of the fleet. Fleets with a newer average age than in the 2006 baseline fleet receive a credit that counts towards compliance with the PM BACT requirements of section 2025(i). The credit method estimates what proportion of the fleet was replaced with vehicles equipped with original equipment PM filters, earlier than normal business practices based on the age difference of the fleet. The maximum credit would initially be limited to the number of 2007 model year or newer engines that are in the fleet prior to January 1, 2012.

In renumbered section 2025(j)(4), language was added to allow fleets to retain the credits if the vehicle that is retrofitted or purchased early needs to be replaced during the compliance year.

A new section 2025(j)(5) was added to clarify that credits are not transferable to another fleet except in the case of mergers, changes in the form of business, or in circumstances dictated by estate tax or inheritance tax planning. Similar language is used in other parts of the regulation.

10. Requirements for School Buses: section 2025(k)

Consistent with the Board's findings in Resolution 10-44, the amendments initially proposed by staff in the 45-Day Notice have been modified to require the phase in of VDECS of all school buses with a GVWR greater 14,000 pounds. The board did not approve the staff proposal to exempt school buses with a GVWR from 14,001 to 26,000 lbs. Section 2025(k)3) was also modified to include electric school buses as eligible for credits, provided that funding for electric buses allows the use of the credits. Former section 2025(k)(4) was deleted because credits for lighter school buses no longer need to be differentiated from heavier school buses.

11. Requirements for Drayage Trucks and Utility Vehicles: section 2025(l)

Most of the changes to section 2025(l) are for clarity. However, in section 2025(l)(2), the date that drayage trucks must comply with the Truck and Bus regulation was changed from January 1, 2017 to January 1, 2023. The change was made to be consistent with the decision not to delay the Phase 2 requirements for drayage trucks. All drayage trucks must still have 2007 model year or newer engines by January 1, 2014, and the Truck and Bus regulation does not have any compliance requirements until January 1, 2023.

12. Requirements for Agricultural Fleets: section 2025(m)

The first paragraph of section 2025(m) was modified to include references to sections 2025(h) and 2025(i) to clarify that fleets that have a combination of trucks that use and do not use the agricultural vehicle provisions can use these other compliance options.

Former section 2025(m)(4) was deleted because it was redundant with renumbered section 2025(m)(11). Former section 2025(m)(6) was deleted because it was redundant with the first paragraph in the section. In renumbered section 2025(m)(7) a sentence was added to specify that the agricultural vehicle exemption would be retained only if the replacement vehicle is placed in service within 12 months or by January 31 of the next compliance year, whichever is later. In renumbered section 2025(m)(10) new language was added, similar to other parts of the regulation, to specify that the agricultural vehicle exemptions are not transferable to another fleet except in the case of mergers, changes in the form of business, or in circumstances dictated by estate tax or inheritance tax planning. Former section 2025(m)(9) was deleted because it is redundant with section 2025(m)(3). Renumbered section 2025(m)(12) was modified to clarify that log trucks that use the provision cannot take advantage of the delays from

meeting PM BACT and then later switch to another compliance option to avoid upgrading to a 2010 model year emissions equivalent engine.

13. Requirements for Single-Engine and Two-Engine Sweepers: section 2025(n)

Section 2025(n)(1) was modified to clarify when the auxiliary engine must meet PM BACT. Fleets that comply with the model-year schedule must meet PM BACT for the auxiliary engine on the first compliance date that the propulsion engine is required to comply. Upon meeting PM BACT, the auxiliary engine would not need to be replaced. Section 2025(n)(3)(A) was modified to clarify that the labeling requirements only apply to Tier 0 auxiliary engines. A new section 2025(n)(4) was added to give street sweeper fleets another option to earn fleet downsizing credits for reducing the number of lighter street sweepers in the fleet. As stated, the fleet downsizing credit provision of section 2025(j)(1) only applies to vehicles greater than 26,000 lbs. Section 2025(n)(4) allows fleets with street sweepers to count street sweepers having a GVWR between 14,000 and 26,001 lbs. Street sweepers have a GVWR that is in a fairly narrow range above and below 26,000 lbs. This modification will give street sweeper owners more flexibility when retiring older, lighter street sweeping vehicles that often have the same engines and similar emissions as heavier street sweepers.

14. Requirements for a New Fleet and Changes in an Existing Fleet: section 2025(o)

The title of the section was changed by deleting the term “status of” to more accurately reflect that changes in the fleet must be reported. The term “status” was also removed from the headings in the subsections for the same reason. In section 2025(o)(2)(A), language was added to exempt newly added vehicles that have 2007 model-year engines or newer that meet PM BACT from reporting to the Executive Officer within 30 days of adding the vehicle. This change was made to reduce the reporting burden on fleet owners because 2007 model year and newer engines already meet PM BACT and the model year compliance schedule until 2023. In addition, language was added to clarify that a fleet has 30 days to collect exhaust temperature data to identify a suitable VDECS. A new section 2025(o)(2)(C)3 was added to clarify that if a fleet owner made changes to the fleet that would make the fleet no longer compliant with the requirements that had to be met at the beginning of the compliance year, the fleet owner must report the changes to the Executive Officer within 30 days and identify the steps taken to ensure continued compliance. For instance, a fleet owner that complies with the phase-in option for the entire fleet and has identified low-use vehicles as a necessary part of the fleet’s compliance strategy cannot begin to operate the low-use vehicle above the 1,000 mile limit unless the fleet as a whole meets the requirement that applied at the beginning of the year.

15. Exemptions and Extensions: section 2025(p)

Vehicles used Exclusively in NOx Exempt Areas. A new section 2025(p)(1) was added to provide an alternative compliance option for vehicles that are operated exclusively in NOx exempt areas. The change would delay the requirement to meet PM BACT by two years and would exempt all vehicles from the 2010 model year emissions equivalent

engine requirements if the engine meets PM BACT. This change was made in recognition that additional NOx emissions reductions are not needed in these areas and that NOx exempt areas also tend to be areas with fewer economic options than other parts of the state. New section 2025(p)(1)(A) specifies that all vehicles that are operated in the NOx exempt areas are exempt from the requirement to upgrade to 2010 model year emissions equivalent engines if they meet PM BACT. Fleet owners that comply with the engine model year schedules of 2025(f) or 2025(g) that install VDECS before the engine would be required to be upgraded to a 2010 model year emissions equivalent engine would only need to initially report information about the vehicle and either label the vehicle or use a tracking system to document that the vehicle does not operate outside the NOx exempt areas. A fleet owner that complies with the phase-in options of 2025(h) or 2025(i) would comply like other fleets and would become subject to meeting the requirements of 2025(f) and 2025(g) starting January 1, 2020.

Section 2025(p)(1)(B) provides an alternative phase-in option for vehicles with a GVWR greater than 26,000 pounds to meet PM BACT from 2014 to 2016. The PM BACT requirements are phased in at a rate of 33 percent per year and require that fleets report information about the entire fleet. Former sections 2025(p)(1)(A) and 2025(p)(1)(B) were deleted since the language was incorporated in the new sections.

Extension for Low Mileage Construction Trucks. A new section 2025(p)(2) was added to provide construction trucks, such as dump trucks, cement trucks, and trucks owned by licensed contractors an option to phase-in the PM BACT requirements from 2014 to 2016. The definition of eligible truck types was expanded from the list of truck types presented to the Board, but the number of vehicles that can use this provision is now limited to 9,000 statewide to ensure that emissions are not higher than the original staff proposal. To qualify, dump trucks must operate less than 20,000 miles per year and other construction trucks must operate less than 15,000 miles per year. Fleet owners must label the trucks and report business and vehicle information annually. The higher mileage limit for dump trucks was added to address the concern that dump trucks could not take advantage of a 15,000 mile limit and stay in business. Construction trucks must meet PM BACT and comply with the general requirements like other fleets, starting January 1, 2020.

Unique Vehicle Extension. Renumbered section 2025(p)(3) was modified to clarify that the unique vehicle extension only applies until 2017 and that all vehicles must meet PM BACT by January 1, 2018 as originally intended. Additional language was added to clarify that the fleet owner must apply for the extension four months prior to the next compliance date to be considered for the extension.

Exemption for Low-Use Vehicles. Renumbered section 2025(p)(4) regarding low-use vehicles was modified for clarity and a new section 2025(p)(4)(A)2 was added to clarify that a vehicle that is parked and not operated is also a low-use vehicle and must meet the same reporting and record keeping requirements.

Exemption for Vehicles Operating with a Three Day Pass. Changes to the language in renumbered section 2025(p)(5) are primarily for clarity. The reference to out-of-state was deleted because the three day pass should be available to all fleets since the regulation applies to all vehicles irrespective of whether they are based inside or outside of the state. The reporting requirements in renumbered section 2025(p)(5)(B) were moved to the reporting section.

Compliance Extension for Emissions Control Device Manufacturer Delays. Renumbered section 2025(p)(8) was modified for clarity and to fix typographical errors.

Extension of the PM BACT Compliance Deadline Based on Unavailability of Highest Level VDECS. Renumbered section 2025(p)(9) was modified to specify that a fleet owner must make an extension request four months prior to the next compliance deadline to allow sufficient time for the fleet owner to comply in case the request is not justified and is denied by the Executive officer. Also, additional language was added to clarify how the requirement applies to auxiliary engines on street sweepers.

Extension for Meeting PM BACT by 2014. A new section 2025(p)(10) was added to provide an exemption from having to meet 2010 model year emission equivalent engine requirements until January 1, 2023. The extension applies to all vehicles in the fleet that are equipped with a Level 3 VDECS or have OEM equipped PM filters prior to January 1, 2014. The provision was added to encourage fleets to accelerate the number of vehicles that meet PM BACT than otherwise required under the regulation. The extension expires by 2023 to preserve the NOx emissions reductions needed. Fleet owners would need to report by January 31, 2014 to demonstrate the fleet qualifies for the extension and otherwise comply with the reporting and record keeping requirements.

16. Reporting requirements: section 2025(r)

Section 2025(r)(1) was modified to include additional references to identify all of the compliance options, credits, extensions and other regulatory provisions that require reporting.

Section 2025(r)(11)(E) was modified to clarify that documentation does not need to be submitted annually and that reporting is required annually as long as a suitable VDECS is not available for the engine.

Section 2025(r)(13) was expanded to add the reporting requirements for fleet owners using the credit for early addition of newer vehicles to the fleet. The revision also makes reporting of the engine family optional.

Section 2025 (r)(18) was amended to include publicly funded (engine replacements) repowers.

New sections 2025(r)(24), (25) and (26) were added to require fleets to provide information about vehicles receiving credits, fleets using the provision for small fleets, and fleets claiming excess PM VDECS credits. Fleets using credits or using the provision for fleets that meet PM BACT by January 1, 2014, must report by

January 1, 2014. These sections were added so that fleets could quickly locate and determine the information that is applicable to them.

17. Record Keeping Requirements

Section 2025(s)(3)(C) was deleted because a record keeping requirement for replacement school buses is no longer needed with the deletion of former section 2025(k)(4) - the provision for replacement of school buses between 14,001 and 26,000 pounds GVWR.

A new section 2025(s)(16) has been added to ensure that fleet owners of low-use vehicles keep records if their vehicles exceed 1,000 miles per year.

18. Other Amendments

Staff also made minor modifications to other sections to clarify existing requirements, improve enforceability of the regulation and streamline reporting and recordkeeping.

C. Drayage Truck Regulation – Attachment 2

Attachment 2 to this notice contains the proposed regulatory text showing the modifications to the initially proposed text of the Drayage Truck regulation that was made available at the time of the 45-Day Public Notice. All additions proposed for the 15-Day comment period are shown by double underline and deletions are shown in double strikeout. Text that is both single underlined and double struck through is text that staff proposed during the 45 day comment period but later modified as part of these 15-day modifications.

D. Summary of Proposed Modifications to the Drayage Truck Regulation

1. Applicability: section 2027(b) and Sunset: section 2027(j)

In response to retaining the Phase 2 requirement, the proposed sunset date was modified to realign the transition between the Drayage Truck and Truck and Bus regulatory requirements beginning January 1, 2023. Extending the sunset date from December 31, 2016 until December 31, 2022 is necessary to ensure that emission and health benefits achieved at the ports and rail yards are kept intact during the transition to the Truck and Bus regulation.

2. Definitions: section 2027(c)

In response to the proposed modification herein that requires drayage trucks with a manufacturer's GVWR between 26,001 to 33,000 pounds that operate in the South Coast Air Basin to be equipped with level 3 VDECS after December 31, 2011 in Phase 1, a definition of the South Coast Air Basin, definition (41), has been added to identify its geographical boundaries.

Secondly, staff inadvertently included ' that pulls a trailer or chassis...' in the proposed definition of a 'Drayage Truck', subsection (15), during the 45-day comment period.

This language is being omitted to maintain the original intent of the regulation to include all drayage trucks while on port or intermodal rail yard properties regardless of whether the truck is or is not physically pulling a trailer or chassis.

3. Requirements and Compliance Deadlines: section 2027(d)

As indicated above, subsection (d)(1)(D) has been added to require drayage trucks with a GVWR of 26,001 to 33,000 pounds that operate in the South Coast Air Basin to meet the Phase 1 requirement after December 31, 2011. In addition, the original language in Phase 2 was reinstated in subsection (2) that requires all drayage trucks (including those with a GVWR between 26,001 and 33,000 pounds, with 1994 or newer model year engines to meet or exceed 2007 model year California or federal emission standards after December 31, 2013. Modifications in this section are necessary to ensure that the diesel PM reduction goals are met and eliminate business practices that are jeopardizing those goals and fostering an uncompetitive environment.

E. Summary of Proposed Non-Substantive Modifications to the Drayage Truck Regulation

1. Definitions: section 2027(c)

In response to adding a new definition numbered (41) "South Coast Air Basin", definitions originally numbered 41-44 were renumbered to 42-45.

Additionally, definitions (15), (27), and (33) have several changes that provide clarity and consistency with existing regulation language. These changes do not alter the meaning or intent of the original regulation language.

2. Requirements and Compliance Deadlines: section 2027(d)

The regulation requires motor carriers to ensure truck drivers are able to relay their contact information to enforcement personnel upon request (section (5)(A)(4)) and for marine or port terminals to collect motor carrier information for each noncompliant drayage truck entering their facilities (section (6)(A)). In both cases, the required information included the mailing address for the dispatching motor carrier. However, staff inadvertently omitted requiring the 'city' to be reported with the mailing address requirements (see sections (5)(A)(4)(c) and (6)(A)(1)(c)) in the original rulemaking. Staff amended sections (5)(A)(4)(c) and (6)(A)(1)(c) to add a reporting of the city as part of the mailing address.

III. New Documents and Information on Second Part of Appendix J

A. New Citation and Reference

The citation – ARB EIB – was added at the end of the following sentence on page J-18. The citation should have been included in the original report to identify the emission inventory relied on by staff for the estimates discussed in the text.

The emission inventories for NOX were developed for 2008, adjusted to account for changes due to the recession, updates to the ocean going vessels,

trucks/buses, locomotives, and construction equipment models.

The revised sentence reads as follows:

The emission inventories for NOX were developed for 2008, adjusted to account for changes due to the recession, updates to the ocean going vessels, trucks/buses, locomotives, and construction equipment models (ARB EIB).

A new reference (ARB EIB) was added to the reference list on page J-24. It reads as follows:

ARB EIB. Emission inventory generated by the ARB Emission Inventory Branch, Planning and Technical Support Division, July 2010. Included in the Access database: rf#1103_RD_FINAL_DATABASE.mdb available at the AB 1085 compliance web page for the Truck and Bus regulation:

<http://www.arb.ca.gov/msprog/onrdiesel/ab1085compliance.htm>

B. Update on AB 1085 Compliance Data

The following describes the reorganization and updates of the “Public Health Impact” data files posted at the start of the 45-day comment period on the AB 1085 compliance website for the Truck and Bus rulemaking:

<http://www.arb.ca.gov/msprog/onrdiesel/ab1085compliance.htm>

1. Reorganization of data files and revision of contents

The zip archive (pm_mortality_data.zip) posted on the AB 1085 compliance web page at the start of the 45-day comment period included the database (rf#1103_RD_FINAL_DATABASE.mdb) and the Excel file (Compiled Health Tables ONROAD 25oct10.xls) showing the health benefit calculations. This has been reorganized and updated as follows:

- The file “rf#1103_RD_FINAL_DATABASE.mdb” has been extracted from the zip archive and re-zipped as a separate file called “emissions.zip” The database is unchanged from the original version.
- The Excel workbook (Compiled Health Tables ONROAD 25oct10.xls) contained in the zip archive (pm_mortality_data.zip) has been replaced by a revised workbook (Compiled Health Tables ONROAD 21Mar11.xls) contained in a zip archive called “health benefit calculations.zip.” The Excel workbook (Compiled Health Tables ONROAD 25oct10.xls) was revised because the numbers in the worksheet formerly titled “DPM mortality” and now renamed “DPM mortality & Pop-Wt Conc” were incorrect. They have been replaced in the new workbook (Compiled Health Tables ONROAD 21Mar11.xls) with the correct numbers relied on by staff.”
- The worksheet titled “DPM mortality” has been renamed “DPM mortality & Pop-Wt Conc” to make it more reflective of its contents. The title text at the top of the worksheet has also been expanded to make it more reflective of its contents. Borders have been drawn around blocks of numbers to make them easier to read. The numbers shown on the worksheet were incorrect, and have been corrected.

- The worksheet titled “NH4NO3 mortality” has been renamed ”NH4NO3 mortality & Pop-Wt Conc” to make it more reflective of its contents. The title text at the top of the worksheet has also been expanded to make it more reflective of its contents. Borders have been drawn around blocks of numbers to make them easier to read.

2. New data files

- “Census 2000.zip” which contains the age-resolved population data by census tract from the 2000 Census.
- “Shapefiles used in health benefit calc” which is a zip archive of GIS shapefiles used for the health calculations.

IV. Corrections to References Listed in the Initial Statement of Reasons

Staff has identified a number of errors in some of the references listed in the Staff Report as it applies to the Truck and Bus Regulation. The following identifies these errors and the necessary corrections. All documents are available for inspection at the offices of ARB as part of the rulemaking record and those that are available online are identified below.

A. References for the First Part of Appendix J (pages J-1 to J-16)

1. Reference 3

This reference on page J-15 was revised to provide the correct appendix of the source document relied upon by staff and also to provide the complete title of the source document. The revised reference reads as follows:

Estimate of Ambient PM10 Concentrations from Directly Emitted Emissions from Diesel Engines, Appendix B of Proposed Identification of Diesel Exhaust as a Toxic Air Contaminant. Appendix III, Part A, Exposure Assessment (1998). Report to the California Air Resources Board.

2. Reference 9

This reference on page J-16 was revised to provide a link to the three presentations relied upon by staff. The revised reference reads as follows:

The DOE Gasoline/Diesel PM Split Study, Presentations by D. Lawson, E.Fujita and J. Schauer. The presentations and the supporting material (DOE) may be found at the following webpages: <ftp://ftp.arb.ca.gov/carbis/research/seminars/doe/> and http://www.nrel.gov/vehiclesandfuels/nfti/feat_split_study.html

3. Reference 12

Reference 12– (California Air Resources Board, 2007”) on page J-16 was revised because it did not provide a link between the citation in the text (page J-8) and the

specific source data used therein. The revised reference cites the database containing the source data which were posted on the AB 1085 compliance web page for the Truck and Bus regulation at the start of the 45-day comment period. The revised reference reads as follows:

California Air Resources Board, 2007 Emission Inventory, Planning and Technical Support Division. Extraction data (7/2008) included in the Access database: rf#1103_RD_FINAL_DATABASE available at the AB 1085 compliance web page for the Truck and Bus regulation:
<http://www.arb.ca.gov/msprog/onrdiesel/ab1085compliance.htm>

4. References 13 and 14

References 13 and 14 were revised because the web addresses shown in the original references do not provide a link to the specific source documents relied upon by staff. The two references were revised to read as follows:

a) Reference 13

California Air Resources Board – Harbor Community Monitoring Study (HCMS) Saturation Monitoring. Final Report. May 2009.
<http://www.arb.ca.gov/research/apr/past/05-304.pdf>

b) Reference 14

California Air Resources Board – Goods Movement Emission Reduction Plan, Appendix A (page A-52), March 2006.
http://www.arb.ca.gov/planning/gmerp/plan/appendix_a.pdf

B. References for the Second Part of Appendix J (pages J-17 to J-25)

1. Reference – ARB 2006

The reference (ARB, 2006), cited on pages J-17 and J-18, does not appear in the reference list on pages J-24 and J-25. The following reference was added to the list on page J-24.

ARB, 2006. *Emission Reduction Plan for Ports and Goods Movement in California*, Appendix A (page A-61), available at
http://www.arb.ca.gov/planning/gmerp/plan/appendix_a.pdf

Please note that the above reference refers to the outdated terminology “tons per case” whereas Appendix J of the Staff Report refers to “incidents per ton” which is the current terminology.

2. Reference to Fotheringham and Rogerson

The citation – Fotheringham and Rogerson – in the section – “**Aggregating results to county, air basin and state**” – on page J-19, was replaced with the correct citation for the technique described in this section. The correct citation is “Flowerdew and Green, 1994” and the reference to Fotheringham and Rogerson on page J-24 was replaced

with the following reference:

Flowerdew, R. and Green, M. *Aerial Interpolation and Types of Data* in Chapter 7, pages 121-145 in Fotheringham, S. and Rogerson, P., editors. 1994. *Spatial Analysis and GIS*. London. Taylor and Francis Ltd.

3. Reference to CRAN

The reference (CRAN) on page J-24 was changed to provide a link to the home page of the publisher of the statistical software used by ARB staff to perform the calculations. The revised reference shows the citation officially recommended by the software publisher. The revised reference reads as follows:

R: A Language and Environment for Statistical Computing, R Foundation for Statistical Computing. Vienna, Austria: <http://www.R-project.org>. The link to download the software is <http://cran.cnr.berkeley.edu/src/base/R-2/R-2.12.2.tar.gz>

4. Reference – ARB AQMN

The reference (ARB AQMN) on page J-24 of the reference list was changed to “ARB 2009.” The web link in the reference was also changed to provide the link to the specific document relied upon by staff. The reference “ARB AQMN” was revised to read as follows

ARB 2009. State and Local Air Monitoring Network Plan. Available at: http://www.arb.ca.gov/adam/netrpt/report_2009.pdf

The citation (ARB AQMN) on page J-22 was changed to “ARB 2009 to be consistent with the change to the reference list.

5. References – ARB ADAM, CDOF, CDPH and IMPROVE

The references to “ARB ADAM, CDOF,” “CDPH” and “IMPROVE” on page J-24 were revised because the original references did not provide a link between sections of the text and the specific source data used to perform the calculations described therein. The four revised references cite individual worksheets in the Excel workbook (“Compiled Health Tables ONROAD 21Mar11.xls”) that has replaced the original workbook (“Compiled Health Tables ONROAD 25oct10.xls”) containing the source data, which were posted on the AB 1085 compliance web page for the Truck and Bus regulation at the start of the 45-day comment period. The Excel workbook was revised because the numbers in the worksheet formerly titled “DPM mortality” and now renamed “DPM mortality & Pop-Wt Conc” were incorrect. They have been replaced with the correct numbers relied on by staff.” Each worksheet also includes a link to the original source of the data it contains, if it was downloaded from an original source.

a) ARB ADAM

The revised reference reads as follows:

ARB ADAM. Ambient air quality data extracted from the ARB ADAM database. Included in the worksheets named “Monitor data” and “NOx & DPM data” in the Excel

workbook “Compiled Health Tables ONROAD 21Mar11.xls”, available at:
<http://www.arb.ca.gov/msprog/onrdiesel/ab1085compliance.htm>

b) CDOF

The revised reference reads as follows:

CDOF. Population Projections by Air Basin-County. Based on data from the California Department of Finance. Included in the worksheet named “AB-County Population” in the Excel workbook “Compiled Health Tables ONROAD 21Mar11.xls”, available at:
<http://www.arb.ca.gov/msprog/onrdiesel/ab1085compliance.htm>

Note that the worksheet includes a link to the California Department of Finance website from which the source data were downloaded.

c) CDPH

The revised reference reads as follows:

CDPH. Cardiopulmonary mortality incidence rates by county. Based on data from the California Department of Public Health. Included in the worksheet named “CP mortality incidence” in the Excel workbook “Compiled Health Tables ONROAD 21Mar11.xls”, available at: <http://www.arb.ca.gov/msprog/onrdiesel/ab1085compliance.htm>

Note that the worksheet includes a link to the California Department of Public Health web site from which the source data are available upon request, subject to confidentiality guidelines.

d) IMPROVE

The revised reference reads as follows:

IMPROVE. Annual average NO₃ and NH₄NO₃ concentrations, 2006-2008. Based on data from the IMPROVE visibility network web site. Included in the worksheet named “NO₃ & NH₄NO₃ data” in the Excel workbook “Compiled Health Tables ONROAD 21Mar11.xls”, available at:
<http://www.arb.ca.gov/msprog/onrdiesel/ab1085compliance.htm>

Note that the worksheet includes a link to IMPROVE visibility network web site from which the source data were downloaded.

6. Reference - U.S. Census Bureau

The reference – U.S. Census Bureau – was revised to identify the U.S. population data relied upon by ARB staff and to provide a link to the projected population data that were posted on the AB 1085 compliance web page for the Truck and Bus regulation at the start of the 45-day comment period. The revised reference reads as follows:

US Census Bureau. Age-resolved population data by census tract from the 2000 Census, downloaded from the US Census Bureau American Fact Finder web site (http://factfinder.census.gov/home/saff/main.html?_lang=en). Included in the file “Census 2000.zip”, available at:

<http://www.arb.ca.gov/msprog/onrdiesel/ab1085compliance.htm> Projected age-resolved populations by 2000 Census tract for 2006-2008 are available in the

worksheet named "Age-tract population" in the Excel workbook "Compiled Health Tables ONROAD 21Mar11.xls", available at the same web site.

V. Public Comments and Subsequent Action

In accordance with the Government Code, section 11346.8, the proposed modifications to Cal. Code Regs., title 13, sections 2025, 1956.8, 2020, 2022, 2022.1, 2027, 2449, 2456, 2479, 2485 and title 17, section 93116, and referenced documents and information will be made available to the public for comment for a period of at least 15 days. The Executive Officer shall consider such written comments submitted during this period, shall make such modifications to the regulations as may be appropriate in light of the comments received, and shall present the regulations to the Board for further consideration if warranted.

Written comments will only be accepted on the modifications and documents and information noticed herein and may be submitted by postal mail or electronic mail submittal 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 the webpage provided above for electronic submittal is for comments on the following on-road regulations:

- Truck and Bus
- Drayage Truck

To ensure that all comments are properly considered and responded to, please identify in the subject heading of each comment letter the regulation(s) for which comments are being submitted. Comments not specifically identified to the Drayage Truck regulation within the subject or body of the comment will be assumed to be directed to the Truck and Bus regulation.

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 or 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 alternativo (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.

Attachments (2)