

Stationary Diesel Equipment Sales and Distribution Survey

SURVEY FORMS

November 25, 2002

PLEASE RETURN THIS SURVEY FORM TO:

Kirk Rosenkranz
California Air Resources Board
P.O. Box 2815
Sacramento, CA 95812-2815

BY: January 15, 2003

California Environmental Protection Agency



Air Resources Board

Stationary Diesel Equipment Sales and Distribution Survey

SURVEY OVERVIEW and INSTRUCTIONS

November 25, 2002



California Environmental Protection Agency
Air Resources Board

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IF YOUR PACKET IS MISSING ANY ITEMS LISTED ABOVE, PLEASE CONTACT:

Mr. Kirk Rosenkranz (916) 327-7843 or e-mail him at krosenkr@arb.ca.gov

Facsimile number (916) 327-6251

SURVEY OVERVIEW AND INSTRUCTIONS

The Air Resources Board's (ARB) Stationary Diesel-Fueled Equipment Survey is intended to collect information about the stationary diesel-fueled equipment sold in California. We would like to emphasize that the information gathered is for the development of a current inventory for stationary diesel-fueled equipment operating in the State.

For the purposes of this survey, "stationary" equipment is defined as:

Stationary diesel-fueled equipment is either: 1) equipment that is designed to remain in one location for the duration of its useful life, or 2) a unit that can be carried from one location to another but remains at a single location for more than 12 consecutive months.

Examples of stationary diesel-fueled equipment include, but are not limited to, electric power generator sets, pumps dedicated for agricultural use, pumps not dedicated for agricultural use, welders, grinders, rock crushers, sand screeners, cranes, cement blowers, and air compressors.

There are several questions we've received in association with past surveys that relate to this survey. Those include the necessity for the survey, who should complete the survey, and treatment of information after it is submitted. Below, we have provided answers to those questions in relation to this survey.

Why is the survey necessary?

The ARB maintains a statewide emissions inventory for both anthropogenic (man-made) and natural sources. The ARB's emission inventory reflects the most up-to-date emission information and is regularly updated to improve the estimations based on new data. The ARB is currently devoting resources to updating the emissions inventory for stationary diesel-fueled equipment. A key input to that inventory is the population of equipment in California.

Currently, the primary source of information for estimating the stationary diesel-fueled equipment population in California is national engine sales data. The equipment information the ARB associates with California uses the State's population versus the nation's total population as a surrogate to estimate the State's engine population. We know from experience that when national data is used to estimate populations of sources in the State, there can be anomalies. The populations of sources in California are quite different from the populations of nationwide sources, but there are times when the nationwide information is the best information available to us. That is currently the case for our stationary diesel-fueled equipment population information. This survey will provide data that will help improve the State-specific stationary diesel-fueled equipment population data.

As part of the survey, we are requesting sales data. We are focusing on the last six years of sales data. In an effort to be thorough, we need sales data prior to 1996 as well if that information is available. That information is important to us for three reasons. It tells us how many new pieces of stationary diesel-fueled equipment are currently in the population, how many are entering the population, and it provides us with a tool we can use to estimate the numbers of engines that will be entering the population in the future.

Who would we like to complete the survey form?

We would like the distributors of stationary diesel-fueled equipment to complete the survey. These include, but are not limited to, the distributors of Caterpillar, Cummins, Detroit Diesel, and John Deere diesel-fueled pieces of equipment. We understand that additional companies market stationary diesel-fueled equipment in California, but we have information collected from the air quality management and air pollution control districts that indicate these four manufacturers account for more than 85 percent of the equipment permitted in the state.

If the survey information is claimed as confidential, how will it be treated?

The ARB has adopted regulations to protect the confidentiality of trade secrets (Title 17, CCR, sections 91000 to 91022). A summary of ARB confidentiality regulations can be found in Part II of the Survey, on the "Confidential Information Submittal Form." You should fill out this form if you wish to designate any Survey information as confidential. All information which you designate as confidential will be handled strictly in accordance with ARB confidentiality regulations. In order to ensure that information deemed confidential is clearly identified, we have provided a box at the top of each page of the Survey form to be checked if confidential information is provided on that page. The ARB has many years of experience in handling confidential information and takes its responsibilities very seriously. All confidential information will be kept in locked file cabinets and will be accessible to authorized ARB staff on an "as needed" basis only.

We appreciate your time in reading the instructions and completing this survey. If you have any questions, please do not hesitate to contact Mr. Kirk Rosenkranz at (916) 327-7843 or via e-mail at krosenkr@arb.ca.gov.

Survey Return Date

Please return the survey by January 15, 2003 to:

California Air Resource Board
Stationary Source Division
P.O. Box 2815
Sacramento, CA 95812-2815
Attn: Kirk Rosenkranz
CONFIDENTIAL MATERIALS ENCLOSED (if that's the case)

Electronic Data Submittal

In an effort to simplify and streamline the data gathering process, we have made the survey forms available electronically. If you prefer to submit the survey forms electronically, please see the Electronic Submittal Form in Part II for the information about how to obtain a diskette (or download the Survey from the Internet). To access the Survey on our website, go to:

<http://www.arb.ca.gov/diesel/documents/equipsurvey.htm>

Confidential Information

The ARB will treat **all** information that you provide in this survey as confidential, if you so indicate. Title 17, California Code of Regulations (CCR), Section 91000 to 91100 (Attachment A) describes the handling of confidential information. We also request that you review and complete the Confidential Information Submittal Form found in Part II, and submit a hard copy of it with your survey. Finally, for your protection, each page of the survey form has a box to check to indicate that the information on that page is confidential. The ARB takes extreme measures to ensure that all Confidential Information remains confidential pursuant to Title 17, CCR.

Contact Person

If you have any questions, please contact the following staff person:

Kirk Rosenkranz (916) 327-7843 krosenkr@arb.ca.gov

COMPLETING THE INFORMATION SHEETS

We have made an effort to simplify this survey as much as possible. As such, the survey is composed of one form. Before you begin filling out the survey form, please read the instructions carefully and look at the attachments included to assist you in completing the survey.

THE SURVEY FORM

General distributor information such as name and address are needed, as well as the engine manufacturer(s) the distributor handles. We would also appreciate the name, phone number, and e-mail address for a contact person if staff has questions about how a survey form was completed.

In an effort to reduce the time spent completing the survey, please fill out the distributor-specific information only once, but we do ask that you number the survey pages (upper right hand corner of the form).

Data Fields

Distributor: Please enter the name of your distributorship.

Address/City/State/Zip Code: Mailing address, city, state, and zip code of your distributorship.

Brand(s) of Equipment Distributed: List the manufacturers of the stationary diesel-fueled equipment you distribute (i.e. Caterpillar, Cummins, etc.)

Contact Name: Enter the name of the person to be contacted by the ARB if clarifications are needed.

Contact Phone Number: Enter the phone number of the contact person.

E-mail Address: Enter the E-mail address of the contact person, if available.

Model: Enter the model number of the piece of equipment.

Horsepower Rating: Enter the horsepower rating that corresponds to the listed model number.

Annual Equipment Sales In California: Enter the numbers of the piece of equipment sold for the appropriate uses by model number. The first and second pages cover the years 1996 through 2001, and the third page is provided for reporting equipment sales prior to 1996 by model number.

Equipment Use: To the best of your knowledge, check the box(es) corresponding to the industry uses in which the equipment model is used:

Electric power generator sets (Gen), Compressors (Com), Pumps dedicated for agricultural use (AgP), Pumps not dedicated for agricultural use (NAgP), and other uses (Other) (please specify). "Other (please specify)" is intended for reporting equipment such as welders, grinders, rock crushers, sand screeners, cranes, and cement blowers.

For models with multiple uses, please estimate the percentage of total model sales attributable to a specific use, "(x%)."

DEFINITIONS

- 1) **"Agricultural Operations"** means the growing and harvesting of crops or the raising of fowl or animals for the primary purpose of making a profit, providing a livelihood, or conducting agricultural research or instruction by an educational institution.
- 2) **"Stationary Diesel-fueled Equipment"** means either: 1) equipment that is designed to remain in one location for the duration of its useful life, or 2) a unit that can be carried from one location to another but remains at a single location for more than 12 consecutive months.

Examples of stationary diesel-fueled equipment includes, but are not limited to electric power generator sets, pumps dedicated for agricultural use, pumps not dedicated for agricultural use, welders, grinders, rock crushers, sand screeners, cranes, cement blowers, and air compressors.

Attachments

ATTACHMENT A - ELECTRONIC DATA SUBMITTAL FORM

ELECTRONIC DATA SUBMITTAL FORM

To simplify and streamline the data gathering process, we have made the "Stationary Diesel-fueled Equipment Survey" available electronically. You can download the survey from our website or we can send you a diskette if you complete this form and return it to us by fax. Microsoft Word97 or 2000 is required to complete the survey electronically.

Internet Access: <http://www.arb.ca.gov/diesel/documents/equipsurvey.htm>

If you would like us to send you a diskette containing the survey, please complete the form below.

California Air Resources Board
Stationary Source Division
P.O. Box 2815
Sacramento, CA 95812-2815

Attention: Kirk Rosenkranz
Phone Number: (916) 327-7843
Fax Number: (916) 327-6251

Date: _____

Name: _____

Company: _____

Phone Number: _____

Fax Number: _____

Mailing Address: _____

ATTACHMENT B - CONFIDENTIAL INFORMATION SUBMITTAL FORM

CONFIDENTIAL INFORMATION SUBMITTAL FORM

If you wish to designate any information contained in your survey data as **CONFIDENTIAL INFORMATION**, please provide the information requested below and return it with your completed survey form.

In accordance with Title 17, California Code of Regulations (CCR), Section 91000 to 91022, and the California Public Records Act (Government Code Section 6250 et seq.), the information that a company provides to the Air Resources Board (ARB) may be released (1) to the public upon request, except trade secrets which are not emissions data or other information which is exempt from disclosure or the disclosure of which is prohibited by law, and 2) to the Federal Environmental Protection Agency, which protects trade secrets as provided in Section 114(c) of the Clean Air Act and amendments thereto (42 USC 7401 et seq.) and in federal regulation, and 3) to other public agencies provided that those agencies preserve the protections afforded information which is identified as a trade secret, or otherwise exempt from disclosure by law (Section 39660(e)).

Trade Secrets as defined in Government Code 6254.7 are not public records and therefore will not be released to the public. However, the California Public Records Act provides that air pollution emission data are always public records, even if the data comes within the definition of trade secrets. On the other hand, the information used to calculate information is trade secret.

If any company believes that any of the information it may provide is a trade secret or otherwise exempt from disclosure under any provision of law, **it must identify the confidential information as such at the time of submission to the ARB and must provide the name, address, and telephone number of the individual to be consulted**, if the ARB receives a request for disclosure or seeks to disclose the data claimed to be confidential. The ARB may ask the company to provide documentation of its claim of trade secret or exemption at a later date. Data identified as confidential will not be disclosed unless the ARB determines, in accordance with the above referenced regulations, that the data do not qualify for a legal exemption from disclosure. The regulations establish substantial safeguards before any such disclosure.

In accordance with the provisions of Title 17, California Code of Regulations, Section 91000 to 91022, and the California Public Records Act (Government Code Sections 6250 et seq.)

Company Name: _____ declares that all the information submitted in response to the California Air Resources Board's information request on the survey is confidential "trade secret" information, and request that it be protected as such from public disclosure. All inquiries pertaining to the confidentiality of this information should be directed to the following person:

Date: _____

Mailing Address: _____

(Signature)
(Printed Name)
(Title)
(Telephone Number)

ATTACHMENT C - SAMPLE FORMS

Distributor: South Ridge Diesel
Address: 1234 Main Street
City/State: Emeryville, CA
Zip Code: 92833
Brand(s) of Equipment Distributed: New Diesel
Contact Name: Alan Torqueson
Phone Number: 916-555-5555
E-mail Address: atorques@srdiesel.com

Page 1 **of** 2
Confidential No
 (yes or no)

SAMPLE

Equipment Use: Gen Sets Gen Compressors Com Pumps Pump Other Other (please specify)

Model	Horsepower Rating	Annual Equipment Sales in California						Equipment Use *			
		1996	1997	1998	1999	2000	2001	Gen	Com	Pump	Other
B3.3-65	65@2600	12	15	31	7	23	46			X	
B3.3-85	85@2600	206	135	203	165	170	217			X	
B3.9-116	116@2500	57	43	78	63	110	144	X (45%)		X (55%)	
B5.9-A200	200@2500	25	23	27	31	53	34	X (33%)		X (67%)	
B5.9-175	175@2500	17	3	12	17	11	6	X			
N14-A525	525@2100	10	12	5	8	23	13	X			welder
N14-525	525@2100	0	6	3	0	0	2	X			welder
N14-525	525@2100	0	0	0	7	0	4	X			rock crusher

* - For models with multiple uses, please estimate the percentage of total model sales attributable to a specific use, "(x%)."

**ATTACHMENT D – TITLE 17, CALIFORNIA CODE OF REGULATIONS,
Sections 91000 to 91100**

Subchapter 4. Disclosure of Public Records

Article 1. General

§91000. Scope and Purpose.

This subchapter shall apply to all requests to the state board under the California Public Records Act (Government Code Sections 6250 et seq.) for the disclosure of public records or for maintaining the confidentiality of data received by the state board. Written guidelines shall govern the internal review of such requests.

NOTE: Authority cited: Sections 39600 and 39601(a), Health and Safety Code.
Reference: California Public Records Act, Chapter 3.5 (commencing with Section 6250), Division 7, Government Code.

§91001. Disclosure Policy.

It is the policy of the state board that all records not exempted from disclosure by state law shall be open for public inspection with the least possible delay and expense to the requesting party.

NOTE: Authority cited: Sections 39600 and 39601(a), Health and Safety Code.
Reference: Section 6253, Government Code; Black Panther Party v. Kehoe (1974) 42 Cal.App.3d 645.

Article 2. Board's Requests for Information

§91010. Request Procedure.

The state board shall give notice to any person from whom it requests information that the information provided may be released (1) to the public upon request, except trade secrets which are not emission data or other information which is exempt from disclosure or the disclosure of which is prohibited by law, and (2) to the federal Environmental Protection Agency, which protects trade secrets as provided in Section 114(c) of the Clean Air Act and amendments thereto (42 USC 7401 et seq.) and in federal regulations.

NOTE: Authority cited: Sections 39600, 39601 and 39602, Health and Safety Code.
Reference: Sections 39701, 41510, 41511, 41512 and 42705, Health and Safety Code; and Section 6253, Government Code.

§91011. Submissions of Confidential Data.

Any person submitting to the state board any records containing data claimed to be "trade secret" or otherwise exempt from disclosure under Government Code Section 6254 or 6254.7 or under other applicable provisions of law shall, at the time of submission, identify in writing the portions of the records containing such data as "confidential" and shall provide the name,

**ATTACHMENT D – TITLE 17, CALIFORNIA CODE OF REGULATIONS,
Sections 91000 to 91100**

address and telephone number of the individual to be contacted if the state board receives a request for disclosure of or seeks to disclose the data claimed to be confidential. Emission data shall not be identified as confidential. The state board shall not disclose data identified as confidential, except in accordance with the requirements of this subchapter or Section 39660(e) of the Health and Safety Code.

NOTE: Authority cited: Sections 39600 and 39601, Health and Safety Code.
Reference: Sections 39660, 39701, 41500, 41511, 41512 and 42705, Health and Safety Code; Sections 6253, 6254 and 6254.7, Government Code; Natural Resources Defense Council v. EPA, 489 F.2d 390 (5th Cir. 1974) (6 ERC 1248); Northern California Police Practices Project v. Craig (1979) 90 Cal.App.3d 116; Uribe v. Howie (1971) 19 Cal.App.3d 194.

Article 3. Inspection of Public Records

§91020. Disclosure Policy.

§91021. Disclosure Procedure.

NOTE: Authority cited: Section 39601, Health and Safety Code.
Reference: Sections 6253-6257, Government Code.

§91022. Disclosure of Confidential Data.

(a) This section shall apply to all data in the custody of the state board

(1) designated "trade secret" prior to the adoption of this subchapter,

(2) considered by the state board or identified by the person who submitted the data as confidential pursuant to this subchapter, or

(3) received from a federal, state or local agency, including an air pollution control district, with a confidential designation, subject to the following exceptions:

(A) Except for the time limits specifically provided in subsection (b), only subsections (c) and (d) of this section shall apply to information submitted pursuant to Health and Safety Code section 39660(e).

(B) Appropriate portions of an application for approval, accreditation, or certification of a motor vehicle emission control device or system shall be kept confidential until such time as the approval, accreditation, or certification is granted, at which time the application (except for trade secret data) shall become a public record, except that estimates of sales volume of new model vehicles contained in an application shall be kept confidential for the model year, and then shall become public records. If an application is denied, it shall continue to be confidential but shall be subject to the provisions of this section.

ATTACHMENT D – TITLE 17, CALIFORNIA CODE OF REGULATIONS, Sections 91000 to 91100

(C) If disclosure of data obtained after August 9, 1984 from a state or local agency subject to the provisions of the Public Records Act is sought, the state board shall request that the agency which provided the data determine whether it is confidential. The state board shall request that it be notified of the agency's determination within ten days. The state board shall not release the data if the agency determines that it is confidential and so notifies the state board; provided, however, that the data may be released with the consent of the person who submitted it to the agency from which it was obtained by the state board.

(b) Upon receipt of a request from a member of the public that the state board disclose data claimed to be confidential or if the state board itself seeks to disclose such data, the state board shall inform the individual designated pursuant to Section 91011 by telephone and by mail that disclosure of the data is sought. The person claiming confidentiality shall file with the state board documentation in support of the claim of confidentiality. The documentation must be received within five (5) days from the date of the telephone contact or of receipt of the mailed notice, whichever first occurs. In the case of information submitted pursuant to Health and Safety Code section 39660(e), the documentation must be received within 30 days of the date notice was mailed pursuant to that section. The deadlines for filing the documentation may be extended by the state board upon a showing of good cause made within the deadline specified for receipt of the documentation.

(c) The documentation submitted in support of the claim of confidentiality shall include the following information:

(1) the statutory provision(s) under which the claim of confidentiality is asserted;

(2) a specific description of the data claimed to be entitled to confidential treatment;

(3) the period of time for which confidential treatment is requested;

(4) the extent to which the data has been disclosed to others and whether its confidentiality has been maintained or its release restricted;

(5) confidentiality determinations, if any, made by other public agencies as to all or part of the data and a copy of any such determinations, if available; and

(6) whether it is asserted that the data is used to fabricate, produce, or compound an article of trade or to provide a service and that the disclosure of the data would result in harmful effects on the person's competitive position, and, if so, the nature and extent of such anticipated harmful effects.

(d) Documentation, as specified in subsection (c), in support of a claim of confidentiality may be submitted to the state board prior to the time disclosure is sought.

(e) The state board shall, within ten (10) days of the date it sought to disclose the data or received the request for disclosure, or within 20 days of that date if the state board determines that there are unusual circumstances as defined in Government Code Section 6256.1, review

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the request, if any, and supporting documentation, if received within the time limits specified in subsection (b) above, including any extension granted, and determine whether the data is entitled to confidential treatment pursuant to Government Code Section 6254, 6255 or 6254.7 or other applicable provisions of law and shall either:

(1) decline to disclose the data and, if a request was received, provide to the person making the request and to the person claiming the data is confidential a justification for the determination pursuant to Government Code Section 6255; or

(2) provide written notice to the person claiming the data is confidential and, if a request was received, to the person requesting the data that it has determined that the data is subject to disclosure, that it proposes to disclose the data, and that the data shall be released 21 days after receipt of the notice by the person claiming confidentiality, unless the state board is restrained from so doing by a court of competent jurisdiction. The state board shall release the data in accordance with the terms of the notice unless so restrained.

(f) Should judicial review be sought of a determination issued in accordance with subsection (e), either the person requesting data or the person claiming confidentiality, as appropriate, may be made a party to the litigation to justify the determination.

NOTE: Authority cited: Section 39601, Health and Safety Code. Reference: Sections 6253, 6254, 6254.7, 6255, 6256, 6256.1, 6258 and 6259, Government Code.