

TITLE 13. CALIFORNIA AIR RESOURCES BOARD

NOTICE OF PUBLIC HEARING TO CONSIDER REQUIREMENTS TO REDUCE IDLING EMISSIONS FROM NEW AND IN-USE TRUCKS, BEGINNING IN 2008

The Air Resources Board (the Board or ARB) will conduct a public hearing at the time and place noted below to consider adoption of amendments to California regulations for new and in-use heavy-duty diesel engines and trucks.

DATE: October 20, 2005

TIME: 9:00 a.m.

PLACE: California Environmental Protection Agency
Air Resources Board
Byron Sher Auditorium
1001 I Street
Sacramento, CA 95814

This item will be considered at a two-day meeting of the Board, which will commence at 9:00 a.m., October 20, 2005, and may continue at 8:30 a.m., October 21, 2005. This item may not be considered until October 21, 2005. Please consult the agenda for the meeting, which will be available at least 10 days before October 20, 2005, to determine the day on which this item will be considered.

If you have a disability-related accommodation need, please go to <http://www.arb.ca.gov/html/ada/ada.htm> for assistance or contact the ADA Coordinator at (916) 323-4916. If you are a person who needs assistance in a language other than English, please contact the Bilingual Coordinator at (916) 324-5049. TTY/TDD/Speech-to-Speech users may dial 7-1-1 for the California Relay Service.

INFORMATIVE DIGEST OF PROPOSED ACTION AND POLICY STATEMENT OVERVIEW

Sections Affected: Proposed amendments to title 13, California Code of Regulations (CCR), sections 1956.8 and the incorporated "California Exhaust Emission Standards and Test Procedures for 2004 and Subsequent Model Heavy-Duty Diesel Engines and Vehicles," adopted December 12, 2002.

Background:

Health and Safety Code (HSC) sections 43013 and 43018 direct the ARB to adopt emission standards for new heavy-duty motor vehicles to achieve maximum feasible emission reductions. Additionally, HSC section 43104 directs the ARB to adopt test procedures to ensure compliance with those emission standards. Further, in 2000, the

Board approved the Diesel Risk Reduction Plan, which recommended tightening particulate matter (PM) emission standards for heavy-duty diesel engines and vehicles. The 2003 State and Federal Strategy for the California State Implementation Plan (SIP) also calls for the reduction of reactive organic gases (ROG) and oxides of nitrogen (NO_x) which, when combined with high ambient temperatures and sunlight, form ozone air pollution. NO_x emissions contribute to secondary PM formation as well.

Exhaust emissions from heavy-duty diesel engines and vehicles have been regulated in California since 1973. With technological advancements and improved engine designs, more stringent standards have been implemented. For example, 2004 model-year engines must be certified to 50 percent lower NO_x emissions compared to 1998 levels. When California's aftertreatment-forcing emission standards become effective in 2007, both NO_x and PM emissions will be reduced by another 90 percent.

Emissions from extended and unnecessary idling pose a significant air quality concern. Idling emissions are particularly significant at locations such as truck stops, travel centers and rest areas where truck drivers stop to rest for long periods of time. Idling emissions are also significant at warehouse/distribution centers and port terminals, where loading and unloading of freight often require long waiting periods. Such locations can experience very high concentrations of trucks idling for extended periods of time, thereby producing highly localized and concentrated emission levels. These emissions affect the health of the drivers, truck stop, warehouse, ports personnel, and the neighboring community. The health concerns in particular become more serious when these idling spots are located in low-income communities that are already impacted by air pollution.

In crafting the proposal, ARB staff met with engine manufacturers, truck manufacturers, and other interested parties in several individual and group conference calls and meetings, including a public workshop on June 4, 2003, and March 23, 2005.

Staff Proposal:

Staff's proposal consists of two parts. The first component regulates new 2008 and subsequent model year heavy-duty diesel engines, and the second component regulates in-use sleeper berth equipped trucks.

The first component applies to new 2008 and subsequent model year heavy-duty diesel engines in trucks with a gross vehicle weight rating greater than 14,000 pounds. Staff's proposal requires these heavy-duty diesel engines to be equipped with a non-programmable engine shutdown system that automatically shuts down the engine after five minutes of continuous idling. In lieu of the engine shutdown system, engine manufacturers may optionally certify to a NO_x idling emission standard of 30 grams per hour.

The proposed in-use requirement applies to sleeper berth equipped trucks of all model years, including those registered out-of-state. It requires operators to manually shut off

their engines before the 5-minute idling time is reached. This proposal will modify the airborne toxic control measure that was adopted in July 2004 (13, CCR, § 2485) that limits idling of diesel-fueled commercial heavy-duty vehicles and buses to include trucks with sleeper berths.

The proposal allows the use of optional alternative technologies to provide power for cab comfort and on-board accessories that would otherwise have required continuous idling of the vehicle's main engine. These cab comfort technologies include, but are not limited to, internal combustion auxiliary power systems (APS) and fuel-fired heaters. In order to operate in California, such technologies would need to comply with defined emission performance requirements. Other technologies that do not directly produce emissions, such as thermal storage systems, fuel cell APSs, and power inverter chargers for use with battery packs and grid-supplied electricity are also allowed. Technologies that are not identified in this proposal may also be used, provided they are approved by the Executive Officer. The use of these devices/strategies, in lieu of operating the truck engine at idle, will result in significant NO_x and carbon dioxide reductions. Reductions in ROG and PM are also expected, but to a lesser extent depending on the type of alternative idle reduction device/strategy used.

COMPARABLE FEDERAL REGULATIONS

In January and October 2001, the United States Environmental Protection Agency and ARB, respectively, adopted new, harmonized exhaust emission standards for new 2007 and subsequent model heavy-duty diesel engines and vehicles. However, there are no comparable federal regulations addressing the idling reductions proposed herein.

AVAILABILITY OF DOCUMENTS AND AGENCY CONTACT PERSONS

The Board staff has prepared a Staff Report: Initial Statement of Reasons (ISOR) for the proposed regulatory action, which includes a summary of the economic and environmental impacts of the proposal. The report is entitled: "Notice of Public Hearing to Consider Requirements to Reduce Idling Emissions from New and In-Use Trucks, Beginning in 2008".

Copies of the ISOR and the full text of the proposed regulatory language, in underline and strikeout format to allow for comparison with the existing regulations, may be accessed on the ARB's web site listed below, or may be obtained from the Public Information Office, Air Resources Board, 1001 I Street, Visitors and Environmental Services Center, 1st Floor, Sacramento, CA 95814, (916) 322-2990 at least 45 days prior to the scheduled hearing on October 20, 2005.

Upon its completion, the Final Statement of Reasons (FSOR) will be available and copies may be requested from the agency contact persons in this notice, or may be accessed on the ARB's web site listed below.

Inquiries concerning the substance of the proposed regulation may be directed to the designated agency contact persons, Mr. Stephan Lemieux, Manager, On-Road Heavy-Duty Diesel Section, (626) 450-6162, or Mr. Daniel Hawelti, Air Resources Engineer, (626) 450-6149.

Further, the agency representative and designated back-up contact persons to whom nonsubstantive inquiries concerning the proposed administrative action may be directed are Artavia Edwards, Manager, Board Administration & Regulatory Coordination Unit, (916) 322-6070, or Amy Whiting, Regulations Coordinator, (916) 322-6533. The Board has compiled a record for this rulemaking action, which includes all the information upon which the proposal is based. This material is available for inspection upon request to the contact persons.

This notice, the ISOR and all subsequent regulatory documents, including the FSOR, when completed, are available on the ARB Internet site for this rulemaking at www.arb.ca.gov/regact/hdvidle/hdvidle.htm.

COSTS TO PUBLIC AGENCIES AND TO BUSINESSES AND PERSONS AFFECTED

The determinations of the Board's Executive Officer concerning the costs or savings necessarily incurred by public agencies and private persons and businesses in reasonable compliance with the proposed regulations are presented below.

Pursuant to Government Code sections 11346.5(a)(5) and 11346.5(a)(6), the Executive Officer has determined that the proposed regulatory action will not create any costs or savings to any state agency or in federal funding to the state, costs or mandate to any local agency or school district whether or not reimbursable by the state pursuant to part 7 (commencing with section 17500), division 4, title 2 of the Government Code, or other nondiscretionary cost or savings to state or local agencies.

In developing this regulatory proposal, the ARB staff evaluated the potential economic impacts on representative private persons or businesses. The ARB is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

The Executive Officer has made an initial determination that the proposed regulatory action will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states, or on representative private persons.

In accordance with Government Code section 11346.3, the Executive Officer has determined that the proposed regulatory action will not affect the creation or elimination of jobs within the State of California, the creation of new businesses or elimination of existing businesses within the State of California, or the expansion of businesses currently doing business within the State of California. A detailed assessment of the economic impacts of the proposed regulatory action can be found in the ISOR.

The Executive Officer has also determined, pursuant to title 1, CCR, section 4, that the proposed regulatory action will not significantly affect small businesses. The increase in the purchase price of new trucks with sleeper berths equipped with an alternative idling reduction device will be recaptured through fuel and maintenance savings within a 1- to 2.5-year period.

Before taking final action on the proposed regulatory action, the Board must determine that no reasonable alternative considered by the board or that has otherwise been identified and brought to the attention of the board would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

SUBMITTAL OF COMMENTS

The public may present comments relating to this matter orally or in writing at the hearing, and in writing or by e-mail before the hearing. To be considered by the Board, written submissions not physically submitted at the hearing must be received **no later than 12:00 noon, October 19, 2005**, and addressed to the following:

Postal mail is to be sent to:

Clerk of the Board
Air Resources Board
1001 I Street, 23rd Floor
Sacramento, CA 95814

Electronic mail is to be sent to: hdvidle@listserv.arb.ca.gov and received at the ARB **no later than 12:00 noon, October 19, 2005**.

Facsimile transmissions are to be transmitted to the Clerk of the Board at (916) 322-3928 and received at the ARB **no later than 12:00 noon October 19, 2005**.

The Board requests but does not require that 30 copies of any written statement be submitted and that all written statements be filed at least 10 days prior to the hearing so that ARB staff and Board Members have time to fully consider each comment. The board encourages members of the public to bring to the attention of staff in advance of the hearing any suggestions for modification of the proposed regulatory action.

STATUTORY AUTHORITY AND REFERENCES

This regulatory action is proposed under that authority granted in Health and Safety Code, sections 39600, 39601, 39614 (b)(6)(A), 39658, 39667, 43000.5(d), 43013, 43013(b), 43013(h), 43017, 43018, 43018(b), 43018(c), 43100, 43101, 43102, 43104, 43105, 43806; Vehicle Code section 28114; and *Western Oil & Gas Assn. V. Orange County Air Pollution Control Dist. (1975), 14 Cal.3d411*. This action is proposed to implement, interpret and make specific sections 39002, 39003, 39027, 39500, 39600,

39650, 39655, 39656, 39657, 39658, 39659, 39662, 39665, 39674, 39675, 42400, 42400.1, 42400.2, 42400.3, 42402, 42402.1, 42402.2, 42402.3, 42403.5, 42410, 43000, 43013, 43017, 43018, 43100, 43101, 43102, 43104, 43105, 43106, 43150-43154, 43202, 43204, 43205.5, 43206, 43210, 43211, 43212 and 43213, Health and Safety Code. Sections 305, 336, 350, 440, 445, 545, 546, 642, 680, 21400, 22452, 22515, 27153, 28114, 40001 and 40001(b)(5), Vehicle Code. Sections 1201, 1900, 1962 and 2480, title 13, CCR.

HEARING PROCEDURES

The public hearing will be conducted in accordance with the California Administrative Procedure Act, title 2, division 3, part 1, chapter 3.5 (commencing with section 11340) of the Government Code.

Following the public hearing, the Board may adopt the regulatory language as originally proposed, or with nonsubstantial or grammatical modifications. The Board may also adopt the proposed regulatory language with other modifications if the text as modified is sufficiently related to the originally proposed text that the public was adequately placed on notice that the regulatory language as modified could result from the proposed regulatory action; in such event the full regulatory text, with the modifications clearly indicated, will be made available to the public, for written comment, at least 15 days before it is adopted.

The public may request a copy of the modified regulatory text from the ARB's Public Information Office, Air Resources Board, 1001 I Street, Visitors and Environmental Services Center, 1st Floor, Sacramento, CA 95814, (916) 322-2990.

CALIFORNIA AIR RESOURCES BOARD

/s/

Catherine Witherspoon
Executive Officer

Date: August 23, 2005

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 our Web –site at www.arb.ca.gov.