Updated Informative Digest

ADOPTION OF THE DIESEL PARTICULATE MATTER CONTROL MEASURE FOR ON-ROAD HEAVY-DUTY DIESEL-FUELED VEHICLES OWNED OR OPERATED BY PUBLIC AGENCIES AND UTILITIES

Sections Affected: Adoption of new sections 2022 and 2022.1, article 4, chapter 1, division 3, title 13, California Code of Regulations ("CCR").

Background: In August 1998, the Air Resources Board (ARB or Board) identified particulate matter (PM) emitted from diesel engines (diesel PM) as a Toxic Air Contaminant (TAC) and in September 2001, approved the *Risk Reduction Plan to Reduce Particulate Matter Emissions from Diesel-Fueled Engines and Vehicles* (*Diesel Risk Reduction Plan or Plan*) to reduce public exposure to diesel PM. The plan identified air toxic control measures and regulations that would set more stringent emissions standards for new diesel-fueled engines and vehicles, establish retrofit requirements for existing engines and vehicles where determined to be technically feasible and cost-effective, and require the sulfur content of diesel fuel to be reduced to no more than 15 parts per million by weight.

The ARB has already adopted several of the recommended control measures, including rules for transit buses, solid waste collection vehicles, stationary engines, diesel portable equipment, transportation refrigeration units, idling controls, 2007 model year (MY) emission standards for heavy-duty trucks and off-road equipment, and ultra-low sulfur diesel fuel. The diesel PM control measure adopted in this rulemaking will meet the commitment in the *Diesel Risk Reduction Plan* for on road public fleets. Also, by making the regulation applicable to private utilities, the regulation represents a significant step towards meeting the commitment in the Plan for on-road private fleets. In addition, California law requires the ARB to adopt an airborne toxic control measure (ATCM) to reduce diesel PM emissions to the lowest level achievable through the application of best available control technology (BACT).

ARB staff published an Initial Statement of Reasons (ISOR) for the ATCM that, together with the needs assessment (Diesel Risk Reduction Plan), served as the report on the need and appropriate degree of regulation for on-road heavy-duty diesel-fueled vehicles owned or operated by public agencies or utilities.

Description of the Regulatory Action: Following a December 8, 2005 public hearing, the ARB adopted a diesel PM control measure that will reduce public exposure to diesel PM emissions from on road heavy duty diesel fueled vehicles owned or operated by public agencies or utilities. The Board also approved modifications to the originally proposed regulation which were made available to the public by issuance of a July 7, 2006, "Notice of Public Availability of Modified Text." The notice also included additional conforming modifications as authorized in the Board's Resolution 05-64. The notice documents all modifications and provides the rationale for each one.

The regulation requires public agencies and utilities to apply BACT to their on-road

heavy-duty diesel-fueled vehicles with a 1960 to 2006 MY medium heavy-duty or heavy heavy-duty engine and a manufacturer's gross vehicle weight rating greater than 14,000 pounds. BACT can be an alternative fuel engine, a diesel engine certified to a 0.01 grams per brake horsepower PM standard, or application of the highest level ARB verified diesel emission control strategy (DECS) to a diesel engine.

The rule divides these engines into three MY groups: Group 1 (1960-1987), Group 2 (1988-2002), and Group 3 (2003-2006). BACT must be applied according to a specified implementation schedule that sets compliance deadlines and the percentage of the fleet that must be equipped with BACT by each deadline.

The regulation provides two implementation schedules. The first, which applies to all fleets, requires a 4 year phase-in period for Group 1 and Group 2 engines starting December 31, 2007, and a 2 year phase-in period for Group 3 engines starting December 31, 2009. Implementation of the regulation will be completed by December 31, 2011. Vehicle owners must maintain records to demonstrate compliance with the rule.

The second schedule is optional for municipalities or utilities that are located in specified low population counties or have been granted low population county status. It starts December 31, 2008, and ends December 31, 2017. This extended implementation schedule is a special provision for public fleets that typically have less access to revenue sources such as vehicle license fees and taxes, and for utilities that have fewer customers.

Compliance deadline extensions may be granted for early implementation of a specified portion of an owner's fleet, unavailability of a verified diesel emission control strategy for a specific engine or application, operation of an engine that is either dual-fuel or bi-fuel, and for an engine that is near retirement. The rule also offers compliance options due to special circumstances such as the failure, damage, or discontinuation of a DECS and use of an experimental (non-verified) diesel emission control strategy. In addition, public and utility fleets located in low population counties or granted low population county status may use an accelerated turnover option that requires retirement of all 1960-1993 MY engines by 2020, and application of BACT on all 1994 and newer engines by 2025.

Comparable Federal Regulations: There are no federal regulations comparable to the diesel particulate matter emission control measure. Although the United States Environmental Protection Agency (U.S. EPA) sets emission standards for new diesel, alternative fuel, and gasoline on-road heavy-duty engines, U.S. EPA does not separately regulate public agency and utility engines. Federal emission standards for new engines are codified in title 40, Code of Federal Regulations, part 86.