Comment 1 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Dan
Last Name: Fauchier
Email Address: fauchier@msn.com
Affiliation: EGCA Magazine

Subject: Negative impact to bonding limits & equipment financing capacity
Comment:

This regulation could have a significant impact on all contractors that own a fleet of equipment. Margins could decline due to early retirement of productive equipment. This is compounded by the need to spend considerable money to modernize, or rather, modify the fleet structure. Construction is on a competitive bid basis and only a portion of cost can be passed through. The full impact of this cost cannot be pushed through until many years down the road as the field gradually levels out. Hidden equity will decline by an unknown amount as values decline for all Tier 0 equipment. This decline could accelerate as other states clone the California model with the potential for a cascade effect on Tier 0 equipment values. In my opinion, says, CIT's Ralph Potter, this will likely wipe out somewhere between 25-50% of hidden equity over time.

Attachment: www.arb.ca.gov/lists/ordiesl07/1-_eg_advo_apr_07.pdf

Original File Name: EG Advo APR 07.pdf

Date and Time Comment Was Submitted: 2007-04-09 20:45:45

No Duplicates.

Comment 2 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Don
Last Name: Cash
Email Address: Non-web submitted comment
Affiliation: Sunstate Equipment Co.

Subject: In-Use Off-Road Diesel Vehicle Proposed Regulation
Comment:

```
Please see the attached comment.
```

Attachment: www.arb.ca.gov/lists/ordiesl07/2-ordiesl07-1.pdf

Original File Name: ordiesl07-1.pdf

Date and Time Comment Was Submitted: 2007-04-11 10:18:34

1 Duplicates.

Comment 3 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Dave
Last Name: Porcher
Email Address: dporcher@camarilloengineering.com
Affiliation: camarillo engineering

Subject: section 2449 title13 article chapter9
Comment:

We have used air resources board fleet calculator to determine what are status will be in order to comply with section 2449 title 13 article 4.8 chapter 9. We have sent attachments to show our cost and to show you how we have arrived at them. We feel that these costs are extreme, our figures are based on real quotes which we have given to air resource staff members. We have read through appendix H “modeling the cost and emission reductions”. Pg H-10 pg H-11 cost of repowering and cost of retrofitting with PM VDECS. We have given quotes to ARB staff members. The real cost today are in some cases over double what the model says they should be.

We would like to see the 20% retrofit a year change to 10% retrofit per year, at 10% per year it would be more cost effective and would allow technology to catch up and would still serve its purpose. If you look at the data we have sent you it will show you that it will take 58.0803% of our net profit to pay for retrofit PM VDECS in the first year alone. If you add in what it will take to meet the NOx target, it will take a total of 66.628% of our net profit.

At this time 4/18/2007 we have found not one verified NOx level 3 device that can handle Caterpillar 300 to 600hp ranges.

At this time 4/18/2007 we have found only one manufacturer of a level 3 PM VDECS to handle Caterpillar 300 to 600hp ranges.

We have quotes on this PM device and we have seen demonstrations of this device we have serious concerns about the safety and of double and tripling these devices in order to make them function properly. We also have serious problems with the warranty of this device. In the warranty it states that you have to present the device to a dealer when there is a problem if the device can be repaired it will be returned to you within 30 days. If the unit has to be replaced the time frame extends to 90 days or when a replacement unit becomes available. These units are extremely expensive and there is not one contractor that can afford to have his machine sit for up to 90 days. These are very big problems that need to be addressed.

At this time 4/18/2007 our banking institution has declined to fund the PM VDECS units. A letter to this effect has been given to ARB staff members. Please reconsider your position in this matter.

Attachment: www.arb.ca.gov/lists/ordiesl07/3-targets.zip

Original File Name: Targets.zip

Date and Time Comment Was Submitted: 2007-04-18 08:25:38

No Duplicates.

Comment 4 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Dave
Last Name: Porcher
Email Address: dporcher@camarilloengineering.com
Affiliation: camarillo engineering

Subject: enforcement
Comment:

We have serious concerns about how California Air Resource Board will enforce the off-road rule. The costs that are going to be incurred are extremely high, if California Air Resource Board cannot adequately enforce the off-road rule then contractors who do comply will have great difficulty in acquiring contracts. These costs to contractors will have to be passed on in order to stay in business. Is the California Air Resource Board prepared to protect compliant contractors? If so please let us know how.

We suggest that a certificate of compliance be issued to qualifying contractors and that certificate would have to be shown in order to get any grading permit.

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-04-18 10:05:51

No Duplicates.

Comment 5 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

This comment was posted then deleted because it was unrelated to the Board item or it was a duplicate.

Comment 6 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Dennis
Last Name: Hunter
Email Address: dennis.hunter@dsscompany.com
Affiliation: Knife River Corporation

Subject: In-Use Off-Road Diesel Regulation
Comment:

I would like to ask the staff creating this concept to revise the requirement to retrofit all equipment that does not have a factory installed exhaust after-treatment device or previously retrofit with the highest level VDECS at the time of installation in 2021.

Over the next 13 years you will be requiring the fleet owners of California to incur a substantial expense without regard for economic fluctuations. The regulation will be difficult to comply with during strong economic years, and nearly impossible in weak years. Fleet owners will need to change most of there fleet management procedures to meet Off-Road fleet targets along with meeting requirments for there On-Road and Portable equipment fleets. After working hard to meet the 2020 targets fleet owners are rewarded with another requirment that does not allow for the useful life of equipment.

I have modeled all of Knife River Corporation's California fleets and find the equipment that falls into this portion of the regulation, is generally small, low horsepower, short life equipment. Most of which will be purchased in 2009 to 2012 to replace existing equipment early in order to meet early targets. Now it will be necessary to replace it early (again) or retrofit without the ability to spread the cost of retrofit due to its expected useful life.

I would like to ask that the 2021 requirment be move to 2025 to allow fleet owners to get back to a normal turn over cycle. The PM and NOx reductions will be greater in 2025 with new equipment than that of older retrofit equipment forced to run longer.

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-04-23 09:55:38

No Duplicates.

Comment 7 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Kate
Last Name: Leyden
Email Address: kate@vceonline.com
Affiliation: Valley Contractors Exchange

Subject: Final Draft Comments from Valley Contractors Exchange, Chico/Yuba City
Comment:

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See attached letter...
```

Attachment: www.arb.ca.gov/lists/ordiesl07/7-response_to_final_draft_regs_april_2007.pdf

Original File Name: Response to final draft regs April 2007.pdf

Date and Time Comment Was Submitted: 2007-04-23 17:03:39

No Duplicates.

Comment 8 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Ronald
Last Name: Scott
Email Address: rscott7706@gmail.com
Affiliation:

Subject: Proposed Regulation For In-Use Off-Road Diesel Vehicles
Comment:

We need five additional years for implementation and we need another $200 Million per year in Carl Moyer-type state funding.

As owners of off-road diesel equipment, we want cleaner air and in the past 5 years regional contractors have voluntarily reduced over 3,787 tons of pollution annually. But the CARB staff proposed rule forces 18 years of changes (as originally planned in 2000) into only 12 years. This cannot be done without laying off employees and could even result in our company leaving the state or going out of business entirely – which means the loss of many high-wage jobs.

We need five more years for the required emissions technology to become available and to allow us to be able to afford such costly equipment purchases and retrofits. Restoring five years to the implementation timeframe will give engine manufacturers time to catch-up with California's progressive air quality standards and help us amortize the massive expense of purchasing new equipment over a longer period, as our own equipment lenders are urging.

The $9 billion cost of CARB staff's proposal will have a devastating impact on construction companies that employ nearly one million Californians and significantly reduce the buying power of the Governor's $43 billion infrastructure bonds the people of California approved in November – fewer roads, schools, housing and levees will be built.

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-04-26 10:13:10

4 Duplicates.

Comment 9 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Randal
Last Name: Friedman
Email Address: randalfriedman1@comcast.net
Affiliation: United States Navy

Subject: Comment Letter
Comment:

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see attached file
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Attachment: www.arb.ca.gov/lists/ordiesl07/9-off-road_diesel_board_ltr.pdf

Original File Name: off-road diesel board ltr.pdf

Date and Time Comment Was Submitted: 2007-04-26 10:29:52

No Duplicates.

Comment 10 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: David
Last Name: Watkinson
Email Address: dwatkinson@idaho-maryland.com
Affiliation:

Subject: Exemption for Underground Mining for In-Use Off-Road Diesel Vehicles
Comment:

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Please see attached letter.
```

Attachment: www.arb.ca.gov/lists/ordiesl07/10-20070426_letter_to_carb.doc

Original File Name: 20070426 Letter to CARB.doc

Date and Time Comment Was Submitted: 2007-04-26 16:18:51

No Duplicates.

Comment 11 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Abel
Last Name: Maldonado
Email Address: Non-web submitted comment
Affiliation: 15th Senate District

Subject: Proposed Amendments for In-Use Off-Road Diesel Vehicles
Comment:

```
Please see the attached comment.
```

Attachment: www.arb.ca.gov/lists/ordiesl07/11-ordiesl07-11.pdf

Original File Name: ordiesl07-11.pdf

Date and Time Comment Was Submitted: 2007-04-27 14:10:52

No Duplicates.

Comment 12 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: John
Last Name: McClelland
Email Address: John.McClelland@ararental.org
Affiliation: ARA

Subject: Proposed Amendments for In-Use Off-Road Diesel Vehicles
Comment:

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Please see the attached comment.
```

Attachment: www.arb.ca.gov/lists/ordiesl07/12-ordiesl07-12.pdf

Original File Name: ordiesl07-12.pdf

Date and Time Comment Was Submitted: 2007-04-27 14:16:12

No Duplicates.

Comment 13 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Dave
Last Name: Cox
Email Address: SENATOR.COX@SEN.CA.GOV
Affiliation: 1st Senate District

Subject: Proposed Amendments for In-Use Off-Road Diesel Vehicles
Comment:

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Please see the attached comment.
```

Attachment: www.arb.ca.gov/lists/ordiesl07/14-ordiesl07-13.pdf

Original File Name: ordiesl07-13.pdf

Date and Time Comment Was Submitted: 2007-04-27 14:41:18

No Duplicates.

Comment 14 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Geoff
Last Name: Boraston
Email Address: Non-web submitted comment
Affiliation: Granite Construction Incorporated

Subject: Proposed Amendments for In-Use Off-Road Diesel Vehicles
Comment:

```
Please see the attached comment.
```

Attachment: www.arb.ca.gov/lists/ordiesl07/15-ordiesl07-14.pdf

Original File Name: ordiesl07-14.pdf

Date and Time Comment Was Submitted: 2007-04-27 14:45:13

No Duplicates.

Comment 15 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Rob
Last Name: McBeth
Email Address: Non-web submitted comment
Affiliation: O&M Industries

Subject: Proposed Amendments for In-Use Off-Road Diesel Vehicles
Comment:

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Please see the attached comment.
```

Attachment: www.arb.ca.gov/lists/ordiesl07/16-ordiesl07-15.pdf

Original File Name: ordiesl07-15.pdf

Date and Time Comment Was Submitted: 2007-04-27 14:47:30

No Duplicates.

Comment 16 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: R.J.
Last Name: Berry Jr.
Email Address: Non-web submitted comment
Affiliation: R.J. Berry Jr., Inc.

Subject: Regarding: California Air Resources Board proposed rule change
Comment:

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Please see the attached comment.
```

Attachment: www.arb.ca.gov/lists/ordiesl07/17-ordiesl07-16.pdf

Original File Name: ordiesl07-16.pdf

Date and Time Comment Was Submitted: 2007-04-27 14:50:47

No Duplicates.

Comment 17 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Richard
Last Name: Joslin
Email Address: Non-web submitted comment
Affiliation: Truckee River Tub Company

Subject: Proposed Amendments for In-Use Off-Road Diesel Vehicles
Comment:

```
Please see the attached comment.
```

Attachment: www.arb.ca.gov/lists/ordiesl07/18-ordiesl07-17.pdf

Original File Name: ordiesl07-17.pdf

Date and Time Comment Was Submitted: 2007-04-27 15:23:06

No Duplicates.

Comment 18 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Klif
Last Name: Knoles
Email Address: Non-web submitted comment
Affiliation: Marin Builders Association

Subject: Proposed Amendments for In-Use Off-Road Diesel Vehicles
Comment:

```
Please see the attached comment.
```

Attachment: www.arb.ca.gov/lists/ordiesl07/19-ordiesl07-18.pdf

Original File Name: ordiesl07-18.pdf

Date and Time Comment Was Submitted: 2007-04-27 15:25:34

No Duplicates.

Comment 19 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: John
Last Name: Spencer
Email Address: bdofsupervisors@co.nevada.ca.us
Affiliation: Board of Supervisors, County of Nevada

Subject: Proposed Amendments for In-Use Off-Road Diesel Vehicles
Comment:

```
Please see the attached comment.
```

Attachment: www.arb.ca.gov/lists/ordiesl07/20-ordiesl07-19.pdf

Original File Name: ordiesl07-19.pdf

Date and Time Comment Was Submitted: 2007-04-27 15:28:12

No Duplicates.

Comment 20 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Guy
Last Name: Prescott
Email Address: Non-web submitted comment
Affiliation: Operating Engineers Local Union No. 3

Subject: Proposed Amendments for In-Use Off-Road Diesel Vehicles
Comment:

```
Please see the attached comment.
```

Attachment: www.arb.ca.gov/lists/ordiesl07/21-ordiesl07-20.pdf

Original File Name: ordiesl07-20.pdf

Date and Time Comment Was Submitted: 2007-04-27 15:31:30

No Duplicates.

Comment 21 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Russell
Last Name: Burns
Email Address: Non-web submitted comment
Affiliation: Operating Engineers Local Union No. 3

Subject: In-Use Off-Road Diesel Vehicle Proposed Regulation
Comment:

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Please see the attached comment.
```

Attachment: www.arb.ca.gov/lists/ordiesl07/22-ordiesl07-21.pdf

Original File Name: ordiesl07-21.pdf

Date and Time Comment Was Submitted: 2007-04-27 15:34:55

No Duplicates.

Comment 22 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Joseph
Last Name: Lazio
Email Address: joelazio@webtv.net
Affiliation:

Subject: In-Use Off-Road Diesel Vehicle Proposed Rule
Comment:

The CARB's new diesel proposals for retrofitted air cleaners over 5 years old and repowered diesel equipment over 10 years old are patently absurd. The only thing these would accomplish is to reduce the amount of carbon atoms or soot into the air, and not the more toxic compounds associated with gasoline-powered engines. Since life on earth is carbon-based, carbon can hardly be considered a pollutant. This kind of rigid regulation mimics the CARB's gasoline smog requirement mandating "Original Equipment Manufacturers'" designs, when any smog station can tell you that many original smog devices were counterproductive in terms of reducing smog emissions; it is well-known that simple gas engines with electronic ignition and a PCV device only, produce far less emissions than most of the cars of the 80's, 90's, and even currently. After market and removed original equipment can reduce the amount of pollutants on certain gas vehicles. Why wasn't the law written for the I/M smog inspection program that individual vehicles must meet or exceed original manufacturers' specs, THEREBY TRULY REDUCING SMOG EMISSIONS? The new diesel rules are equally non-productive, and would cause hardships in the construction industry field not commensurate with the reduction of green-house gases supposed to be the cause of global warming. LOOK AT THE SCIENCE, PEOPLE!! Do NOT accept ignorant politicians' interpretations of the SCIENCE!! A look at events in geological time may just show this phenomenon of global warming as an inter-glacial warming period before re-glaciation of the earth. Wouldn't we be stupid to try to cool the earth down before the beginning of a new glacial age?

Joseph G. Lazio

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-04-27 15:42:14

No Duplicates.

Comment 23 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Terry
Last Name: Banach
Email Address: Non-web submitted comment
Affiliation: Commercial Restroom Accessories

Subject: Proposed Amendments for In-Use Off-Road Diesel Vehicles
Comment:

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Please see the attached comment.
```

Attachment: www.arb.ca.gov/lists/ordiesl07/24-ordiesl07-23.pdf

Original File Name: ordiesl07-23.pdf

Date and Time Comment Was Submitted: 2007-04-30 11:16:27

No Duplicates.

Comment 24 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: James
Last Name: Thomas
Email Address: James.Thomas@nabors.com
Affiliation: Nabors Well Services Co.

Subject: In-Use Off-Road Diesel Vehicle Control Measure
Comment:

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Please see the attached comment.
```

Attachment: www.arb.ca.gov/lists/ordiesl07/25-in-use_off-road_atcm_letter_to_board_04-30-07.pdf

Original File Name: In-Use Off-Road ATCM Letter to Board 04-30-07.pdf

Date and Time Comment Was Submitted: 2007-05-01 14:24:01

No Duplicates.

Comment 25 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Marta
Last Name: Induni
Email Address: minduni@surveyresearchgroup.org
Affiliation:

Subject: Form Letter #1
Comment:

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Please see the attached comment.
```

Attachment: www.arb.ca.gov/lists/ordiesl07/26-ordiesl07-25.pdf

Original File Name: ordiesl07-25.pdf

Date and Time Comment Was Submitted: 2007-05-01 14:28:34

757 Duplicates.

Comment 26 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Paul
Last Name: Schuette
Email Address: paul-schuette@sbcglobal.net
Affiliation: mccullough

Subject: C.A.R.B.
Comment:

Dear Members of the California Air Resources Board:

The California Air Resources Board (CARB) is currently considering the adoption of off-road diesel regulations that, if implemented as presently drafted, would have a profound, negative impact on California's infrastructure rebuilding efforts, the health of the state's construction industry and its overall economy.

We want to be clear: William G McCullough co. is very supportive of reducing particulate matter (PM) and NOx emissions from diesel engines. In fact, using the Carl Moyer program over the past five years in Southern California alone, the construction industry has replaced more than 1,000 high polluting engines, resulting in a reduction of more than 3,787 tons of pollution every year.

There is no disagreement that we need to work collectively to improve the state's air quality and all of us want to provide as healthy an environment as possible for our employees on our job sites. However, in their current form, the Board's proposed regulations are not viable from an economic or technological perspective.

When CARB first announced its intention to promulgate these regulations in 2000, their plan called for an 18-year timeline to meet the state's goals of reducing particulate matter emissions only. Due to delays in developing these rules, that timeline has been reduced to 13 years. In addition, the regulation of NOx emissions has been added to the rule – which significantly alters the kind of technology needed for companies to be in compliance.

There currently is no diesel engine that is capable of addressing both PM and NOx emissions. This lack of equipment technology and availability are serious barriers to meeting the targets under these rules. In some cases the engines and equipment necessary to meet the stringent standards in these regulations will not come to market until 2014. In addition, an estimated 165,000 pieces of machinery will have to be retrofitted, re-powered or replaced over the next 13 years to meet yearly reduction targets.

Under the annual emission reduction targets required under this proposal, many contractors will be required to first re-power or retrofit an engine, only to have to turn around a few years later and replace the entire piece of equipment when the technology to do the job right finally hits the marketplace.

While many of California's larger construction companies have already begun the process of repowering or retrofitting its fleet in anticipation of these regulations, the smaller companies with less than five employees, which make up more than 55 percent of the industry, will be severely hampered by the costs of repowering or retrofitting equipment that, in some cases, are the sole assets of their family-owned businesses. Additionally, many of these companies simply do not have the resources or access to capital to repower or retrofit their engines and may be forced to park the equipment, ultimately costing jobs and revenue to the state's economy.

We estimate the total industry-wide cost of implementing these proposed rules to be upward of $9 billion. For my company's fleet alone, the cost will be $1.2 million. Since the construction is a low-margin business, many contractors will be forced to reduce their fleets and in some cases go completely out of business in order to be in compliance with these regulations.

These rules will also significantly reduce the buying power of the historic $43 billion infrastructure bonds the people of California approved in November. Due to the enormous expense of replacing this equipment – in some cases more than $1 million for each machine – we will be forced to increase the cost of construction projects. This means fewer roads, schools, housing and levees will be built and the pace at which these projects can be completed will be significantly slowed.

However, restoring just five years to the implementation timeframe will give equipment manufacturers time to catch-up and produce engines that will allow the industry to meet California's progressive air quality standards and distribute the massive expense of purchasing new equipment out over a longer period.

We look forward to working with you, CARB, environmental organizations, the Legislature and other stakeholders to find a feasible solution that achieves the state's air quality goals while keeping California's economy moving forward.

Sincerely,
Paul Schuette
William G McCullough co.

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-05-02 07:20:46

23 Duplicates.

Comment 27 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Kirk
Last Name: Schulthess
Email Address: wolfcuttingedge@aol.com
Affiliation:

Subject: CARB Regulations
Comment:

```
I would like to attend any hearings / fourms that comtemplate the
proposed regulations that impact the construction and mining
industry. I have found it nearly impossible and quite costly to
purchase a generator that will power our Rock crushing operations,
these proposed regulations can and will have a dramatic impact upon
these industries.
Sincerely,
Kirk Schulthess
```

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-05-03 07:49:22

No Duplicates.

Comment 28 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Mel
Last Name: Zeldin
Email Address: mel@capcoa.org
Affiliation: CAPCOA

Subject: Comment Letter on Off-Road Diesel Regulation
Comment:

```
Comment letter attached.
```

Attachment: www.arb.ca.gov/lists/ordiesl07/30-5-3-07_-_letter_to_arb_-_offroad_diesel.pdf

Original File Name: 5-3-07 - Letter to ARB - Offroad Diesel.pdf

Date and Time Comment Was Submitted: 2007-05-04 10:08:51

No Duplicates.

Comment 29 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Robert
Last Name: Bouzard
Email Address: Non-web submitted comment
Affiliation: PCCA

Subject: Off-Road Diesel Equipment Regulations, Final Draft
Comment:

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Please see the attached comment.
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Attachment: www.arb.ca.gov/lists/ordiesl07/31-ordiesl07-29.pdf

Original File Name: ordiesl07-29.pdf

Date and Time Comment Was Submitted: 2007-05-04 11:47:38

No Duplicates.

Comment 30 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Jim
Last Name: Hunt
Email Address: Non-web submitted comment
Affiliation: Syblon Reid

Subject: Proposed Amendments for In-Use Off-Road Diesel Vehicles
Comment:

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Please see the attached comment.
```

Attachment: www.arb.ca.gov/lists/ordiesl07/32-ordiesl07-30.pdf

Original File Name: ordiesl07-30.pdf

Date and Time Comment Was Submitted: 2007-05-04 11:54:48

No Duplicates.

Comment 31 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: John
Last Name: Nelson
Email Address: jnelson@flatironcorp.com
Affiliation:

Subject: CARB -new regulations
Comment:

```
Question

What if you are wrong

1-  Cost range 3 billion to 13 billion

2-  Availablity of the replacement engines necessary for meeting
dead lines- We hear that if all efforts were concentrated into
California that deadlines would still not be able to be met.
One of the comments heard from the board about the John Deere/Bob
Cat/ETC to subpliment the demand? Not sure if you understand that
these manufactors are NOT interchangeabe with other manufactors.

3   It seems to me that the studies used to determine the time
frames for the updates is somewhat in question and that further
understanding of what the real consequences will turn out to be
deserves an indepth look before it is to late.

    This move could certainly have a devastating impack on
construction cost as well as slowdown due to shortage of approved
equipment to do the work.
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Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-05-06 08:36:57

No Duplicates.

Comment 32 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Rod
Last Name: Winkle
Email Address: rod@franklinconstruction.com
Affiliation: Franklin Construction, Inc.

Subject: Impact of the In use off road diesel regulation on our company
Comment:

My name is Rod Winkle and I am the President of Franklin Construction, Inc. in Chico California. We are a general engineering contractor and own a large number of off road diesel machines. I have been going to the workshops for this regulation for the last year and have become familiar with the regulation itself including the most current modifications. As a company, we have been responsible over the last ten years as far as equipment goes and have made every effort to replace our existing equipment with new, cleaner machines to the degree that we have been able to afford it. We are a state certified small business doing between $10 and $11 million of business per year and have a maximum of 30 employees at the peak of the season. As far as this regulation is concerned, we are now considered a "Large fleet" at roughly 9500 total horsepower. Ironic-a small business with a large fleet.

I dont even need to run my fleet through the calculator to know that we are not compliant and will need to follow the 10%/20% replace/retrofit/retire process to comply with this regulation. That means we will have to replace around 950 horsepower of engines or equipment per year for NOX and 1900 horsepower of modifications for PM. In just the NOX portion, 950 horsepower is a very large number. In a normal year we can not afford to replace or add 950 horsepower to our fleet unless we are buying old used equipment. In rough numbers, If I were to buy near new used equipment to upgrade 950 horsepower from existing equipment to used tier 2(or tier 3 if available)equipment I would have to buy a Cat 631g Scraper, a Cat 14H motor grader, and a Cat 615C(which is a flex tier 2)scraper to get to around 950 horsepower. The cost, based on todays current used equipment market would be around $1.2 million dollars. I could sell the 3 older machines for around $350,000 if I am lucky with a net expenditure of $850,000. If we were to do around $11 million dollars worth of work in the same year that we replace this equipment, our normal profit would be in the range of $660,000 to a high of $850,000 in a good year. Can you see the dilema? We would have to do something like this every year until we comply or for ever since the regulation is a sliding scale type of arangement that moves from tier 2 to tier 3 to tier 4. It will take more money than we can ever make to comply with this regulation. We will be faced with downsizing our fleet by 50% or more to get down to the newest, cleanest machines that we have and then building back up to the fleet that we currently have now if we ever can. This regulation will drop our net worth, cost employees that are well paid and well taken care(we provide family plan inurance paid by the company, profit sharing, 401K matching at $0.50 per the dollar,

bonuses, and interest free loans to employees when in need). We will be forced to drop many of these benefits just to keep working and buying equipement or paying for costly, time consuming engine retrofits. I cant see where any of this is going to work out very well for our company, employees, our local economy, our county, or our state. It is just to rapid of a pace. I strongly believe in upgrading our fleet to be cleaner. I have childern that I want to survive and breath clean air. I also want to have income from the business that I have been in for generations while saving money for my children
to go to college. This regulation is just going to destroy all but the largest general engineering contractors that own construction equipment and depend on it for thier living.
I think that the regulation needs to exist, but the pace of compliance with the regulation needs to be slowed down in order for owners and manufacturers of equipment to keep pace and actually accomplish the end result. This regulation will do no one any good in the present form. What good will it do if the regulation puts most companies out of business or downsizes them?
Add to this regulation the already existing PERP program as well as the soon to come On road in use diesel regulation. We own all categories of equipment. When all 3 of these regulations are passed and running concurrently, we will be in
real trouble.

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-05-07 11:14:16

No Duplicates.

Comment 33 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Seyed
Last Name: Sadredin
Email Address: Non-web submitted comment
Affiliation: San Joaquin Valley APCD

Subject: Rulemaking to Consider the Adoption of a Proposed Reg. for In-Use Off-Road Diesel Vehicles
Comment:

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Please see the attached comment.
```

Attachment: www.arb.ca.gov/lists/ordiesl07/35-catherine_witherspoon_5-4-07.pdf

Original File Name: Catherine Witherspoon 5-4-07.pdf

Date and Time Comment Was Submitted: 2007-05-07 12:01:05

No Duplicates.

Comment 34 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Pete
Last Name: Van Hoorn
Email Address: pvh@nature.berkeley.edu
Affiliation:

Subject: Adoption of a Proposed Regulation For In-Use Off-Road Diesel Vehicles
Comment:

```
Please adopt this ruling.  California needs and deserves cleaner
air and this is a sensible and important way to help.
```

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-05-08 10:55:40

No Duplicates.

Comment 35 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Don
Last Name: Wood
Email Address: dwood8@cox.net
Affiliation:

Subject: Please adopt proposed In-use Contruction Rule to reduce pollution
Comment:

On May 24, the CARB Board is scheduled to vote on a landmark rule to reduce air pollution from California's construction equipment. This rule will require that all construction equipment currently in use be retrofitted to reduce pollution.

Construction equipment is the second largest source of diesel pollution in the state and is estimated to cause 1,100 premature deaths per year, 30,000 asthma attacks and cost the state's economy $9 billion.

The proposed in-use construction rule will provide significant pollution reductions, protect public health, and bring the most polluted areas of the state -- the Los Angeles/Long Beach air basin and the San Joaquin Valley -- into attainment with federal air quality standards. I ask that your vote to adopt the new rule as soon as possible, and adopt strong enforcement mechanisms to ensure that it is not violated.

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-05-08 12:46:01

No Duplicates.

Comment 36 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Bruno
Last Name: Dietl
Email Address: Non-web submitted comment
Affiliation: Vulcan Construction & Maintenance Inc.

Subject: Proposed Amendments for In-Use Off-Road Diesel Vehicles
Comment:

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Please see the attached comment.
```

Attachment: www.arb.ca.gov/lists/ordiesl07/40-ordiesl07-36.pdf

Original File Name: ordiesl07-36.pdf

Date and Time Comment Was Submitted: 2007-05-09 15:18:27

No Duplicates.

Comment 37 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Dave
Last Name: Thibodeau
Email Address: david@california.com
Affiliation:

Subject: In-Use Off-Road Diesel Vehicles
Comment:

To whom it may concern:

-- Construction equipment is the second largest source of diesel pollution in the state, accounting for 20% of particulate matter (soot) and 16% of smog-forming Nitrogen Oxides (NOx). These pollutants are two of the biggest pollution hazards for public health in California and throughout the country.

-- Exposure to smog can have serious effects on respiratory health. Inflammation and irritation of the respiratory tract can cause shortness of breath, throat irritation, chest pains and coughing, and lead to asthma attacks, hospital admissions and emergency room visits.

-- Particulate air pollution or soot can be inhaled and reach deep into the lungs. These tiny particulates can enter the circulatory system and damage blood vessels. Particulate pollution is associated with heart attacks, irregular heartbeat, asthma attacks, reduced lung function and bronchitis.

-- These health impacts result in tens of thousands of premature deaths in the U.S. from heart and lung disease annually, as well as hospital admissions, emergency room visits, absences from school or work, and restricted activities related to asthma attacks. Children are especially vulnerable because their lungs are still developing.

I support stronger air standards for California construction equipment. Please strengthen state air standards and reduce air pollution from construction equipment by enacting the new rules for in-use off-road diesel vehicles.

Sincerely,

Dave Thibodeau
San Rafael, CA.

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-05-10 09:36:24

177 Duplicates.

Comment 38 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Jamie
Last Name: Feusner
Email Address: jfeusner@hotmail.com
Affiliation:

Subject: In-Use Off-Road Diesel Vehicles
Comment:

```
To Whom it May Concern,

I support stronger air standards for California's construction
equipment. I urge you to vote for adoption of this new rule to
reduce pollution.

This new rule will:

-- Prevent 4,000 premature deaths;

-- Result in health benefits and reduced health care and hospital
visits of $18 to $26 billion;

-- Help bring the most polluted areas of the state, the Los
Angeles/Long Beach air basin and the San Joaquin Valley, into
attainment with federal air quality standards; and

-- By 2020, prevent 48 tons per day of NOx and 5 tons per day of
particulate air pollution from entering our air.

Thank you,

Jamie Feusner
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Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-05-10 09:49:35

465 Duplicates.

Comment 39 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Alvin
Last Name: Urke
Email Address: amurke@jps.net
Affiliation:

Subject: Off-Road Diesel Vehicles
Comment:

Urke Enterprises Inc.
Al Urke
13924 Day Spring Road
Grass Valley, CA 95945
530 273-1502 Fax: 530 274-1502

May 10, 2007

Dear CARB Board Members:

My input regarding your retroactive diesel engine retrofitting is, DON¡¦T DO IT!

We are a small family business with three full time and two part time employees. We buy equipment as needed (mostly used). And we endeavor to maintain it for the longest possible usage in order to reduce our overall cost. This enables us to stay in business and feed our families.

Here are the reasons I oppose your proposal:
„h I see no documentation as to the additional fuel usage that will be caused by the reduced power in equipment because of emission control devices. I have yet to see emission control that increases fuel economy. More fuel burned equals more emissions. I doubt the net gain in reduced emissions will be much.
„h Changing engines in trucks is in the realm of possibility because there is some space in the chassis. However, changing engines in tractors, graders and other heavy equipment is another story. In heavy equipment, sometimes the engine is integral to the frame or it is the frame. You are asking us to throw away equipment that we have spent years (10-20) acquiring and maintaining in order to run a profitable business.
„h I don¡¦t think the infrastructure is available to design, build and install what you are asking for. There are simply not enough manufacturers, designers and mechanics to do all this work in the short timeframe you are outlining.
„h Probably the most onerous aspect to this proposal is who is going to enforce the mandate. In my mind I see anarchy happening. Sure you can find the Teicherts and Granites of the world, but how about Joe Blow and his 1975 Case backhoe out on the farm?
„h What you are proposing is a retroactive TAX on businesses to fund clean air. I would suggest either that you foot the bill or I can send the names of past customers and you send them a tax bill. Then give us a grant to fix our equipment. Or perhaps buy us new equipment. This sounds absurd, doesn¡¦t it? Well, your proposal is just as absurd.

In conclusion, yes, we want clean air. So take a more sensible approach and require new equipment to meet some reasonable standard and phase in cleaner equipment over the years to come. This can be budgeted in by the industry and the increased costs can be passed on to our customers as needed.

This is a retroactive tax. Don¡¦t do it!

Al Urke, President
Urke Enterprises, Inc

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-05-10 14:37:56

No Duplicates.

Comment 40 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Duane
Last Name: Byrd
Email Address: dbyrd111-activist@yahoo.com
Affiliation:

Subject: biodiesel for construction diesels
Comment:

Since biodiesel is far less polluting than diesel, I feel a good solution would be to require construction and farm diesel operators to either install emissions equipment or use biodiesel instead of diesel which may require a cheaper fuel line retrofit. My preference would be to install both the emissions equipment and use biodiesel (B99 or B100). This would definitely make a huge impact on diesel particulate emissions but biodiesel use alone would greatly impact air quality. No biodiesel available in your area? That is something that needs work because oil companies are denying some fuel station owners the right to sell biodiesel. If there is anything the Air Resources Board can do to help this, please do so. I made the switch to biodiesel which I use in my BMW thanks to the owner of a private fuel station. As of yet, no commercial stations are allowed to carry biodiesel.

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-05-11 09:11:47

No Duplicates.

Comment 41 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Kate
Last Name: Leyden
Email Address: kate@vceonline.com
Affiliation: Valley Contractors Exchange

Subject: Summary of contractor comments from May 10 meeting
Comment:

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We appreciate staff having a roundtable discussion with general
engineering contractors and equipment distributors May 10.  A
brief summary is attached.
```

Attachment: www.arb.ca.gov/lists/ordiesl07/556-summary_of_contractor_comments.doc

Original File Name: Summary of Contractor Comments.doc

Date and Time Comment Was Submitted: 2007-05-11 13:35:25

No Duplicates.

Comment 42 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Mike
Last Name: Shaw
Email Address: mshaw@perry-shaw.com
Affiliation:

Subject: Comment on Proposed Regulation
Comment:

See attached.

Attachment: www.arb.ca.gov/lists/ordiesl07/664-carb_letter_may_07.pdf

Original File Name: Carb Letter May_07.pdf

Date and Time Comment Was Submitted: 2007-05-14 09:38:06

No Duplicates.

Comment 43 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Tara
Last Name: Haas
Email Address: thaas@euca.com
Affiliation: EUCA-Engineering & Utility Contr's Assn.

Subject: Impacts of O.R.D. Regulation to Employment, Small/Minority Business, Public Agencies, Etc.
Comment:

The attached PDF file contains a no-nonsense analysis of the pending regulations drafted by CARB staff on off-road diesel engines.

While the regulation seeks to do a good thing – reduce pollution and its associated health impacts – the current regulation is impossible to comply with, and has severe implications on those subject to the rule and their ancillary factions.

Owners of off-road diesel engines want to do their part in reducing the emissions created by their equipment, but the pending rule will crush small and minority owned companies, severely impair public agencies, increase unemployment, reduce the number of pending public works projects, and depress the California economy.

It has been my experience through speaking to owners of these off-road diesel engines that they want to be good stewards of the air that they, their families and their neighbors breathe, but a better approach is required - one that won't force bankruptcy or evasion as their only choices.

Attachment: www.arb.ca.gov/lists/ordiesl07/668-euca_regulatory_analysis_-_carb_off-road_diesel_regulation.pdf

Original File Name: EUCA Regulatory Analysis - CARB Off-Road Diesel Regulation.pdf

Date and Time Comment Was Submitted: 2007-05-14 10:40:24

No Duplicates.

Comment 44 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Terry
Last Name: Dressler
Email Address: Non-web submitted comment
Affiliation: Santa Barbara Co. APCD

Subject: Comments on Proposed New Section 2449, Titile 13, Reg. for In-Use Off-Road Diesel Vehicles
Comment:

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Please see the attached comment.
```

Attachment: www.arb.ca.gov/lists/ordiesl07/674-ordiesl07-44.pdf

Original File Name: ordiesl07-44.pdf

Date and Time Comment Was Submitted: 2007-05-14 13:06:32

No Duplicates.

Comment 45 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Rodney
Last Name: Winkle
Email Address: Non-web submitted comment
Affiliation: Franklin Construction, Inc.

Subject: The CA Air Resources Board In-Use Off-Road Diesel Reg.
Comment:

```
Please see the attached comment.
```

Attachment: www.arb.ca.gov/lists/ordiesl07/675-ordiesl07-45.pdf

Original File Name: ordiesl07-45.pdf

Date and Time Comment Was Submitted: 2007-05-14 13:14:01

No Duplicates.

Comment 46 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Gretchen
Last Name: Bennitt
Email Address: Non-web submitted comment
Affiliation: Northern Sierra AQMD

Subject: In-Use Diesel Off-Road Equipment Rule
Comment:

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Please see the attached comment.
```

Attachment: www.arb.ca.gov/lists/ordiesl07/676-ordiesl07-46.pdf

Original File Name: ordiesl07-46.pdf

Date and Time Comment Was Submitted: 2007-05-14 13:17:54

No Duplicates.

Comment 47 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Gwendolyn
Last Name: Wells
Email Address: Non-web submitted comment
Affiliation: Builders Exchange of the Central Coast

Subject: Off-Road Diesel Equipment Regulations, Final Draft
Comment:

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Please see the attached comment.
```

Attachment: www.arb.ca.gov/lists/ordiesl07/677-ordiesl07-47.pdf

Original File Name: ordiesl07-47.pdf

Date and Time Comment Was Submitted: 2007-05-14 13:25:18

No Duplicates.

Comment 48 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Gerald
Last Name: Shipman
Email Address: Non-web submitted comment
Affiliation: Mid-State Steel Erectors, Inc.

Subject: Off-Road Diesel Equipment Regulations-Opposition
Comment:

```
Please see the attached comment.
```

Attachment: www.arb.ca.gov/lists/ordiesl07/678-ordiesl07-48.pdf

Original File Name: ordiesl07-48.pdf

Date and Time Comment Was Submitted: 2007-05-14 13:29:11

No Duplicates.

Comment 49 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Jennifer
Last Name: Krause
Email Address: Non-web submitted comment
Affiliation: O'Brien Steel Erectors, Inc.

Subject: Off-Road Diesel Equipment Regulations-Opposition
Comment:

```
Please see the attached comment.
```

Attachment: www.arb.ca.gov/lists/ordiesl07/679-ordiesl07-49.pdf

Original File Name: ordiesl07-49.pdf

Date and Time Comment Was Submitted: 2007-05-14 13:30:26

No Duplicates.

Comment 50 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Bob
Last Name: Roberts
Email Address: Non-web submitted comment
Affiliation: CA Ski Industry Assoc.

Subject: Proposed Amendments for In-Use Off-Road Diesel Vehicles
Comment:

```
Please see the attached comment.
```

Attachment: www.arb.ca.gov/lists/ordiesl07/683-ordiesl07-50.pdf

Original File Name: ordiesl07-50.pdf

Date and Time Comment Was Submitted: 2007-05-14 14:19:19

No Duplicates.

Comment 51 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Lester and Rebecca
Last Name: Davies
Email Address: Non-web submitted comment
Affiliation: Albert W. Davies, Inc.

Subject: Off-Road Diesel Regulations-Construction Equipment
Comment:

```
Please see the attached comment.
```

Attachment: www.arb.ca.gov/lists/ordiesl07/684-ordiesl07-51.pdf

Original File Name: ordiesl07-51.pdf

Date and Time Comment Was Submitted: 2007-05-14 14:26:32

No Duplicates.

Comment 52 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Gary
Last Name: Rohman
Email Address: garyr@eccoequipment.com
Affiliation: ECCO Equipment Corporation

Subject: ARB Fleet Worksheet
Comment:

I have now loaded our company fleet into at least three different, ARB issued Fleet Worksheets. About the time I think I am working on the most recent version of the calculator, a new one appears. Several days ago I received an e-mail that stated the worksheet was once again updated. I loaded information for over 700 machines into the worksheet only to find that nothing really had changed, and that the update that was supposed to be included in the e-mail was nothing more than the worksheet I already had.

I have real concerns as to the accuracy of the worksheet in its entirety. Over the weekend I loaded our fleet inventory into what Erik White advised is the most recent ARB Fleet Worksheet dated April 2007, Version 1.1, and found some typographical errors that I believe should be corrected to reflect a more professional working document. On the "READ ME FIRST" tab at the bottom of the spread sheet, I found the following misspelled words:

Tolls should be Tools
Seclect should be select
Caculations should be Calculations
itereations should be iterations
Similary should be Similarly
Requirments should be Requirements
Conversly should be Conversely

Although the misspelling of words does not constitute any immediate problem that I can see, it does raise my suspicions about the accuracy of the worksheet calculator. If misspelled words are present in this CARB issued document, especially with today's word-processing tools such as spell check, is it possible that the calculator may have errors as well?

Also, it was my belief from CARB staff that an "Hours of Operation" option was to be included in the calculator. I did not see anything in this worksheet that includes that option.

Respectfully,

Gary E. Rohman

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-05-14 15:46:10

No Duplicates.

Comment 53 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Don
Last Name: Anair
Email Address: danair@ucsusa.org
Affiliation:

Subject: Off-Road Regulation Health Expert Comments
Comment:

```
This comment letter is being submitted on behalf of the 15
co-signers.

Sincerely,
 Don Anair
```

Attachment: www.arb.ca.gov/lists/ordiesl07/686-open_letter_from_health_experts.pdf

Original File Name: Open Letter from Health Experts.pdf

Date and Time Comment Was Submitted: 2007-05-14 17:36:26

No Duplicates.

Comment 54 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Henry
Last Name: McCourt
Email Address: hmccourt@sukut.com
Affiliation: Sukut Construction, Inc

Subject: Calculator Spreadsheet
Comment:

I have followed the development of the in-use off-road diesel rule for the last couple of years. ARB staff has attempted to assist fleet owners to measure their fleets with an Excel based spreadsheet tool.

More than once there have been announcements that the calculator was available for use, and there was no link to locate it on the ARB web site. In the latest version, it was announced on 9 May the revised calculator was ready.

I found myself spending time simply trying to find it . . . a search of the web site did not help. It simply was not available for public use.

After contacting the staff, they gave me directions of where it was located for download, but after reviewing the spreadsheet, I needed to expand it to take the number of engines in our company's fleet. There were no explanations on how to do this.

Again, I wasted time attempting to make necessary changes. I was told by the developer there would be update instructions published, however, almost a week later, I have seen nothing. It is now about 10 days until the Board meeting, and I would be willing to bet, most construction companies do not know what the effects of the pending rule would cost in terms of updating their fleets.

The complexity of the rule necessitates the use of a tool like this, however, when it hits the street just a couple of weeks prior to the Board's meeting, construction industry fleet owners are not able to generate data from which they can make informed decisions.

I would recommend that the development and roll-out process be reviewed and changed to include better quality control. You can multiply the number of hours I wasted trying to use the tool by thousands when the public is forced to use it. Time is money in the private sector, and issues like this would be deemed unacceptable by industry.

This is another reason more time needs to be allowed between the rollout of a tool like this and the Board's decision. The time crunch is simply unacceptable for most in the construction industry to react.

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-05-14 20:34:39

No Duplicates.

Comment 55 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Michael
Last Name: Turner
Email Address: michael_turner_1@yahoo.com
Affiliation:

Subject: Proposed Off-Road Diesel Emission Regulations Being Considered by the CARB
Comment:

California Air Resources Board
Submitted via webform located on the Air Resources Board website at:
http://www.arb.ca.gov/lispub/comm/bcsubform.php?listname=oridesl07&comm_period=A

Dear Members of the California Air Resources Board:

I am writing to you as a fourth generation Californian who cares deeply about the quality of the air that my parents, my wife, my daughter, and the rest of my family breathe in this state everyday. I applaud you each in your efforts to improve the air quality in California and thereby protect the health of my family and neighbors, as well as myself.

I understand that you are each currently considering the adoption of new off-road diesel regulations in your pursuit to improve the state's air quality. The goal of this proposed regulation is to reduce PM and NOx emissions. This goal is laudable. However, I cannot support the proposed regulation due to the language and specific requirements which are contained therein. In fact, I am greatly disturbed by this proposed regulation. Why? Read on...

I am acutely aware of the impact that this regulation will have on California. As a graduate of the business administration program at California State University, Northridge, I know that the burdens of all government regulations are most visibly borne by a particular group of individuals - in the case of the proposed regulation, that group will be the owners and employees of small to medium-sized heavy construction contractors and the allied businesses that serve them. As a graduate of the Master of Construction Management Program at the University of Southern California, I know that small to medium-sized contractors in California are overwhelmingly made up of "mom-and-pop" and family businesses that have a dramatically large impact on the health of the state's economy when considered in aggregate. As a third generation California contractor, I know that the vast majority of small construction businesses "do not make a killing", but do provide good-paying jobs through which an untold number of Californians enjoy a comfortable living. These jobs are jobs that will not be outsourced. They will not be shipped overseas. These are jobs that, if lost, will greatly hurt many of the citizens of this state and consequently will greatly hurt this state. After reviewing the details of the proposed regulation, I am convinced that many of these jobs will be lost. This includes the jobs of many of my family members and friends, as well as possibly my

own.

Why do I think this proposed legislation will cause many Californians to lose their jobs? Because the financial burden on small contractors will be too great. It takes many, many years for the owners of a small grading or demolition contracting firm to amass the capital to buy several loaders, excavators, and scrapers. This type of construction is a classic example of a low-margin line of business. If the proposed legislation is adopted and enforced, and this equipment has to be “repowered” at a very high cost (reference the comments already submitted by Mr. Dave Porcher of Camarillo Engineering which are posted at http://www.arb.ca.gov/lispub/comm/bccomdisp.php?listname=ordiesl07&comment_num=3&virt_num=3), then the owners of such a business will likely choose to sell their equipment one piece at a time. Selling equipment or closing shop altogether will be a more financially viable option than “repowering” older smaller fleets. (By the way, your definition of what constitutes a “small fleet” is not at all in line with what really constitutes a small fleet.) This equipment will basically no longer be welcome in California, which means that the jobs of all the equipment operators, dispatchers, mechanics, truck drvers, parts salesman, and affiliated trades will also no longer be welcome in California. This will have the effect of leaving only the largest contractors in the California marketplace, shutting down an untold number of family businesses. At the same time, this regulation will greatly increase the cost paid by California taxpayers and property owners on construction projects as the larger contractors who remain in business will have to submit increasingly higher bids on projects to cover the enormous expenditures they will incur to “repower” their massive fleets. Higher bids will likely result in the cancellation of many planned construction projects, which will result in even more jobs being lost.

Am I an alarmist? No, I am afraid that I am not. Am I against clean air? Definitely not! Can I support the claims that this proposed regulation will cost Californians their jobs? Yes. Quite a number of Californians can support the claims I make herein. I am afraid that you, the members of the California Air Resources Board, have not heard from nearly enough of these people simply because they don’t seriously believe there is any chance that such a regulation could ever be adopted at this time. I believe, therefore, that you should give great credence and all-the-more-carefully consider the points raised by Mr. Dave Porcher of Camarillo Engineering and Mr. Bruno Dietl of Vulcan Construction & Maintenance, Inc. (for the record, I have never met either of these individuals, but I find the financial costs they project to be entirely realistic). The majority of the people I have mentioned this proposed legislation to in the construction trades believe that the negative impacts this legislation would have would be so obvious that no one would ever approve its adoption. Therefore, they are remaining quiet at the current time. However, I believe that the members of the CARB, and many other government officials (including state assemblypersons and senators), will hear an overwhelmingly large outcry from the people of this state if this proposed legislation is adopted and enforced. I think this legislation, if adopted, has the potential to embarrass the CARB after the ramifications of this legislation become apparent to rank-and-file Californians.

In conclusion, I would like to state that although I support you

in your efforts to improve our state's air quality, I cannot support this proposed regulation concerning off-road diesel emissions. I strongly urge the Air Resources Board to develop a committee composed of those Californians who would bear the greatest burden from this proposed regulation - the owners, managers, and rank-and-file employees of small and medium-sized heavy construction companies (including demolition contractors, grading and excavating contractors, shoring contractors, paving contractors, underground utilities contractors, and the like). Many of these individuals, like myself, believe strongly in the importance of improving California’s air quality. At the same time, they know better than anyone else how much financial burden the proposed legislation will place on their businesses, and how this great financial burden can best be mitigated (perhaps through slower implementation or government subsidies or tax credits/offsets). I believe that with much input from this select group of Californians, the proposed regulation can be modified in such a way that meets the goal of improving our state’s air quality while at the same time protecting California’s construction industries. I, for one, would be interested in serving on such a committee and offering my services to the CARB. Please let me know if you are interested in such a proposal.

Sincerely,

Michael Turner

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-05-15 08:39:25

No Duplicates.

Comment 56 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Ryan
Last Name: McNally
Email Address: rmcnally@co.yuba.ca.us
Affiliation:

Subject: Proposed Regulation for In-Use Off Road Diesel Vehicles
Comment:

I write this commentary to strongly urge the postponement of this regulation until more studies are conducted and evidence is brought forth regarding the dire consequences of diesel emissions – particularly that of particulate matter.

Although I would not consider myself an environmentalist, I do find merit in the State's efforts to curb pollution caused from exhaust emissions. A necessary evil, I agree that at some point the line has to be drawn and we as a society need to be accountable for our actions.

However, I believe this effort proposed by the ARB is irrational and is more or less a quick fix for a much larger problem. Furthermore, I'm confident that this quick fix will come at such a cost to Californians that the economy will take a significant blow. Thousands of owner/operators will be forced out of or into reduced business due to the astronomical costs associated with the replacement or retrofit programs. The dwindling prosperity of Californian businesses will be further forced out of the State. Instead of thrusting these sparsely thought out regulations upon us, there needs to be a contemplative solution that eases the loss to the businesses as well as addressing much larger problems.

At the risk of sounding callous, it is my belief that the thousands of deaths INDIRECTLY attributed to diesel particulate matter are miniscule in scale to the effects of greenhouse gases and their contribution toward global warming. Global warming, whether real or perceived, has compelling evidence that states the climate is changing. As such, I can say with relative certainty that more stringent regulations are coming to combat this effect, which in its nature could prove catastrophic.

My question is why are we causing grief to the backbone of our State, when much larger problems loom? Particulate matter, a solid state material, can be compared to dust. It is airborne as it exits the combustion process, but soon falls to the ground - albeit, it may still be toxic, but it is on the ground nonetheless. I would venture to say that Silica dust however, causes more of a pollution problem as it is vastly more prevalent.

Again, I would urge the State to delay these regulations until such a time when all of the pollution problems are addressed and a compromise can be drawn that will not cripple the construction industry – and ultimately the State's infrastructure. As it stands now, we have forced our people to sacrifice their well

being for a solution that will inevitably need to be revamped in order to address the global warming dilemma.

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-05-15 09:21:34

No Duplicates.

Comment 57 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Ryan
Last Name: Caulfield
Email Address: ryan@rmunderground.com
Affiliation:

Subject: Proposed C.A.R.B. Regulations
Comment:

I am the co-owner of a new construction company the specializes in underground utilities. Like many Californians, I am concerned about the environment and support measures to protect it. The proposed legislation, however, is a problem, not a solution. As lawmakers, you have an obligation to put forth legislation that gives business owners a chance to succeed. Requiring businesses to replace entire fleets with technology that does not yet exist is ridiculous. It doesn't make sense and it can't be achieved. Additionally, it is unfair to retroactively go after equipment that is already in use. That is not the way the auto industry or any other transportation or equipment industry is regulated.

You must propose realistic emissions reduction requirements that target equipment manufacturers with time frames that can be met. After a reasonable waiting period, and after manufacturers are able to produce equipment the complies with emissions requirements, you could begin to assess annual fees to contractors owning equipment older than a certain age. This will give contractors an incentive to modernize to equipment that is available on the market.

Please be realistic and vote no on the proposed regulations, then go back and draft revised regulations that make sense.

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-05-15 10:04:11

No Duplicates.

Comment 58 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Sanford
Last Name: Edward
Email Address: office@hrllc.net
Affiliation:

Subject: CARB Diesel Retrofit Regulation
Comment:

I am writing today to register strong objection to the off-road diesel regulations now being considered by the California Air Resources Board (CARB). In their current form, these regulations would have a profound, negative impact on California's infrastructure rebuilding efforts, the health of the state's construction industry and its overall economy. CARB is proposing to take action on the regulations on May 24, 2007.

While my company supports reducing particulate matter (PM) and NOx emissions from diesel engines, I am concerned that by accelerating the timetable by which off-road diesel-powered vehicles must comply with state limits, CARB is making compliance virtually impossible. There currently is no diesel engine that is capable of addressing both PM and NOx emissions set forth in the regulations. In some cases the engines and equipment necessary to meet the stringent standards in these regulations will not come to market until 2014. In essence, CARB is running the risk of creating overnight a huge shortage of equipment needed to build a variety of infrastructure, including projects funded under last year's infrastructure financing package as contained in Proposition 1B through 1E.

These regulations will produce immeasurable delays and costs to critical infrastructure and housing development projects. A conservative estimate of the regulations' cost is $13 billion.

Now is not the time for the adoption of burdensome new regulations that will only serve to further slow the housing market, put a drag on the economy and disappoint California taxpayers who are anxious to see the infrastructure funding they approved last fall go to work in their communities today. I strongly urge you to direct CARB to withdraw the current proposed regulations at its May 24 meeting and commence immediate discussions with all stakeholders to work out a more feasible plan to reduce diesel emissions.

Sincerely,

Headlands Reserve LLC

Sanford Edward

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-05-15 13:59:03

2 Duplicates.

Comment 59 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Marsha
Last Name: Foster
Email Address: Non-web submitted comment
Affiliation:

Subject: Off-Road Diesel Rule
Comment:

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Please see the attached comment.
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Attachment: www.arb.ca.gov/lists/ordiesl07/703-ordiesl07-58.pdf

Original File Name: ordiesl07-58.pdf

Date and Time Comment Was Submitted: 2007-05-15 13:59:26

No Duplicates.

Comment 60 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Craig
Last Name: Beecham
Email Address: beechamco@aol.com
Affiliation: C. Beecham Corporation

Subject: Upcoming Legislation Regarding Off-Road Equipment
Comment:

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Please see the attached comment.
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Attachment: www.arb.ca.gov/lists/ordiesl07/705-ordiesl07-59.pdf

Original File Name: ordiesl07-59.pdf

Date and Time Comment Was Submitted: 2007-05-15 14:01:54

No Duplicates.

Comment 61 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: mark
Last Name: turvey
Email Address: iamturvey@aol.com
Affiliation:

Subject: new carb regulations
Comment:

To whom it may concern, Turvey Equipment Rentals has been in bussiness for thirty years. As a small family owned bussiness, it has taken thirty years to build the small fleet of equipment that we own today. Rome was not built in one day nor was our sweat equity. With the proposed regulations our equity has been cut in half.
We will not be able to retrofit any of our equipment and with the current rental rates we cannot justify the price of new equipment.
The proposed regulations will cause the cost of construction to double, hurting the home buyer as well as the tax payer.
Please support the industry proposal for more time and more study for better solutions that will help us all breath easier.

Thank You

Mark R Turvey

15570 El Capitan Peak
El Cajon CA.
92021

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-05-15 19:38:12

No Duplicates.

Comment 62 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Gary
Last Name: Stowe
Email Address: gary@stowecontracting.com
Affiliation: Stowe Contracting

Subject: Off road in use regulations
Comment:

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I am not opposed suppoting clean air, but these regulations are
going to create a severe burden on my small company. I have
invested in quality equipment and effective maintenance to make
it
last for a long time. Your regulations prematurely shorten it's
life span. I can not afford to replace a fleet of equipment that
has taken me twenty years to build up. On top of that, down the
road you are going to start on my trucks as well. Go back to the
original timetable of 18 years and I can cope but not if you
accelerate the time frame into ten years. We don't even have
proven technology with which to develop a plan.
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Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-05-16 10:42:10

No Duplicates.

Comment 63 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Skip
Last Name: Brown
Email Address: skipbrown@deltaconstr.com
Affiliation: Delta Construction Co., Inc.

Subject: Proposed Amendments for In-Use Off-Road Diesel Vehicles
Comment:

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Please see the attached comment.
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Attachment: www.arb.ca.gov/lists/ordiesl07/719-ordiesl07-63.pdf

Original File Name: ordiesl07-63.pdf

Date and Time Comment Was Submitted: 2007-05-16 11:16:00

No Duplicates.

Comment 64 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: David
Last Name: Elsberry
Email Address: Non-web submitted comment
Affiliation: LT Engineering

Subject: Off-Road Diesel Regulation
Comment:

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Please see the attached comment.
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Attachment: www.arb.ca.gov/lists/ordiesl07/720-ordiesl07-64.pdf

Original File Name: ordiesl07-64.pdf

Date and Time Comment Was Submitted: 2007-05-16 11:25:03

No Duplicates.

Comment 65 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Carey
Last Name: Haughy
Email Address: carey@bluemtnmin.com
Affiliation: Blue Mountain MInerals

Subject: proposed off-road diesel regulations
Comment:

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Please review the attached comment letter.

Thank you.
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Attachment: www.arb.ca.gov/lists/ordiesl07/722-arb_comment_letter.doc

Original File Name: ARB comment letter.doc

Date and Time Comment Was Submitted: 2007-05-16 13:56:42

No Duplicates.

Comment 66 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Stephanie
Last Name: Dineen-Jacinto
Email Address: steph@cattrac.com
Affiliation:

Subject: Off-Road Diesel Regulations
Comment:

We were among the first to jump in and start repowering our engines to meet the clean air standards in 2001, and ongoing since. After spending hundreds of thousands of dollars of our own and going through the long process of applying for grants, we repowered most of our equipment to the best available engines (Tier 1). Caterpillar could not provide us with Tier 3 engines, and still cannot fully meet the specifications. So after spending millions of dollars of grant money as well as our own expenditures, we are in the position of still not meeting the stringent requirements as proposed. We have been in business in California since 1971, growing from a small one-man operation to currently employing about 75 people. The regulations now being proposed will force us out of business or out of California. I hope the government of California is prepared for the economic disaster they will be creating.

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-05-16 14:48:14

No Duplicates.

Comment 67 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Ron
Last Name: Svinth
Email Address: rsvinth@nbcinc.net
Affiliation: North Bay Construction Inc.

Subject: Proposed In-Use Off-Road Diesel Regulation
Comment:

I'd like to make a few comments regarding the proposed Off Road Diesel Regulation.

We need to take another look at the time table by which the Off-Road Diesel Powered equipment must comply with the proposed state limits. The "If we build it they will come" thinking is not practical. In other words if this law is passed the manufacturers will build the product to be compatible. Due to delays and changes to the proposed rule, i.e. Adding NOx reductions late last year, manufactures and contractors will have a difficult time meeting the standards. The tier 4 Engine will not be available until maybe 2015, current VDECS are not readily available, too expensive and impractical to use on large construction equipment.

I believe the manufactures and contractors are doing everything they can but are limited to the latest technology. The standards being set by this rule, as the are written, will be expensive for everyone from the contractor to the tax payer, possibly forcing some businesses to shut down completely.

Yes, we need to be proactive in doing our best to clean up the environment, including the air we breathe, however the time table of this regulation is not reasonable.

Please vote NO on the proposed regulation then go back and draft a revised regulation that will allow a more realistic time for compliance.

Thank you
Ron Svinth

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-05-16 14:54:54

No Duplicates.

Comment 68 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Dave
Last Name: Porcher
Email Address: dporcher@camarilloengineering.com
Affiliation: Camarillo Engineering Inc.

Subject: Proposed In Use Off-Road Rule
Comment:

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Our letter to Kathleen Quetin and to all board members.
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Attachment: www.arb.ca.gov/lists/ordiesl07/727-camarilloengineeringletter.pdf

Original File Name: CamarilloEngineeringLetter.pdf

Date and Time Comment Was Submitted: 2007-05-16 16:09:48

No Duplicates.

Comment 69 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Nickie
Last Name: Peacher
Email Address: walnuts97@gmail.com
Affiliation: Robert R. Peacher, Inc.

Subject: Regarding proposed off road diesel equipment reg
Comment:

Why is the board made up of a majority of ARB employees? Why do you not have any contractors and large equipment manufactures on the board?

Why is CARB singling out only one group of people? The 90,000 contractors in California. There are planes, trains and automobiles. How about the amusement parks? Disney Land? I wonder how many people over the years have died from cancer and heart disease from going to Disney Land or Living around Disney Land?

I do not think that we should fix the bridge down south that collapsed. I think we should leave it. Let people find an alternative route. They do not need to use it. That bridge has to be repaired with equipment. Equipment that does not meet CARB requirements.

Does the State realize that the roads, streets, and highways that everyone drives on sits on a foundation built with the diesel equipment?

Does the State realize the homes, buildings, churches, schools, hospitals etc... sit on a foundation that was built with the diesel equipment?

Why is it ok to use a study from 1998? That states 70% cancer and heart disease is caused by diesel particulate matter. Where is the more current study? Shouldn't the proposed regulation be based on a current study?

I think we should test all the contractors and there familys for diesel particulate matter. How can we do that?

Why is it ok to cut two-thirds of a companys equity?

Why is it ok to put people out of work?

I want Clean Air. I think that we have made progress.

California needs to back up and take a look at the whole picture.

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-05-16 18:10:39

No Duplicates.

Comment 70 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Walker
Last Name: Martin
Email Address: walker@clmartinandsons.com
Affiliation:

Subject: Carb
Comment:

To whom it may concern,

I am a 33 year old new business owner; I have worked extremely hard to start a drilling & blasting company in Southern California and am truly mortified at what the passage of this law would do to my future. At this moment, there are enough regulatory flaming hoops set in the path of anyone trying to start or even run a successful drill & blast operation. From the federal to the local level of government there is at least one mechanism to get money out of you to do a business that is poignantly necessary for the well being of the nation as a whole.

Considering that every American born is going to need roughly 3.6 million pounds of minerals, metals, and fuels over their lifetime it is easy to understand that even if only the largest companies, i.e. the largest producers, were forced to replace or re-power their equipment. The cost will ultimately be passed on to the consumers...

This may not be a bad thing; we can all share the burden of super clean air, to breathe free, hear birds singing, and watch rainbows!

The tough part will be for the not so large companies and people like me. Small business provides the majority of the "horsepower" for the construction industry and in turn for the economy. By placing such a cost intensive regulation on industry, you will be choking off any chance for the little guy to prosper.

Between this law and some coming down the pike from MSHA, I simply cannot afford to purchase the equipment I need to work. A drill costs about $100,000 used and at least 10 years old. If I get one now, I will have to re-power it. Then in a year or two MSHA says I won't be able to use it because there is no cab for me to have A/C and a radio. Please do not pass this law. It is completely ridiculous!

Yours truly

Walker Martin
President (for now)
C.L. Martin & Sons Const. Inc.
760 485 7290

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-05-16 18:26:32

No Duplicates.

Comment 71 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Jeff
Last Name: Anderson
Email Address: anderson@vadnaiscorp.com
Affiliation: Vadnais Corporation

Subject: Off Road Diesel Emissions Regulations
Comment:

Vadnais Corporation has been in business for over 42 years. We employ over 60 people and we own 20 pieces of off-road diesel construction equipment.

California Air Resources Board (CARB) has proposed an off-road diesel regulations which will have a profound, negative impact on our company, on many of our employees and on the Governor's laudable infrastructure bond projects.

Of course, like everyone in California, Vadnais Corporation wants to reduce NOx and PM2.5 emissions from diesel engines. Many in our industry have been replacing over a thousand old engines, resulting, we are told, in a reduction of more than 3,787 tons of pollution every year.

We want to continue these improvements, too, but the technology – the silver bullet – is not here yet: Tier 4 engines. Seven years ago ARB said this was a 20 year program. Now it is 2007 and they still want all these massive changes done by 2020 – that's not 20 years, and forcing changes before Tier 4 engines are available is unworkable without massive layoffs and construction companies going out of business – especially smaller ones.

We must have five more years to allow pending Tier 4 technology to become available and to allow us to build cash reserves to afford such huge equipment purchases and retrofits. Give us five more years and give the industry another $200 Million in Carl Moyer-type funds to be able to make these radical shifts.

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-05-16 21:04:58

No Duplicates.

Comment 72 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: John
Last Name: McClelland
Email Address: john.mcclelland@ararental.org
Affiliation: American Rental Association

Subject: Non-Road Diesel Rule Comments
Comment:

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I intend to present oral comments before the board at the May 25
meeting.
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Attachment: www.arb.ca.gov/lists/ordiesl07/737-5-25-07_arb_comments.pdf

Original File Name: 5-25-07 ARB Comments.pdf

Date and Time Comment Was Submitted: 2007-05-17 08:06:18

No Duplicates.

Comment 73 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Gary
Last Name: Stowe
Email Address: Non-web submitted comment
Affiliation: Stowe Contracting, Inc.

Subject: Off-Road Diesel Equipment Regulations
Comment:

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Please see the attached comment.
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Attachment: www.arb.ca.gov/lists/ordiesl07/739-ordiesl07-73.pdf

Original File Name: ordiesl07-73.pdf

Date and Time Comment Was Submitted: 2007-05-17 11:53:05

No Duplicates.

Comment 74 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Edward
Last Name: Carbahal
Email Address: Non-web submitted comment
Affiliation: Vintage Paving Company, Inc.

Subject: C.A.R.B. Regulation
Comment:

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Please see the attached comment.
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Attachment: www.arb.ca.gov/lists/ordiesl07/741-ordiesl07-74.pdf

Original File Name: ordiesl07-74.pdf

Date and Time Comment Was Submitted: 2007-05-17 12:10:56

No Duplicates.

Comment 75 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Pat and Nita
Last Name: Browning
Email Address: Non-web submitted comment
Affiliation: Pat Browning Logging

Subject: Proposed Amendments for In-Use Off-Road Diesel Vehicles
Comment:

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Please see the attached comment.
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Attachment: www.arb.ca.gov/lists/ordiesl07/742-ordiesl07-75.pdf

Original File Name: ordiesl07-75.pdf

Date and Time Comment Was Submitted: 2007-05-17 12:12:15

No Duplicates.

Comment 76 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Ethan
Last Name: Gold
Email Address: Non-web submitted comment
Affiliation:

Subject: Proposed Amendments for In-Use Off-Road Diesel Vehicles
Comment:

California Air Resources Board

Dear Gov. Schwarzenegger and CARB Members,

As a resident of California who is concerned about air quality, I'm writing to encourage you to support a strong regulation to reduce pollution from construction equipment and vote in favor of the regulation at the May 25th CARB hearing.

Pollution from construction equipment burdens all of us, not only through diminished quality of life but also through health costs and lost school and work days. Implementing the proposed measure to reduce pollution from construction and other off-road equipment will prevent an estimated 4,000 premature deaths by 2030 and save billions of dollars in health costs and lost productivity.

We cannot afford to wait any longer to tackle the public health threat from construction and other off-road equipment. I urge you to adopt strong clean construction standards without further delay!

Sincerely,
Ethan Gold

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-05-17 13:33:33

1582 Duplicates.

Comment 77 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Don
Last Name: Anair
Email Address: danair@ucsusa.org
Affiliation: Union of Concerned Scientists

Subject: SUPPORT for off-road regulation
Comment:

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Please find the attached comment letter from more than 20
organizations in support of the proposed regulation to reduce
emissions from in-use diesel off-road equipment.

Sincerely,
Don Anair
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Attachment: www.arb.ca.gov/lists/ordiesl07/745-off-road_regulatory_comments.pdf

Original File Name: Off-Road Regulatory Comments.pdf

Date and Time Comment Was Submitted: 2007-05-17 18:30:02

No Duplicates.

Comment 78 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: william
Last Name: bowman
Email Address: b.bowmanthehoeman@verizon.net
Affiliation:

Subject: proposed smog rules
Comment:

I would like to express my view regarding the proposed rules being considered for on-road diesel engines. As a backhoe operator who must transport my backhoe with an older diesel powered dump truck, I am very concerned about the extreme financial burden that will be imposed upon me. My income carries me along week to week without the cost of added expenses(ie..new engine or truck). My family relies on me to be able to keep my cost down so we can survive. I hope you will consider the negative effects of the proposed rules with regards to individuals who rely on their single truck to make ends meet.

Sincerely,
William Bowman
Winchester, Ca

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-05-17 19:42:40

No Duplicates.

Comment 79 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Richard
Last Name: Davis
Email Address: mt.pockets2@roadrunner.com
Affiliation:

Subject: Proposed Regulation For In-Use On-Road Diesel Vehicles
Comment:

I would like to express my views regarding the proposed rules being considered for On-Road diesel engines. As an owner operator and small business owner this is a recipe for disaster for the little guy like me. A bill such as this would bankrupt me in a heart beat. If there was any chance the board could slide out from behind their golden desks and come on down and talk to the common Joe the truck driver (owner operator), small construction company owner, and the little guy who is the back bone to the economy of this state I'm sure you would be blown away to find how down to earth we are and just how much we do care for our environment. I am probable your worst nightmare for I am a truck driver and a gun owner and off-road vehicle owner and love to hunt and fish .But you forget as much as people hate hunters remember with our enforcement to limits and the money for the licensees the animals thrive due to the improvement to their habitats. With that said the majority of the drivers (owner operators) small construction companies have no problem with cleaner air. The problem lies with the time limits .As a small business owner I am my only employee and the profits are little if any. Infact this last tax filing I was actually $2000.00 in the red. Now these new laws will put me right out of business. Why not go to the engine manufactures and faze them in over time and if needed older trucks help with the retrofitting of newer engines. I will tell you in my truck I run a Caterpillar engine and to replace it with at least a 1995 engine my cost at this time is a minimal of $30,000.00. This is no way feasible now especially with the housing market slowing I may be going out of state for work if things don't pick up. I may spend too much on my maintenance but my truck runs strong and is mechanically sound and a safe piece of equipment. I am proud of my truck. I ask you to really consider the following:

The time line to change over a fleet (1 to 20 trucks) is too harsh with the completion time to short. Which will mean a LOT of money will be needed to up date or buy new equipment over a short period of time. Money I simply do not have. Please extend the time line.
The manufactures, like the auto industry, should be forced to do these changes in coming models as well as retrofitting existing equipment.
More programs should be available to help the industry make the change. This is a big industry with a lot of small businesses (family businesses) that just make a living and don't have a lot of money to make the change over.
Why burden small businesses with this? Why not the manufacturer? They make the profit and serve a much larger market than just CALIFORNIA.

Why make my truck, my only asset valueless overnight with timelines that will eliminate my truck. I need to be allowed to use my truck until I am able to update it or the STATE helps to update it. After all it is not the truck that pollutes, it is the engine; the most costly piece of the truck.

Thank you for your time.

Richard D. Davis
Owner operator
JDSR Company

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-05-17 21:25:52

No Duplicates.

Comment 80 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Kevin
Last Name: Albanese
Email Address: kalbanese@jjalbanese.com
Affiliation: Joseph J. Albanese, Inc.

Subject: Five more years
Comment:

Please avoid the catostophic consequences of this regulation and give industry at least five more years to comply with this onerous regulation. Industry's fragile infastructure simply can not absorb this regulation without more time. Job loss, business shut downs, and other unintended consequences will occur absent a longer phase in period.

California has worked to hard to shore up and fund much needed bond measures to rebuild California. Passage of this regulation will contravene the will of the voters. Instead of buiding roads, parks, schools, and hospitals, contractors will be forced to replace the cornerstone of their business; their equipment.

Attachment: www.arb.ca.gov/lists/ordiesl07/751-arb_letter-_kja.pdf

Original File Name: ARB letter- KJA.pdf

Date and Time Comment Was Submitted: 2007-05-18 10:30:05

No Duplicates.

Comment 81 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: John
Last Name: Dahluist
Email Address: johnd@crys.net
Affiliation: C & R Systems

Subject: Proposed Amendments for In-Use Off-Road Diesel Vehicles
Comment:

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Please see the attached comment.
```

Attachment: www.arb.ca.gov/lists/ordiesl07/753-ordiesl07-81.pdf

Original File Name: ordiesl07-81.pdf

Date and Time Comment Was Submitted: 2007-05-18 12:28:40

No Duplicates.

Comment 82 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Anne
Last Name: McQueen
Email Address: amcqueen@geomatrix.com
Affiliation:

Subject: Comments on the ARB Offroad Diesel Rule
Comment:

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Please find comments (attached) from California Cement
Manufacturer's Environmental Coalition.
```

Attachment: www.arb.ca.gov/lists/ordiesl07/754-ccmec_ltr_arb.pdf

Original File Name: CCMEC ltr_ARB.pdf

Date and Time Comment Was Submitted: 2007-05-18 15:03:49

1 Duplicates.

Comment 83 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Larry
Last Name: Ronhaar
Email Address: LRONHAAR@travelers.com
Affiliation: EUCA

Subject: Off-Road Diesel Emissions Rules
Comment:

While I am not a contractor, I am an insurance underwriter who specializes in underwriting contractors. Your proposed rules will have a direct impact on MANY of my customers, some of whom have become good friends. I am very concerned that your proposed rules will drive them out of business.

Your rules, as proposed, require the purchase of technology that does not yet exist. Tier 4 engines do not yet exist. CARB VDECS do not yet exist for most equipment. The notion that equipment must be retrofitted with VDECS only a few years before it must be replaced with Tier 4 engines is one of the most ludicrous anti-business proposals ever.

The state is not supposed to impose unfunded mandates on local governments. There should at least be some sane limits on unfunded mandates for what are mostly small businesses.

It was appropriate for the federal government to impose fuel mileage and emissions requirements on automobile and truck manufacturers. It would be appropriate to impose similar requirements on manufacturers of off-road diesel equipment. Until the equipment that meets your proposed requirements becomes availabe, it is patently absurd to require contractors to buy it.

Most contractors operate with profit margins between 2% and 5%. With a profit margin of 4%, it would require them to complete $25,000,000 of work to be able to replace $1,000,000 of equipment.

CARB has suggested that contractors should just build the cost of the new equipment into their prices. That might make some sense if everyone used published prices, but is amazingly naive for contractors. The public contract code and other laws and regulations prohibit collusion in bidding public work.

Under CARB's proposed regulations, contractors who wait the longest to replace their equipment would be able to underbid the contractors who quickly replace their equipment, driving those who did what you wanted out of business. Your proposals are counterproductive at best.

There is no doubt that diesel emissions are bad for the environment, and we all want a cleaner environment. We also want jobs, safe streets, and uncongested highways. The voters of California recently approved the spending of billions of dollars over the next few years to repair California's badly decayed

infrastructure. Who is going to do that work if CARB drives the cost of those projects up or drives the contractors out of business.

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-05-18 16:19:28

No Duplicates.

Comment 84 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Joseph
Last Name: Lyou
Email Address: jlyou@EnviroRights.org
Affiliation: California Environmental Rights Alliance

Subject: Environmental Health & Justice Comments
Comment:

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Please see attached letter.
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Attachment: www.arb.ca.gov/lists/ordiesl07/757-in-use_off-road_rule_ej_comment_letter_05-07.pdf

Original File Name: In-Use Off-Road Rule EJ Comment Letter 05-07.pdf

Date and Time Comment Was Submitted: 2007-05-18 23:22:33

No Duplicates.

Comment 85 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: B
Last Name: P
Email Address: trimmer person@work.com
Affiliation:

Subject: Notice of Public Hearing To Consider the Adoption of a Proposed Regulation For In-Use Off-
Comment:

I am writing in response to the recent campaign of the California Air Resources Board regarding off road diesel regulations they have proposed. As it is according to their current proposed regulations as of the end of 2009 I, as small family run a 2 person tree trimming operation for the last 29 yrs, will be faced with buying all new equipment & have to dispose of my old equipment that was purchased back in the late 1980's. Notwithstanding that I took care of my equipment and kept it running well, and did not contribute to the throw away society that we seem to have become. Being 55 in my fifties and doing this part time into my old age, I will not be able to afford those new machines which the cost will total over 100,000.00 That equipment was purchased from national companies at the time who manufactured these units under the prevailing standards at the time. There are no retrofits available to bring these older well running motors(2) up to current standards.

When the EPA instituted smog checking requirements years ago for gasoline vehicles, those vehicles which already numbered in the millions were not forced off the road if they did not pass later EPA standards, as long as they passed whatever standard they were manufactured to at the time of manufacture.That also goes for diesel & gas motors that were manufactured eventually to meet certain emission standards. The older motors were not thrown away, they were permitted to continue operating, and when they finally wore out, one could either buy another used unit, repair their own or purchase new which then would be manufactured according to current available technology and epa standards. As it was I believe vehicles older than either 1975 or 1978 were not smogged at all & were grandfathered into the system. Any vehicles manufactured after that date had to meet the prevailing smog standards. As people replaced their cars over the years more stringent smog standards were instituted. The gradual process allowed people to naturally adapt to newer standards as cars etc wore out. Any older vehicles continued to operate if they still were able to. People did not HAVE to get rid of older functioning vehicles.

Imagine if everyone in California or the US would have had to get rid of anything currently older than 1996, cars, trucks, tractors, lawn mowers, motorcycles etc. within 2yrs and buy all brand new vehicles. Could you see what would happen ? A public uproar of unimaginable proportions. YET THIS IS WHAT THE CALIFORNIA AIR RESOURCES BOARD ESSENTIALLY IS PROPOSING THAT CONTRACTORS MUST DO WITH EQUIPMENT THAT IS OLDER THAN 1996. This

equipment can last for many years, this is why bulldozers, cranes, back-hoe's, chippers, stump grinders, graders etc cost so much.

That contractors big and small just get rid of all their older equipment and buy all new equipment at enormous expense. Can you imagine the disruption of commerce to the whole state that this will create.
Everybody wants cleaner air, but imagine if the country back in the 70's or 80's had to replace all their cars, trucks etc. in 2 years for cleaner air. Whoever would have instituted this would have been run out of town. Does the ARB feel that replacing all these vehicles is going to negate all the emissions that are created on California highways of millions of cars & trucks sitting in gridlock traffic, because of long neglected highway & infrastructure construction.

Another good example of how outlandish this concept the ARB is proposing. Imagine if a unelected by popular vote, government agency put into law a requirement that stated all houses and buildings that were built more than 2, 3, 4, or 5 or say 15 years ago, are no longer permitted to exist. They are a source of pollution, they are energy inefficient, they cost too much to supply with electric & gas. The energy plants that are required to keep these homes operating are too numerous and are polluting the planet. And the only way to solve this was to dismantle all the non conforming houses & buildings, and build new ones. The individual home owners & building owners would just have to foot the bill for this. But in order to pay for all these things, all these individuals (according to the ARB published cost example regarding the expense of their proposals) would only need to get a 3% raise from their employers or customers to cover the expense of replacing everything. Do you think a 3 % raise in your income would cover the expense of these requirements. Yet that is what the California ARB is claiming.

Are we trying to chase every contractor out of the state? Are we interested in putting businesses as well as employees out of work? Are we trying to make new home , building , highway , infrastructure, remodeling, construction, landscaping, beach & parks, tree trimming etc the most expensive in the nation. Are we trying to minimize the payoff of recent voter passed construction bonds making the cost of "Rebuilding California" out of site? Is this mandate really what California's voters want? Is this fair? My civic lessons from the past taught me that a democracy should not disenfranchise an individual let alone many self-employed & small business owners, as well as larger businesses that build the roads & bridges we drive on, the homes & buildings we live & work in, the yards, parks, beaches and landscapes we create, maintain & enjoy.

I don't know the answer, but shoving this down the throat of the off road diesel construction & maintenance industry, especially to those of us who are very small, seems un-american at the least & akin to the taking of private property without recourse by an unelected government agency at the most. At the very least there should be some exemption for very small operations, that these regulations would be unduly burdensome upon.

The ARB is due to vote May 25, 2007 on this issue. What you are doing is just not right. You will put me out of business, as well many others. And you will raise the cost of doing nearly anything in California out of the reach of more and more people.

Sincerely,
Panicked Californian.

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-05-19 11:36:50

No Duplicates.

Comment 86 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: nancy
Last Name: stein
Email Address: nanstein@svn.net
Affiliation: california state contractor (c-27)

Subject: Nox emissions
Comment:

I am a California Licensed Contractor (594-217). I want you to know that I support the STRICTEST standards possible for diesel engine regulations. While I understand that this will mean higher costs for construction, I also firmly believe that we are headed toward destruction unless we reduce our carbon footprint.
The "economics" of the issue bear little weight when you consider that we are endangered our food supply, our oceans and our own ability to survive along with many other species.
In addition, the absolutely opulent life style and construction that is taking place in California should be no match for the truth. Decrease consumption or risk extinction.
Beyond contractors, the rest of California and the world depends on you to take a perhaps unpopular but necessary step. I strongly urge you to adopt the strictest standards.
sincerely,
Nancy Stein, Lazuli Art & Garden

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-05-20 11:21:22

No Duplicates.

Comment 87 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Joel
Last Name: Blaker
Email Address: jblaker@tahoemountainclub.com
Affiliation: Golf Course Superintendents Association

Subject: diesel emissions
Comment:

Please be aware that not only will this bill harm the construction business in california but will effect the golf course industry as well. Golf course Superintendents rely on diesel equipment to keep their courses maintained every day. Golf / turf equipment prices are through the roof right now and with greater emission standards in place many of our courses will not be able to purchase this equipment because of limited budgets. Please slow down this bill and allow the equipment manufactures a chance to refine their equipment to meet these stringent standards. Allowing this bill to go through now is a mistake...slow down.

Joel Blaker, CGCS
Director of Agronomy
Tahoe Mountain Club

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-05-21 06:54:07

No Duplicates.

Comment 88 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Alia
Last Name: May
Email Address: amay@barratt.com
Affiliation:

Subject: California Air Resources Board (CARB) Rushed Requirements Will Hurt Our Economy! MORE TIM
Comment:

Dear Honorable Board Members:

I believe in improving air quality in California, and my industry -- the construction industry -- is fully committed to eventually replacing older equipment with newer, cleaner equipment and technologies. We just need more time to do it!

CARB's staff-recommended timeline for replacing older equipment is not feasible. To meet CARB's objectives in such a short time-frame will cause an enormous impact to the state's economy and the multi-billion dollar bond initiatives passed last November. It will also drive many contractors out of business entirely.

Contractors need at least five more years to comply with the proposed regulations. My industry also strongly supports the extension of the Carl Moyer Funding Program at $200 million per year for at least another eight years (2015), and we support tax legislation that would lessen the financial impact for contractors which replace older equipment with newer, cleaner equipment.

Please consider the impact on our industry and seriously consider an extension of the compliance timeline by five years. The added time, plus the funding and new tax law will lessen the economic impact on contractors and ultimately the taxpayers, homebuyers and businesses of California.

Sincerely,

Alia May
12646 Daphne Drive
Rancho Cucamonga Ca, 91739
Barratt American

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-05-21 10:28:41

17 Duplicates.

Comment 89 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: James
Last Name: Moss
Email Address: gr8eaglex@hotmail.com
Affiliation:

Subject: In Use Off Road Diesel Vehicles
Comment:

There is no issue more important than frugal air quality regulation. With this in mind I would like to express my dissatisfaction with this proposed noose around our state's economy.

California citizen's should be able to have a quality life and quality oppotunity to enjoy life without undue restrictions. If you would concentrate on cleaning up the barrios, or homeless ridden cities, this alone would save our pollution measurably. Also, the number of illegals living here that shouldn't be here. If they be the 20-25% that some predict, it would reduce the impact on our air from them being here by a proportional amount. This would far exceed the gains you propose to make on this.

I feel this set of regulations is another petty attempt to regulate and make rules and regulations impossible to follow. Please focus on removing the roadblocks, so citizens can earn a living, and yes enjoy the great air and environment of California.

Jim Moss
16321 Swartz Canyon Road,
Ramona, CA 92065

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-05-21 10:34:36

No Duplicates.

Comment 90 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Michael
Last Name: Ghilotti
Email Address: Non-web submitted comment
Affiliation: Ghilotti Bros.Contractors

Subject: Off-Road Diesel Regulation
Comment:

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Please see the attached comment.
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Attachment: www.arb.ca.gov/lists/ordiesl07/784-ordiesl07-89.pdf

Original File Name: ordiesl07-89.pdf

Date and Time Comment Was Submitted: 2007-05-21 12:21:32

No Duplicates.

Comment 91 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Anne
Last Name: McQueen
Email Address: amcqueen@geomatrix.com
Affiliation:

Subject: Comments on the ARB Offroad Diesel Rule
Comment:

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Please find comments (attached) from Mitsubishi Cement
Corporation.
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Attachment: www.arb.ca.gov/lists/ordiesl07/790-ordiesl07-92.pdf

Original File Name: ordiesl07-92.pdf

Date and Time Comment Was Submitted: 2007-05-21 12:54:35

No Duplicates.

Comment 92 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Mike
Last Name: Becker
Email Address: mbecker00@hotmail.com
Affiliation:

Subject: CARB PM and NOx requirements
Comment:

AS a third generation, family-owned asphalt and paving contractor in Santa Clarita since 1968, we are very concerned about the proposed regulations being covered at this May 25th meeting. As we are a small to mid-sized contractor and are already experiencing the effects of the downturn in the housing industry. Several of our large clients including Beazer, KB, Pulte and DR Horton have stopped building in our area or are downsizing drastically.

We are concerned that these new regulations will require significant costs and with much of the proposed technology unavailable at this time, availability appears to be a potential problem. Most companies of our genre will make a 3-5% profit on jobs if they are lucky; with these proposed changes that profit will quickly dissipate and put most of us in the red.

It seems to us that there must be a better solution that phases in changes in a much more realistic form. IF not, there will be a serious backlash to businesses like us and the California economy as a whole.

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-05-21 13:37:19

No Duplicates.

Comment 93 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Burton
Last Name: Johnson
Email Address: bsjohnson1@cox.net
Affiliation:

Subject: Give us 5 more years
Comment:

Honorable Board Members,

The regulations submitted for your apporval will harm the California Construction economy irreparably.

I do not think this is of any great concern to CARB memebers.

I will try to appeal to you in another way.

The burden of supplying all new equipment is so great that you vastly reduce the financially able construction competitors to do work in California. The affect of these measures will be to reduce affordable housing;reduce the amount of purchasing power for stae and local governments for infrastructure improvement, the reaping of huge profits by Halliburton" type compamies with the resources to plunder California's private and public coffers.

No one in construction that I know of is against any of the emmission proposals, except for the time period for implementation. the environmental arguments are not credible and the environmentalists want NO growth.

Use some sense, give technology and the manufactureres more time to make replacement engines for the their products. Mosat products do not have replacement enginies available to them and the VDEC technology is questionable at best.

I am particularly concerned for Board member Ron Roberts, you are making a terrible political blunder with your passive attitude towards these onerous regulations that will kill small and disadvantaged construction businesses in the San Diego area. What could you be thinking? The San Diego community will be watching your vote.

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-05-21 13:59:42

No Duplicates.

Comment 94 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Steve
Last Name: McDonald
Email Address: smcdonald@papemachinery.com
Affiliation:

Subject: options to acheive the goal
Comment:

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see attached letter
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Attachment: www.arb.ca.gov/lists/ordiesl07/795-arb_lette_5-21-07.doc

Original File Name: ARB lette 5-21-07.doc

Date and Time Comment Was Submitted: 2007-05-21 14:15:07

No Duplicates.

Comment 95 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: James
Last Name: Atkins
Email Address: mail@657rent.com
Affiliation: Cobra Equipment Rental Co.

Subject: Off-Road Diesel Regulation
Comment:

After reading your proposed regulation I find it very difficult if not financially impossible to meet your requirements. I have been trying to optain Moyer funding for about a year now. We requested grants after tier 3 repower engines became available for our application. We are a small family operated rental business with only 20 rental machines but fall under your large fleet rules. I understand in the "Perfect World" everyone would have new equipment with tier 3 power with the latest PM acert tech, but this industry is extremely competitive. Your regulation states that we will simply pass on all of these costs. I have been in business for 11 years and if you deduct the fuel cost are hourly rate has dropped 5% with labor going up 25%-30%, parts 40%- 80%, Tires 100%, Insurance 45%. This bill will put me out of business. Why doesn't CARB let us run are older equipment with acert tech. and Bio-fuel, we could make a greater impact on air quality with out destoying business and the economy.

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-05-21 14:39:35

No Duplicates.

Comment 96 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Scott
Last Name: Moore
Email Address: scott@usdemolition.com
Affiliation: National Demolition Assoc.

Subject: Comments on proposed regs for inuse off road Diesel equipment
Comment:

```
Gentlemen,
I would agree with those heavy equipment owners in my industry
that the onerus nature of the regulation will force many business
owners out of business. The useful life of heavy equipment can be
measured in decades in many cases. It seems unreasonable to
restrict the use of such equipment at this place and time.
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Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-05-21 14:55:32

No Duplicates.

Comment 97 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Mario
Last Name: Andreini
Email Address: mrandreini@sbcglobal.net
Affiliation: Contractor

Subject: Proposed Off Road Diesel Rule
Comment:

To Whom It May Concern,

This new proposed off road diesel engine rule will crush my business if passed. We are small construction but would probably be considered a medium size company according to this proposed rule. The cost of upgrading or retro fitting my equipment is to great and we would not be able to recover or costs as each year we would be forced to upgrade.

What compounds our problem is that we are located in an area where we compete with smaller companies. These companies would not have to comply with the rule for years after us or fly under the radar and not have any upgrading of equipment.

We employ approximately 35 people and with this new rule we would be forced to down size or close up. Many of these people who work for us have been employed with us for over 20 years and could be devastating to them as well.

Thank you for listening

Mario Andreini

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-05-21 16:30:01

No Duplicates.

Comment 98 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Leslie
Last Name: Halls
Email Address: leslie@slocbe.com
Affiliation: San Luis Obispo County Builders Exchange

Subject: Proposed regulatoin re: offroad diesel vehicles
Comment:

I am the Executive Director of the San Luis Obispo County Builders Exchange, a contractors association with over 800 members including dozens of small general engineering firms and general contractors who make their living doing earthwork.

The proposed new regulations will hit these small firms especially hard, as most cannot afford to purchase new equipment costing hundreds of thousands if not millions of dollars. They will be forced to sell their machinery at basement prices to out of state users, and for many this will simply be the end of the line - they will go out of business.

This comes at an especially bad time what with the state planning to go on a highway building spree.

While we all support clean air, there are other less costly ways to achieve this reduction in air pollution. Without going into all the arguments you have undoubtedly heard by now from many others with far more technical knowledge than I, I would like simply to express my firm opposition to the proposed rules due to their terrific adverse impact upon our members.

Thank you for your consideration in this regard.

Very truly yours,

Leslie Halls
Executive Director
San Luis Obispo County Builders Exchange

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-05-21 16:43:12

No Duplicates.

Comment 99 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

This comment was posted then deleted because it was unrelated to the Board item or it was a duplicate.

Comment 100 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

This comment was posted then deleted because it was unrelated to the Board item or it was a duplicate.

Comment 101 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Owen
Last Name: Garrett
Email Address: owengarrett@cox.net
Affiliation:

Subject: off-road diesel engines
Comment:

```
I hope contractors in this state can be assured that changes to
existing diesel-powered equipment will be granted reasonable time
to comply with cleaner air requirements. Too short a time period
could shut down most or all of the smaller operators who cannot
afford retrofitting or re-powering their equipment.
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Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-05-21 20:48:05

No Duplicates.

Comment 102 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: mitchell
Last Name: weiss
Email Address: terminatordemo@cox.net
Affiliation: licensed ca contractor

Subject: off-road diesel equipment
Comment:

```
I believe you are being unreasonable in your desire to reduce
emmisions from off road diesel equipment.  The negative impact on
your decision will cause companies to leave CA and force major
construction into a smaller pool of mega contractors who will be
able to raise their prices and cost ALL CALIFORNIANS more money to
build.

Also, does the engine you want even exist??????????????????/
```

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-05-22 08:56:36

No Duplicates.

Comment 103 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Bill
Last Name: Schaal
Email Address: bschaal@tnainc.com
Affiliation:

Subject: Off-Road Diesel Measure - con comment
Comment:

Dear Board Members,

I don't write or call on many situations. However, I'm compelled to share my thoughts regarding the off-road diesel measure presently under consideration. More time is required for this action to:

* Make sure the infrastructure projects are completed on time and budget
* Retain our employment
* Develop improved engine technology
* Better meet equipment demands
* Phase compliance costs in

Although not related specifically to the subject measure, it seems to me that greater results could be obtained by implementing the Smog Check II program throughout the State of California.

Bill Schaal, PMP, PG

Contractor No. 882713

415 760 6624

email: bschaal@tnainc.com

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-05-22 09:01:02

No Duplicates.

Comment 104 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Chris
Last Name: Bellizzi
Email Address: Chris13b@ix.netcom.com
Affiliation: Bellizzi Tree Service(NBB)

Subject: 50%Bio-diesel will meet or exceed yopur requirements
Comment:

```
To whom it may concern:
I am a Tree Service running 2 diesel chippers in the San Jose
area.I am currently in process of running 20% Bio-Diesel in my
chippers.The ARB has always had an extreme dislike of diesel.
This is evident by the rule not allowing citizens to buy new
diesel passenger cars even though Turbo diesels are some of the
most fuel efficient engines on the planet(Even passing hybrid)
YOU SHOULD ALLOW SMALL BUSINESS to meet replacement targets by
running 50% BIO-Diesel and 50% ULS Diesel.
Replacing my chippers could cost me $20,000 a piece(difference
between value of old chipper and new machine)which is a HARDSHIP
ON MY SMALL 4 MAN BUSINESS.Its already hard enough
to operate in California.
```

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-05-22 09:21:03

No Duplicates.

Comment 105 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Kevin
Last Name: Shanahan
Email Address: kevin.k.shanahan@cummins.com
Affiliation:

Subject: Off-road Comment Letter to CARB
Comment:

```
Here is a letter to be distributed.

Thanks,

Kevin
```

Attachment: www.arb.ca.gov/lists/ordiesl07/811-dr._robert_saywer_5-22-07.doc

Original File Name: Dr. Robert Saywer 5-22-07.doc

Date and Time Comment Was Submitted: 2007-05-22 11:19:38

No Duplicates.

Comment 106 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Gary
Last Name: Cross
Email Address: gcross27103@earthlink.net
Affiliation: Industrial Truck Association

Subject: comments of the Industrial Truck Association
Comment:

```
Please see attached comments of the Industrial Truck Association
```

Attachment: www.arb.ca.gov/lists/ordiesl07/812-comments_of_the_itaword97.doc

Original File Name: COMMENTS OF THE ITAword97.doc

Date and Time Comment Was Submitted: 2007-05-22 11:36:29

No Duplicates.

Comment 107 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: D. Cash
Last Name: Benton
Email Address: Non-web submitted comment
Affiliation: SCCA

Subject: Proposed In-Use Off-Road Diesel Regulation-Comments
Comment:

```
Please see the attached comment.
```

Attachment: www.arb.ca.gov/lists/ordiesl07/815-ordiesl07-105.pdf

Original File Name: ordiesl07-105.pdf

Date and Time Comment Was Submitted: 2007-05-22 13:33:01

No Duplicates.

Comment 108 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: James
Last Name: Earp
Email Address: Non-web submitted comment
Affiliation: CA Transportation Commission

Subject: Proposed Amendments for In-Use Off-Road Diesel Vehicles
Comment:

```
Please see the attached comment.
```

Attachment: www.arb.ca.gov/lists/ordiesl07/816-ordiesl07-106.pdf

Original File Name: ordiesl07-106.pdf

Date and Time Comment Was Submitted: 2007-05-22 13:34:20

No Duplicates.

Comment 109 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Bob
Last Name: Baldwin
Email Address: Non-web submitted comment
Affiliation: Jezowski & Markel

Subject: Proposed In-Use Off-Road Diesel Regulation
Comment:

```
Please see the attached comment.
```

Attachment: www.arb.ca.gov/lists/ordiesl07/818-ordiesl07-109.pdf

Original File Name: ordiesl07-109.pdf

Date and Time Comment Was Submitted: 2007-05-22 15:09:57

No Duplicates.

Comment 110 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: John
Last Name: Estill
Email Address: jbestill@appian-eng.com
Affiliation: Appian Engineering, Inc.

Subject: CARB off-road diesel regulations
Comment:

May 22, 2007

California Air Resources Board
1001 "I" Street
P.O. Box 2815
Sacramento, CA 95812

Re: Proposed Regulations for Off-road Diesel Equipment

Dear Board Members:

I am the founder, and president of a small grading, paving and general engineering company, Appian Engineering, Inc. We were established in 1988, and maintain an office and shop in Milpitas, California. The company has approximately forty employees and annual sales of ten million dollars providing grading and paving services to private developers and general contractors in the San Francisco Bay Area. We take pride in giving our costumers value-added construction at competitive prices, on schedule. In order to accomplish this we maintain a modern fleet of primarily Caterpillar equipment, which we service with our own staff.

I have watched your efforts to establish NOx and particulate standards for off-road diesel equipment with interest. Our equipment fleet, which will be directly impacted by these regulations, is comprised of thirty-four pieces with a value of roughly $4,000,000. Of these, twenty-five are manufactured by Caterpillar. This fleet has original manufacture dates from 1960 to 2006 with the majority manufactured from 1990 to 2006 (17). We have sixteen pieces that are Tier Zero or Unrated, eleven Tier One (two of our scapers have twin engines, both Tier One), and nine Tier Two. Our newer purchases tend to be about half high dollar pieces (more than $250,000) and small pieces (less than $50,000). Our largest pieces, twin engine scrapers cost nearly $1,000,000 apiece without GPS or laser control systems (which add roughly $100,000 per piece). We currently purchase on average two to three hundred thousand dollars annually on new equipment, but this amount varies greatly with economic conditions and includes technology purchases and on and off-road vehicles. Over the last two years we have concentrated on technology purchases including advanced GPS equipment control systems since they offer improvements in productivity in excess of 35%. We think we are well positioned because of our loyal customer base, efficient employees, and strong balance sheet.

Given the recent recommendations that you are considering, we anticipate that we will have to increase our equipment purchases to over $500,000 per year for at least ten years, whether these are financially good years or bad. This amount will not include any additional purchases of technology or new vehicles. We are currently creating a plan to do just that, though we remain uncertain of its feasibility. However, we can predict some more certain consequences of this proposed regulation.

First, few small and medium contractors have as modern a fleet of equipment as we do. Fewer still have as strong a balance sheet. Many will not be able to make this transition. Consolidation will be a fact of life in California construction, with significantly fewer small companies. They will bear the burden of these regulations due to their limited capital access, even thought they may be more productive, higher-valued to their customers, and account for more job creation.

Second, prices for new equipment with higher tier engines will rise dramatically. While the California market is large, it is not driving international demand. The largest producers will fulfill the demands that are easiest and more cost effective for them. Already waiting time for new equipment deliveries are stretching into months in California. With the demand for high tier engines increasing and the supply relatively fixed, dealers will increase prices to allocate scarce equipment among their customers.

Third, as equipment prices rise, so will the prices of all goods for which construction is an input. This includes new homes, new roads, repairs and improvements to the existing highway system, new buildings housing new and growing businesses, new retail space as well as all the things that substitute for new construction like existing homes, offices, and retail space. The cost of living and home-ownership, already well ahead of the national average, will rise further and faster than the rest of the country where these regulations are not in effect. You should note that this is not only the direct effect of the regulations. It is compounded by the increased concentration within the industry when small specialty firms without access to capital are forced to close. Worse yet, many of these small contractors may be the most efficient and innovative in the industry. This could create the unintended consequence of less innovation and lower productivity, leading to an industry with greater rather than less pollution.

Fourth, putting all of the emphasis on one element of the construction process neglects the fact that technology is driving increased equipment productivity faster than nearly any other area today. The introduction of automatic laser and GPS control systems is changing the face of grading and paving construction. By forcing construction companies to focus the bulk of their resources on cleaner burning engines, CARB is unintentionally reducing the resources available for new technology. These advances such as automatic controls that provide real time job information to the operator in the cab have the potential to significantly increase productivity, cutting emissions dramatically. And, they do so with lower costs to contractors and builders rather than with the higher costs of your proposed regulations. In a world of scarcity, you are simply mandating that resources that are improving industry efficiency today are re-allocated to new diesel engine purchase for designs that do not even exist in the case of Tier Four engines. This seems a poor trade-off. While we may wish it were otherwise, work gets done

with the tools at hand.

Finally, the Law of Demand states that as the price for any good or service increases less of that good is consumed, other things being equal. The general rise in the price of construction will mean less construction. With less construction, some good paying jobs with great benefits are going to be lost. My company supports over forty families with good wages, health benefits and pensions. They are great citizens, active in their communities. It is hard for me to understand why they should be the ones to pay for cleaner burning engines when we, construction companies and our employees, only use what manufacturers sell us. Our primary goal is to use the equipment in the most efficient manner possible to serve our customers. Give us cleaner burning or even alternative fuel equipment that is cost effective, and you will not have to regulate us. We will embrace the technology. We care about the environment, too.

These regulations are ill-considered. If cleaner burning engines are one answer to cleaner air, ask the industry that makes the engines to lead the way in producing them. If they need incentives to do so, consider a pollution permit system that has proven effective for other industries. If this is really an issue of importance to California, the state should offer incentives to the equipment manufacturing industry to provide the best available solutions. Don’t destroy good jobs and good companies with regulations whose results may be directly opposite of your intensions. Such mandates can only hurt California and Californians.

Sincerely,

John B. Estill
President

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-05-22 15:32:09

No Duplicates.

Comment 111 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Larry
Last Name: Elkins
Email Address: lelkins@c-zone.net
Affiliation:

Subject: New CARB Requirements
Comment:

The new emissions and engine standards that are being proposed are so costly that they will most likely put our medium size construction company out of business. The finacial analysis that the CARB Board is using is very flawed. Our company historically runs equipment that is five to twenty five years old. This equipment is kept in very good working equipment. We cannot justify economically the huge expense of either retrofitting our existing equipment or purchasing new. You are more that welcome to contact me regarding this issue at the telephone number provided or by e-mail.

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-05-22 16:21:10

No Duplicates.

Comment 112 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Cash
Last Name: Benton
Email Address: cashscca@sbcglobal.net
Affiliation: SCCA

Subject: Proposed in-use off-road diesel regulation - Comments
Comment:

May 21, 2007

Dr. Robert Sawyer, Chairman
California Air Resources Board
1001 “I” Street
P.O. Box #2815
Sacramento, CA 95812

Re: Proposed in-use off-road diesel regulation - comments

Dear Dr. Sawyer:

Southern California Contractors Association (SCCA) represents almost 330 signatory contractors and those companies who supply them in the 12 counties of the southern section of our state. As the only all-union signatory contractor’s association in our region, we are deeply concerned about the impact these proposed regulations will have on our members and the thousands of workers they employ.

Our members are committed to improving the emissions from their fleets, and for cleaner air for all. For example, our members make up the largest single group of companies participating in the statewide portable engine registration program.

The proposed off-road regulation, which will force turnover of virtually every existing machine in an unrealistic time-frame, will have devastating effects on our members. The proposal does not take into account that current technology will not meet NOx requirements and the planned Tier 4 technology that will, will not be available for purchase until 2014-15, in most of the horsepower ranges used by the machines used by our members.

We respectfully request, in conjunction with the Construction Industry Air Quality Coalition (CIAQC) of which we are a founding member, that the NOx portion of the rule be abated by a minimum of five (5) years, to allow technology to catch-up to meet the regulatory goals; to do otherwise will force many companies to replace their equipment two times in ten years—a recipe for bankruptcy for most of our members.

We will be present to discuss these issues with you at the meeting on May 25, 2007 in San Diego. We ask that you and the other members of your board hear our industry’s concerns and act on our request to preserve both California’s environment and its economy.

Sincerely,

D. Cash Benton
Executive Vice President

Attachment: www.arb.ca.gov/lists/ordiesl07/823-arbletterfor_sd.doc

Original File Name: ARBLetterfor SD.doc

Date and Time Comment Was Submitted: 2007-05-22 16:32:31

No Duplicates.

Comment 113 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Gregg
Last Name: Miller
Email Address: gregg@millerenvironmental.com
Affiliation:

Subject: Off-Road Diesel Regulations
Comment:

MILLER ENVIRONMENTAL, INC. is very supportive of reducing particulate matter (PM) and NOx emissions from diesel engines.However, restoring just five years to the implementation timeframe will give equipment manufacturers time to catch-up and produce engines that will allow the industry to meet California's progressive air quality standards and distribute the massive expense of purchasing new equipment out over a longer period.

Please see attached letter.

Attachment: www.arb.ca.gov/lists/ordiesl07/824-arb_petition_letter.doc

Original File Name: ARB Petition Letter.doc

Date and Time Comment Was Submitted: 2007-05-22 16:44:24

No Duplicates.

Comment 114 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Jack
Last Name: Mitchell
Email Address: mitchcon@snowcrest.net
Affiliation: Mitchell Construction

Subject: Notice of Public Hearing To Consider the Adoption of a Proposed Regulation For In-Use Off-
Comment:

```
I am a very small, seasonal earthwork and paving contractor, and
the proposed regulation would put my company out of business.  I
am all for cleaner air, but do not feel that this is the way to do
it.  More research is needed, and more options, especially for the
"little guy" like us.

Please vote no, or vote for postponement until all avenues have
been researched.

Thank you for your attention.

Jack Mitchell, Owner
Mitchell Construciton
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Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-05-22 16:50:49

No Duplicates.

Comment 115 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: John
Last Name: Morris
Email Address: bsat7595482@yahoo.com
Affiliation: Watersphere Plumbing owner

Subject: Construction Equipment Regulation
Comment:

Dear Air Resources Board. I appreciate your efforts to provide all of us with cleaner air. I encourage you to make sure the cure is not worse than the disease. To rapid change and you will fail. If you do, the air will not be cleaner and you will hurt a lot of individuals in the process. Perhaps it is time to step back and take a deep breath and allow for other ideas to percolate up. After all, what's the rush? Better to get it right than get it in a hurry.
I suggest you might focus more immediately on requirering a cleaner refining if diesel fuel. This could be done as an interm step to what you are currently proposing and produce immediate measurable improvement in our air quality. Next requiring new equipment to be made as soon as reasonably possible, to meet your standards would be warranted. Third, encourage retrofitting technology to enable older equipment to burn cleaner, and still operate wouild greatly lessen opposition to your proposals. It is possible to achieve a win win solution to our air quality issues, but if you go to far to fast, you will polarize the commuinity and ultimately work against the very thing you are so passionate in accomplishing. wishing you well John Morris

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-05-22 16:56:02

No Duplicates.

Comment 116 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Andy
Last Name: Katz
Email Address: andyk@ggbreathe.org
Affiliation: Breathe California

Subject: Support Clean Construction Equipment
Comment:

Dr. Robert Sawyer and Board Members:

Please support the proposed regulations to cut diesel emissions from construction and other off-road equipment in California. Construction equipment is the second largest source of particulate matter in the state, contributing 20% of the state's diesel emissions, and this rule will reduce diesel from off-road construction equipment by 75%.

This regulation will save lives and prevent lung disease, preventing 4,000 premature deaths between today and 2025, 840,000 hospitalizations due to respiratory causes, 1,600 hospitalizations due to cardiovascular causes, 110,000 cases of asthma-related symptoms, and 9,200 cases of acute bronchitis. These health costs add up to 18-26 billion dollars, more than five times the cost of putting the regulation in place.

The regulation requires owners and operators of diesel off-road equipment to install retrofit technology and accelerate turnover of the fleet to cleaner engines. This regulation has been done carefully over three years to be cost-effective, flexible, and fair. Requirements for smaller fleets are phased in over a long period of time, and there is choice between upgrading the fleet to meet average emission rate targets or to upgrade to best available control technology.

The regulation, costing $3 – 3.4 billion over its 13 year implementation, will cost annually less than a third of a percent of the construction revenue generated in California in 2005. This needed pollution standard is certainly worth the health of so many Californians.

Sincerely,

Andy Katz
Director of Air Quality Advocacy
Breathe California, Golden Gate Public Health Partnership

Attachment: www.arb.ca.gov/lists/ordiesl07/827-memo_in_support_of_carb_const_eq_regs.doc

Original File Name: Memo in Support of CARB Const Eq Regs.doc

Date and Time Comment Was Submitted: 2007-05-22 17:11:58

No Duplicates.

Comment 117 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Clay
Last Name: Green
Email Address: cats4u@sonic.net
Affiliation: Contractor

Subject: CARB off road vehicles
Comment:

The proposed regulations are far too drastic. The major contractors and mines buy new machines for ready work and put lots of hours on them. Then contractors like myself buy them and hope to use them enough to justify them. In good years we get 400-600 hours of use per machine, in bad years 0 to 200 hours use per machine. If I really see a high use for a machine, I buy new. And what will happen to used equipment values, much of my net worth, if even new machines have only a 10 to 15 year lifespan before they are outlawed? Please vote no on the current proposal and reconsider your rules. Clay Green

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-05-22 17:13:17

No Duplicates.

Comment 118 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Brad
Last Name: Dales
Email Address: ddigger@calwisp.com
Affiliation:

Subject: Class Action Suit
Comment:

```
If this is passed, I would guess that most of the small business
owners will have to leave California.  I can't sell my equipment
to get a down payment for a new one so what other option do I
have.  I would imagine a class act suit could become an option as
I don't see the railroad having to take part in any of this.
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Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-05-22 18:32:21

No Duplicates.

Comment 119 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

This comment was posted then deleted because it was unrelated to the Board item or it was a duplicate.

Comment 120 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: lawrence
Last Name: oleary
Email Address: lawole@msn.com
Affiliation: citizen

Subject: ORDV
Comment:

```
Sirs & Madam;s;

Concerning pending legislation on requiring radical and costly
upgrades to off road diesel vehicles -

1.  show me the science of the present danger.  And please, not in
parts per billion - or is it trillion now.
2.  consider the cost in $ and climate change equipment upgrades.

Yes, there are costs beyond dollars and phoney fixes are a waste
of energy.  Nature continues.

Lawrence
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Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-05-22 21:48:41

No Duplicates.

Comment 121 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Linda
Last Name: Weiner
Email Address: linwiner@earthlink.net
Affiliation: American Lung Association of California

Subject: Letter in Support of the Proposed Regulation for Off-Road Diesel Vehicles
Comment:

```
Attached find a letter of support from the American Lung
Association's Health Network for Clean Air, with signatures from
major medical/health organizations in California, for the proposed
regulation for In-Use Off-Road Diesel Vehicles.
```

Attachment: www.arb.ca.gov/lists/ordiesl07/834-hnca_banner_off-road_org_ltr.doc

Original File Name: HNCA Banner Off-Road Org Ltr.doc

Date and Time Comment Was Submitted: 2007-05-22 21:48:44

No Duplicates.

Comment 122 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: William
Last Name: Kanayan
Email Address: wmkanayan@aol.com
Affiliation:

Subject: Proposed regulations for In-Use Off-Road Diesel Vehicles
Comment:

This policy will criple the industry including my business. Infomation has been gathered to show that the changes will not have the desired affect on the air quality. How can you adopt a plan that will ruin the industry creating a great fiscal impact on all heavy equipment work without any significant gains.

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-05-22 21:49:40

No Duplicates.

Comment 123 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Ken
Last Name: Roman
Email Address: krpc@verizon.net
Affiliation:

Subject: CARP off highway equipment
Comment:

```
You are moving too fast on this legislation.
```

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-05-23 05:59:15

No Duplicates.

Comment 124 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: David
Last Name: Marshall
Email Address: dmarshall@catf.us
Affiliation: Clean Air Task Force et al.

Subject: proposed in-use off-road diesel regulation
Comment:

```
Attached are comments from the Clean Air Task Force and 12 other
non-profit environmental and public health organizations, in
general SUPPORT of ARB's proposed in-use off-road diesel
regulation, with several requests for improvement of the rule.

Respectfully submitted,
David Marshall
Clean Air Task Force
```

Attachment: www.arb.ca.gov/lists/ordiesl07/840-catf_group_comments_re_arb_nr_proposal-05-07-final.doc

Original File Name: CATF group comments re ARB NR proposal-05-07-final.doc

Date and Time Comment Was Submitted: 2007-05-23 09:11:33

No Duplicates.

Comment 125 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: John
Last Name: Lewis
Email Address: rlewis@flashcoinc.com
Affiliation: FBA

Subject: proposed regulation for in-use off-road diesel
Comment:

```
adoption of the proposed regulation concern in-use off-road diesel
will cripple the state of california as it rebounds from other
flawed regulations, like this one, that show no concern for the
people of california and have no shred of common sense. I urge you
to take a step back and work with industry and come up with a
regulation that can be worked with for all of california.
Thank You
Rusty Lewis
President
Flashco Inc
Bakersfield Ca.
```

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-05-23 09:12:17

No Duplicates.

Comment 126 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Antonio
Last Name: Santos
Email Address: asantos@meca.org
Affiliation: MECA

Subject: MECA's Comments on ARB's Proposed Regulation for In-Use Off-Road Diesel Vehicles
Comment:

```
May 23, 2007

VIA ELECTRONIC SUBMITTAL TO:
www.arb.ca.gov/lispub/comm/bcsubform.php?listname=ordiesl07&comm_period=A

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

RE:  ARB Rulemaking to Consider the Adoption of a Proposed
Regulation for In-Use Off-Road Diesel Vehicles

To Whom It May Concern:

Please find attached a copy of the written testimony submitted by
the Manufacturers of Emission Controls Association (MECA)
regarding the above-referenced rulemaking.

MECA plans to present oral testimony on this rulemaking at the May
25, 2007 public hearing in Del Mar, CA.

Thank you for your assistance.

Sincerely,
Joseph Kubsh
Executive Director
```

Attachment: www.arb.ca.gov/lists/ordiesl07/842-arb_in-use_off-road_comments_052507.pdf

Original File Name: ARB in-use off-road comments 052507.pdf

Date and Time Comment Was Submitted: 2007-05-23 09:12:46

No Duplicates.

Comment 127 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Ed
Last Name: Cary
Email Address: contact@nmbinc.com
Affiliation:

Subject: Proposed Diesel Regulations
Comment:

We run a small construction operation. We employ between 20 and 50 workers. We have one essential piece of diesel equipment. If your new diesel regulations are enacted, we will be forced to sell or scrap this machine and could be forced to close our business. Our profit margins are thin, hence we cannot afford to refit this machine or purchase a new one. We are not alone. I urge you to take smaller operators such as ourselves into consideration before you enact any legislation that will have such a negative effect on us, our business and our employees.

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-05-23 09:56:28

No Duplicates.

Comment 128 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Dave
Last Name: Sbaffi
Email Address: Dave.Sbaffi@gcinc.com
Affiliation: Granite Construction, Inc.

Subject: Comments on Proposed Off-Road Diesel Regulation
Comment:

```
Please see the attached comment letter regarding the proposed
Off-Road Diesel Regulation
```

Attachment: www.arb.ca.gov/lists/ordiesl07/847-offroad_diesel_granite_comment_letter.pdf

Original File Name: OffRoad Diesel Granite Comment Letter.pdf

Date and Time Comment Was Submitted: 2007-05-23 10:47:09

No Duplicates.

Comment 129 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Laura
Last Name: Defty
Email Address: ldefty@ddge.net
Affiliation: Diamond D General Engineering

Subject: In-Use Off Road Diesel Vehicles
Comment:

My company has a fleet of 30 plus off road diesel tractors. I have a small business with 20 employees. I update my tractors every 3-7 years. My recommendation is that you regulate emissions standards with the manufacturers, not the end users. This will distrubute the costs gradually over time and it will filter out older equipment automatically. Also, if you give incentives for buyers to upgrade equipment it will help tremendously. As we buy new equipment, over a short period of time, our fleet will be compliant. We are burdened with excessive fuel costs, material costs, labor costs, and taxes. Small businesses need to survive to keep our ecomony strong. Overtaxing and regulation will bring us to our death. It is not useless to propitiate everyone. We just have to be creative and forbearing. Thank you for your time.

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-05-23 11:17:41

No Duplicates.

Comment 130 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Carol
Last Name: Kaufman
Email Address: cykaufman@mwdh2o.com
Affiliation: Metropolitan Water District of So Cal

Subject: CARB Proposed Regulation for In-Use Off-Road Diesel Vehicles
Comment:

```
Attached, please find Metropolitan Water District of Southern
California's comment letter regarding the proposed regulation for
in-use off-road diesel vehicles.
```

Attachment: www.arb.ca.gov/lists/ordiesl07/849-r-07-143_5-23-07_off-road_final.pdf

Original File Name: R-07-143 5-23-07 Off-Road Final.pdf

Date and Time Comment Was Submitted: 2007-05-23 11:31:38

No Duplicates.

Comment 131 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Nick
Last Name: Goldstein
Email Address: ngoldstein@artba.org
Affiliation: ARTBA

Subject: ARTBA Letter Regarding Off-Road Diesel Proposal
Comment:

```
Please see the attached comments of the American Road and
Transportation Builders Association regarding ARB's proposed
regulations for in-use off-road diesel vehicles (Agenda Item
07-5-6).
```

Attachment: www.arb.ca.gov/lists/ordiesl07/850-artba_letter_re_carb_agenda_item_07-5-6.pdf

Original File Name: ARTBA Letter re_CARB Agenda Item 07-5-6.pdf

Date and Time Comment Was Submitted: 2007-05-23 11:32:59

No Duplicates.

Comment 132 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: David
Last Name: Schmid
Email Address: davids@eccoequipment.com
Affiliation: ECCO Equipment

Subject: proposed off-road reg
Comment:

```
Comments in attachment.
```

Attachment: www.arb.ca.gov/lists/ordiesl07/851-ecco_letter_to_carb.doc

Original File Name: ECCO letter to CARB.doc

Date and Time Comment Was Submitted: 2007-05-23 11:35:04

No Duplicates.

Comment 133 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: David
Last Name: Schmid
Email Address: davids@eccoequipment.com
Affiliation: ECCO Equipment

Subject: Caterpillar position on emission solutions
Comment:

```
This is Caterpillar's statement on their ability to provide engine
solutions.
```

Attachment: www.arb.ca.gov/lists/ordiesl07/852-cat_statement_final_let.pdf

Original File Name: Cat Statement Final Let.pdf

Date and Time Comment Was Submitted: 2007-05-23 11:37:10

No Duplicates.

Comment 134 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: David
Last Name: Schmid
Email Address: davids@eccoequipment.com
Affiliation: ECCO Equipment

Subject: John Deere position on emission solutions
Comment:

```
John Deere's statement
```

Attachment: www.arb.ca.gov/lists/ordiesl07/853-deere_c_f_california_statement.pdf

Original File Name: Deere C&F California Statement.pdf

Date and Time Comment Was Submitted: 2007-05-23 11:38:40

No Duplicates.

Comment 135 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Wendy
Last Name: Glatky
Email Address: wglatky@dpw.lacounty.gov
Affiliation: County of Los Angeles Public Works

Subject: Comments on Proposed Regulation (In-Use Off-Road Diesel Vehicles)
Comment:

```
Attached are comments from County of Los Angeles Department of
Public Works on the California Air Resources Board's proposed
Off-Road Equipment Rule.  We appreciate the opportunity to comment
and your consideration of our comments.
```

Attachment: www.arb.ca.gov/lists/ordiesl07/854-070522_comments_on_off-road_reg.pdf

Original File Name: 070522 Comments on Off-Road Reg.pdf

Date and Time Comment Was Submitted: 2007-05-23 11:38:44

No Duplicates.

Comment 136 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Gary
Last Name: Rohman
Email Address: garyr@eccoequipment.com
Affiliation: ECCO Equipment Corporation

Subject: Proposed In-Use Off-Road Diesel Vehicle Regulation
Comment:

```
Pleae see attached letter
```

Attachment: www.arb.ca.gov/lists/ordiesl07/855-letter_to_carb.doc

Original File Name: Letter to CARB.doc

Date and Time Comment Was Submitted: 2007-05-23 11:39:17

No Duplicates.

Comment 137 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Jeff
Last Name: Endsley
Email Address: jeff.endsley@united.com
Affiliation:

Subject: 5.23.07 UAL Comments on ORD ATCM
Comment:

```
Please accept these comments.
```

Attachment: www.arb.ca.gov/lists/ordiesl07/857-5.23.07_ual_comments_on_ord_atcm.pdf

Original File Name: 5.23.07 UAL Comments on ORD ATCM.pdf

Date and Time Comment Was Submitted: 2007-05-23 11:48:23

No Duplicates.

Comment 138 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Leah
Last Name: Pilconis
Email Address: pilconisl@agc.org
Affiliation:

Subject: AGC of America Initial Comments
Comment:

```
The Associated General Contractors of America respectfully uploads
these comments for consideration at the California Air Resources
Board's hearing on May 25, 2007, on its recently proposed rule on
off-road diesel equipment already in use.
```

Attachment: www.arb.ca.gov/lists/ordiesl07/859-agc_initial_comments_2007_05_23.pdf

Original File Name: AGC initial comments 2007 05 23.pdf

Date and Time Comment Was Submitted: 2007-05-23 12:03:35

No Duplicates.

Comment 139 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Michael
Last Name: Lewis
Email Address: mike@lewisandco.net
Affiliation: CIAQC and CBCC

Subject: CIAQC and CBCC Comment Letter to CARB 5-22-07
Comment:

```
Please find the comments prepared by the Construction Industry Air
Quality Coalition and the Coalition to Build a Cleaner California
on the CARB proposed In-Use Off-Road Diesel Vehicle regulation.
```

Attachment: www.arb.ca.gov/lists/ordiesl07/860-ciaqc_and_cbcc_comment_letter_to_carb_5-22-07.pdf

Original File Name: CIAQC and CBCC Comment Letter to CARB 5-22-07.pdf

Date and Time Comment Was Submitted: 2007-05-23 12:04:22

No Duplicates.

Comment 140 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Michael
Last Name: Lewis
Email Address: mike@lewisandco.net
Affiliation: CIAQC

Subject: M.Cubed Cost Analysis on CARB Off-Road Regulation
Comment:

```
Please find attached the report by M.Cubed titled "Estimating the
Construction Industry Compliance Costs for CARB's Off-Road Diesel
Vehicle Rule" prepared for and submitted by the Construction
Industry Air Quality Coalition (CIAQC).
```

Attachment: www.arb.ca.gov/lists/ordiesl07/861-m.cubed_cost_of_compliance_report_for_carb_off-road_regulation.pdf

Original File Name: M.Cubed Cost of Compliance Report for CARB Off-Road Regulation.pdf

Date and Time Comment Was Submitted: 2007-05-23 12:17:42

No Duplicates.

Comment 141 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Wayne
Last Name: Taylor
Email Address: wayneetaylor@yahoo.com
Affiliation:

Subject: Off-Road Diesel Vehicles
Comment:

There is no technical reason that would make the development of cleaner engines impossible, especially for the road-graders, cat tractors, log trucks and other machinery which operates in the woods. The clouds of black smoke that come from these engines do not belong in our modern era; these machines are dinosaurs that need to have cleaner-burning fuels, better mufflers, and standards for lower HC and particulate emissions. Of course, we cannot simply throw away the existing machines; reasonable timetables and a transition plan must be put in place to phase in a new generation of cleaner heavy equipment for use both in cities and forests.

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-05-23 13:27:32

No Duplicates.

Comment 142 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Phillip
Last Name: Young
Email Address: youngp35@hotmail.com
Affiliation:

Subject: off-road diesel vehicles
Comment:

```
a lot this equipment doesn't run 4 hours per year how could they
that large of a problem ? many of them can not be upgraded this
would be a very large burden on small operator and very unfair
```

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-05-23 14:41:10

No Duplicates.

Comment 143 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Michael
Last Name: Fitzgerald
Email Address: northstate@frontiernet.net
Affiliation:

Subject: New Regs for off road diesel vehicles
Comment:

```
Please do not adopt these restrictive, expensive and unnecessary
regulations.  Business owners are already at a disadavantage in
Californa due to the high cost to do business in the state.
```

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-05-23 15:09:59

No Duplicates.

Comment 144 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Timothy
Last Name: Pohle
Email Address: tpohle@airlines.org
Affiliation: ATA

Subject: Initial Comments of the Air Transport Association of America, Inc. (ATA)
Comment:

```
Please see the attached.
```

Attachment: www.arb.ca.gov/lists/ordiesl07/868-2007-05-23_ata_initial_comments_on_proposed_ord_rule.pdf

Original File Name: 2007-05-23 ATA Initial Comments on Proposed ORD Rule.pdf

Date and Time Comment Was Submitted: 2007-05-23 15:35:30

No Duplicates.

Comment 145 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Michael
Last Name: Steigh
Email Address: steico@juno.com
Affiliation:

Subject: CARB Comments
Comment:

The time is not right to try unproven technology, incur billions in cost to California government, taxpayers and business in an industry that has always pioneered the best available technology in the performance of building a better California and opportunity for all. Our economy can not sustain future governmental burden on monies to replace our failing infrastructure before manufacturing of engine technology has the ability to offer the end user low emission engines. Thur the obsolesces and replacement cycle of existing equipment the ten year plan will be obsolete before the date due. To most a 10 year life cycle replacement of machines by end users is the standard and if the user chooses in ten years they may re power to meet the adopted standard. It only make sense to postpone any vote on any regulation before the health risk has been qualified by the medical community and pollution from common dust, rain forest burning and polluton from countries outside our boarders can be mitigated. Put your efforts where the most benefit can be realized. Not trying to create a bubble of bureaucracy over California

Sincerely ,
Michael Steigh
Owner Steico

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-05-23 15:48:42

No Duplicates.

Comment 146 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Roc
Last Name: Roche
Email Address: rodwr@comcast.net
Affiliation:

Subject: Contruction equipment
Comment:

```
Dear Sirs and Ms,

I am a contractor. However, I'm not contacting you to oppose the
proposed regulations to reduce emissions of off-road engines.

To the contary, I  fully support the proposed regulations, as long
as they are phased in over a reasonable time line.

The issue of global warming takes presidence over all other
issues.
I'm willing to do my part.
Go for it!

Rod Roche
President, RWR Construction Inc.
```

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-05-23 16:01:12

No Duplicates.

Comment 147 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Armando
Last Name: Bautista
Email Address: armando.bautista@skanska.com
Affiliation: SKANSKA USA Civil West Region

Subject: Proposed Regulation In-Use Off-Road Diesel Vehicles
Comment:

```
Letter addressing concerns of the Proposed Regulation for In-Use
Off-Road Diesel Vehicles.
```

Attachment: www.arb.ca.gov/lists/ordiesl07/871-opposing_off-road_regulation.pdf

Original File Name: Opposing Off-Road Regulation.pdf

Date and Time Comment Was Submitted: 2007-05-23 16:05:09

No Duplicates.

Comment 148 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Don
Last Name: Anair
Email Address: danair@ucsusa.org
Affiliation: Union of Concerned Scientists

Subject: Strenghten Proposed Off-road Regulation
Comment:

```
Please find attached comments submitted on behalf of the Central
Valley Air Quality Coalition Steering Committee.
Thank you,
Don Anair
```

Attachment: www.arb.ca.gov/lists/ordiesl07/872-cvaq_in-use_off-road_rule_letter_2007.doc

Original File Name: CVAQ In-Use Off-Road Rule Letter 2007.doc

Date and Time Comment Was Submitted: 2007-05-23 16:26:01

No Duplicates.

Comment 149 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Mark
Last Name: Berry
Email Address: markrjb@sbcglobal.net
Affiliation: R.J. Berry Jr., Inc

Subject: Comments for ARB
Comment:

```
Please see the attached comments to be considered prior to the
Boards vote on Friday.

Thank you.
```

Attachment: www.arb.ca.gov/lists/ordiesl07/873-l_arb.sawyer.5-23-07.pdf

Original File Name: L ARB.Sawyer.5-23-07.pdf

Date and Time Comment Was Submitted: 2007-05-23 16:35:42

No Duplicates.

Comment 150 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Bruce
Last Name: Wick
Email Address: bwick@calpasc.org
Affiliation: CALPASC

Subject: Proposed Regulation for In-Use Off-Road Diesel Vehicles
Comment:

I am the Director of Risk Management for CALPASC, the California Professional Association of Specialty Contractors. We have 550 members across the state, and those members employ approximately 75,000 people.
We oppose this regulation as proposed for the following reasons.
1. There is a huge discrepancy in estimated costs of compliance between the ARB staff and industry. The truth of the actual costs must be made known.
2. There was not typical stakeholder involvement in this regulatory process. If there had been, there would not be such consistent opposition expressed.
3. This regulation is not ready to be approved. There will be chaos instead of compliance.

Contractors need:
1. A level playing field when bidding jobs.
2. A regulation that is workable in practical terms.
3. A regulation where it is both clear and efficient to comply with that regulation.
4. A regulation where the enforcing agency can enforce both fairly and consistently.

This proposed regulation in its current form accomplishes none of these objectives.

What should take place:
1. A true stakeholder group should be convened. This group would then roll up their sleeves, and come up with workable solutions. The issues are important enough that monthly meetings could be held, and real progress could be made in a short period of time.
2. A consensus would then be developed. Consensus is not unanimity, but it is an agreement between most of the major stakeholders.
3. A revised regulation would then be proposed. That revised regulation would be accepted, enforceable, and fair.

Thank You,

Bruce Wick, Director of Risk Management
CALPASC
909-793-9932

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-05-23 18:31:29

No Duplicates.

Comment 151 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: John
Last Name: Reed MD
Email Address: drgoodwrench@cox.net
Affiliation:

Subject: Why is Natural Gas Conversion excluded?
Comment:

The current Verification of Diesel Emissions Reduction Strategies regulation specifically excludes Natural Gas as alternative fuel in direct conflict with the CEC and the Governor's Energy Advisory Panel's objective to increase Natural gas use as an alternative fuel.
Under the current regulations, the only options available to fleet owners are to install expensive exhaust treatments that only increase operating and fuel costs, the carbon footprint of each of these vehicles, and may actually increase the NOx output. There is NO BENEFIT TO THE END USER, and therefore no economic incentive to be in compliance.
Allowing these fleet owners to convert existing in-use engines to run on Natural gas gives them an opportunity to meet current and future standards quickly and inexpensively while actually decreasing their operating costs through fuel and maintenance savings. This provides an economic incentive that actually benefits the business owner and thus the economy.
NOx and PM reductions are so much more dramatic with Natural gas that both the South Coast and San Joaquin areas should be able to attain federal air quality standards ahead of schedule, as fleet owners now have an incentive to be in compliance.All this and a decrease in Carbon footprint of 20-80%, thereby taking the lead in reducing Carbon output.
The verification of technologies scheme does not need to be changed to allow use of Natural Gas conversion technology. All that needs to be done is to give up on the distinction between spark and compression ignited engines. There should be no distinction. Simply continue to define engines by their intended Horsepower output as you do currently, and allow providers of this technology to have their products verified in the same manner as the EGR and SCR providers.
Under current regs, Natural Gas converted engines must go through a complete certification process as a unique NEWLY Manufactured engine. This means each individual engine is required to go through this process at a cost of $100,000 or more. A requirement which precludes anyone from ever doing a conversion.
At the Port of Long Beach UTR project (the one listed on the front page of the ARB website), two Natural Gas converted 5.9 liter Cummins engines are being tested and have performed excellently, exceeding all expectations. But SSA can't actually move forward with converting the fleet as it would cost nearly $2Billion dollars to certify all 2000 UTRs that have this type of engine.
If the ARB would simply level the playing field, and allow this conversion technology to be certified in the same manner as the SCR and EGR technologies, the ARB could see the entire Long Beach port realize a PM reduction of 99.9%, and HC, Carbon and NOx

reductions of 80% on average. This would be accomplished in a three year time frame.
Change the regulation please.

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-05-23 22:21:52

No Duplicates.

Comment 152 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Lorena
Last Name: Fisher
Email Address: lorena@nceca.org
Affiliation:

Subject: Off Road Diesel Equipment
Comment:

```
These regulations will cause construction contractors to either
downsize or go out of business entirely – which means higher
construction costs for projects and less construction jobs. It is
estimated that these regulations will reduce infrastructure
investment by $2.1 billion at a time when our state needs every
dollar it can get toward rebuilding infrastructure systems.

Keep California’s economy and infrastructure projects moving
forward!
```

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-05-24 07:47:32

No Duplicates.

Comment 153 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Warren
Last Name: Schmidt
Email Address: wschmidt@flatironcorp.com
Affiliation: FCI Constructors, Inc.

Subject: Pending CARB Regulations
Comment:

Our fleet of off highway diesel engine numbers about 85 and about 13,500 HP at this time. The average age of our fleet is 6 year old. With the current CARB emission calculator our fleet will not be in compliance in 2010.
There are many more companies large and small whose equipment is older and will not comply. Even if I dispose of ALL of my TIER 0 equipment (which is only 6 units(7%))I still won't be in compliance under the proposed regulations. Please understand the the replacement of these 6 units represents an investment from our company of $600,000 to $1,000,000 and still be short of the proposed requirements, and we only in the first year of regulation! I haven't seen or been informed of very many "approved" exhaust traps and the ones I have heard about are very expensive, the numbers I've heard are around $20,000 to 40,000 per unit which only buys you some time. Replacement will still need to be made at some point. An co-operative effort heavily involing the industry and CARB needs to be made to achive a workable solution to keep California Building and not stuck in a world of unworkable requirements.

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-05-24 08:59:08

No Duplicates.

Comment 154 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Stephenie
Last Name: Davis
Email Address: Davis.RS@roadrunner.com
Affiliation:

Subject: Proposed Regulation for In Use On Road Diesel Vehicles
Comment:

I would like to express my views regarding the proposed rules being considered for On-Road diesel engines. As a small business owner with a spouse who is the operator this is a recipe for disaster. A bill such as this would bankrupt our business in a heart beat. The majority of the drivers (owner operators) small construction companies have no problem with cleaner air. The problem lies with the time limits. As a small business owner the profits are little if any. In fact this last tax filing we were actually $2000.00 in the red. These new laws will put us right out of business. Why not help the older truck owners with the retrofitting of newer engines instead of just putting them out of business. Our cost at this time to retrofit the engine is a minimal $30,000.00. This is no way feasible now especially with the housing market slowing We may be going out of state for work if things don’t pick up. We might spend too much on my maintenance but our truck runs strong and is mechanically sound and a safe piece of equipment. We are proud of our truck and the small success of our business. I ask you to really consider the following:

The time line to change over a fleet (1 to 20 trucks) is too harsh with the completion time to short. Which will mean a LOT of money will be needed to up date or buy new equipment over a short period of time. Money I simply do not have. Please extend the time line.

The manufactures, like the auto industry, should be forced to do these changes in coming models as well as retrofitting existing equipment.

More programs should be available to help the industry make the change. This is a big industry with a lot of small businesses (family businesses) that just make a living and don’t have a lot of money to make the change over.

Why burden small businesses with this? Why not the manufacturer? They make the profit and serve a much larger market than just CALIFORNIA.

Why make my truck, my only asset valueless overnight with timelines that will eliminate my truck. I need to be allowed to use my truck until I am able to update it or the STATE helps to update it. After all it is not the truck that pollutes, it is the engine; the most costly piece of the truck.

Thank you for your time.

Stephenie Davis
Owner

JDSR Company

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-05-24 09:43:07

No Duplicates.

Comment 155 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Sharon
Last Name: Alberts
Email Address: sharon@teamtalus.com
Affiliation: E.U.C.A.

Subject: Off Road Diesel Regulations
Comment:

Attachment: www.arb.ca.gov/lists/ordiesl07/883-carbinput.doc

Original File Name: CARBinput.doc

Date and Time Comment Was Submitted: 2007-05-24 09:54:57

No Duplicates.

Comment 156 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Thomas W.
Last Name: Oakess
Email Address: pairedhelix@cox.net
Affiliation: Solar Hydrogen Company

Subject: Offroad Diesel Vehicle Fuel conomy & Emission Reduction
Comment:

```
Questions:
1. When will there be a request for proposals (RFP) for R&D of
technologies to "retrofit in-use fleets of offroad diesel vehicles
to yield fuel economy and emission reduction"?

2. How can we get our name on a list to be notified of such an
RFP?
```

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-05-24 10:34:22

No Duplicates.

Comment 157 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Edwin
Last Name: Hunter
Email Address: anissah@cox.net
Affiliation: Operating Engineers Local 12

Subject: Off-road diesel regulations
Comment:

To the Board of California Air Resources:

I am an Operating Engineer with Local 12 who is directly impacted by the new regulations set forth by the State of California regarding off-road diesel regulations. These new regulations are good measures to provide clean air, but are not well thought out. I am concerned with having clean air for myself as well as my future generations, but in compling with the new set forth regulations, my career as well as my personal home is in jeporady. With the new regulations my company will be forced to close their doors, and I will loose my livelyhood.
Please find a feasible solution that achieves the state's air quality goals while keeping California's economy moving forward.
Sincerly,

Edwin Hunter
FJ Willert Contracting
Operating Engineers Local 12

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-05-24 11:45:58

No Duplicates.

Comment 158 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: T
Last Name: Oakes
Email Address: pairedhelix@cox.net
Affiliation: Solar Hydrogen Company

Subject: Retrofits that reduce emissions during burning of diesel fuel?
Comment:

May 24, 2007

TO: California Air Resources Board (ARB)

Topic: Proposed Regulation for In-Use Off-Road Diesel Vehicles.

Question:

Will the regulation include and allow retrofit devices that reduce emissions from the fuel as it is consumed in the engine, as well as retrofit devices that capture and destroy pollutants before they are emitted to the atmosphere?

Recommendation:

We urge that available devices that effect a reduction in fuel consumption per mile, reduce emissions, and increase fuel economy be included in the list of acceptable devices in this regulation.

Respectfully:

Thomas W. Oakes, PhD TEL 619 670-6555
Solar Hydrogen Company
10303 Centinella Dr.
pairedhelix@cox.net
La Mesa, CA 91941

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-05-24 12:15:22

No Duplicates.

Comment 159 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Henry
Last Name: McCourt
Email Address: hmccourt@sukut.com
Affiliation: Sukut Construction, Inc

Subject: Oppose Off-Road Diesel Rule
Comment:

See attachment

Attachment: www.arb.ca.gov/lists/ordiesl07/889-arb_board_letter_70524.doc

Original File Name: ARB Board Letter 70524.doc

Date and Time Comment Was Submitted: 2007-05-24 14:23:25

No Duplicates.

Comment 160 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Larry
Last Name: Afzal
Email Address: dozerhand@msn.com
Affiliation:

Subject: CARB Proposal for air quality regulations
Comment:

As a small builder I can't afford to replace all my engine's with unproven system's that are still in the design stages. The state is going overboard on all these requirement without knowing what works and what dosen't. If the state looks at the big picture they will see that killing the construction industry is not going to stop air quality problems. The small amount of diesel engines that this effects is not the solution to the problem. All these new regulations will do is cause the cost of future development and construction to reach a point that no one will be able to afford to do business.

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-05-24 16:18:21

No Duplicates.

Comment 161 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Skip
Last Name: Daum
Email Address: ASACLobbyist@aol.com
Affiliation: American Subcontractors Assn - CA

Subject: Proposed Diesel Regs
Comment:

```
Please post submittal.
```

Attachment: www.arb.ca.gov/lists/ordiesl07/891-carb_off_road_regs.doc

Original File Name: CARB off road regs.doc

Date and Time Comment Was Submitted: 2007-05-24 17:04:25

No Duplicates.

Comment 162 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: ALY
Last Name: SALAWY
Email Address: halaelsalawy@aol.com
Affiliation: Delta Development

Subject: No To the Board's regulations. Please Don't put us Out of Business
Comment:

I want to let the Board know that these regulations are not right for California’s contractors, workers or infrastructure rebuilding efforts. As a California licensed contractor I know that such regulations are not to be implemented in such a time, where business is very slow in San Diego County, unless it is the board's wish to put us all out of business.

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-05-24 18:09:09

No Duplicates.

Comment 163 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Whit
Last Name: Curtis
Email Address: whitsturn@yahoo.com
Affiliation: Whit's Turn Tree Care

Subject: not reasonable
Comment:

The new ARB regulations are not realistic or affordable. Last year I purchased a new machine that was delivered in March of 2006, when I tried to register it, my application was returned as unacceptable because of new regulations starting Jan. 1st 2006. I had to pay two registration fees for one machine and go through hell and back to get my application processed. If the new regulations are anything like that one there won't be any old machines accepted and very few new ones, at a very high price. The cost of doing business in this great state is already through the roof. Consumers already baulk at current rates due to insurance cost, and fuel prices. If we are expected to pass the cost along to cunsumers there will be considerably less consumers which means less contractors to service them. I think that I would rather sell my diesel powered machines and replace them with older, less productive, more pollutant gasoline powered equipment to save cost and stay out of the new regulations.

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-05-24 18:43:09

No Duplicates.

Comment 164 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Lee
Last Name: Evans
Email Address: Hogbuyr@aol.com
Affiliation:

Subject: Proposed regulation for off-road diesel vehicles
Comment:

This plan is put together by a bunch of educated idots. This will put the small owner/operator completely out of business. But maybe that is your intention so BIG business can take over! Have you done any research into what is available as an alternative to this plan? There is a diesel catalytic converter that has been invented that completely cleans the exhaust and with a minimum of expense to the small owner/operator. BUT BIG business wouldn't make as much money with that.

Why don't you go after the BIG Guys...the oil/diesel companies to clean up their products. They are the ones with all the money!

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-05-24 19:23:57

No Duplicates.

Comment 165 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: SPENCER
Last Name: CARRUTHERS
Email Address: mahahs@psln.com
Affiliation:

Subject: PROPOSED REGULATION FOR IN-USE OFF ROAD DIESEL VEHICLES
Comment:

```
THE PEOPOSED REGULATIONS FOR OFF ROAD DIESEL VEHECLES WOULD PUT ME
OUT OF BUSINESS IF IMPLEMENTED.
I'M ALL FOR CLEAN AIR BUT TO FORCE A REGULATION RETROACTIVE TO
EXISTING EQUIPMENT WOULD CAUSE EXTREME HARDSHIP ON MY BUSINESS AND
FAMILY.
SPENCER CARRUTHERS
```

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-05-24 22:31:42

No Duplicates.

Comment 166 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: FELIPE
Last Name: LEPE
Email Address: LEPECONSTRUCTION@SBCGLOBAL.NET
Affiliation: PRESIDENT

Subject: PROPOSED REGULATION
Comment:

```
WE NEED MORE TIME TO DEVELOP BETTER ENGINE TECHNOLOGY.PLEASE DELAY
YOUR REGULATION.
```

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-05-25 04:49:45

No Duplicates.

Comment 167 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Rebecca
Last Name: Hallett
Email Address: becky2212@neteze.com
Affiliation:

Subject: Proposed Regulation for In-Use Off-Road Diesel Vehicles
Comment:

I am the owner of a small construction business. This will put us out of business. We cannot afford to replace our equipment or the engines. This is completely outrageous. What are you thinking? Who came up with this crazy idea? Little by little you are eroding our rights. Now it seems you will take away our right to work because somebody is in bed with the environmentalists of California.

Don't get me wrong, I'm all for protecting our environment, but not at the expense of putting decent human beings who contribute to the economy out of work, out of business.

I believe this will collapse California's economy. Maybe that's exactly what needs to happen, to wake the people up. This is suppose to be a government of the people, by the people, and for the people. Clearly it is turning into the opposite.

This is a frightening situation for those of us who make our living with off-road diesel run equipment.

This is just completely crazy. This legislature needs to be fired in my opinion. We need some intelligent representation in Sacramento. My vote will reflect my outrage.

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-05-25 06:57:57

No Duplicates.

Comment 168 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Michael
Last Name: Michrowski
Email Address: info@utilityrefrigerator.com
Affiliation:

Subject: CARB Proposed Off-Road Diesel Equip. Regulations
Comment:

Dear CARB Members,

I ask that you reconsider the proposed regulations on off-road diesel construction equipment. I am very much in favor of cleaning up our air and making all sources of polution cleaner, but these proposed rules will be an unbearable burden to the construction industry. Many companies like mine are small and lack the resources to repower or replace our equipment, especially when we are faced with the prospect of doing it again several years from now when diesel engine technology catches up to the new standards. I fear that this will have a huge negative impact on everyone in our state, as we would see a ripple effect in the form of lost jobs, closed businesses, construction delays-all of which will harm our state's fragile economy. Please take the time to work with all constituents on this issue to come up with a meaningful resolution that will safeguard our economic well-being, and improve our air quality. Only when members of the construction industry, engine manufacturers, and the general public work together will we be able to do this.

Thank you for your time and consideration.

Sincerely,

Michael Michrowski

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-05-25 07:15:24

No Duplicates.

Comment 169 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Dain
Last Name: DeForest
Email Address: deforestd@vmcmail.com
Affiliation:

Subject: CARB off road regulations
Comment:

This is an huge undue and illplanned regulation for the state. This will dramatically effect the economy as a whole and put many small businesses out of business.

The state must stop this regulation, and work with the equipment, and construction industries to find a more resonable, phased alternative.

The new alternative should be gradual in immplimentation, and contain proper notification to all that it will effect.

The current proposal is unreasonable for the citizens and businesses in California.

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-05-25 07:29:18

No Duplicates.

Comment 170 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Robert
Last Name: Cox
Email Address: dcox9699@sbcglobal.net
Affiliation:

Subject: arb meeting in san diego
Comment:

Dear Ladies and gentlemen of the ARB,

My husband and I are owners of a small excavating business in a small town in Northern California. We have worked very hard over the past 20 years to accumulate various pieces of equipment so that we can make a living, pay taxes and donate to our community. These pieces of equipment are older but very well maintained by my husband and they are paid for. The ARB proposed regulation will impose an impossible burden on people like us that can't afford this big of an expenditure (on technology that isn't even proven) over such a short span of time. We want cleaner air and realize that we must be good stewards of the environment however this proposed regulation is too much, too soon. It also sticks the cost to a small group.
Please consider re working this ...thank you

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-05-25 08:36:53

No Duplicates.

Comment 171 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: dave
Last Name: worker
Email Address: construction_worker1010@hotmail.com
Affiliation:

Subject: diesel construction equipment
Comment:

Do not vote to wipe out small contractors by making them replace their older diesel powered equipment. We cannot afford to do so and will continue as crimals. You'll wipe out thousands of small contractors, construction work on small scale will come to a halt.Private parties will have no one to build homes, etc. This will affect everyone state wide. Why do you continue to attack the defenseless and are afraid to attack real plutors?

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-05-25 08:44:17

No Duplicates.

Comment 172 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Hank
Last Name: Lamon
Email Address: hlamon@sbcglobal.net
Affiliation:

Subject: Off-road Diesel Proposal
Comment:

```
Letter attached
```

Attachment: www.arb.ca.gov/lists/ordiesl07/903-lamon_letter_to_carb.doc

Original File Name: Lamon letter to CARB.doc

Date and Time Comment Was Submitted: 2007-05-25 10:26:28

No Duplicates.

Comment 173 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Kent
Last Name: Taylor
Email Address: ktaylor@co.el-dorado.ca.us
Affiliation: El Dorado County DOT

Subject: In Use Off-Road Comments
Comment:

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Please refer to the attached comment letter. Thank You
```

Attachment: www.arb.ca.gov/lists/ordiesl07/907-arb_off_road_comments_may_07.doc

Original File Name: ARB Off Road comments May 07.doc

Date and Time Comment Was Submitted: 2007-05-29 09:28:36

No Duplicates.

Comment 174 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Ray
Last Name: Biasotti
Email Address: raybiasotti@comcast.net
Affiliation: T&D Transport/Diesel Smoketesting

Subject: Opacity Testing for Verification of Compliance
Comment:

C.A.R.B.

I have watched the over-all averages of various fleets go down substantially in the past (5) years or more. We used to fail about (1) in every (10) trucks tested; back in 1999 and 2000. Today the failure rate is about (1) in every (50) trucks tested. This is due to numerous factors. I.E: older equipment being fazed out of use, more diligent maintenance programs, lower sulfur content fuel, and ..... fear of prosecution for "fooling around" with engine fuel management systems.

The yearly mandated Opacity tests are the main thing that is driving the movement toward higher compliance and lower over-all emissions that have benefited our State.

I believe the new regulations covering In-use, Off-road construction equipment would see the same levels of improvement and compliance as the In-use, On-road (Truck Fleets) have if yearly "Opacity" testing was mandated in the same manner as it has been with the truck fleets. It is the simplest and most reliable "final test" to verify the impact (success?) of all the required changes to Off-road equipment. All the pledged engine replacements, exhaust system additions/modification, and other expensive procedures required of Equipment Owners will be much harder to quantify and verify without the simple test results of a yearly Opacity Test reading done in the field. It is a relatively inexpensive, quick, and accurate, hands-on test that shows the results of millions of dollars of capital investments.

Please consider this verification method in your final analysis of the program. I truly believe that the yearly Opacity Test requirements is the best, most efficient way to ensure the success of your over-all program to reduce dangerous diesel particulate emissions from In-use, Off-road, construction equipment.

Ray Biasotti
Owner
T&D Transport
Pleasant Hill, CA.

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-05-29 11:13:20

No Duplicates.

Comment 175 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Jose
Last Name: Escobedo
Email Address: jose@brosamer.com
Affiliation:

Subject: CARB Off Road Diesel Equipment Regulations
Comment:

After listening to the ARB staff recommendations at the meeting in San Diego on Friday May 25th, 2007, I have the following comments.

1. In regards to the economic boom in the Construction Industry that will help finance the increase in costs. The last six years have been very tough on the contruction industry. In our industry, work is obtained by "hard bidding", lowest bid gets the job. In the last six years, we have experienced insurance costs that have tripled, fuel costs that have doubled, escalating prices in steel, lumber, cement, plastics, aggregate meterials and equipment. Low inflations rates have avoioded our industry. These increases in costs, can not be recovered after a contract is awarded. Many contractors in California have gone out of business for this reason in the last six years. The so called "boom", is an expected (yet to materialized) increase in work in the infrastructure sector, public work provided by Caltrans, which is only a small sector of the total industry.

Additionally, the companies that will be mostly negatively impacted by the regulation, are excavating and earth moving firms, working mostly in the private sector (housing development), that have high horse power equipment.
This insdustry happens too be in the worst slump of recent years.So the expected boom in the public sector will not help finance the capital expenditures required.

2. Examples of working emission reducing models elsewhere, should be closely checked by the staff. One of the mentioned district regulation penalizes tier 1 and tier 2 engines because they have BACT. Tier 0 engines are allowed because there is no BACT available to them. The purpose of the regulation should be to decrease NOx and PM, using this district as a primary example is wrong.

3. The regulation is unfair to California based business. Multi state companies can simply move "dirty equipment" to other states in order to comply. California based business can not opt for this solution, thus creating an environment of unfair competition to companies that operate solely in California.

4. Companies that own mostly tier 0 equipment, do so because they do not have the capital required to update their fleet.
The proposed regulation will put them out of business, and even if they are fortunate enough to come up with the required capital, the added debt will create serious problems with their bonding

capacity. Potentially, the increase in risk will drive them out of the market.

5. The calculations of the staff are questionable. Companies with balaced fleets (equal numbers of tier 0, 1, 2 and 3 engines), do not operate those equipment the same amount of hours. Newer, more productive equipment, with large capital investemnt, need to work more hours, older equipment is often used as back up equipment (much like a second beater auto). In our company tier 2 and tier 3 equipment works on average 1,800 hours a year, tier 0 equipment on average works 500 hours. Thus "dirty" equipment has less emission than projectd by staff.

6. The implementation of administrative record keeping will be a tremendous burden to business. Also, the implementation of regulations and compliance will create "fertile grounds" for unfair policing.

Thank you for your consideration.

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-05-29 15:11:40

No Duplicates.

Comment 176 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: David
Last Name: Craft
Email Address: dcraft@mbuapcd.org
Affiliation: MBUAPCD

Subject: Acrolein emissions not controlled with non-catalysed filters
Comment:

1)If acrolein emissions are not mitigated through the ATCM, then they will be identified for most construction projects proceeding through the California Environmental Quality Act (CEQA) process as an unmitigated significant environment impact. This will trigger the need for an Environmental Impact Report (EIR) and mitigation. The preparation of an EIR will be costly and time consuming. Mitigation will also be costly because each construction engine equipped with a non-catalyzed diesel particulate filter will have to be replaced by a catalyzed particulate filters at a cost of around $10,000 apiece or more. ARB staff has identified more than 175,000 construction engines in the State. If only 10% required changing, then the cost to the construction industry may be more than $100,000,000. In addition, this opens the door for further increased costs if CEQA is used by opponents to stop projects.

A provision in the Rule should be added that requires 90% organic gas destruction so that acrolein emissions are mitigated.

2)When diesel PM was identified as a toxic air contaminant (TAC) diesel particulate was used as a surrogate to estimate the health risk for human exposure to whole diesel exhaust (e.g. solid particulate and reactive organic compounds). During the Railway study, filters were used to collect solid particulate and the data was used to develop the diesel PM cancer potency factor. However, we do not have sufficient test data to know whether the risk is driven by exposure to solid particulate or the various air toxics that are released in gaseous form, or the relative contribution to the total risk from the organic compounds and solid particulate. The organic portion may be significant and, then, simply adding a diesel particulate filter may miss a significant portion of the health risk from exposure whole diesel exhaust. In other words, simply reducing the solid particulate will not necessarily result in a proportional reduction in cancer risk. If there are readily available technologies that can be used to also reduce organic gas, such as a catalyzed particulate filter, then this should be considered during the rulemaking process. The contemporaneous reductions in acrolein support the issue, but the overall concern should be reductions in cancer risk from exposure to whole diesel exhaust. Thus, ARB should encourage the use of catalyzed filters whenever feasible for the current rulemaking.

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-05-30 09:08:05

No Duplicates.

Comment 177 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Timothy
Last Name: Denham
Email Address: tdenham@woodrodgers.com
Affiliation:

Subject: Regulations re Off-road Diesel Legislation
Comment:

```
Please do not pass this legistation.  The building and construction
industry is already suffering severely this year due to the real
estate recession we're in.  This would have a catastrophic impact
and could essentially stop all construction activity.  This is not
a good way to solve the problem.  Why not offer tax credits or
other incentives to contractors that upgrade to equipment with
less emissions?
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Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-05-31 09:49:08

No Duplicates.

Comment 178 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Larry
Last Name: Ernst
Email Address: lhernst@gmail.com
Affiliation:

Subject: diesel emission objectives
Comment:

```
I would like to suggest that CARB to more carefully consider the
feasibility of the regulations and more directly engage
construction companies and workers to determine a more reasonable
and practical approach to accomplishing its diesel emission
objectives.
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Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-05-31 10:14:04

No Duplicates.

Comment 179 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Construction
Last Name: Worker
Email Address: construction_worker@hotmail.com
Affiliation:

Subject: Diesel Construction Equipment
Comment:

For small contractors, the equipment is used intermittently. I only work 6 months of the year, due to weather and only have work part time then, due to a small economy. Therefore, it does not pollute much and I can't afford to replace it. I have to buy and used old equipment, most private lands owners are not aware of the negative effect your proposed regulations will have.

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-06-04 07:27:49

No Duplicates.

Comment 180 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Jona
Last Name: Adams
Email Address: jladams@harrisconstruction.com
Affiliation: Harris Construction Co., Inc.

Subject: Concerns with the Non-Road Diesel Regulation from a San Joaquin Valley General Contractor
Comment:

```
Please review the attached letter.  We have been studying this
matter very closely, and are happy to discuss the matter at
length.  Please feel free to contact us with any questions you may
have.  Ask for Jona.
```

Attachment: www.arb.ca.gov/lists/ordiesl07/956-on_road_diesel_letter_to_the_board.doc

Original File Name: On Road Diesel Letter to the Board.doc

Date and Time Comment Was Submitted: 2007-06-07 10:28:49

No Duplicates.

Comment 181 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Brian
Last Name: Aanestad
Email Address: bhaanestad@aol.com
Affiliation:

Subject: Off Road Diesel Vehicles
Comment:

Small General Engineering Contractors like myself find it hard to compete with all the State regulations already imposed upon our companies. Adding these new regulations to off road diesel equipment will benefit the manufactures of this equipment. The users may not be able to pay the ever increasing prices of the equipment. It seams that if the equipment is painted yellow they believe they are selling you Gold.

As a small business owner I am finding the State of California offers little incentive for me to stay. I am not a minority and I am under 10 employees. This new requlation benefits big business and deep pockets.

Vote No.

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-06-07 11:18:47

No Duplicates.

Comment 182 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Rebecca
Last Name: Hallett
Email Address: becky2212@neteze.com
Affiliation:

Subject: Proposed Reulation for In-Use Off-Road Diesel Vehicles
Comment:

Where do these people who propose this kind of legislation come from, not from Plant Earth obviously. Is it there intention to destroy small business, farmers, etc.? I'm stunned actually. This will literally shut our business down. Do the "powers to be" know that they will loose billions of tax dollars if small businesses leave California or just decide to close their businesses. We pay personal property taxes on our off-road equipment every year. That revenue will be lost to this government, jobs, tax dollars there. What are they thinking or not thinking at all, seems to be more like it.

I can tell you one thing, whatever it is they are trying to accomplish, you can almost bet it is financially to their benefit. Makes you wonder how many people are lining their personal pockets.

Sincerely,

Rebecca Hallett

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-06-07 15:05:19

No Duplicates.

Comment 183 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Dale
Last Name: Ronsin
Email Address: dronsin@earthlink.net
Affiliation: PE, mbr Society of Auto. Engineers

Subject: Impact to Construction Activities by Regulation
Comment:

I am writing to help explain the issue between Air Quality Agencies and the Construction industry….to wit, the ‘coalition’ presents costs as 13 billion while the ‘board’, 3 billion. I have 40 years of construction experience as a mechanical engineer involved with equipment, its application, safety, and operation to give perspective and expertise.

What is not understood is that construction is a very active and time scheduled business, much more unpredictable than manufacturing or most businesses. It has to accommodate all the ‘unplannable’ variables like weather changes, and have people and equipment available when needed, to continue work efficiently on the ‘front’. Anything that interferes or complicates this already tough issue has a tremendously magnifying effect on costs. The unavailability of a piece of equipment because rules prevent its use or delay availability once the need is identified, can halt all progress on a site.

If one studies the bureaucracy imposed it will involve “permission before proceeding” in an industry that is quite like the military, it has to act timely. (Can you imagine an army fighting a front with impediments of authority and restraints such as time of day allowed to launch specific weapons)? This is why private contracting is effective - it is less costly to contract work than for the government to do it themselves, to get outside the self imposed constraints, to allow risk and to reward resourcefulness).

I suggest that the place to focus on making substantive improvements is with manufacturers, and the fuel. A retrofit and/or a complex set of rules and exceptions will simply hamper the progress of our state towards upgrading our infrastructure. The costs will be borne by the public, and must be fully and accurately considered, by an independent unbiased and non political technical group. The claims by construction operations are not simply to be passed on, they are real and costly impacts far beyond the apparent requirements.

I believe we need a clear third party to judge the impact and set priorities. Imposing regulations on an existing fleet appears to be misguided and overreaching. And like the Nitrous Oxide Retrofit programs of the 70's, the impact to fuel consumption and requirements will increase as we face shortages.

Dale Ronsin [Ronsin, Dale] PE
Aptos, CA

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-06-07 18:05:24

No Duplicates.

Comment 184 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Greg
Last Name: Rasmussen
Email Address: pactractor@aol.com
Affiliation: SCCA,EGCA,SANCIAQ

Subject: Propased off-road diesel emissions regulations
Comment:

I believe that the regulations will come faster than we can keep up with. I sold 19 Caterpillar twin engine scrapers (657B and 657E) 7 of which I repowered through stste grant money to tier 1, those machines that I repowered would not be considered clean by the new regulations. I then purchased 15 Caterpillar off-road end dump rock trucks. I did this partly to try to stay ahead of the up and comming regulations. We are currently repowering the 4 oldest machines (those being tier 1) with tier 3 engines. 10 of these new machines are tier 2, and 1 is tier 3. This all sounds pretty good I have done a lot to stay ahead and to help clean the air, but with the new regulations I will only be good until 2012 then I will need to start repowering or replacing machines at the rate of 1.5 per year. That sounds pretty extreme..
They say that we need to act very quickly to save lives. I grew up in Covina, ca. from 1968 to 1991. The smog was so thick that we regularly couldn't play during recess at school or during the summer our mother would make us stay inside the house because if we played outside we couldn't breath because of the smog. We would regularly have 3rd stage smog alerts. 30 years later with the population doubled and we only have 1 to 2 1st stage smog alerts a year it sounds like we have made trememdous progress towards cleaner air. Why can't we now set a pace that is workable to all affected by these new regulations. Thank You.

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-06-11 11:11:20

No Duplicates.

Comment 185 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Lance
Last Name: Madgwick
Email Address: lance@webermadgwick.com
Affiliation:

Subject: Notice of Public Hearing To Consider the Adoption of a Proposed Regulation For In-Use Off-
Comment:

```
To Whom It May Concern,
Although I believe the basic premise behind the adoption of a
clean air act for off road vehicles may be justified. The current
plan is severely flawed in not only its conception, but also in
the implementation process. Please accept this as one business
owner opinion, I have over 60 employees that are currently
operating equipment in the Southern Calif. area. If this program
is implemented, especially during the current sever slowdown; I
will be forced to close my doors, after over 30 years in the
business. There is absolutely no way that I can implement this
program, and survive in this economy.
Sincerely
Lance Madgwick
Weber Madgwick Excavating
661-775-1900
```

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-06-12 08:36:45

No Duplicates.

Comment 186 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: steven
Last Name: chain
Email Address: steve@chainenterprises.net
Affiliation:

Subject: CARB offroad and onroad diesel regulations
Comment:

```
I respectfully request that the pending regulations be delayed
until there are clear equipment solutions available in the market
place to upgrade and replace the existing diesel on and off road
equipment. To do less may place an impossible weight upon the
current construction industry. It appears the industry is fully
prepared to offer a working relationship to see this take place.

Sincerely,

Steven Chain
Chain Enterprises
```

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-06-12 19:05:36

No Duplicates.

Comment 187 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: mike
Last Name: weber
Email Address: mikeweber@webermadgwick.com
Affiliation:

Subject: new regulations
Comment:

```
as a small business owner with aging equiptment, virtually any
regulation restricting the use of my tractors would be crippling!
the equiptment is not valuable enough to be re-powered.
```

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-06-13 11:02:04

No Duplicates.

Comment 188 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Lesli
Last Name: Collins
Email Address: Lcollins@ambobcat.com
Affiliation: AMERICAN BOBCAT & BACKHOE SERVICE, INC.

Subject: PROPOSED OFF ROAD DIESEL REGULATIONS
Comment:

I have been attending the meetings and seminars held here in San Diego County with regard to the proposed regulations. I know you have heard all the requests to extend the time of implementation for the new regulations and other more feasible solutions for us contractors here in California.

This is just my personal submission of how these regulations will affect my small business that I have owned for 30 years. I am a small contractor with a fleet of 12 backhoes, skidsteers and mini-excavators. All are Tier 1 motors. I would be forced to replace or repower 1 backhoe or 2 skidsteers each year in order to be in compliance. I normally replace my equipment after 15 years and this would cause me to retire my tractors 5 years sooner than I normally would. At this time when the economy is so down related to construction, this would out me out of business completely and my 20 employees would no longer have jobs! This business was to be my retirement! I am a 55 year old female and I can't start all over again!!

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-06-13 14:32:46

No Duplicates.

Comment 189 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: John
Last Name: Nelson
Email Address: bnelson001@san.rr.com
Affiliation:

Subject: CARB Rules
Comment:

```
What if you are wrong on your information on the availabiltiy of
the technology and equipment.
If we forget about the cost of engine and equipment replacement
and think about the possibility that the equipment necessary to
build the projects will not be availble,we then will have to
consider the direct cost added these projects.
The direct cost added will be longer durations for construction,
greatly reduced production rates producing unit cost increases of
who knows how much. These are dollars amounts that I believe could
be stagering. I am confident that there is no one that can put a
dollar amount to this potential problem.
The lack of equipment could also add to a reduced work force
required to do the work.
If possible you might take a hard look at extending the time for
the equipment manufacturers to build the equipment necessary to
replace the older equipment.
```

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-06-13 16:50:33

No Duplicates.

Comment 190 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Richard
Last Name: Bowen
Email Address: Non-web submitted comment
Affiliation: 4 Point Pipeline Construction, Inc.

Subject: Proposed Amendments for In-Use Off-Road Diesel Vehicles
Comment:

```
Please see the attached comment.
```

Attachment: www.arb.ca.gov/lists/ordiesl07/966-ordiesl07-180.pdf

Original File Name: ordiesl07-180.pdf

Date and Time Comment Was Submitted: 2007-06-14 10:39:59

No Duplicates.

Comment 191 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: S. Joseph
Last Name: Simitian
Email Address: SENATOR.SIMITIAN@SEN.CA.GOV
Affiliation: State Senator, 11th District

Subject: Proposed Amendments for In-Use Off-Road Diesel Vehicles
Comment:

```
Please see the attached comment.
```

Attachment: www.arb.ca.gov/lists/ordiesl07/967-ordiesl07-191.pdf

Original File Name: ordiesl07-191.pdf

Date and Time Comment Was Submitted: 2007-06-14 10:46:20

No Duplicates.

Comment 192 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Eric
Last Name: Carlson
Email Address: Non-web submitted comment
Affiliation: Associated California Loggers

Subject: Proposed Diesel Off-Road Regulation
Comment:

```
Please see the attached comment.
```

Attachment: www.arb.ca.gov/lists/ordiesl07/968-ordiesl07-192.pdf

Original File Name: ordiesl07-192.pdf

Date and Time Comment Was Submitted: 2007-06-14 10:58:49

No Duplicates.

Comment 193 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

This comment was posted then deleted because it was unrelated to the Board item or it was a duplicate.

Comment 194 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: George
Last Name: Runner
Email Address: Non-web submitted comment
Affiliation: Senator, 17th District

Subject: Proposed Regulation for In-Use Off-Road Diesel Vehicles
Comment:

```
Please see the attached comment.
```

Attachment: www.arb.ca.gov/lists/ordiesl07/970-ordiesl07-194.pdf

Original File Name: ordiesl07-194.pdf

Date and Time Comment Was Submitted: 2007-06-14 11:09:20

No Duplicates.

Comment 195 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Gordon
Last Name: Downs
Email Address: Non-web submitted comment
Affiliation: Downs Equipment Rentals, Inc.

Subject: Proposed Amendments for In-Use Off-Road Diesel Vehicles
Comment:

```
Please see the attached comment.
```

Attachment: www.arb.ca.gov/lists/ordiesl07/971-ordiesl07-195.pdf

Original File Name: ordiesl07-195.pdf

Date and Time Comment Was Submitted: 2007-06-14 11:20:20

No Duplicates.

Comment 196 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Mark
Last Name: Carpenter
Email Address: Non-web submitted comment
Affiliation: McMillin Land Development

Subject: Proposed Amendments for In-Use Off-Road Diesel Vehicles
Comment:

```
Please see the attached comment.
```

Attachment: www.arb.ca.gov/lists/ordiesl07/972-ordiesl07-196.pdf

Original File Name: ordiesl07-196.pdf

Date and Time Comment Was Submitted: 2007-06-14 11:28:51

No Duplicates.

Comment 197 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Nickie
Last Name: Peacher
Email Address: rrpeacher@sunset.net
Affiliation: Robert R. Peacher, Inc.

Subject: Concerns Regarding Off-Road ATCM (Regulation)
Comment:

```
Please see the attached comment.
```

Attachment: www.arb.ca.gov/lists/ordiesl07/973-ordiesl07-197.pdf

Original File Name: ordiesl07-197.pdf

Date and Time Comment Was Submitted: 2007-06-14 11:41:04

No Duplicates.

Comment 198 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Michael
Last Name: Steigh
Email Address: steico@juno.com
Affiliation: Steico

Subject: Carb Response
Comment:

Today, Please consider that to proposed regulations will have the largest cost burdon to any state government or industry. Look around our state at the mass exodus of business and the uncertainty's in the housing market which means less revenue for local government and fewer jobs. Nobody wants to breath dirty air but this regulation is not the answer when Our Governor has committed to a very aggressive public works agenda to bring back jobs ,commerce,and safety to the State of California.The industry is always on the for front of technology to be competitive in the construction market.The cost of fuel, operating cost and productivity drives contractors to update there fleets.Let the manufactures and regulators agree on a compliance method that allow machine owners to Replace and Comply by Buying new .Not by forcing unproven ,cost prohibitive and in most cases unavailable engine fixes to be the answer to better air.Do not jeopardize our economy,public works,schools,hospitals,mass transit,and flood control to create this unquantifiable regulation

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-06-15 11:58:17

No Duplicates.

Comment 199 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Tom
Last Name: Hauenstein
Email Address: coastalearthmovers@verizon.net
Affiliation: Coastal Earthmovers, Inc.

Subject: Proposed Regulation
Comment:

Ladies and Gentlemen:

We believe the currently proposed CARB regulations are unfair/unrealistic to require older machines that were Tier 0 - Tier 2 to comply with the new regulations

When we purchased our equipment, we were not told that its useful life had an end date. If this regulation is passed, it will devalue all non-conforming equipment in California. Many companies will be forced to close due to these unfair regulations.

We are in favor of clean air, and we believe that new machines that are sold should meet certain requirements. Machines that were purchased prior to these regulations were legal at the time of purchase. To have them comply with the new regulations is not realistic. You have taken the opposite approach with automobiles and the smog tests that are required by moving the date for required smog from 1966 to 1976. We need to move forward rather than moving backwards.

Thank you for your time and consideration.

Respectfully,
Tom Hauenstein, President
Coastal Earthmovers, Inc.

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-06-18 13:32:58

No Duplicates.

Comment 200 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Randall
Last Name: Burke
Email Address: rburke@surewest.net
Affiliation: Water Company director

Subject: ARB regulations on off road diesel
Comment:

The proposal places restrictions on small population rural areas within the boundaries of counties that contain clusters of large populations in the other areas of those counties. When this bill first arose, I attempted to contact the air resources board to request how a water company could receive a variance, or an adjustment on the several pieces of diesel driven equipment that serve the water company operations. No answer! We are located in the farthest north location of Sonoma County. Very sparsley populated, yet with the total population of Sonoma County, it appears that we do not qualify, and will need to seek funds for purchasing equipment to meet proposed BMP's with BAT's. To the immediate North is Mendocino County, and at last look with only 95,000 population in the total county, that county is not apparently subject to the same requirements of our location. So how does a water company that is governed by the Public Utilities Commission ask for rate increases for such expenditures that will be used for servicing the water company operations? I have spent previous years in the South Coast Air Basin, communicating with Tom Quinn, and then Govenor Jerry Brown, and I can see the need in the populated areas, but really why would such requirements be necessary on the north coast within a precise unit development which inherently limits population growth by its own design? So perhaps if these regulations are adopted, the ARB could be a bit more responsive to inquiries of sensible nature, and not place another costly budgetary item on a water company in an area that still allows rural open burning due to its remoteness and light population density. Thank you for the opportunity to comment. Randy H. Burke,MPH, REHS, Director of Works, The Sea Ranch Water Company, The Sea Ranch, California

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-06-21 21:24:38

No Duplicates.

Comment 201 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: James
Last Name: Hobbs
Email Address: jhobbs@sti.net
Affiliation:

Subject: Proposed Off Road Diesel Vehicles Emmision Regulation
Comment:

It continues to amaze me that our state, which is in serious financial trouble, would impose yet another "tax" on it's citizens. While the proposal is not a direct "tax", it will in fact seriously tax the construction industry, and bring to a halt many construction projects. Both the long term and short term effects of such regulation will cause financial hardship on our industry. Reduced construction activity means reduced profits for construction companies (like mine) and ultimately reduced tax revenues to the state government--which is already in dire straits!

If we want to reduce diesel emissions, fine. But let's do it over time, as technology allows it. Slamming our industry--as well as the Ag industry, and just about anyone else who uses off-road diesel vehicles, with a regulated emissions level they can't achieve, is simply unproductive.

Furthermore, out all of the countries I have visited in this world of ours, the USA and specifically California already had far cleaner air than any! Why do we need to make it any cleaner?

I can see the issue in certain areas such as the South Eastern parts of the states. But here in the central valley, our air is quite reasonable.

I assure you that a time is coming when the citizens of this state will no longer tolerate such over-regulation as we now see. Furthermore, will stop trying to fix it with the political process, and a revolt will be brought about that will bring government and all of its oppression to a halt. Stop making government bigger! We don't need it!

Stop this silly proposal now!!!

In His Service,

James E. Hobbs
Director of Engineering
MTM
Thank you for your time and consideration.

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-06-22 09:32:14

No Duplicates.

Comment 202 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Tom
Last Name: Tedrick
Email Address: tedrick384bc@aol.com
Affiliation:

Subject: converting diesel engines to run on biofuels
Comment:

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Apparently it is relatively simple and inexpensive to convert
diesel engines to run on cleaner burning biofuels (it seems that
was the original idea Diesel had, to design an engine that would
run efficiently on biofuels, strangely enough). I think that is
the ideal we should aim at, converting diesel engines to run on
biofuels. That could bring about a major reduction in air
pollution with minimal technical difficulty.
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Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-06-28 21:13:11

No Duplicates.

Comment 203 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Matt
Last Name: Stevens
Email Address: mstevens@stevensci.com
Affiliation: Stevens Construction Institute

Subject: Construction Contractors
Comment:

I have spent time in your state in the 80's building two projects, one in Oxnard and one in Westlake Village. I continue to have contact with your state through my management consulting work with construction contractor clients. I only work with these types of firms. This allows me to offer what I believe to be a deeper insight into the potential effects of any law or proposed regulation on construction companies than a general business consultant.

I am aware of the clean air initiative in California. It is the kind of direction worthy and needed by all regardless of nation, ethnicity, or profession. However, I want to voice my opinion about its potential impact on our important industry. This is not about the need for this insightful legislation but, about its unfair impact for construction contracting companies.

Construction companies are analogous to the family farm. There are more owner / operator and closely held firms in construction than any other kind. Of all construction firms, most are owned by individuals and / or families and operated by the same in many cases. These people rely on construction income and thus, profit to insure their financial futures.

Families working together in the construction industry have a healthy social consequence making family relations closer, local and long term. To ignore this fact is to be unobservant of the quality of a good society.

Nearly all California Construction Companies are home grown, will stay in California and will continue to be an "insitu" industry to your leading state. Economic winds will blow some industries across the world but, construction companies (and their sister demolition firms) will not be exported. They will stay local and thus, important to California's economy.

Information provided by Risk Management Associates (RMA) deserves careful consideration. We are using Annual Statement Studies – Financial Ratio Benchmarks / 2005 – 2006. This publication is a statistical compilation of source documents furnished to banks and other lending institutions. It is information in which we can be statistically confident.

The average profit before tax for contractors is currently less than 5%. As a breakdown:

- Heavy / Highway Contractors (composite of multiple NAICS) 2.6%
- Site Preparation Contractors (NAICS 238910) 3.3%
- Highway, Street and Bridge Construction (NAICS 237310) 3.3%
- Other Heavy and Civil Engineering Construction (NAICS 237990) 3.8%

As shown above, there is very little room between profit and loss. Construction contracting is not a generous business. If demands of the new legislation are sudden, thoughtless and otherwise unfair, then bankruptcies are certain to rise (construction is the second riskiest industry currently). Subsequently, costs to Californians will rise in governmental and business costs in among other things, uncompleted contracts, uncollectible debt and business expansion delays.

Most construction is built by small business. According to RMA, approximately 65% of all construction companies have 10 employees or less. These are not large faceless enterprises but, ones comprised of a few individuals who are working as a team and who are impacted greatly with changes. These small businesses may be unfairly treated by the implementation of the regulations. I strongly feel care should be taken in the formulation of these rules.

We don't debate the need for clean air and in essence, the health prospects of the citizens of California. We do debate the unilateral burden that the preliminary legislation places on construction company owners and their families.

Attachment: www.arb.ca.gov/lists/ordiesl07/984-california_clean_air_legislation_response.pdf

Original File Name: California Clean Air Legislation Response.pdf

Date and Time Comment Was Submitted: 2007-07-01 08:10:18

No Duplicates.

Comment 204 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Robert
Last Name: Evans
Email Address: darsieevans@earthlink.net
Affiliation:

Subject: Proposed Regulation For In-Use Off-Road Diesel Vehicles
Comment:

I am a small contractor living and doing business in the North Bay area of Marin County. This proposal was brought to my attention by a local equipment dealer. If this measure passes, it will be such a financial burden on my business that I will have to close my doors and go out of business. Please consider that I fill a demand for limited access grading and excavations. Many people, contractors, landscapers, homeowners and many others, rely on my services. But with the cost of fuel, taxes, equipment maintenance and the other burdens placed on my business, mostly by poorly managed government, would be a finale blow to my livelihood. My family and children beg you to not pass this selfishly crafted bill. Again, please do not destroy my way of life.

R. Darsie Evans
DBA Evans Construction
Owner/ Operator

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-07-02 18:59:43

No Duplicates.

Comment 205 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Chris
Last Name: Kip
Email Address: clkip@sbcglobal.net
Affiliation:

Subject: ordiesl07
Comment:

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I think it is common knowledge that the newer equipment is bought
and used by those who have more use for it. The older equipment is
bought and used by those who have less use for it. To take the
value out of the older equipment inhibits the ability of the owner
to upgrade to newer and better equipment. This then is counter
productive to what you endevor to do, which is supercede the older
equipment with newer, cleaner equipment. Left alone, this process
will occure naturaly. To force it invites disaster.
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Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-07-02 19:30:16

No Duplicates.

Comment 206 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Jose
Last Name: Escobedo
Email Address: jose@brosamer.com
Affiliation: R&L Brosamer, Inc.

Subject: CARB Off Road Diesel Equipment Regulations
Comment:

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Looking forward to continue to reduce PM and NOx in California.

Proud to be part of being world leaders in this historical cause.

Please be very cautious in adopting a regulation that will become
an administrative over burden to off road diesel users. Don't bury
the cause with paperwork and unnecessary oversight. Don't create a
bureaucratic nightmare in the process.

Thank you.
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Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-07-03 08:13:47

No Duplicates.

Comment 207 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: W. James
Last Name: Wagoner
Email Address: jwagoner@bcaqmd.org
Affiliation: Butte County Air Quality Management Dist

Subject: Proposed Regulation for In-Use Off-Road Diesel Vehicles
Comment:

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see attachedetter
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Attachment: www.arb.ca.gov/lists/ordiesl07/988-5-24-07_letter__carb__in-use_off-road_diesel_vehichle.pdf

Original File Name: 5-24-07 Letter, CARB, In-Use Off-Road Diesel Vehichle.pdf

Date and Time Comment Was Submitted: 2007-07-03 09:57:12

No Duplicates.

Comment 208 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Tom
Last Name: Berryhill
Email Address: assemblymember.berryhill@assembly.ca.gov
Affiliation: Assemblymember, 25th District

Subject: Proposed Regulations for In-Use Off-Road Vehicles
Comment:

```
Please see the attached comment.
```

Attachment: www.arb.ca.gov/lists/ordiesl07/989-ordiesl07-208.pdf

Original File Name: ordiesl07-208.pdf

Date and Time Comment Was Submitted: 2007-07-03 14:51:02

No Duplicates.

Comment 209 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Mike
Last Name: Hayet
Email Address: Non-web submitted comment
Affiliation: Traffic Control Service, Inc.

Subject: Proposed Regulation for In-Use Off-Road Diesel Vehicles
Comment:

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Please see the attached comment.
```

Attachment: www.arb.ca.gov/lists/ordiesl07/990-ordiesl07-209.pdf

Original File Name: ordiesl07-209.pdf

Date and Time Comment Was Submitted: 2007-07-03 14:56:01

No Duplicates.

Comment 210 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Joel
Last Name: Anderson
Email Address: Non-web submitted comment
Affiliation: Assemblymember, 77th District

Subject: Proposed Regulation for In-Use Off-Road Diesel Vehicles
Comment:

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Please see the attached comment.
```

Attachment: www.arb.ca.gov/lists/ordiesl07/991-ordiesl07-210.pdf

Original File Name: ordiesl07-210.pdf

Date and Time Comment Was Submitted: 2007-07-03 15:05:34

No Duplicates.

Comment 211 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Thomas W.
Last Name: Oakes, PhD
Email Address: pairedhelix@cox.net
Affiliation: Solar Hydrogen Co. La Mesa, CA

Subject: Reducing emissins from engine diesel fuel consumption
Comment:

Emphasis in the proposed new regulations concerning emissions from consumption of diesel fuel in construction vehicles appears to focus on retrofitting equipment to capture the emissions after burning.

Recommendation:

We urge inclusion of devices that effect fuel consumption per mile or hour, create a reduction in emissions and increase fuel economy be included in the list of acceptable retrofit devices in this regulation.

There are a number of methods to reduce emissions from diesel fuel consumption such as introducing hydrogen into the diesel as it enters the combustion chamber. This method should be included in the regulation as well as technologies to capture noxious emissions after burning the fuel.

Thank you. Thomas W. Oakes, PhD

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-07-05 13:41:45

No Duplicates.

Comment 212 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Mark
Last Name: Thorton
Email Address: Non-web submitted comment
Affiliation: Tuolumne Co. Board of Supervisors

Subject: Tuolumne Co. APCB-Comments Re. Proposed Reg. for In-Use Off-Road Diesel Vehicles
Comment:

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Please see the attached comment.
```

Attachment: www.arb.ca.gov/lists/ordiesl07/993-ordiesl07-211.pdf

Original File Name: ordiesl07-211.pdf

Date and Time Comment Was Submitted: 2007-07-06 11:04:35

No Duplicates.

Comment 213 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Kristen
Last Name: Coada
Email Address: Non-web submitted comment
Affiliation:

Subject: Proposed New Regs. In-Use Off-Road Diesel Vehicle/Equip.
Comment:

```
Please see the attached comment.
```

Attachment: www.arb.ca.gov/lists/ordiesl07/994-ordiesl07-212.pdf

Original File Name: ordiesl07-212.pdf

Date and Time Comment Was Submitted: 2007-07-06 11:06:21

No Duplicates.

Comment 214 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Kendal
Last Name: Leslie
Email Address: Non-web submitted comment
Affiliation:

Subject: Proposed New Regs. In-Use Off-Road Diesel Vehicle/Equip.
Comment:

```
Please see the attached comment.
```

Attachment: www.arb.ca.gov/lists/ordiesl07/995-ordiesl07-214.pdf

Original File Name: ordiesl07-214.pdf

Date and Time Comment Was Submitted: 2007-07-06 11:28:17

No Duplicates.

Comment 215 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: William
Last Name: Young
Email Address: Non-web submitted comment
Affiliation: El Cajon Grading & Engineering Co., Inc.

Subject: Proposed Regulation for In-Use Off-Road Vehicles
Comment:

```
Please see the attached comment.
```

Attachment: www.arb.ca.gov/lists/ordiesl07/996-ordiesl07-215.pdf

Original File Name: ordiesl07-215.pdf

Date and Time Comment Was Submitted: 2007-07-06 11:29:57

No Duplicates.

Comment 216 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Jimmy
Last Name: Smith
Email Address: Non-web submitted comment
Affiliation: Co. of Humboldt Board of Supervisors

Subject: Proposed Regulation for In-Use Off-Road Diesel Vehicles
Comment:

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Please see the attached comment.
```

Attachment: www.arb.ca.gov/lists/ordiesl07/997-ordiesl07-216.pdf

Original File Name: ordiesl07-216.pdf

Date and Time Comment Was Submitted: 2007-07-06 11:31:15

No Duplicates.

Comment 217 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Tim
Last Name: Wilson
Email Address: twcon@sbcglobal.net
Affiliation:

Subject: Proposed off road regs.
Comment:

Dear Sirs,

The current, proposed regulations will cripple my business and possibly put me out of business. We can not retrofit our equipment with new engines to comply with your proposed regs without severe financial hardship as well as an investment sometimes costing greater that the value of some of our equipment.

There are alternate fixes that are much more economical and would allow us to use our existing power plant and still reducing emissions to an acceptable level.

I urge you to re-think your position and ask if you really want to destroy small businesses who are already burdened enough with marginally effective laws and red tape that chocks us financially, when alternate methods exist more reasonably prices?

Please postpone implementation and solicate our help and we can all breath easier.

Sincerely,

Tim Wilson
T. W. Contracting, Inc.

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-07-06 20:21:26

No Duplicates.

Comment 218 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Mary
Last Name: Pitto
Email Address: mpitto@rcrcnet.org
Affiliation: Regional Council of Rural Counties

Subject: Public Hearing to Consider Proposed Regs. for In-Use Off-Road Diesel Vehicles
Comment:

```
Please see the attached comment.
```

Attachment: www.arb.ca.gov/lists/ordiesl07/999-mp.062907.ltr.arb.doc

Original File Name: mp.062907.ltr.arb.doc

Date and Time Comment Was Submitted: 2007-07-09 10:15:51

No Duplicates.

Comment 219 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Jeep
Last Name: Tharp
Email Address: Non-web submitted comment
Affiliation:

Subject: Proposed Regulation for In-Use Off-Road Diesel Vehicles
Comment:

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Please see the attached comment.
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Attachment: www.arb.ca.gov/lists/ordiesl07/1000-ordiesl07-219.pdf

Original File Name: ordiesl07-219.pdf

Date and Time Comment Was Submitted: 2007-07-09 10:28:31

No Duplicates.

Comment 220 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: John
Last Name: Emmett
Email Address: Non-web submitted comment
Affiliation: Emmett's Excavation, Inc.

Subject: Proposed Regulation for In-Use Off-Road Diesel Vehicles
Comment:

```
Please see the attached comment.
```

Attachment: www.arb.ca.gov/lists/ordiesl07/1001-ordiesl07-220.pdf

Original File Name: ordiesl07-220.pdf

Date and Time Comment Was Submitted: 2007-07-09 10:42:52

No Duplicates.

Comment 221 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Mike
Last Name: Seghezzi
Email Address: Non-web submitted comment
Affiliation: Seghezzi Enterprises

Subject: Proposed Off-Road Diesel Regs.
Comment:

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Please see the attached comment.
```

Attachment: www.arb.ca.gov/lists/ordiesl07/1002-ordiesl07-221.pdf

Original File Name: ordiesl07-221.pdf

Date and Time Comment Was Submitted: 2007-07-09 10:57:12

No Duplicates.

Comment 222 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: ROBERT CHRIS
Last Name: BELLIZZI
Email Address: Chris13b@ix.netcom.com
Affiliation: Bellizzi Tree Service

Subject: Fleet Replacement
Comment:

To Whom it may concern:
I am a 4 man Tree Service(see www.Bellizzitree.com)and I disagree with your fleet replacemnet policy you are trying to implement.
I have 2 Tier 0 Diesel Chippers and 1 Tier 2 Bobcat Tractor.
I am currently running Bio-diesel (20%) eventually working to 90% Bio-Diesel and 10% regular red diesel.I know if I run this mix
I will beat your Tier 3 emmissions requirement.I currently make all my Tree Service estimates in a Bio-Diesel 1999VW Turbo Diesel

New Beetle which gets 49 mile per gallon.I live in a Solar home where this year P.G & E. will owe me $100 this year because I sell
excess power to grid.My personal mission in life is to reduce my carbon emissions to 0.So I know my stuff.Just because the great Air Resources Board doesn't believe in LOCALLY MADE BIO-DIESEL don't penalize the small business which are already exceeding AB 32
initiatives.
The great ARB has failed Californian's before by not allowing a Prius with push button to run up to 80% electric (alowwed in Europe and Asia).This would have made the first mostly electric car massed produced to be available for Californian's,BUT NO.
Thanks guys.Your closed mindedness is staggering.

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-07-09 11:00:57

No Duplicates.

Comment 223 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Dion
Last Name: Salfen
Email Address: drsalfen@sbcglobal.net
Affiliation:

Subject: Additional Comments Re: Diesel Engines
Comment:

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Please see the attached comment.
```

Attachment: www.arb.ca.gov/lists/ordiesl07/1004-ordiesl07-222.pdf

Original File Name: ordiesl07-222.pdf

Date and Time Comment Was Submitted: 2007-07-09 11:16:05

No Duplicates.

Comment 224 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Matt
Last Name: Hyland
Email Address: Non-web submitted comment
Affiliation:

Subject: Proposed Off-Road Diesel Regs.
Comment:

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Please see the attached comment.
```

Attachment: www.arb.ca.gov/lists/ordiesl07/1005-ordiesl07-223.pdf

Original File Name: ordiesl07-223.pdf

Date and Time Comment Was Submitted: 2007-07-09 11:17:00

No Duplicates.

Comment 225 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Kevin
Last Name: Rumon
Email Address: Non-web submitted comment
Affiliation:

Subject: Proposed Regulation for In-Use Off-Road Diesel Vehicles
Comment:

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Please see the attached comment.
```

Attachment: www.arb.ca.gov/lists/ordiesl07/1006-ordiesl07-225.pdf

Original File Name: ordiesl07-225.pdf

Date and Time Comment Was Submitted: 2007-07-09 14:56:16

No Duplicates.

Comment 226 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Ted
Last Name: Gaines
Email Address: Non-web submitted comment
Affiliation: Assemblymember, 4th District

Subject: Proposed Regulation for In-Use Off-Road Diesel Vehicles
Comment:

Please see the attached comment.

Attachment: www.arb.ca.gov/lists/ordiesl07/1007-ordiesl07-226.pdf

Original File Name: ordiesl07-226.pdf

Date and Time Comment Was Submitted: 2007-07-09 15:05:37

No Duplicates.

Comment 227 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Salvador
Last Name: Reyes
Email Address: Non-web submitted comment
Affiliation:

Subject: Proposed Regulation for In-Use Off-Road Diesel Vehicles
Comment:

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Please see the attached comment.
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Attachment: www.arb.ca.gov/lists/ordiesl07/1008-ordiesl07-227.pdf

Original File Name: ordiesl07-227.pdf

Date and Time Comment Was Submitted: 2007-07-09 15:14:28

No Duplicates.

Comment 228 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Jeb
Last Name: Stuart
Email Address: jebstuart@sbcglobal.net
Affiliation: CIAQC

Subject: Written comments on ARB draft regulation on off-road vehicles
Comment:

May 23, 2007

WRITTEN COMMENTS ON OFF-ROAD REGULATION

BY Jeb Stuart, CIAQC Vice President

The construction industry fully understands the serious health implications of diesel emissions and appreciates the need to reduce as quickly as feasible NOx and PM emissions from its equipment.

Because of these implications, ARB staff's recommended regulation could cause over two thirds of the privately owned construction companies in California to shut down or at least downsize from a large fleet to a small fleet, primarily because:

* This regulation will require large fleet owners to replace or repower most of their vehicles with Tier 3 equipment commencing in 2010 and again with Tier 4 equipment commencing in 2014 or 2015 in order to comply with the 2020 fleet average. As you have heard in the testimony, only the largest, most progressive companies have the resources to accomplish this.

* Your staff's last minute addition of a NOx emission reduction requirement will eliminate even these companies from compliance.

Missing from the staff report is a detailed evaluation of the economic impact on the construction industry, and in particular smaller family owned contracting companies that represent 90% of the total. According to our numbers, the regulation will cost the California construction industry an additional $13 billion to comply. Previous speakers have documented the reasons for the discrepancy between your staff's $3 billion estimate and ours.

The 33 page draft regulation plus another 203 pages of technical support is so complex and overpowering that very few contractors will understand it, much less be able to comply with it. In my opinion, the small amount of emission reductions gained by this imperious command and control approach will be lost because of extended delays in implementation caused by major enforcement problems.

For those reasons CIAQC is in the final stages of completing a simplified, achievable alternative that will provide equipment manufacturers the additional five years they need to produce sufficient Tier 4 powered vehicles to meet the final emission reduction requirement and give fleet owners the flexibility to decide how to comply with it in terms of vehicle replacements, repowers and retrofits.

CIAQC recognizes that your Board will want to refer this alternative to your staff for its recommendations before making a decision. The additional two months you are taking should allow time for that process. CIAQC would also suggest that your chairman consider appointing an advisory committee composed of Board members, staff, environmentalists, construction industry representatives and the general public. This committee could review the points made today and advise your Board on its conclusions and recommendations prior to the July ARB meeting.

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-07-09 15:19:36

No Duplicates.

Comment 229 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: William
Last Name: Terrell
Email Address: bterrell.genesis@scal.net
Affiliation:

Subject: Proposed, in use off road diesel vehicle regulations.
Comment:

```
Please see attrachment
```

Attachment: www.arb.ca.gov/lists/ordiesl07/1010-california_contractors_care_about_our_state.doc

Original File Name: California contractors care about our state.doc

Date and Time Comment Was Submitted: 2007-07-09 17:13:14

No Duplicates.

Comment 230 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Sara
Last Name: Behmerwohld
Email Address: Non-web submitted comment
Affiliation:

Subject: Adopt the clean construction and off-road equipment rule
Comment:

```
Please see the attached comment.
```

Attachment: www.arb.ca.gov/lists/ordiesl07/1011-ordiesl07-228.pdf

Original File Name: ordiesl07-228.pdf

Date and Time Comment Was Submitted: 2007-07-10 11:52:03

60 Duplicates.

Comment 231 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Fred
Last Name: Ehler
Email Address: Non-web submitted comment
Affiliation: H. F. Ehler Company Inc.

Subject: Off-Road Diesel Regs. Hearing July 26, 2007
Comment:

```
Please see the attached comment.
```

Attachment: www.arb.ca.gov/lists/ordiesl07/1012-ordiesl07-231.pdf

Original File Name: ordiesl07-231.pdf

Date and Time Comment Was Submitted: 2007-07-10 13:00:29

No Duplicates.

Comment 232 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Brian
Last Name: Scott
Email Address: brian@newmanandsons.com
Affiliation:

Subject: Off-Road Diesel Regulations
Comment:

CARB:

We recognize the importance of clean air for Californians, but we also want to stress how economically devastating your proposed regulations are.

Secondly, although we agree with the idea of clean air, it seems reasonable to postpone the NOX requirements for a period of 5 years to ensure that technology can keep up with the proposed regulations.

Thanks for your work.

Best Regards,

Brian Scott
Government Relations Manager
Newman and Sons, Inc.

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-07-10 13:04:59

No Duplicates.

Comment 233 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: DON
Last Name: ZWEIFEL
Email Address: dzweifel@sbcglobal.net
Affiliation: SOUTHERN CALIFORNIA BIOFUEL/SCB

Subject: RE: MITIGATING FACTORS IMPACTING IMPLEMENTATION
Comment:

To whom it may concern:

Be it hereby understood that whereas ARB has unfortunately failed to factor into the equation positive ramifications of current and future BD or Biodiesel utilization should have had on their extrapolations. SCB therefore concludes it is indicative of a insufficiency of evidence to adequately ascertain future projections of PM 2.5 and greater-diameter particulate emissions.

SCB therefore formally requests that using BD in various blends, i.e., B2, B5, B20 and B100 be inculcated into ARB's projected assessments regarding compliance with new regulatory mandates as to mitigation of risks to human health, i.e., PM 2.5 and larger-sized particulates. It is therefore our considered deduction that if B20 for example is mandated for all off-road construction equipment, ARB will as a consequence discover a significant reduction in PM 2.5 statewide as a starter.

We also contend that last year's Ultra-Low Sulfur Diesel or ULSD implementation was most likely not calculated in ARB's previous future projections in regards to PM 2.5 emissions.

It is therefore our formal allegation that it is incumbent upon ARB to substantiate claims by their deputy executive director/DED, i.e., "Oh yes, we certainly included ULSD in our extrapolations..." according to the DED at ARB's hearing at Marriott Del Mar on Fri., 25 May, 2007.

Thanking you in advance for your consideration in this matter

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-07-10 19:40:27

No Duplicates.

Comment 234 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Fred
Last Name: Fisher
Email Address: ffisher@fishervineyards.com
Affiliation:

Subject: Proposed Regulation for In-Use Off-Road Diesel Vehicles
Comment:

```
The cost will be more than $5,000 (five thousand dollars)per   75
hp engine! Simply put, this will be devastating for us who are
small farmers!

This will be another example of an old principle that says: "The
road to hell is paved with good intentions."

Please reconsider!
```

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-07-13 10:39:33

No Duplicates.

Comment 235 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: William
Last Name: Kanayan
Email Address: wmkanayan@aol.com
Affiliation: William Kanayan Construction

Subject: CARB
Comment:

Please carefully consider this matter as you go to vote. The industry does not have the infrastructure to support the proposed changes. It will freeze the states ability to build, maintain and repair roads, provide emergency disaster relief, and help the commercial and public work force create the housing and industrial building necessary to provide this state with the infrastructure they need to bring in business.

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-07-13 11:27:36

No Duplicates.

Comment 236 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Darryl
Last Name: Mueller
Email Address: dmc@darrylmueller.com
Affiliation: Excavating, Drilling & Shoring

Subject: Most contractors buy used equipment.
Comment:

Darryl Mueller Construction Inc.
3290 Dyer Rd.
Livermore, CA 94551

California Air Resource Board
PO Box 2815
Sacramento, CA 95812

July 11,2007

First let me say I have had asthma all my life or 62 years. In the past 10 years I have had only minor asthma. I don't think a lot of the claims can be proven that diesel fumes cause asthma. I had asthma before I was around diesel fumes, and now I am around diesel all day long and my asthma is improved. Most of asthma is allergy related. This is treated with antigens and bronco inhalers.

There are some common sense measures that could have already been in place to reduce breathing diesel exhaust. Buses have caused this problem for years. Vehicles and equipment with horizontal low exhaust pipes need to be changed so fumes are not blown out at ground level and into people’s faces. This is just common sense, but not all equipment and vehicles have vertical exhaust pipes. Vertical exhaust pipes could provide a very cost effective way to keep people from breathing fumes.

In the past CARB took the diesel industry down a very rough road with low sulfur fuels that damaged most of the fuel systems and caused leaks and break downs and lot of expense. The fact is the fuel should have been tested and problems corrected before use. We have been forced to use low sulfur and ultra low sulfur fuel all at the cost of performance and more fuel usage. The fact is the power has been taken out of the fuel. We are paying more for fuel and getting less in return. To set goals that that are unattainable does not work, does not solve a problem that does not exist. Now we are told to scrap or sell our fleets. Well-maintained equipment that has been properly cared for should provide income back to the owner like it was intended when it was purchased. Our businesses run on sound financial principles. Your proposed regulation is not founded on sound financial principles.

You cannot rewrite how we run our business unless you provide a

way for us to do it. For me to replace a four hundred thousand dollar piece of equipment that I may use 400 hours a year cannot be justified unless you pay me to do it. The money has to come from somewhere to replace the equipment in your proposal. We have good years and we try to save when there are bad years. That is just good sense. We cannot go and buy equipment without being able to pay for it. If we do, we go out of business.

I have been taking very good care of my diesel off-road equipment for over 40 years. Under the proposed regulation I would have to liquidate and go out of business because it cannot be retrofitted. Also, all of the 15 owner-operators that work with me cannot comply with the proposal. The technology does not exist. It does not seem reasonable to OUTLAW THE USE and force well-maintained, good productive equipment into retirement to be sold out of state. This is a plan that must have been conceived by people that have no economic insight. It only seems logical that as the equipment ages it will be replaced, or will be operated very few hours a year. Contractors must have spare machines that can go into service. If not, work won't get done and contractors face liquidated damages.

I cannot afford new equipment. I buy used equipment 5 to 10 years old this is all I can afford to purchase. How many years will I have to wait for used equipment to meet the standards that new equipment can meet? Where will affordable and viable equipment going to come from? You need to answer this before any new standards are even considered.

"We have to be able to allow good operating equipment to remain in service until it can be replaced. If you do not allow equipment to be replaced through attrition, you will ruin the majority of contractors, which are small family owned business."

I will be praying that CARB will think about the economic impacts. We bought equipment as an investment. We have worked hard to preserve that investment through proper care and maintenance. We have done our part; don't change your mind after I have made the investment, taken care of the investment and have been a good steward.

Please don’t wreck the heavy construction industry in California.

Sincerely Yours,
Darryl Mueller President

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-07-14 23:16:30

No Duplicates.

Comment 237 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: David
Last Name: Graff
Email Address: grffd@stroerandgraff.com
Affiliation:

Subject: Proposed CARB regulations
Comment:

While I support 100% your goal of greatly reducing the harmful emissions from construction equipment, I repectfully request that you allow a reasonable time to for us to accomplish this so that we can do our part and still stay in business.

We are a small company with limited resources, and would not survive if your current proposed requirements were implemented. I don't feel it would be in anyone's interest if small contractors were forced into bankruptcy.

Please consider the plight of the contractor.

Sincerely;

Dave Graff
President
Stroer & Graff, Inc.
1830 Phillips Ln.
Antioch, CA 94509

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-07-16 14:02:28

No Duplicates.

Comment 238 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Nicholas
Last Name: Pinette
Email Address: nicholas@offshorekayak.com
Affiliation:

Subject: Off road diesels
Comment:

While I find your efforts to limit air pollution admirable, regulating off road diesel vehicle use strikes close to home and can cost me significantly. I own a diesel generator, a skip loader with implements and a forklift. I use them non-commercially and incidentally for the construction and maintenance of my rural property where I hope to eventually farm organic field crops. I bought old serviceable equipment and I could never afford to buy new equipment. Retrofitting these machines would be costly in itself. Just as there are exceptions for older automobiles...classics and otherwise...there should be exceptions for machines that are near the end of their working lives anyway. They are useful to a cross section of society who cannot afford to purchase and expense new equipment. Eventually, they break down and are too expensive to fix. In high pollution areas, I can see the necessity to do some kind of mitigation, but in Mendocino County, I don't see the wisdom of harming many farmers and small operators. At the very least the retrofit kits should be simple, affordable and subsidized if necessary.

The big operators are already turning over their equipment on a regular basis. The small guys are always the ones to take it in the shorts.

Thank you for listening and reading,

Nicholas Pinette

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-07-16 14:58:44

No Duplicates.

Comment 239 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Christopher
Last Name: Benker
Email Address: cbenker@sdccu.net
Affiliation:

Subject: Regulation for in-use off-road diesel vehicles
Comment:

```
This proposed regulation, while well intentioned, could be a death
knell for many small operators.
Requiring exhaust retrofits on many older pieces of equipment will
DEFINITELY be too expensive for most small operations, and probably
cause many to go out of business. UNLESS there is some caveat that
the "retrofits" will NOT excedd certain amounts.
The proposal states that this will accelerate turnover to newer,
cleaner engines - this is in an ideal world! Many big fleets may
be able to accomplish this. But they wil definitely have to pass
on this increased cost in higher operating charges. This will in
turn, affect costs to consumers all down the line.
I definitely am writing to express my opposition to this
proposal.
Respectfully,
Christopher R. Benker
Benker Home Improvements
Ca. Lic. (B-1) #516811
```

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-07-16 16:31:55

No Duplicates.

Comment 240 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Charmaine
Last Name: Bush
Email Address: firstlady@hughes.net
Affiliation:

Subject: In-Use Off-Road Diesel Vehicles
Comment:

I agree we need to do what we can to protect our environment, but this is not a good solution. Requlations should be made on new equipment, but to make everyone change out or adapt their existing equipment would put an unreasonable financial burden on businesses. It could cause such a burden that it could cause some small businesses to close their doors. To adapt some equipment could cost tens of thousands of dollars. Many small businesses such as ours can not carry that burden.

Thank you for your consideration.

Sincerely,
Charmaine M. Bush
Bush Construction and Development

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-07-16 16:58:27

No Duplicates.

Comment 241 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Charles
Last Name: Palatino
Email Address: cgrantham@citlink.net
Affiliation:

Subject: in-use off road diesel vehicals
Comment:

As a small buisness owner and forest land property owner, the cost of equipment to smog my L-35 back hoe would not be cost efficent for number of hours used annually. As it stands now, cost of fuel and repair parts (tires.pins, bearings) and other normal wear parts for a primarily private use tractor is becoming exorbitant. State mandated fire prevention regulations require property has fire safe boundries around dwellings and access to same. To maintain a property in excess of 25 acers requires mechanical abillity to clear and remove underbrush and fire fuel. For the above reasons, and the additional cost of compling with this regulation, I believe this would be detrimental to private forrest management.

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-07-16 20:17:24

No Duplicates.

Comment 242 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Huck
Last Name: Rorick
Email Address: huckrorick@groundwork.org
Affiliation:

Subject: increased controls on backhoes, etc
Comment:

```
I strongly support exhaust retrofits and cleaner engines for
backhoes and similar vehicles
```

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-07-16 22:27:52

No Duplicates.

Comment 243 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: jack
Last Name: freethy
Email Address: cfjf@pacbell.net
Affiliation:

Subject: off road diesel vehicles.
Comment:

```
The Air resources Board is totally not in touch with reality.
Your regulations so far have been a sham.
MTBE turned out to be a poisonous nightmare.
Ethynol in the gas creates more gas emissions due to the poorer
gas mileage.
We as Californians pay a premium for gas, due to your requirement
that nets no additional benefit to our air quality.
You fail to work with the manufacturers of the products.
The diesel engines today produce less power and require more fuel
and create more pollution. All in the interest of cleaner air.
You have failed to address the best source of power, Nuclear
Energy.
Your track record does not allow you to make any more rules when
you can't see the forrest thru the trees.
You listen to uninformed enviromental groups who don't have a
reality clue.
I have been a general Contractor all my adult life. Your agency
does not listen or work with the people who make this state what
it is. Back off your regulations and listen to the people who have
some reality to life.
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Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-07-17 06:49:39

No Duplicates.

Comment 244 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Dick
Last Name: Murray
Email Address: mmaryrichard@aol.com
Affiliation:

Subject: In-use off-road diesel equipment
Comment:

In all your statistics on health and life loss from the subject equipment, your basin studies assume uniform distribution of the data over the entire basin. WRONG! Ilive in Trinity County with a total population of 13,500 and 78% of the land is owned by the US Government. I have one backhoe and only use it a maximum of 200 hrs per year around my acreage. To be forced to spend money on an exhaust update system is not only unnecessary but impractical.

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-07-17 08:29:13

No Duplicates.

Comment 245 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Michael
Last Name: Fitzsimons
Email Address: mikefitzsimons@usa.net
Affiliation: General Contractor

Subject: Off-road Diesel rules
Comment:

```
Gentlemen:

I have reviewed the proposed rule changes and consider them to be
over the top!  Why not let attrition take care of this problem
instead of running these small business people out of business?

Mike Fitzsimons
```

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-07-17 11:32:30

No Duplicates.

Comment 246 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Gregg
Last Name: Oxley
Email Address: greggbjeepn@clearwire.net
Affiliation: Allen A. Waggoner Cons. Inc.

Subject: In use Off Road Diesel regulation
Comment:

In regards to the upcoming vote on the In Use Off Road Diesel regulation I urge the board to consider postponing it's vote to allow more time to determine the most responsible way to achieve CARB's desired emissions reduction.

The regulation as currently written clearly does not take into consideration the actual economic effects to contractors in the state of California. Our company is more than willing to cooperate with the emission reduction goals set forth by the regulation, however those goals are not best attained by contractor's going out of business because they cannot afford to comply.

Our company has been in business for more than twenty years. We have built our business one piece of equipment at a time and like many others have all of our equity in the equipment we own. This regulation will force us to either over extend ourselves buying newer equipment, our reduce our fleet size by retiring old equipment. The latter move would reduce our capacity and eliminate jobs. Attempting to buy new equipment is no less frightening an option with the outlook of construction pointing toward a long overdue recession.

I urge the board to consider postponing the adoption of this regulation and amend it to take a more responsible approach, also allowing time for more developemnt of emission control technology as well as the developement and production of tier 4 engines.

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-07-17 14:13:14

No Duplicates.

Comment 247 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: todd
Last Name: wiedeman
Email Address: get2todd@yahoo.com
Affiliation:

Subject: in use off rd diesel bill
Comment:

```
your diesel fuel reformulation regulation damaged engines and cost
millions.

your MTBE fuel reformulation is a carcinogen and does not work and
costs millions.

your smog/ smog 2 programs are a scam and a failure that costs
millions.

Basically, YOU SUCK
The best thing California could do is dismantle the ARB
```

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-07-17 17:15:30

No Duplicates.

Comment 248 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Randy
Last Name: Milligan
Email Address: lowestnetprice@gmail.com
Affiliation:

Subject: Little bitty Diesels
Comment:

You show a photo of 20 ton earth mover. Yet, the legislation is targeting 25 hp diesel and up. That's not construction equipment at all. That's targeting the average home owner with his little Kubota lawn tractor. If you had said 100 hp and up I might have understood . I tell you what, after you inform every homeowner of two acres or more that he has to retrofit his lawn tractor. The state of California going after construction equipment and not big-rigs and buses is the most hypocritical, bias legislation to come out of the bay area yet.

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-07-17 22:12:11

No Duplicates.

Comment 249 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Keith
Last Name: Hall
Email Address: bluwizz@sonic.net
Affiliation:

Subject: Clean Air California Alternative
Comment:

Make Sure California's Construction Fleet is the Cleanest in the World!

The Coalition to Build a Cleaner California has developed an alternative option to CARB's construction equipment regulations that would meet their clean air goals, keep construction contractors and workers on the job, and result in the world's cleanest construction fleet.

Please go with this alternative.

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-07-17 23:45:01

No Duplicates.

Comment 250 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Paul
Last Name: Loukianoff
Email Address: ploukianoff@ebertcorp.com
Affiliation:

Subject: CARB - New Off-road equipment regulations
Comment:

As the manager of small business which is trying to grow the new CARB regulations will have a devistating impact on our business. Our fleet needs to grow in order to keep up with our volume, however, we cannot affort to invest in equipment that is going to be obsolite in just a few years. We cannot afford to buy new equipment and there will be no used equipment on the market that will comply with the new CARB regs. As a result we will be forced to lay off our work force and downsize/or close our business.

We believe that the CARB board should postpone any type of new regulation until such time as there is proven/affordable technology and/or grandfather in existing equipment fleets.

Thank you for you kind concideration.

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-07-18 07:15:59

No Duplicates.

Comment 251 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Bob
Last Name: Earl
Email Address: earl19@bobearl.net
Affiliation:

Subject: Alternatives for Diesel Equipment
Comment:

```
With the industry fighting any reduction on construction equipment
whey are the only alternatives mentioned usually new equipment or
new motors. There are many retrofits available for diesels to run
on Natural Gas or Propane that are not that expensive. Why are
these not mentioned much? These polluters need to be told what
they need to do, no questions. We know they care about nothing
else but themselves and therefore should be left out of the
discussion as their responses will only be self serving. Listen to
the people and the scientists not the lobbyists. If they had it
their way to go one with business as usual we will be dooming our
planet and they will blame someone else.Its the American way,
isn't it.
```

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-07-18 07:41:42

No Duplicates.

Comment 252 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Bob
Last Name: Bryant
Email Address: arrowasphalt@clearwire.net
Affiliation: Owner, Arrow Asphalt Inc. Ripon Ca

Subject: In Use Off Road Diesel Equipment Regulation
Comment:

As the owner of a small construction company in the central valley I have spent thirty years building my business one piece of equipment at a time. Like many other companies my equity is tied up in my equipment. The proposed CARB regulation as written will force me to begin replacing or retiring equipment that has been paid for. In an industry as volatile as construction it is hard to know when to purchase new equipment.

This regulation will force me to either take on new debt trying to maintain compliance or to reduce my fleet size and work capacity, thereby reducing the number of employees I have.

Traditionally equipment purchases are made very carefully with long term planning and one piece at a time. This regulation forces contractors to either reduce size or take on new equipment payments year after year with no consideration to what the market will support.

This regulation is structured in such a way that small business' can't comply and survive. I urge the board to reconsidder the adoption of this regulation in favor of one that will not put so many small contractors out of business.

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-07-18 08:27:43

No Duplicates.

Comment 253 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Dan
Last Name: Fauchier
Email Address: dan@1stopdiesel.com
Affiliation: 1 Stop Diesel Solutions, Inc.

Subject: Off Road Diesel Emissions Regulations
Comment:

```
We strongly support the construction industry's alternative
proposal to clean up off road diesel emissions.  This is how
regulators and industry can work together to achieve clean air -
we must work together.  The CIAQC alternative approach will clean
up the air while:

Keeping the greatest number of construction companies in business
Making sure construction workers keep their jobs
Ensuring the bidding environment is at its most competitive and
construction costs are at the lowest possible
Moving the Rebuild California bond program forward

Please adopt this alternative proposal on 7/26/07.
```

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-07-18 09:17:10

No Duplicates.

Comment 254 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Duane
Last Name: Watrous
Email Address: watrousd@yahoo.com
Affiliation:

Subject: Diesel Engine Regulations
Comment:

Once again the State of California has got their nose right in evrybodies business puting more restrictions and regulations on everyone. Another example of why so many people are fed up and leaving this state. This state has too much government and the more we allow the worse it will get. This just means more government control.This approach doesn't work and in time it will fail, history has proven this. I will also be joining the others in leaving this taxed do death and overburdened government controled state and they can collect my share of taxes and other government controlled burdens from someone else. They can get mine from the throngs of illegal imigrants they are allowing to come in to the state for a free ride.Maybe they can figure out a program to get back from them all the millions they are giving to them and taking from us tax paying people.

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-07-18 09:25:42

No Duplicates.

Comment 255 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Brian
Last Name: Stansell
Email Address: bstansell@cwroen.com
Affiliation: C.E.A.

Subject: CARB - Off- Raod Diesel Rules
Comment:

Cost to replace or repower our fleet of forty-five (45) of-road machine will be in excess of $7,500,000. with other states on the east cost looking to implement similar rules it seems unlikely that the equipment manufacturers will be able to meet the demand in engine retorfit and machine replacement by 2020.

We respectfully request tht you implement the proposal submitted by The Coalition To Build A Ckleaner California with their fleet sizes and target dates.

Sincerely,

Brian E. Stansell
vice pres
C W Roen Const Co
Danville, CA

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-07-18 09:35:20

No Duplicates.

Comment 256 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: robert
Last Name: brown
Email Address: rbrown@brown-sand.com
Affiliation:

Subject: CARB constuction equipment propossed regulation
Comment:

```
I support the Coalition To Build A Cleaner California alternative.
```

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-07-18 09:52:59

No Duplicates.

Comment 257 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Linda
Last Name: Weiner
Email Address: linwiner@earthlink.net
Affiliation: American Lung Association of California

Subject: Letter in Support of the Proposed Regulation for Off-Road Diesel Vehicles
Comment:

```
A similar letter was submitted at the May hearing in San Diego, but
more signatures have been added; therefore, the attached letter in
support of the regulation is being re-submitted in place of the
previous letter.
```

Attachment: www.arb.ca.gov/lists/ordiesl07/1038-hnca_bnr_off-road_org_ltr.doc

Original File Name: HNCA Bnr Off-Road Org Ltr.doc

Date and Time Comment Was Submitted: 2007-07-18 21:38:45

No Duplicates.

Comment 258 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: David
Last Name: Brown
Email Address: tahoebrn@charter.net
Affiliation:

Subject: Grandfather Clause For Privately Owned Equipment
Comment:

```
Fine, but let's exclude the individual homeowner from this proposed
regulation. Many of us already own a piece of equipment that will
likely last forever due to the fact that it generally sits parked
except for the rare occasion that it's in use for a special
project.
It's my opinion that this category (individual homeowners) that
own a piece of diesel equipment for private use are not a
significant source of pollution.
In addition, the cost to these individuals to comply to the
proposed regulations would be prohibitive.
I hope you consider a grandfather clause to cover the equipment
already owned by individuals for private use.
```

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-07-19 10:49:51

No Duplicates.

Comment 259 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Buck
Last Name: Kemmis
Email Address: buck@kemmis.com
Affiliation: Buck Kemmis Equipment, Inc.

Subject: Proposed Regulation for Off road Diesel Vehicles
Comment:

To Who May Help,

I am the owner of a small General Engineering Company and we do only grading work. We own many pieces of equipment used off road and cover by this new proposed CARB regulations. We primarily build residential homes and that work is slowing due to reduced home sales. I am in favor of tighter regulatioins regarding emissions of our equipment, however I am concerned about how quickly those standards are being implemented. During a period of decresing work volumes we also have reduced profits and very little money to replace equipment or repower equipment so the transition is most difficult. We are currently laying off due to decreasing work loads and then the additional burden of replacing equipment or repowering equipment would be catistrophic to my buisness. We would need to down size our company to the number of peices of equipment we could replace or repower and then only employ an equial number of operators for each peice of equipment. We currently have only about 30 employees, but if forced to meet the proposed CARB regulation we would have to reduce our work force to about 10 to 15 employees including office personel.

Again I beleive our industry needs to reduce our emmisions, but I ask that the new regulations be adopted over a longer period of time. Time enough to allow us to replace our equipment over a period of time acheiving the useful life of the equipment and then replacement would take place with the latest and greatest technology for reducing emissions. If allowed to gradually optain the proposed emmisionis level asked for in the proposed CARB regulations I don't see a problem. Again I am for cleaner air since I too live here, but I only ask for time to replace or repower our equipment over a few years and not all at once. I appreciate your consideration of my concerns.

Buck Kemmis
President
Kemmis Equipment, Inc.
25800 Washington Ave.
Murrieta, CA 92595

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-07-19 11:17:00

No Duplicates.

Comment 260 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Anne
Last Name: McQueen
Email Address: amcqueen@geomatrix.com
Affiliation:

Subject: Comments on the ARB Offroad Diesel Rule
Comment:

```
Please find attached a letter from Mitsubishi Cement Corpopration
with comments regarding the proposed regulation for In-Use
Off-Road Diesel Vehicles.
```

Attachment: www.arb.ca.gov/lists/ordiesl07/1041-letter_to_arb_on_ord_july_18_07.pdf

Original File Name: Letter to ARB on ORD July 18 07.pdf

Date and Time Comment Was Submitted: 2007-07-19 11:26:27

No Duplicates.

Comment 261 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: William
Last Name: Terrell
Email Address: bterrell.genesis@scal.net
Affiliation:

Subject: In-Use Off- Road deisel proposed regulations
Comment:

```
Just a note to let the board know that Genesis Construction in
Hemet Ca supports CBCC's alternative proposal for in-use off- road
diesel equipment. it is a plan that makes sense for all and still
achieves the same goal.

Thank you

William Terrell
```

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-07-19 14:44:38

No Duplicates.

Comment 262 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Lesli
Last Name: Collins
Email Address: Lcollins@ambobcat.com
Affiliation: AMERICAN BOBCAT & BACKHOE SERVICE, INC.

Subject: SUPPORT OF CBCC's ALTERNATIVE JULY PROPOSAL
Comment:

I'm certain by now you have reviewed the Alternative Proposal (July 2007) submitted by the Coalition to Build a Cleaner California. In order not to repeat those alternative guidlelines, I just wish to state that as a Small Fleet Operator who has been in business here in this state for 30 years, I fully support those suggested alternate guidelines and feel that it will be much easier for me to comply with the regulations from both a financial and timeline standpoint.

We all want cleaner air but it must be reasonably achieved so as not to destroy these businesses that we have worked so hard to build and maintain. My business is all that I have and all that I know, and at age 54 and being a woman-owned business, I certainly am not in a place to start all over again! Please consider the adoption of the Alternate Proposal and we will all gain by implementing these more reasonable goals! Thank You!!

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-07-19 14:49:14

No Duplicates.

Comment 263 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Allen
Last Name: Litten
Email Address: allen@ecbs.com
Affiliation:

Subject: ARB Heavy duty diesel vehicle regulation
Comment:

I have been following the latest discussions on the proposed new diesel regulations, as it affects my business greatly.

We all want a cleaner California, and business has been trying to do it's part, but the passage of the new restrictions on off road diesel engines over 25 hp is way too restrictive, way too costly, and unachievable by most.

Even if the technology was available to bring older equipment up to these standards (which it is not!), there are not enough trained mechanics, or facilities, or even replacement equipment, if you could afford them, to meet the regulations.

It would put small business, out of business, or severly hurt them, which would put a much larger drain on California, than we could handle.

Government and politicians think it is just a matter of passing along our costs to the customer, which if we could, that would be bad enough on the economy, but in the real world of private business, it doesn't work that way. In the real world of competition in the private sector, you are bidding against "all comers" and unlike the monopolies of government, you rarely can pass anything on.

In conclusion, if you want to destroy what economy we have left in California, then go ahead and pass it, but at the very least, you have to wait until the technology is available, and give business a lot longer to change over

Allen Litten President

El Camino Building supply

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-07-19 15:49:18

No Duplicates.

Comment 264 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Ron
Last Name: Brizendine
Email Address: rob@aawaggoner.com
Affiliation: Owner, R & J Enterprises

Subject: Diesel Regulation
Comment:

```
     As a small contractor and businesss owner in California I feel
that this rule as written will, with out a doubt, put many
companies out of business.
     If your intention is to gain air quality by means of reducing
the number of business' in California, then CARB is difinately on
the right track.
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Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-07-20 07:36:32

No Duplicates.

Comment 265 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: John
Last Name: Wakeman
Email Address: jwakeman@coopercrane.com
Affiliation:

Subject: CBCC ALTERNATIVE
Comment:

POSTING TO CARB'S WEB SITE IN SUPPORT OF THE
CBCC ALTERNATIVE

Dear Members of the California Air Resources Board:

The California Air Resources Board (CARB) is currently considering the adoption of off-road diesel regulations that, if implemented as presently drafted, would have a profound, negative impact on California's infrastructure rebuilding efforts, the health of the state's construction industry and its overall economy.

Construction contractors and workers want these regulations to work for everyone. That's why we have proposed an alternative approach which would clean up the air while keeping the most number of construction companies in business and workers employed; the bidding environment at its most competitive; the Rebuild California bond program on schedule; and construction cost increases to a minimum.

I am writing to ask you to support this alternative at the CARB meeting on July 26th It will give California the cleanest construction fleet in the world while ensuring construction contractors and workers are kept on the job.

The goals of this plan are simple:

1. Achieve better emission reduction for 2015 than the CARB proposal.
2. Keep the same starting date as the CARB proposal.
3. Require annual reporting to demonstrate progress toward the goal.
4. Provide maximum flexibility for contractors to reach the target.
5. Allow more time at the back-end for new Tier 4 engines to enter the fleet (estimated to be approximately 2014/2015)
6. Recognize the wide divergence in fleet sizes, emissions and capabilities.
7. Permit each fleet to determine how best to achieve the reductions.
8. Give credit to those fleets that provide early emissions of both NOx and PM.
9. Minimize the financial impact to keep the most firms in business.
10. Maintain a highly competitive bidding environment.

The most significant difference between the CARB proposal and the

alternative plan is moving the 2020 goal for large fleets to 2025, which is necessary in order to allow more time for Tier 4 engines – which will achieve all the emission targets without any further retrofitting and will not be available until 2014/2015 – to enter the market and be acquired by contractors.

I want to be clear: Cooper Crane & Rigging is very supportive of reducing particulate matter (PM) and NOx emissions from diesel engines. There is no disagreement that we need to work collectively to improve the state's air quality and all of us want to provide as healthy an environment as possible for our employees on our job sites. Please consider adopting this sensible alternative that accomplishes the same, if not better, emission reductions while keeping California's construction industry and our state moving forward.

Sincerely,
John Wakeman Cooper Crane & Rigging

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-07-20 09:11:56

1 Duplicates.

Comment 266 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Tim
Last Name: Lester
Email Address: tlesjr12@aol.com
Affiliation:

Subject: Certification/Verification of Emission Reduction Devices
Comment:

I was in attendance at the meeting at the Marriott hotel in Del Mar, CA. I listened to all of the testimony and came to the conclusion that clean air advocates and equipment operators both want to keep our environment clean. From my observation and experience in dealing with the ARB, I have come to the conclusion that the problem is not with the environmentlist or the contractors. The problem is the ARB and its bureaucratic attitude towards new products seeking ARB approval. The application and preapplication proceses are redundant and totally unnecessary. There are products that are performing well in Europe, Asia and Australia but cannot penetrate the American market because of the arrogance of the ARB. Many of our problems with air quality could be solved if the ARB would revise its verification process. As an authorized distributor for a foriegn manufacturer of a product that has been installed in more than 140,000 engines in Europe, Australia, Asia, Canada and Iceland with great results, I feel that the ARB take a negative attitude towards any product not manufactured in the U.S. This attitude need to be adjusted to allow the public more choices in devising their emission control strategies.

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-07-20 10:59:11

No Duplicates.

Comment 267 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: damon
Last Name: calegari
Email Address: damon@ghilotti.com
Affiliation: ghilotti const. co

Subject: Proposed ARB Ruling
Comment:

As a company, as a member of the community, we have a great concern for the environment, in which we live, work and raise our families. Our company is very interested in doing what we can do in the effort to clean our air. We adamantly oppose the manner in which this program proposes to facilitate this program. Placing the burden of this legislation on the back of the consumers of construction equipment is an unfair burden to companies. This would be comparable to making the consumer responsible for the safety features or emission requirements of an auto manufacturer. This requirement should be placed on the manufacturer of equipment. Natural life cycles and technological advancements will remove older more polluting equipment and replace it with clean equipment available by our equipment manufacturer.

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-07-20 11:22:12

No Duplicates.

Comment 268 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Kent
Last Name: Stoddard
Email Address: kstoddar@wm.com
Affiliation:

Subject: Proposed Regulation For In-Use Off-Road Diesel Vehicles
Comment:

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Letter from Waste Management
```

Attachment: www.arb.ca.gov/lists/ordiesl07/1049-wm_offroad_comment_letter.pdf

Original File Name: WM Offroad Comment Letter.pdf

Date and Time Comment Was Submitted: 2007-07-20 11:28:09

No Duplicates.

Comment 269 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: RYAN
Last Name: YBARRA
Email Address: RYANYBARRA@ATT.NET
Affiliation:

Subject: OFF-ROAD DESEL VEHICLES
Comment:

```
 I WORK FOR A SMALL COMPANY AND WE USE OUR FORKLIFTS ABOUT 3 TIMES
A DAY IT IS NOT ALOT BUT WE WOULD NOT BE ABLE TO AFFORD THE
UPGRADES AND WITHOUT THE LIFTS WE WOULD GO OUT OF BUISNESS
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Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-07-20 13:29:30

No Duplicates.

Comment 270 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Gretchen
Last Name: Hardison
Email Address: gretchen.hardison@lacity.org
Affiliation: City of Los Angeles, Env. Affairs Dept.

Subject: Comments for Proposed In-Use Off-Road Diesel Vehicle Rule
Comment:

```
Please see the attached comment letter from the City of Los
Angeles.  Thank you.
```

Attachment: www.arb.ca.gov/lists/ordiesl07/1051-city_of_la_off-road_in-use_diesel_rule_comments_7-20-07.pdf

Original File Name: City of LA Off-Road In-Use Diesel Rule Comments 7-20-07.pdf

Date and Time Comment Was Submitted: 2007-07-20 14:16:49

No Duplicates.

Comment 271 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: David
Last Name: Stewart
Email Address: surfstew@hotmail.com
Affiliation:

Subject: Re:Oll-road vehicles
Comment:

```
I have looked over the proposed regulation and once again
government, this means YOU, are willing to pass a regulation that
is detramental to small business, inflationary, and meaningless.
Larger businesses can handle the added expenses. The amount of
polutiion you are trying to regulate is infinitesimal and
expensive.     Could you possibly for just a while focus on the
important issues and you know what they are?

David Stewart
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Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-07-20 15:22:35

No Duplicates.

Comment 272 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Robin
Last Name: Paulsell
Email Address: lrpcon@aol.com
Affiliation:

Subject: Off-road diesel vehicles
Comment:

I operate 2 older pieces of equipment in my business. One is a 1984 Backhoe 63hp and the other a 1998 Skid Loader 61hp. Both of these machines are used approximately 100 hours per year. It would not be cost effective to retrofit or replace these machines due to the low usage. If the new regulations proposed are adopted I would be forced to retire the machines with no resale value and use rental equipment. My ability to be competetive in the small amount of work I do with these machines is based on low equipment costs. I would be forced out of the small contractors market. I feel there should be some sort of exemption for small fleets and small business.

Thank You

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-07-21 08:23:14

No Duplicates.

Comment 273 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: C. K.
Last Name: Allen
Email Address: ckallense@mindspring.com
Affiliation:

Subject: proposed regulation for in-use off-road diesel vehicles
Comment:

```
I consider this proposed regulation to be nothing more than a lot
of over-kill and much ado about nothing.  Based on the information
I have read, the cost-benefit of this proposed regulation is close
to zero. The amount of "pollution" released by this type of
equipment is so small as to be almost negligile and will cost
millions and millions of dollars to implement, all for very little
gain.
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Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-07-21 10:33:26

No Duplicates.

Comment 274 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Robert
Last Name: Goldthwaite
Email Address: bobgoldthwaite@sbcglobal.net
Affiliation: owner,Goldthwaite Engineering

Subject: Response To Proposed Regulaton Of In Use Off-Road Diesel Vehicles
Comment:

I am a small General Engineering Contractor whose work consists mainly of rural road maintenance, logging remediation, and stream restoration. You know-improving the environment.

I have four or five pieces of equipment that would fall under the proposed regulations; however I'm the sole operator, and only one piece is running at any given time.

I'm 58 years old. It took the first 35 years of my life to reach a point where I had the capitol and collateral to buy my first piece of used equipment. I sat in that seat for twelve years before I had enough to finance my next piece of equipment, and so on. Not infrequently, I have to borrow money in the winter months to survive, then spend a good part of the summer working to pay it off.

If you pass the proposed regulations, there is no way I could rebuild my 'fleet' to meet your criteria. I have neither the money or the time left to do so. You will be forcing me to retire at 63 years of age with absolutely no income outside of social security, which will cover about half my house payment.

It would seem to me that the reasonable approach to this issue would be to mandate that any new equipment sold or any used equipment brought into the state meet your proposed criteria after a certain date. Then let the existing equipment (and operators) die a natural death.

Like many an idealistic and noble cause for the betterment of society as a whole, no thought is being given to the negative and disastrous consequences of these regulations to the individual, which by coincidence, is what society consists of.

With the arrogance and self-righteousness that would do justice to a missionary, you folks would bring us heathen savages into the light and save our eternal souls, without concern for the personal tragedies you would inflict on us. For a minuscule gain, you would destroy thousands of lives and businesses. I request that you don't.

Bob Goldthwaite

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-07-22 14:07:29

No Duplicates.

Comment 275 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Jodi
Last Name: Pullman
Email Address: jodi@jeeddington.com
Affiliation: business owner

Subject: Oppose Reg. for In-Use Off-Road Diesel Vehicles
Comment:

An an owner of a small underground utl. company in San Diego, CA I oppose the phase in requirements to install exhaust retrofits on existing vehicles. Small businesses will be in jeopardy to fail with all the rising cost of insurances, fuel and now an additional expense to our existing off-road vehicles.

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-07-22 17:09:51

No Duplicates.

Comment 276 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Bruce
Last Name: Balala
Email Address: suebalala@sbcglobal.net
Affiliation: Calif Dump Truck Owners Asoociation

Subject: Citizen Comment on Proposed On Road and Off Diesel Regulations
Comment:

See Attachments

Attachment: www.arb.ca.gov/lists/ordiesl07/1059-bruce_balala_excavating.doc

Original File Name: Bruce_Balala_Excavating.doc

Date and Time Comment Was Submitted: 2007-07-22 20:20:38

No Duplicates.

Comment 277 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Gene
Last Name: Wixson
Email Address: gnwixson@yahoo.com
Affiliation: Gene Wixson Enterprises

Subject: Proposed regulation for in-use off-road diesel vehicles
Comment:

```
Who do you think will build the infrastructure that is needed for
commerce in this state after you succeed in strangling the
construction industry? You people are completely out of touch with
reality when it comes to the costs and practicality involved in
this latest regulation. We don't need more hairbrained regulations
just for the sake of keeping more bureaucrats employed. It is
rapidly reaching the point where the people of this state can no
longer afford to keep you on the payroll.
```

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-07-22 22:00:50

No Duplicates.

Comment 278 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: David
Last Name: Marshall
Email Address: dmarshall@catf.us
Affiliation: Clean Air Task Force

Subject: CATF et al. supplemental comments re proposed in-use off-road diesel regulation
Comment:

```
Attached hereto are supplemental comments from the Clean Air Task
Force, Union of Concerned Scientists and Natural Resources Defense
Council, seeking bi-furcation of ARB's proposed in-use off-road
diesel regulation.
```

Attachment: www.arb.ca.gov/lists/ordiesl07/1061-catf_supp__comments_re_arb_nr_proposal__w_att_a-final.doc

Original File Name: CATF supp comments re ARB NR proposal, w Att A-final.doc

Date and Time Comment Was Submitted: 2007-07-23 14:18:34

No Duplicates.

Comment 279 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Michael
Last Name: Lewis
Email Address: mike@lewisandco.net
Affiliation: CIAQC and CBCC

Subject: Cleaning CA's Construction Fleet - An Alternative Proposal
Comment:

```
Please find attached "Cleaning California's Construction Fleet An
Alternative Proposal - July 2007" prepared and submitted by the
Coalition to Build a Cleaner California.
```

Attachment: www.arb.ca.gov/lists/ordiesl07/1062-cbcc_alternative_proposal_-_july_2007.pdf

Original File Name: CBCC Alternative Proposal - July 2007.pdf

Date and Time Comment Was Submitted: 2007-07-23 17:44:16

No Duplicates.

Comment 280 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Murrah
Last Name: Boswell
Email Address: otrcomm@isp-systems.net
Affiliation:

Subject: New catalyst helps eliminate NOx from diesel exhaust
Comment:

Hello,

If you are not aware of this current (April 27, 2007) work going on at Argonne National Laboratory, you ought to be.

http://www.anl.gov/Media_Center/News/2007/CMT070427.html

ARGONNE, Ill. (April 27, 2007) — A catalyst developed by Argonne researchers could help diesel truck manufacturers eliminate harmful nitrogen-oxide emissions from diesel exhausts.

The pattented technology appears so promising that multiple large and small companies have expressed interest in licensing it and working with Argonne researchers to scale up the technology and bring it to market. Argonne researcher Christopher Marshall, one of the technology's developers, believes there could be a commercially available product within two to three years.

Nitrogen oxides — collectively called “NOx” — contribute to smog, acid rain and global warming. Yet they are among the most difficult pollutants to eliminate from diesel exhaust. For example, many technologies that reduce NOx result in increases in undesirable particulate emissions.

"For diesel engines, we envision manufacturers placing ceramic catalytic reactors in the exhaust pipes, where they will convert NOx emissions into nitrogen," said Marshall, who works in Argonne's Chemical Engineering Division. Nitrogen, or N2, is a harmless gas that makes up more than 80 percent of the Earth's atmosphere.

"Our most promising catalyst for diesel engines," Marshall said, "is Cu-ZSM-5 with an external coating of cerium oxide." Cu-ZSM-5 is a zeolite with copper ions attached within its micropore structure. Zeolites are common catalysts in the petroleum industry.

Those working previously with Cu-ZSM-5 and similar catalysts, he said, found that they performed poorly at removing NOx from diesel exhaust. They require temperatures higher than normal diesel exhaust temperatures and don't work well in the presence of water vapor, which is almost always found in engine exhausts.

With the help of the Advanced Photon Source at Argonne to analyze the structure and performance of various catalysts, Marshall's group at Argonne developed an additive that allows Cu-ZSM-5 and

similar catalysts to overcome these difficulties.

"Our new cerium-oxide additive," Marshall said, "is the breakthrough that makes it work. When it's combined with Cu-ZSM-5, the resulting catalyst works at normal exhaust temperatures and is actually more effective with water vapor than without it. With a lean fuel-air mixture, it removes as much as 95-100 percent of NOx emissions."

Argonne's new catalyst also avoids the problems associated with ammonia, which competing catalysts use as the reductant. The Argonne catalyst uses the diesel fuel that is already on board thereby requiring no additional tankage.

"Another type of technology is ammonia-selective catalytic reduction, using a material called urea as the ammonia source," Marshall said. "Ammonia is toxic, and unless all of it is converted during the process, whatever remains could be released to the atmosphere. While some European diesel manufacturers are taking the urea approach, U.S. diesel manufacturers are looking for alternatives." Since a system using the new catalyst would not require an on-board urea storage tank and uses the onboard diesel fuel as the reductive material, the new catalyst is considered safer and more energy-efficient.

Another alternative for U.S. manufacturers is the use of NOx traps. These are platinum-based systems that work well if they don't come into contact with sulfur, which is present in most commercial diesel fuel. Since the Argonne-developed catalyst contains no platinum, it is degraded far less by the fuel-borne sulfur.

Marshall says the Argonne catalyst has been tested and performed well with a number of diesel and diesel-type fuels, including standard diesel, synthetic diesel, bio-diesel and JP8, which is a jet fuel preferred by the military. Having performed well in these tests, the next step is to subject the catalyst to engine testing. This will take place soon at Argonne's Diesel Engine Test Facility. Marshall expects these tests will show that in addition to its other advantages, the Argonne catalyst has a greater life expectancy than other catalysts currently on the market.

Marshall and his colleagues are also working with the Chemical Engineering Division's fuel cell research group. Using a reformer developed by this group could provide better fuel for the catalyst, said Marshall. "Our catalyst already works well, but it would work even better with the smaller hydrocarbons produced by a reformer. Collaborations like this and access to Argonne's unique facilities allow us to work together on projects in a way that couldn't be done anywhere else."

Initial research on the cerium-oxide catalyst was funded by the U.S. Department of Energy's Office of Energy Efficiency and Renewable Energy. The catalyst was developed for chemical plant emissions under a joint research agreement with BP. Research plans call for expanded work aimed at both diesel and natural gas engines and coal-fired power plants.

With employees from more than 60 nations, Argonne National Laboratory brings the world's brightest scientists and engineers together to find exciting and creative new solutions to pressing national problems in science and technology. The nation's first

national laboratory, Argonne conducts leading-edge basic and applied scientific research in virtually every scientific discipline. Argonne researchers work closely with researchers from hundreds of companies, universities, and federal, state and municipal agencies to help them solve their specific problems, advance America 's scientific leadership and prepare the nation for a better future. Argonne is managed by UChicago Argonne, LLC for the U.S. Department of Energy's Office of Science.

For more information, please contact Steve McGregor (630/252-5580 or media@anl.gov) at Argonne.

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-07-23 23:31:49

No Duplicates.

Comment 281 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Mike
Last Name: Whalen
Email Address: mwhalen@fermacorp.com
Affiliation: FERMA Corporation

Subject: CARB Proposed Regulation 107
Comment:

While positively appreciating the goal of the Board to reduce off-road diesel NOx and PM and the efforts of Board Staff to do it well, I would like to make two statements and submit some suggestions.

Most effective leaders don't ask their followers to take on a task unless they have accomplished the same task themselves. In addition, most effective leaders spend their own money first on R & D before demanding sweeping changes from stakeholders to implement unproven technology.

The State of California, each County in California and each Town and City in California has a significant fleet of off-road diesel equipment. Let us start this project by implementing the regulations on each piece of this equipment first, instead of exempting it. Let them choose their options, keep the required records and provide the required routine and emergency services expected of them for the first phase of implementation. Let them start immediately if they choose but require them to start in 2009. This is a captive fleet that should be easy to study and evaluate and report results from. In 2012, take a year to prepare a comprehensive report of regulatory compliance, real, measured emission reduction, machine productivity changes, manpower adjustments, compliance costs, unforseen challenges and workarounds and suggestions for the model of implementation stratgies.

The rationale is this. The asset value of off-road diesel equipment is quite high when purchased and should not be devalued by premature regulation or retirement. Nor should its productivity be compromised. Routine and emergency work such as snow plowing and removal, shoulder reconstruction, pavement remediation, etc. is no more or less demanding than work that the California contractor risks his net worth on every time he agrees to do a job. No reasonable action of this scope should be implemented without a controlled trial.

In 2013 require implementation along the lines of the CIAQC recommendations.

This gets us to 2014. By this time, responsible manufacturers will have engineered integrated solutions that can be purchased as part of the machine design rather than added on in a manner that compromises visibility, space limitation and safety. On a recent visit to a major manufacturer's facilities our firm learned that they were working on technology to produce exhaust cleaner than

ambient intake air used in creating combustion. That will be the solution, not wasted time, effiency and money to place R & D on the back of users.

California is perceived to have a lot of clout. That has been demonstrated where market forces are a significant factor in a product the Board can regulate. That is not the case with off-road diesel equipment. The California market is a very small portion of world demand and use for these machines. The example this regulation sets will not be followed by premature enactment in the rest of this nation or the world. If enacted on the timetable as porposed, productivity, efficiency, safety and cost per hour of operation will be needlessly wasted in favor of a political perception that Californians are leading the way. Everyday users of off-road diesel equipment intuitively realize that. To lead you must earn respect and prove your concept before requiring implementaion. Believe me, you will have a lot of cooperation along the way, because we all want to get there. The manufacturers and other stakeholders will support an effort to work with a controlled group of government owned equipment on technology that can be applied to achieve a solution we all want.

To those who say it will take too long, I disagree. Medical statistics based on models have little relevance unless genetic predispositon to a cited illness is taken into consideration. Anything less is a scare tactic. No one can prove or disprove the 4,000 deaths or the cited reduction in hospital admissions, or how long these factors will be postponed if this regulation is enacted as written. Will it be one week, one month or one day? We don't know. We do know we are not immortal and this regulation, as written, will not change that.

You can and should recast the regulation to obtain more cooperation and controlled, short-term experimentation, under California conditions, showing satisfactory results, within a reasonable timeframe, before requiring industry wide implementation.

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-07-24 08:26:29

No Duplicates.

Comment 282 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Michael
Last Name: Johnston
Email Address: sierra@telis.org
Affiliation:

Subject: off road diesel regulation
Comment:

As Calif. has done with automobiles, the regulations should not apply to older off road vehicles i.e. vehicles more than 30 years old. Older vehicles have limited use and added expenses of a regulation could exceed their value. Furthermore, some older off road diesel vehicles are becoming collectors items and modifications would distract from their value.

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-07-24 10:54:08

No Duplicates.

Comment 283 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Brian
Last Name: Kline
Email Address: brian@ghipaving.com
Affiliation: Owner

Subject: Comment on off-road diesel equipment regulations
Comment:

Our company has been operating in the Central Valley for over 50 years. We are a small grading and paving company that employs 25 people. Our rolling stock of equipment varies from new to 30 years old. If this rule is adopted as is, it will place a burden on this company that might not be sustainable. Our equipment will be rendered valueless in California. As you are aware the construction industry carries virtually no "blue sky" value. The value of a business like ours is only the equipment value. This rule would render our company almost worthless if your program is implemented as is. The cost of retrofitting and/or replacing the motors or equipment would be devastating to our operation. The replacement cost of our fleet would be over 5 million dollars. We don't generate enough revenue to warrant this replacement over a 10 year period. As far as the retrofit, this sounds like a temporary fix that does not have enough history to be proven out as worth the install.

I share your goal in reducing the particulate matter discharged by these motors. I do hope however that the board can come up with a solution over a longer time period so as to not put medium and small businesses out of business.

Thank you,

Brian Kline
GHI (President)

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-07-24 11:53:58

No Duplicates.

Comment 284 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Jim
Last Name: Ryan
Email Address: Non-web submitted comment
Affiliation: Assoc. General Contractors of America

Subject: Off-Road Diesel Regulations: Support Alternative Approach
Comment:

```
Please see the attached comment.
```

Attachment: www.arb.ca.gov/lists/ordiesl07/1068-ordiesl07-283.pdf

Original File Name: ordiesl07-283.pdf

Date and Time Comment Was Submitted: 2007-07-24 12:21:28

No Duplicates.

Comment 285 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Travis
Last Name: Schmollinger
Email Address: Non-web submitted comment
Affiliation: Cold Steel Erectors, Inc.

Subject: Off-road diesel equipment
Comment:

```
Please see the attached comment.
```

Attachment: www.arb.ca.gov/lists/ordiesl07/1069-ordiesl07-286.pdf

Original File Name: ordiesl07-286.pdf

Date and Time Comment Was Submitted: 2007-07-24 12:57:15

No Duplicates.

Comment 286 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Michael
Last Name: Duvall
Email Address: Non-web submitted comment
Affiliation: Assemblymember, 72nd District

Subject: Adoption of In-Use Off-Road Diesel Regs.
Comment:

```
Please see the attached comment.
```

Attachment: www.arb.ca.gov/lists/ordiesl07/1070-ordiesl07-287.pdf

Original File Name: ordiesl07-287.pdf

Date and Time Comment Was Submitted: 2007-07-24 13:19:18

No Duplicates.

Comment 287 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Thomas
Last Name: Holsman
Email Address: Non-web submitted comment
Affiliation: AGC CA

Subject: Proposed In-Use Off-Road Diesel Regulation
Comment:

```
Please see the attached comment.
```

Attachment: www.arb.ca.gov/lists/ordiesl07/1071-ordiesl07-288.pdf

Original File Name: ordiesl07-288.pdf

Date and Time Comment Was Submitted: 2007-07-24 13:28:39

No Duplicates.

Comment 288 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Bob
Last Name: Margett
Email Address: Non-web submitted comment
Affiliation: State Senator, 29th District

Subject: Adoption of In-Use Off-Road Diesel Regs.
Comment:

```
Please see the attached comment.
```

Attachment: www.arb.ca.gov/lists/ordiesl07/1073-ordiesl07-290.pdf

Original File Name: ordiesl07-290.pdf

Date and Time Comment Was Submitted: 2007-07-24 13:38:27

No Duplicates.

Comment 289 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Michael
Last Name: Lewis
Email Address: Non-web submitted comment
Affiliation: CIAQC

Subject: Proposed Regs. for In-Use Off-Road Diesel Vehicles Inability to Add Higher Tier
Comment:

```
Please see the attached comment.
```

Attachment: www.arb.ca.gov/lists/ordiesl07/1074-ordiesl07-289.pdf

Original File Name: ordiesl07-289.pdf

Date and Time Comment Was Submitted: 2007-07-24 13:40:15

No Duplicates.

Comment 290 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Robert
Last Name: Lewis, Jr.
Email Address: Non-web submitted comment
Affiliation: Coastal Earthmovers, Inc.

Subject: Proposed New Regs. In-Use Off-Road Diesel Vehicle/Equip.
Comment:

```
Please see the attached comment.
```

Attachment: www.arb.ca.gov/lists/ordiesl07/1075-ordiesl07-291.pdf

Original File Name: ordiesl07-291.pdf

Date and Time Comment Was Submitted: 2007-07-24 13:44:14

No Duplicates.

Comment 291 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: John
Last Name: Williams, Jr.
Email Address: Non-web submitted comment
Affiliation: Williams Pipeline Contractors, Inc.

Subject: Proposed Amendments for In-Use Off-Road Diesel Vehicles
Comment:

```
Please see the attached comment.
```

Attachment: www.arb.ca.gov/lists/ordiesl07/1076-ordiesl07-292.pdf

Original File Name: ordiesl07-292.pdf

Date and Time Comment Was Submitted: 2007-07-24 13:47:03

No Duplicates.

Comment 292 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Chris
Last Name: Wortman
Email Address: Non-web submitted comment
Affiliation:

Subject: Regarding the new emissions laws
Comment:

```
Please see the attached comment.
```

Attachment: www.arb.ca.gov/lists/ordiesl07/1077-ordiesl07-293.pdf

Original File Name: ordiesl07-293.pdf

Date and Time Comment Was Submitted: 2007-07-24 14:10:33

No Duplicates.

Comment 293 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Nick
Last Name: Goldstein
Email Address: ngoldstein@artba.org
Affiliation: ARTBA

Subject: ARB Agenda Item 07-5-6
Comment:

```
Please find attached the comments of the American Road and
Transportation Builders Association on Agenda Item 07-5-6.  If you
have any questions or problems with the document, please email
ngoldatein@artba.org or call 202-289-4434 ext. 207.
```

Attachment: www.arb.ca.gov/lists/ordiesl07/1078-artba_comments_agenda_item_07-5-6.pdf

Original File Name: ARTBA Comments Agenda Item 07-5-6.pdf

Date and Time Comment Was Submitted: 2007-07-24 14:11:11

No Duplicates.

Comment 294 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Steve
Last Name: Sievert
Email Address: Non-web submitted comment
Affiliation:

Subject: Proposed Amendments for In-Use Off-Road Diesel Vehicles
Comment:

```
Please see the attached comment.
```

Attachment: www.arb.ca.gov/lists/ordiesl07/1079-ordiesl07-294.pdf

Original File Name: ordiesl07-294.pdf

Date and Time Comment Was Submitted: 2007-07-24 14:11:40

No Duplicates.

Comment 295 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Keith
Last Name: Bing
Email Address: Non-web submitted comment
Affiliation:

Subject: Proposed Regulation for In-Use Off-Road Diesel Vehicles
Comment:

```
Please see the attached comment.
```

Attachment: www.arb.ca.gov/lists/ordiesl07/1080-ordiesl07-296.pdf

Original File Name: ordiesl07-296.pdf

Date and Time Comment Was Submitted: 2007-07-24 14:42:29

No Duplicates.

Comment 296 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: John
Last Name: McCary
Email Address: Non-web submitted comment
Affiliation: Coastal Earthmovers, Inc.

Subject: Objection to Proposed New Regs. In-Use Off-Road Diesel Vehicles
Comment:

```
Please see the attached comment.
```

Attachment: www.arb.ca.gov/lists/ordiesl07/1081-ordiesl07-297.pdf

Original File Name: ordiesl07-297.pdf

Date and Time Comment Was Submitted: 2007-07-24 14:46:41

No Duplicates.

Comment 297 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Ken
Last Name: Roper
Email Address: Non-web submitted comment
Affiliation:

Subject: In-Use Off-Road Diesel Vehicles
Comment:

```
Please see the attached comment.
```

Attachment: www.arb.ca.gov/lists/ordiesl07/1082-ordiesl07-299.pdf

Original File Name: ordiesl07-299.pdf

Date and Time Comment Was Submitted: 2007-07-24 14:52:50

No Duplicates.

Comment 298 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Michael
Last Name: Cusack
Email Address: mcusack@concopumping.com
Affiliation:

Subject: Proposed Regulation For In-Use Off-Road Diesel Vehicles
Comment:

please see attached comments

Attachment: www.arb.ca.gov/lists/ordiesl07/1084-arb_off-road_letter.doc

Original File Name: ARB Off-Road letter.doc

Date and Time Comment Was Submitted: 2007-07-24 16:06:05

No Duplicates.

Comment 299 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Christi
Last Name: Collins
Email Address: christi@concretepumpers.com
Affiliation: American Concrete Pumping Association

Subject: Alternative Proposal for In-Use Off-Road Diesel Vehicles
Comment:

please see attached comments

Attachment: www.arb.ca.gov/lists/ordiesl07/1085-20070724191412.pdf

Original File Name: 20070724191412.pdf

Date and Time Comment Was Submitted: 2007-07-24 16:13:18

No Duplicates.

Comment 300 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Scott
Last Name: Johnson
Email Address: sjohnson@redmountain.com
Affiliation: Red Mountain Machinery Company

Subject: after market PM traps, safety problems
Comment:

All,

Those of us who attended the May 25th meeting in San Diego were able to review pictures of an installed after market PM trap on a machine provided by Gary Rohman at Ecco. The PM trap was mounted on top of the engine compartment, obstructing the view of the rear of the machine provided originally by the manufacturer.

When an after market PM trap is installed on a machine and an accident occurs while moving the machine in reverse - who will be responsible?

The operator can say his view was obstructed.

The manufacturer can say the machine was modified outside of original safety specifications for operator visiblity.

This leaves the liability at the feet of the equipment owner who was mandated to install the PM trap on the machine by CARB.

What will insurance companies charge for General Liability to machine owners who have added PM traps, reducing or removing manufacturer's liability on those machines?

Will insurance companies accept that risk when this scenario is discovered?

The manufacturer's liability for machine modification should remain with the machine manufacturers.

Caterpillar dealer representatives have testified that the installation of PM traps on their machines will void engine warranties.

Until the manufacturer's are held responsible and provide manufacturer approved PM traps for installation on the manufacturer's equipment - product liability will rest with the machine owners who must follow CARB mandates.

By voting to adopt these proposed measures July 26, CARB is forcing unnecessary risk and liability on machine owners.

Scott Johnson
Red Mountain Machinery Company

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-07-24 17:01:49

No Duplicates.

Comment 301 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Don
Last Name: Anair
Email Address: danair@ucsusa.org
Affiliation: Union of Concerned Scientists

Subject: Support for Off-Road Regulation
Comment:

```
Please find attached comments submitted by UCS on behalf of 22
health, science, community, and environmental organizations in
support of the off-road regulation.  The additional attachment
contains editorials from newspapers across the state in support of
cleaning up construction equipment.

Regards,
Don Anair
Vehicles Analyst
Union Of Concerned Scientists
```

Attachment: www.arb.ca.gov/lists/ordiesl07/1087-off-road_comments.zip

Original File Name: Off-Road Comments.zip

Date and Time Comment Was Submitted: 2007-07-24 17:45:59

No Duplicates.

Comment 302 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: William E
Last Name: Davis
Email Address: williamedavis@cox.net
Affiliation: Southern California Contractors Assoc.

Subject: The law of unintended consequences
Comment:

Dear Ms. Nichols and other members of the Board

The Southern California Contractors Association strongly supports the CIAQC alternative proposal as a way of both achieving the air quality goals needed to make your SIP work and at the same time allow our hundreds of contractor members and their thousands of employees survive the process.

Please review the attached document--The Law of Unintended Consequences--for our reasons for supporting this approach.

Sincerely

William E. Davis, Executive Vice President
Southern California Contractors Association
6055 E. Washington Blvd., Ste 200
Los Angeles, CA 90040
323-726-3511 FAX 323-726-2366

Attachment: www.arb.ca.gov/lists/ordiesl07/1088-law_of_unintended_consequences_expanded.doc

Original File Name: Law of unintended consequences expanded.doc

Date and Time Comment Was Submitted: 2007-07-24 19:40:16

No Duplicates.

Comment 303 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Linda
Last Name: Weiner
Email Address: linwiner@earthlink.net
Affiliation: American Lung Association of California

Subject: Letter of Support from the Health Network for Clean Air
Comment:

```
The attached letter oif support from the Health Network for Clean
Air was sent last week, but had an incorrect title designation for
one of the eleven signatories.  The title designation has been
corrected, and therefore, this letter supercedes the previous
letter.  Please use this letter for public record. Thank you.
```

Attachment: www.arb.ca.gov/lists/ordiesl07/1089-hnca_bnr_off-road_org_ltr.doc

Original File Name: HNCA Bnr Off-Road Org Ltr.doc

Date and Time Comment Was Submitted: 2007-07-24 20:14:18

No Duplicates.

Comment 304 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: robert
Last Name: mcclernon
Email Address: mcclernonrm@aol.com
Affiliation:

Subject: Carb rule
Comment:

Diesel emisions have signifacant improved, not through bad regulation but through Industry technology improvements. Bad regulation by California is an "Industry Killer" update to fleets needs to be reasonable and as finacially responsible. A stroke of the Governors pen will destroy a whole population of small bussiness persons who will never have the funds to convert overnite to new technology diesel standards, but if left to attrition and some finacial incentives all size businesses will move up the ladder and Reasonable Goals will be achieved..

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-07-24 22:02:44

No Duplicates.

Comment 305 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: William
Last Name: Groves
Email Address: ranchw@aol.com
Affiliation:

Subject: Hold the line
Comment:

Dear Ladies and Gentlemen:

Please be advised that I believe your actions regarding implementation of the new program aimed at reducing PM and NOx is too aggressive for the construction industry. The introduction of low and ultra-low sulphur diesel fuel apparently has not accomplished goals set by your organization, is that correct? There are a few "elite" companies that can attain the compliance level for their fleet and have little effect of their bottomline. However, those companies are typically ones that contract with your parallel organizations at the State and Federal government level for lucrative jobs, paid for with tax dollars. This is like the fox guarding the henhouse in my estimation. For the bulk of the industry it can only lead to a decline in competition for construction jobs and will undoubtedly kill off many businesses that can not afford to upgrade their fleet. I know these business people and they, just like my business, work hard to pay their share of property taxes, fuel taxes, CHP programs, SWRB quality programs, and local APCD programs. I am asking you today to please look at the alternatives to the program you are considering because many good people's lives will be affected by your decision.

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-07-25 08:56:55

No Duplicates.

Comment 306 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Dave
Last Name: Porcher
Email Address: dporcher@camarilloengineering
Affiliation: Camarillo Engineering

Subject: Off-Road Rule
Comment:

```
To California Air Resorces Board
   please read attachment
```

Attachment: www.arb.ca.gov/lists/ordiesl07/1095-__off-road_rule.pdf

Original File Name: =[off-road rule.pdf

Date and Time Comment Was Submitted: 2007-07-25 11:12:07

No Duplicates.

Comment 307 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Kenneth
Last Name: Patterson
Email Address: kenandpat@coastinet.com
Affiliation:

Subject: Exaust Retrofit
Comment:

To require retrofits on equipment owned and used every day by contractors that are making money with the equipment is one thing. To require small contractors that have one or two pieces of equipment has the potential of forcing them out of business depending on the cost of the retrofit. Farmers that use their equipment for their own use will find it difficult to pay the cost of the retrofit. To require homeowners that have few acres and have a tractor or generator that is seldom used and have no way to recoop the mmoney spent for the retrofit is wrong. Trying to clean up our air is important, but there should be some consideration for who ownes the equipment and what is it used for. Equipment owned by individuals, that is seldom used for their own use should be excluded from the requirements.

Thank you for considering my comments.

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-07-25 11:22:42

No Duplicates.

Comment 308 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Tim
Last Name: Pohle
Email Address: tpohle@airlines.org
Affiliation:

Subject: ATA Comments re ORD Rule
Comment:

```
Please see attached comments.
```

Attachment: www.arb.ca.gov/lists/ordiesl07/1097-ata_comments_re_ord_rule_with_attachments.zip

Original File Name: ATA Comments re ORD Rule with Attachments.zip

Date and Time Comment Was Submitted: 2007-07-25 11:35:05

No Duplicates.

Comment 309 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Leah
Last Name: Pilconis
Email Address: pilconisl@agc.org
Affiliation: Assoc. General Contractors of America

Subject: In-use Off-road Diesel Equipment Proposal
Comment:

```
The Associated General Contractors of America respectfully uploads
these comments for consideration at the California Air Resources
Board's hearing on July 26, 2007, on its proposed rule on off-road
diesel equipment already in use.
```

Attachment: www.arb.ca.gov/lists/ordiesl07/1098-arb_comments-july25_final_withattachments.pdf

Original File Name: ARB Comments-July25_FINAL_withAttachments.pdf

Date and Time Comment Was Submitted: 2007-07-25 11:54:26

No Duplicates.

Comment 310 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Michael
Last Name: Lewis
Email Address: mike@lewisandco.net
Affiliation: CIAQC

Subject: Cost of Compliance Anaysis
Comment:

```
Please find attached the updated compliance cost analysis
"Estimaing the Construction Industry Compliance Costs for CARB's
Off-Road Diesel Vehicle Rule" prepared by M.Cubed on behalf of the
Construction Industry Air Quality Coalition dated July 2007.
```

Attachment: www.arb.ca.gov/lists/ordiesl07/1100-m.cubed_cost_of_compliance_report_for_off-road_regulation_july_2007.pdf

Original File Name: M.Cubed Cost of Compliance Report for Off-Road Regulation July 2007.pdf

Date and Time Comment Was Submitted: 2007-07-25 12:07:39

No Duplicates.

Comment 311 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Joel
Last Name: Anderson
Email Address: Assemblymember.Anderson@assembly.ca.gov
Affiliation: California State Assembly

Subject: CARB's proposed In-Use Off-Road Diesel Vehicle Regulation
Comment:

I write this letter to request that the California Air Resources Board allow five additional years for implementation of the proposed off-road diesel equipment emission standards that are currently under review.

The major issue with CARB’s proposed regulations is that the technology that is necessary for off-road diesel equipment to be in compliance with the rules is not available at a price that most companies in the industry can afford. It is estimated that the new regulations will cost the industry over $9 Billion to purchase new equipment or retrofit their current fleets.

Additionally, CARB would impose a $5,000 to $25,000 fine for each engine that is in violation of the regulations. Clearly, CARB’s proposal will have a devastating impact on California’s construction companies which employ nearly one million citizens in the Golden State.

The board’s goal in setting these standards is a noble one. All Californians want cleaner air. In fact, California’s construction industry has already begun to use newer, less toxic equipment to achieve that end. Contractors in Southern California have voluntarily replaced more that 1,000 high polluting engines, resulting in a reduction of more than 3,787 tons of pollution every year.

Extending the implementation timeframe by five years will allow engine manufacturers time to catch up with California’s progressive air quality standards and help amortize the massive expense of purchasing new equipment over a longer of period time.

Allowing five more years for implementation will save California’s contractors from having to pass the extra financial burden on to their consumers, and in many cases, save their businesses.

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-07-25 12:56:07

No Duplicates.

Comment 312 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Lori
Last Name: Ballance
Email Address: Non-web submitted comment
Affiliation: Gatzke Dillion & Ballance LLP

Subject: Comments on Proposed Reg. for In-Use Off-Road Vehicles
Comment:

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Please see the attached comment.
```

Attachment: www.arb.ca.gov/lists/ordiesl07/1104-ordiesl07-312.pdf

Original File Name: ordiesl07-312.pdf

Date and Time Comment Was Submitted: 2007-07-25 14:49:43

No Duplicates.

Comment 313 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Larry
Last Name: Moorman
Email Address: Non-web submitted comment
Affiliation: Moorman's Water Systems, Inc.

Subject: Proposed Amendments for In-Use Off-Road Diesel Vehicles
Comment:

```
Please see the attached comment.
```

Attachment: www.arb.ca.gov/lists/ordiesl07/1105-ordiesl07-313.pdf

Original File Name: ordiesl07-313.pdf

Date and Time Comment Was Submitted: 2007-07-25 14:52:10

No Duplicates.

Comment 314 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Construction
Last Name: Granite
Email Address: Non-web submitted comment
Affiliation:

Subject: Proposed Amendments for In-Use Off-Road Diesel Vehicles
Comment:

```
Please see the attached comment.
```

Attachment: www.arb.ca.gov/lists/ordiesl07/1106-ordiesl07-314.pdf

Original File Name: ordiesl07-314.pdf

Date and Time Comment Was Submitted: 2007-07-25 14:55:45

No Duplicates.

Comment 315 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Abel
Last Name: Maldonado
Email Address: Non-web submitted comment
Affiliation: Senator, 15th District

Subject: Proposed Amendments for In-Use Off-Road Diesel Vehicles
Comment:

```
Please see the attached comment.
```

Attachment: www.arb.ca.gov/lists/ordiesl07/1107-ordiesl07-315.pdf

Original File Name: ordiesl07-315.pdf

Date and Time Comment Was Submitted: 2007-07-25 14:57:10

No Duplicates.

Comment 316 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Doug
Last Name: Straw
Email Address: Non-web submitted comment
Affiliation: CA Building Industry Assoc.

Subject: Comments on CARB's In-Use Off-Road Diesel Vehicle Rule
Comment:

```
Please see the attached comment. This comment also has an
attachment of approximately 250 form letters.
```

Attachment: www.arb.ca.gov/lists/ordiesl07/1108-ordiesl07-316.pdf

Original File Name: ordiesl07-316.pdf

Date and Time Comment Was Submitted: 2007-07-25 15:03:16

No Duplicates.

Comment 317 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

This comment was posted then deleted because it was unrelated to the Board item or it was a duplicate.

Comment 318 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Peter
Last Name: Bruenke
Email Address: Non-web submitted comment
Affiliation: HUSS LLC

Subject: Proposed Amendments for In-Use Off-Road Diesel Vehicles
Comment:

```
Please see the attached comment. This comment was also sumbitted
with additional information: Overview of HUSS LLC, HUSS LLC
Corporate Video, HUSS European Data Sheets, and Third Party
Letters.
```

Attachment: www.arb.ca.gov/lists/ordiesl07/1110-ordiesl07-318.pdf

Original File Name: ordiesl07-318.pdf

Date and Time Comment Was Submitted: 2007-07-25 15:16:36

No Duplicates.

Comment 319 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Toby
Last Name: Hayward
Email Address: hccgroup@aol.com
Affiliation:

Subject: Off Road Diesel Regulations
Comment:

We are in support of making diesel engines more efficient and environmentally friendly. But, since the cost to alter the existing equiment we currently own would be a severe hinderance to our firm in continuing business, we request that the CARB consider alternate regulations than currently considered by the CARB to achieve future emmision goals.

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-07-25 19:06:31

No Duplicates.

Comment 320 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Jane
Last Name: Lea
Email Address: tigerlocust@comcast.net
Affiliation: IUOE

Subject: Off road regulations on July 26-27, 2007 scheduled meeting
Comment:

This is a little bit about our concerns:

I am Jane Lea, Lead Instructor of the (IUOE) International Union of Operating Engineers Job Corps Training Program. Job Corps is a vocational training program for at risk youth between 16-24 years of age operated by the Federal Labor Department. Job Corps has 118 Centers through out the United States and territories. The IUOE has a national training contract to operate 11 heavy equipment programs within the Job Corps system. Sacramento is home to one of the heavy equipment/mechanics training programs. This program is the only one in California. The only equipment that is accessible to ou r training program is excess GSA equipment. Most of our equipment is surplus military, 30 to 40 years old.

Without a consideration for training centers, our program would end.

I am requesting an appointment with the newly appointed Chairman.

Please contact me through email or phone 209 329 6112

Thank you for your help.

Respectfully,

Jane

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-07-26 06:33:26

No Duplicates.

Comment 321 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Graham
Last Name: Kraus
Email Address: ekraus@dslextreme.com
Affiliation:

Subject: regulations off road vehicles
Comment:

```
I protest the severity of your proposed regulation. Most
business's
in this state are hampered & crippled by excessive regulation
already, no to mention the extreme costs! Many, many business's
have already exited this state and many more will, I being one of
these considering that  possibility.
We know you have a job to do but don'nt go overboard with it!

                                most sincerely,

                                Graham Kraus  ( Gen. Contr.)

We have five adult children, all of which are involved with
construction related business, and they are like-minded.
```

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-07-26 06:37:25

No Duplicates.

Comment 322 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.

First Name: Carol
Last Name: Carri
Email Address: carriinc@pacbell.net
Affiliation:

Subject: CARB regulations
Comment:

```
Iam requesting that you don't pass the new regulations you are
considering at this time.  It would cost my company over $100,000
to retrofit my equipment which would have to be discarded after
2014 when technology is expected to devleop ne diesel engines that
comply with your proposed regulations. My company couldn't survive
this expense.  I am not against cleaning up the air, but only to
wait until the technology is available for compliance instead
forcing everyone to retrofit before hand.  It would be a waste of
money.  Thank you for your consideration of my opinion.
```

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-07-26 07:15:44

No Duplicates.

Comment 1 for In-Use Off-Road Diesel Fueled Engines (ordiesl07). (At Hearing)

First Name: Orsen
Last Name: Hansen
Email Address: Non-web submitted comment
Affiliation: Hansen Bros. Enterprises

Subject: Proposed Amendments for In-Use Off-Road Diesel Vehicles
Comment:

```
Please see the attached comment.
```

Attachment: www.arb.ca.gov/lists/ordiesl07/915-ordiesl07-ws-2.pdf

Original File Name: ordiesl07-ws-2.pdf

Date and Time Comment Was Submitted: 2007-06-01 10:01:26

No Duplicates.

Comment 2 for In-Use Off-Road Diesel Fueled Engines (ordiesl07). (At Hearing)

First Name: Stephan
Last Name: Bledsoe
Email Address: Non-web submitted comment
Affiliation: CalCIMA

Subject: Oppose, Proposed Adoption of In-Use Off-Road Diesel Vehicles Rule
Comment:

```
Please see the attached comment.
```

Attachment: www.arb.ca.gov/lists/ordiesl07/916-ordiesl07-ws-3.pdf

Original File Name: ordiesl07-ws-3.pdf

Date and Time Comment Was Submitted: 2007-06-01 10:08:15

No Duplicates.

Comment 3 for In-Use Off-Road Diesel Fueled Engines (ordiesl07). (At Hearing)

First Name: Dave
Last Name: Cogdill
Email Address: SENATOR.COGDILL@SENATE.CA.GOV
Affiliation: Senator, 14th District

Subject: Proposed Amendments for In-Use Off-Road Diesel Vehicles
Comment:

```
Please see the attached comment.
```

Attachment: www.arb.ca.gov/lists/ordiesl07/918-ordiesl07-ws-5.pdf

Original File Name: ordiesl07-ws-5.pdf

Date and Time Comment Was Submitted: 2007-06-01 10:14:48

No Duplicates.

Comment 4 for In-Use Off-Road Diesel Fueled Engines (ordiesl07). (At Hearing)

First Name: Michael
Last Name: Vlaming
Email Address: Non-web submitted comment
Affiliation: Crane Owners Association

Subject: Proposed In-Use Off-Road Diesel Regulation
Comment:

```
Please see the attached comment.
```

Attachment: www.arb.ca.gov/lists/ordiesl07/920-ordiesl07-ws-7.pdf

Original File Name: ordiesl07-ws-7.pdf

Date and Time Comment Was Submitted: 2007-06-01 10:51:37

No Duplicates.

Comment 5 for In-Use Off-Road Diesel Fueled Engines (ordiesl07). (At Hearing)

First Name: Christopher
Last Name: Kip
Email Address: Non-web submitted comment
Affiliation: C. L. Kip Construction Services

Subject: Proposed Amendments for In-Use Off-Road Diesel Vehicles
Comment:

```
Please see the attached comment.
```

Attachment: www.arb.ca.gov/lists/ordiesl07/921-ordiesl07-ws-8.pdf

Original File Name: ordiesl07-ws-8.pdf

Date and Time Comment Was Submitted: 2007-06-01 10:54:56

No Duplicates.

Comment 6 for In-Use Off-Road Diesel Fueled Engines (ordiesl07). (At Hearing)

First Name: Barry
Last Name: Wallerstein
Email Address: Non-web submitted comment
Affiliation: SCAQMD

Subject: Comments on the CARB Proposed Regulation for In-Use Off-Road Diesel Vehicles
Comment:

```
Please see the attached comment.
```

Attachment: www.arb.ca.gov/lists/ordiesl07/922-ordiesl07-ws-12.pdf

Original File Name: ordiesl07-ws-12.pdf

Date and Time Comment Was Submitted: 2007-06-01 10:59:02

No Duplicates.

Comment 7 for In-Use Off-Road Diesel Fueled Engines (ordiesl07). (At Hearing)

First Name: Scott
Last Name: Brusseau
Email Address: Non-web submitted comment
Affiliation: Newport National Corp.

Subject: CARB Rushed Requirements Will Hurt Our Economy! MORE TIME NEEDED!
Comment:

```
Please see the attached comment.
```

Attachment: www.arb.ca.gov/lists/ordiesl07/923-ordiesl07-ws-13.pdf

Original File Name: ordiesl07-ws-13.pdf

Date and Time Comment Was Submitted: 2007-06-01 11:02:45

No Duplicates.

Comment 8 for In-Use Off-Road Diesel Fueled Engines (ordiesl07). (At Hearing)

First Name: Richard
Last Name: Paine
Email Address: Non-web submitted comment
Affiliation: Engineering Contractors' Assoc.

Subject: Proposed In-Use Off-Road Diesel Regulation
Comment:

```
Please see the attached comment.
```

Attachment: www.arb.ca.gov/lists/ordiesl07/924-ordiesl07-ws-14.pdf

Original File Name: ordiesl07-ws-14.pdf

Date and Time Comment Was Submitted: 2007-06-01 11:04:20

No Duplicates.

Comment 9 for In-Use Off-Road Diesel Fueled Engines (ordiesl07). (At Hearing)

This comment was posted then deleted because it was unrelated to the Board item or it was a duplicate.

Comment 10 for In-Use Off-Road Diesel Fueled Engines (ordiesl07). (At Hearing)

First Name: Dale
Last Name: Ronsin
Email Address: dronsin@earthlink.net
Affiliation:

Subject: Rule Comment About Construction Equipment
Comment:

```
Please see the attached comment.
```

Attachment: www.arb.ca.gov/lists/ordiesl07/926-ordiesl07-ws-17.pdf

Original File Name: ordiesl07-ws-17.pdf

Date and Time Comment Was Submitted: 2007-06-01 11:26:07

No Duplicates.

Comment 11 for In-Use Off-Road Diesel Fueled Engines (ordiesl07). (At Hearing)

This comment was posted then deleted because it was unrelated to the Board item or it was a duplicate.

Comment 12 for In-Use Off-Road Diesel Fueled Engines (ordiesl07). (At Hearing)

First Name: Charles
Last Name: Rasmussen
Email Address: Non-web submitted comment
Affiliation: C.A. Rasmussen, Inc.

Subject: Proposed Amendments for In-Use Off-Road Diesel Vehicles
Comment:

```
Please see the attached comment.
```

Attachment: www.arb.ca.gov/lists/ordiesl07/928-ordiesl07-ws-19.pdf

Original File Name: ordiesl07-ws-19.pdf

Date and Time Comment Was Submitted: 2007-06-01 11:53:44

No Duplicates.

Comment 13 for In-Use Off-Road Diesel Fueled Engines (ordiesl07). (At Hearing)

First Name: Michael
Last Name: Self
Email Address: Non-web submitted comment
Affiliation: The Builders' Exchange of Stockton

Subject: Proposed Amendments for In-Use Off-Road Diesel Vehicles
Comment:

```
Please see the attached comment.
```

Attachment: www.arb.ca.gov/lists/ordiesl07/929-ordiesl07-ws-20.pdf

Original File Name: ordiesl07-ws-20.pdf

Date and Time Comment Was Submitted: 2007-06-01 11:57:04

No Duplicates.

Comment 14 for In-Use Off-Road Diesel Fueled Engines (ordiesl07). (At Hearing)

First Name: Sheila James
Last Name: Kuehl
Email Address: Non-web submitted comment
Affiliation: Senator, 23rd District

Subject: Support for CARB Diesel Off-Road Equipment Regulation
Comment:

```
Please see the attached comment.
```

Attachment: www.arb.ca.gov/lists/ordiesl07/930-ordiesl07-ws-21.pdf

Original File Name: ordiesl07-ws-21.pdf

Date and Time Comment Was Submitted: 2007-06-01 12:00:03

No Duplicates.

Comment 15 for In-Use Off-Road Diesel Fueled Engines (ordiesl07). (At Hearing)

First Name: Dave
Last Name: Porcher
Email Address: Non-web submitted comment
Affiliation: Camarillo Engineering Inc.

Subject: Proposed Amendments for In-Use Off-Road Diesel Vehicles
Comment:

```
Please see the attached comment.
```

Attachment: www.arb.ca.gov/lists/ordiesl07/931-ordiesl07-ws-22.zip

Original File Name: ordiesl07-ws-22.zip

Date and Time Comment Was Submitted: 2007-06-01 13:08:53

No Duplicates.

Comment 16 for In-Use Off-Road Diesel Fueled Engines (ordiesl07). (At Hearing)

First Name: Christine
Last Name: Kehoe
Email Address: Non-web submitted comment
Affiliation: Senator, 39th District

Subject: Support CARB Diesel Off-Road Equipment Regulations
Comment:

```
Please see the attached comment.
```

Attachment: www.arb.ca.gov/lists/ordiesl07/932-ordiesl07-ws-24.pdf

Original File Name: ordiesl07-ws-24.pdf

Date and Time Comment Was Submitted: 2007-06-01 13:10:48

No Duplicates.

Comment 17 for In-Use Off-Road Diesel Fueled Engines (ordiesl07). (At Hearing)

First Name: Daniel
Last Name: Sanchez
Email Address: Non-web submitted comment
Affiliation: CA Dump Truck Owners Assoc.

Subject: Proposed Amendments for In-Use Off-Road Diesel Vehicles
Comment:

```
Please see the attached comment.
```

Attachment: www.arb.ca.gov/lists/ordiesl07/933-ordiesl07-ws-25.pdf

Original File Name: ordiesl07-ws-25.pdf

Date and Time Comment Was Submitted: 2007-06-01 13:12:38

No Duplicates.

Comment 18 for In-Use Off-Road Diesel Fueled Engines (ordiesl07). (At Hearing)

First Name: Bob
Last Name: Shepard
Email Address: Non-web submitted comment
Affiliation: Quinn Company

Subject: Proposed Amendments for In-Use Off-Road Diesel Vehicles
Comment:

```
Please see the attached comment.
```

Attachment: www.arb.ca.gov/lists/ordiesl07/934-ordiesl07-ws-26.pdf

Original File Name: ordiesl07-ws-26.pdf

Date and Time Comment Was Submitted: 2007-06-01 13:13:59

No Duplicates.

Comment 19 for In-Use Off-Road Diesel Fueled Engines (ordiesl07). (At Hearing)

First Name: Henry Hogo
Last Name: Elaine Chiang and
Email Address: Non-web submitted comment
Affiliation: SCAQMD

Subject: Proposed Amendments for In-Use Off-Road Diesel Vehicles
Comment:

```
Please see the attached comment.
```

Attachment: www.arb.ca.gov/lists/ordiesl07/935-ordiesl07-ws-27.pdf

Original File Name: ordiesl07-ws-27.pdf

Date and Time Comment Was Submitted: 2007-06-01 13:19:36

No Duplicates.

Comment 20 for In-Use Off-Road Diesel Fueled Engines (ordiesl07). (At Hearing)

First Name: Wm.
Last Name: Waggoner
Email Address: Non-web submitted comment
Affiliation: I.U.O.E., Local Union No. 12

Subject: Proposed Amendments for In-Use Off-Road Diesel Vehicles
Comment:

```
Please see the attached comment.
```

Attachment: www.arb.ca.gov/lists/ordiesl07/936-ordiesl07-ws-28.pdf

Original File Name: ordiesl07-ws-28.pdf

Date and Time Comment Was Submitted: 2007-06-01 13:25:07

No Duplicates.

Comment 21 for In-Use Off-Road Diesel Fueled Engines (ordiesl07). (At Hearing)

First Name: Kathryn
Last Name: Phillips
Email Address: Non-web submitted comment
Affiliation: Environmental Defense

Subject: Examination of the Construction Industry Compliance Costs for ARB's Off-Road Diesel...
Comment:

```
Please see the attached comment.
```

Attachment: www.arb.ca.gov/lists/ordiesl07/937-ordiesl07-ws-29.pdf

Original File Name: ordiesl07-ws-29.pdf

Date and Time Comment Was Submitted: 2007-06-01 13:29:00

No Duplicates.

Comment 22 for In-Use Off-Road Diesel Fueled Engines (ordiesl07). (At Hearing)

First Name: Jill
Last Name: Ratner
Email Address: Non-web submitted comment
Affiliation:

Subject: Proposed Amendments for In-Use Off-Road Diesel Vehicles
Comment:

```
Please see the attached comment.
```

Attachment: www.arb.ca.gov/lists/ordiesl07/938-ordiesl07-ws-30.pdf

Original File Name: ordiesl07-ws-30.pdf

Date and Time Comment Was Submitted: 2007-06-01 13:30:01

No Duplicates.

Comment 23 for In-Use Off-Road Diesel Fueled Engines (ordiesl07). (At Hearing)

First Name: Alexander
Last Name: Griener
Email Address: Non-web submitted comment
Affiliation: American Lung Assoc.

Subject: Selected Studies on Particulate Matter and Health: 1997-2001
Comment:

```
Please see the attached comment.
```

Attachment: www.arb.ca.gov/lists/ordiesl07/939-ordiesl07-ws-31.pdf

Original File Name: ordiesl07-ws-31.pdf

Date and Time Comment Was Submitted: 2007-06-01 13:32:45

No Duplicates.

Comment 24 for In-Use Off-Road Diesel Fueled Engines (ordiesl07). (At Hearing)

First Name: Lori
Last Name: Saldano
Email Address: Non-web submitted comment
Affiliation: Assemblymember, 76th District

Subject: Proposed Amendments for In-Use Off-Road Diesel Vehicles
Comment:

```
Please see the attached comment.
```

Attachment: www.arb.ca.gov/lists/ordiesl07/940-ordiesl07-ws-32.pdf

Original File Name: ordiesl07-ws-32.pdf

Date and Time Comment Was Submitted: 2007-06-01 13:35:58

No Duplicates.

Comment 25 for In-Use Off-Road Diesel Fueled Engines (ordiesl07). (At Hearing)

First Name: Les
Last Name: Davies
Email Address: Non-web submitted comment
Affiliation:

Subject: Proposed Amendments for In-Use Off-Road Diesel Vehicles
Comment:

```
Please see the attached comment.
```

Attachment: www.arb.ca.gov/lists/ordiesl07/941-ordiesl07-ws-34.pdf

Original File Name: ordiesl07-ws-34.pdf

Date and Time Comment Was Submitted: 2007-06-01 13:36:58

No Duplicates.

Comment 26 for In-Use Off-Road Diesel Fueled Engines (ordiesl07). (At Hearing)

First Name: Joyce
Last Name: Downs
Email Address: Non-web submitted comment
Affiliation: Downs Equipment Rental, Inc.

Subject: Proposed Amendments for In-Use Off-Road Diesel Vehicles
Comment:

```
Please see the attached comment.
```

Attachment: www.arb.ca.gov/lists/ordiesl07/942-ordiesl07-ws-35.pdf

Original File Name: ordiesl07-ws-35.pdf

Date and Time Comment Was Submitted: 2007-06-01 13:38:44

No Duplicates.

Comment 27 for In-Use Off-Road Diesel Fueled Engines (ordiesl07). (At Hearing)

First Name: Tara
Last Name: Hass
Email Address: Non-web submitted comment
Affiliation: EUCA

Subject: ARB In-Use Off-Road Diesel Vehicle Regulation
Comment:

```
Please see the attached comment.
```

Attachment: www.arb.ca.gov/lists/ordiesl07/943-ordiesl07-ws-36.pdf

Original File Name: ordiesl07-ws-36.pdf

Date and Time Comment Was Submitted: 2007-06-01 13:43:40

No Duplicates.

Comment 28 for In-Use Off-Road Diesel Fueled Engines (ordiesl07). (At Hearing)

First Name: Carey
Last Name: Haughy
Email Address: Non-web submitted comment
Affiliation: Blue Mountain Minerals

Subject: Proposed Amendments for In-Use Off-Road Diesel Vehicles
Comment:

```
Please see the attached comment.
```

Attachment: www.arb.ca.gov/lists/ordiesl07/944-ordiesl07-ws-37.pdf

Original File Name: ordiesl07-ws-37.pdf

Date and Time Comment Was Submitted: 2007-06-01 13:45:22

No Duplicates.

Comment 29 for In-Use Off-Road Diesel Fueled Engines (ordiesl07). (At Hearing)

First Name: Brian
Last Name: Johnson
Email Address: Non-web submitted comment
Affiliation: Michels Corp.

Subject: Proposed Amendments for In-Use Off-Road Diesel Vehicles
Comment:

```
Please see the attached comment.
```

Attachment: www.arb.ca.gov/lists/ordiesl07/945-ordiesl07-ws-38.pdf

Original File Name: ordiesl07-ws-38.pdf

Date and Time Comment Was Submitted: 2007-06-01 13:47:11

No Duplicates.

Comment 30 for In-Use Off-Road Diesel Fueled Engines (ordiesl07). (At Hearing)

First Name: Edward
Last Name: Phillips
Email Address: Non-web submitted comment
Affiliation: BNSF Railway

Subject: Proposed Off-Road Equipment Rule
Comment:

```
Please see the attached comment.
```

Attachment: www.arb.ca.gov/lists/ordiesl07/946-ordiesl07-ws-39.pdf

Original File Name: ordiesl07-ws-39.pdf

Date and Time Comment Was Submitted: 2007-06-01 13:50:36

No Duplicates.

Comment 31 for In-Use Off-Road Diesel Fueled Engines (ordiesl07). (At Hearing)

First Name: Kristine
Last Name: Leathers
Email Address: Non-web submitted comment
Affiliation: Orange Co. Business Council

Subject: Proposed Amendments for In-Use Off-Road Diesel Vehicles-OPPOSE
Comment:

```
Please see the attached comment.
```

Attachment: www.arb.ca.gov/lists/ordiesl07/947-ordiesl07-ws-40.pdf

Original File Name: ordiesl07-ws-40.pdf

Date and Time Comment Was Submitted: 2007-06-01 13:51:50

No Duplicates.

Comment 32 for In-Use Off-Road Diesel Fueled Engines (ordiesl07). (At Hearing)

First Name: Ty
Last Name: Wivell
Email Address: Non-web submitted comment
Affiliation: Tuolumne Co. Chamber of Commerce

Subject: Comments on Proposed Regulations for In-Use Off-Road Diesel Vehicles
Comment:

```
Please see the attached comment.
```

Attachment: www.arb.ca.gov/lists/ordiesl07/948-ordiesl07-ws-41.pdf

Original File Name: ordiesl07-ws-41.pdf

Date and Time Comment Was Submitted: 2007-06-01 13:53:36

No Duplicates.

Comment 33 for In-Use Off-Road Diesel Fueled Engines (ordiesl07). (At Hearing)

First Name: J. Warren
Last Name: Hockaday
Email Address: Non-web submitted comment
Affiliation: The Greater Eureka Chamber of Commerce

Subject: Request to Extend Implementation of Off-Road Diesel Regs. by CARB
Comment:

```
Please see the attached comment.
```

Attachment: www.arb.ca.gov/lists/ordiesl07/949-ordiesl07-ws-42.pdf

Original File Name: ordiesl07-ws-42.pdf

Date and Time Comment Was Submitted: 2007-06-01 13:59:39

No Duplicates.

Comment 34 for In-Use Off-Road Diesel Fueled Engines (ordiesl07). (At Hearing)

First Name: Ken
Last Name: Dunham
Email Address: Non-web submitted comment
Affiliation: Lumber Assoc. of CA & Nevada

Subject: Off-Road Diesel Equipment Regulations
Comment:

```
Please see the attached comment.
```

Attachment: www.arb.ca.gov/lists/ordiesl07/950-ordiesl07-ws-43.pdf

Original File Name: ordiesl07-ws-43.pdf

Date and Time Comment Was Submitted: 2007-06-01 14:01:44

No Duplicates.

Comment 35 for In-Use Off-Road Diesel Fueled Engines (ordiesl07). (At Hearing)

First Name: Jean
Last Name: Fuller
Email Address: Non-web submitted comment
Affiliation: Assemblymember, 32nd District

Subject: In-Use Diesel Off-Road Diesel Powered Vehicle Rule
Comment:

```
Please see the attached comment.
```

Attachment: www.arb.ca.gov/lists/ordiesl07/951-ordiesl07-ws-44.pdf

Original File Name: ordiesl07-ws-44.pdf

Date and Time Comment Was Submitted: 2007-06-01 14:03:00

No Duplicates.

Comment 36 for In-Use Off-Road Diesel Fueled Engines (ordiesl07). (At Hearing)

First Name: Curt
Last Name: Josiassen
Email Address: Non-web submitted comment
Affiliation: Sacto.Valley Basinwide APCC

Subject: Comments on Proposed Regulation for In-Use Off-Road Diesel Vehicles
Comment:

```
Please see the attached comment.
```

Attachment: www.arb.ca.gov/lists/ordiesl07/952-ordiesl07-ws-45.pdf

Original File Name: ordiesl07-ws-45.pdf

Date and Time Comment Was Submitted: 2007-06-01 14:05:18

No Duplicates.

Comment 37 for In-Use Off-Road Diesel Fueled Engines (ordiesl07). (At Hearing)

First Name: Michael
Last Name: Lewis
Email Address: Non-web submitted comment
Affiliation: Coalition to Build a Cleaner CA

Subject: Proposed Amendments for In-Use Off-Road Diesel Vehicles
Comment:

```
Please see the attached comment.
```

Attachment: www.arb.ca.gov/lists/ordiesl07/953-ordiesl07-ws-46.pdf

Original File Name: ordiesl07-ws-46.pdf

Date and Time Comment Was Submitted: 2007-06-01 14:09:16

300 Duplicates.

Comment 38 for In-Use Off-Road Diesel Fueled Engines (ordiesl07). (At Hearing)

First Name: Katie
Last Name: Stevens
Email Address: Non-web submitted comment
Affiliation: Mayor Alan Autry, City of Fresno

Subject: Consideration of Enhanced Proposed Reg. for In-Use Off-Road Diesel Vehicles
Comment:

```
Please see the attached comment.
```

Attachment: www.arb.ca.gov/lists/ordiesl07/1116-ordiesl07-ws-1a.pdf

Original File Name: ordiesl07-ws-1a.pdf

Date and Time Comment Was Submitted: 2007-07-30 10:57:42

No Duplicates.

Comment 39 for In-Use Off-Road Diesel Fueled Engines (ordiesl07). (At Hearing)

First Name: Harvey
Last Name: Beigle
Email Address: Non-web submitted comment
Affiliation: Reed Thomas Co., Inc.

Subject: In-Use Off-Road Diesel Vehicle Proposed Regulation
Comment:

```
Please see the attached comment.
```

Attachment: www.arb.ca.gov/lists/ordiesl07/1117-ordiesl07-ws-2a.pdf

Original File Name: ordiesl07-ws-2a.pdf

Date and Time Comment Was Submitted: 2007-07-30 11:00:09

No Duplicates.

Comment 40 for In-Use Off-Road Diesel Fueled Engines (ordiesl07). (At Hearing)

First Name: Bob
Last Name: Berlaje
Email Address: Non-web submitted comment
Affiliation: Big Creek Lumber Co.

Subject: Proposed In-Use Off-Road Diesel Regulations
Comment:

```
Please see the attached comment.
```

Attachment: www.arb.ca.gov/lists/ordiesl07/1118-ordiesl07-ws-3a.pdf

Original File Name: ordiesl07-ws-3a.pdf

Date and Time Comment Was Submitted: 2007-07-30 11:01:27

No Duplicates.

Comment 41 for In-Use Off-Road Diesel Fueled Engines (ordiesl07). (At Hearing)

First Name: Tim
Last Name: Byrne
Email Address: Non-web submitted comment
Affiliation: Ritchie Bros.

Subject: Proposed Amendments for In-Use Off-Road Diesel Vehicles
Comment:

```
Please see the attached comment.
```

Attachment: www.arb.ca.gov/lists/ordiesl07/1119-ordiesl07-ws-4a.pdf

Original File Name: ordiesl07-ws-4a.pdf

Date and Time Comment Was Submitted: 2007-07-30 11:02:47

No Duplicates.

Comment 42 for In-Use Off-Road Diesel Fueled Engines (ordiesl07). (At Hearing)

First Name: Donna
Last Name: Fox
Email Address: Non-web submitted comment
Affiliation: CA Nurses Assoc.

Subject: Testimony July 19, 2007 CARB
Comment:

```
Please see the attached comment.
```

Attachment: www.arb.ca.gov/lists/ordiesl07/1120-ordiesl07-ws-5a.pdf

Original File Name: ordiesl07-ws-5a.pdf

Date and Time Comment Was Submitted: 2007-07-30 11:04:01

No Duplicates.

Comment 43 for In-Use Off-Road Diesel Fueled Engines (ordiesl07). (At Hearing)

First Name: Robert
Last Name: Ikenberry
Email Address: Non-web submitted comment
Affiliation: CA Engineering Contractors

Subject: Statement in Opposition to CARB Proposed Off-Road Diesel Regs.
Comment:

```
Please see the attached comment.
```

Attachment: www.arb.ca.gov/lists/ordiesl07/1121-ordiesl07-ws-6a.pdf

Original File Name: ordiesl07-ws-6a.pdf

Date and Time Comment Was Submitted: 2007-07-30 11:05:26

No Duplicates.

Comment 44 for In-Use Off-Road Diesel Fueled Engines (ordiesl07). (At Hearing)

First Name: Peter
Last Name: Bruenke
Email Address: Non-web submitted comment
Affiliation: HUSS

Subject: Advanced Diesel Particulate Filters & Systems for Exhaust Cleaning
Comment:

```
Please see the attached comment.
```

Attachment: www.arb.ca.gov/lists/ordiesl07/1122-ordiesl07-ws-7a.pdf

Original File Name: ordiesl07-ws-7a.pdf

Date and Time Comment Was Submitted: 2007-07-30 11:06:34

No Duplicates.

Comment 45 for In-Use Off-Road Diesel Fueled Engines (ordiesl07). (At Hearing)

First Name: Becky
Last Name: Wood
Email Address: Non-web submitted comment
Affiliation: Teichert Aggregates

Subject: Proposed In-Use Off-Road Diesel Vehicles Reg. Comments
Comment:

```
Please see the attached comment.
```

Attachment: www.arb.ca.gov/lists/ordiesl07/1123-ordiesl07-ws-9a.pdf

Original File Name: ordiesl07-ws-9a.pdf

Date and Time Comment Was Submitted: 2007-07-30 11:07:58

No Duplicates.

Comment 46 for In-Use Off-Road Diesel Fueled Engines (ordiesl07). (At Hearing)

First Name: Henry
Last Name: Hogo
Email Address: Non-web submitted comment
Affiliation: SCAQMD

Subject: SCAQMD Staff Comments on Proposed Reg. for In-Use Off-Road Diesel Vehicles
Comment:

```
Please see the attached comment.
```

Attachment: www.arb.ca.gov/lists/ordiesl07/1124-ordiesl07-ws-10a.pdf

Original File Name: ordiesl07-ws-10a.pdf

Date and Time Comment Was Submitted: 2007-07-30 11:09:16

No Duplicates.

Comment 47 for In-Use Off-Road Diesel Fueled Engines (ordiesl07). (At Hearing)

First Name: Alex
Last Name: Kelter
Email Address: Non-web submitted comment
Affiliation:

Subject: Proposed Amendments for In-Use Off-Road Diesel Vehicles
Comment:

```
Please see the attached comment.
```

Attachment: www.arb.ca.gov/lists/ordiesl07/1125-ordiesl07-ws-11a.pdf

Original File Name: ordiesl07-ws-11a.pdf

Date and Time Comment Was Submitted: 2007-07-30 11:10:14

No Duplicates.

Comment 48 for In-Use Off-Road Diesel Fueled Engines (ordiesl07). (At Hearing)

First Name: Martin
Last Name: Lassen
Email Address: Non-web submitted comment
Affiliation: Johnson Matthey Catalysts

Subject: Proposed Amendments for In-Use Off-Road Diesel Vehicles
Comment:

```
Please see the attached comment.
```

Attachment: www.arb.ca.gov/lists/ordiesl07/1126-ordiesl07-ws-12a.pdf

Original File Name: ordiesl07-ws-12a.pdf

Date and Time Comment Was Submitted: 2007-07-30 11:11:19

No Duplicates.

Comment 49 for In-Use Off-Road Diesel Fueled Engines (ordiesl07). (At Hearing)

First Name: Robert
Last Name: Dorazio
Email Address: Non-web submitted comment
Affiliation:

Subject: Proposed 2007 Reg. for In-Use Off-Road Diesel Vehicles
Comment:

```
Please see the attached comment.
```

Attachment: www.arb.ca.gov/lists/ordiesl07/1127-ordiesl07-ws-13a.pdf

Original File Name: ordiesl07-ws-13a.pdf

Date and Time Comment Was Submitted: 2007-07-30 11:12:34

No Duplicates.

Comment 50 for In-Use Off-Road Diesel Fueled Engines (ordiesl07). (At Hearing)

First Name: Michael
Last Name: Lewis
Email Address: Non-web submitted comment
Affiliation: Coalition to Build a Cleaner CA

Subject: CARB Proposed Off-Road Diesel Rule
Comment:

```
Please see the attached comment.
```

Attachment: www.arb.ca.gov/lists/ordiesl07/1128-ordiesl07-ws-14a.pdf

Original File Name: ordiesl07-ws-14a.pdf

Date and Time Comment Was Submitted: 2007-07-30 11:13:58

No Duplicates.

Comment 51 for In-Use Off-Road Diesel Fueled Engines (ordiesl07). (At Hearing)

First Name: Bob
Last Name: Huff
Email Address: Non-web submitted comment
Affiliation: Assemblyman, 60th District

Subject: Adoption of In-Use Off-Road Diesel Regs.
Comment:

```
Please see the attached comment.
```

Attachment: www.arb.ca.gov/lists/ordiesl07/1129-ordiesl07-ws-15a.pdf

Original File Name: ordiesl07-ws-15a.pdf

Date and Time Comment Was Submitted: 2007-07-30 11:15:22

No Duplicates.

Comment 52 for In-Use Off-Road Diesel Fueled Engines (ordiesl07). (At Hearing)

First Name: John
Last Name: Willaims
Email Address: Non-web submitted comment
Affiliation: Williams Pipeline Contractors, Inc.

Subject: One Contractor's Reaction to CARB's Proposed Off-Road Diesel Regs.
Comment:

```
Please see the attached comment.
```

Attachment: www.arb.ca.gov/lists/ordiesl07/1130-ordiesl07-ws-16a.pdf

Original File Name: ordiesl07-ws-16a.pdf

Date and Time Comment Was Submitted: 2007-07-30 11:16:39

No Duplicates.

Comment 53 for In-Use Off-Road Diesel Fueled Engines (ordiesl07). (At Hearing)

First Name: Michael
Last Name: Lewis
Email Address: Non-web submitted comment
Affiliation:

Subject: Review of the Health Benefit Estimates from Emission Reductions in the Construction Fleet
Comment:

```
Please see the attached comment. An additional technical document
was submitted called Health Effects of Fine Particulate Air
Pollution: Lines that Connect. The additional document can be
located at 1001 I Street, Sacramento, CA 95814, in the Legal Unit.
```

Attachment: www.arb.ca.gov/lists/ordiesl07/1131-ordiesl07-ws-19a.pdf

Original File Name: ordiesl07-ws-19a.pdf

Date and Time Comment Was Submitted: 2007-07-30 14:20:28

No Duplicates.

Comment 54 for In-Use Off-Road Diesel Fueled Engines (ordiesl07). (At Hearing)

First Name: John and Lisa
Last Name: McCarty
Email Address: Non-web submitted comment
Affiliation:

Subject: Diesel Equipment
Comment:

```
Please see the attached comment.
```

Attachment: www.arb.ca.gov/lists/ordiesl07/1132-ordiesl07-ws-54.pdf

Original File Name: ordiesl07-ws-54.pdf

Date and Time Comment Was Submitted: 2007-08-09 10:12:48

No Duplicates.

Comment 55 for In-Use Off-Road Diesel Fueled Engines (ordiesl07). (At Hearing)

First Name: Chuck
Last Name: Bente
Email Address: Non-web submitted comment
Affiliation:

Subject: Proposed Reg. for In-Use Off-Road Vehicles
Comment:

```
Please see the attached comment.
```

Attachment: www.arb.ca.gov/lists/ordiesl07/1133-ordiesl07-ws-55.pdf

Original File Name: ordiesl07-ws-55.pdf

Date and Time Comment Was Submitted: 2007-08-09 10:16:01

No Duplicates.

Comment 56 for In-Use Off-Road Diesel Fueled Engines (ordiesl07). (At Hearing)

First Name: Michael
Last Name: Machado
Email Address: Non-web submitted comment
Affiliation: Machado Land Investment Corp.

Subject: Notice of Hearing/Off Road Vehicles
Comment:

```
Please see the attached comment.
```

Attachment: www.arb.ca.gov/lists/ordiesl07/1134-ordiesl07-ws-56.pdf

Original File Name: ordiesl07-ws-56.pdf

Date and Time Comment Was Submitted: 2007-08-09 10:21:44

No Duplicates.

Comment 57 for In-Use Off-Road Diesel Fueled Engines (ordiesl07). (At Hearing)

This comment was posted then deleted because it was unrelated to the Board item or it was a duplicate.

Comment 1 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 15-1.

First Name: Michael
Last Name: Lewis
Email Address: mike@lewisandco.net
Affiliation: Construction Industry Air Quality Coalit

Subject: Public Hearing on Proposed Rule
Comment:

```
Please see attached letter.
```

Attachment: www.arb.ca.gov/lists/ordiesl07/1137-arb_ltr_re_hearing_2007_12_13.pdf

Original File Name: ARB ltr re hearing 2007 12 13.pdf

Date and Time Comment Was Submitted: 2007-12-13 18:58:44

No Duplicates.

Comment 2 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 15-1.

This comment was posted then deleted because it was unrelated to the Board item or it was a duplicate.

Comment 3 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 15-1.

First Name: Bruce
Last Name: Wick
Email Address: bwick@calpasc.org
Affiliation: CALPASC

Subject: Modifications to proposed off-road diesel regulations
Comment:

Dear Standards Board members and staff,

Our association, CALPASC, has 550 members companies performing construction work in California. Those companies employ approximately 80,000 persons. Our comments are as follows:

1. We support most of the modifications to the proposed off-road diesel regulations.
2. We oppose modifications 25 and 26 relative to moving the reporting years up for medium and small fleets. These regulations will be very expensive, and time consuming for these smaller fleets. Moving it forward will make it even more difficult. Residential construction is the slowest since the early 1990's, with recovery not expected to start until 2010, much less having fully recovered until after 2012. This industry will barely be back to pre 2007 levels, and will not have the resources to add the burden of these regulations a year early. With such a slowdown in housing, construction related emissions should be greatly reduced over the next five years anyway.
3. We oppose modification 29, extending the reporting years for an additional year. We see no justification given for all construction firms to have an additional year of compliance activities.

4. I know it is not part of the modifications proposed, but it is still wrong for a regulation to go forward, when the staff has not reconciled its dramatically different cost estimates versus the construction industry estimates. Construction is mostly a competitive bid industry, so companies are very precise in their numbers. The large discrepancy in cost estimates between those who have to pay the bills, and the board staff; should be cleared up before this regulation goes into effect.

Sincerely,

Bruce Wick

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-12-19 13:57:07

No Duplicates.

Comment 4 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 15-1.

First Name: Mark
Last Name: Berry
Email Address: markrjb@sbcglobal.net
Affiliation:

Subject: Comments on modified text to rule
Comment:

Please see attached comments.

Attachment: www.arb.ca.gov/lists/ordiesl07/1140-l_nichols.arb.12-20-2007.pdf

Original File Name: L Nichols.ARB.12-20-2007.pdf

Date and Time Comment Was Submitted: 2007-12-20 11:45:59

No Duplicates.

Comment 5 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 15-1.

First Name: Harold
Last Name: Bobo
Email Address: altfillisch5@earthlink.net
Affiliation: ACI

Subject: Off Road Diesel Vehicle Regulation
Comment:

```
Early Credits should be allowed for retirement of Tier 0 equipment
for both NOx and PM.  NOx credit is given for retirement of
equipment, if the equipment is retired between March 1, 2006 and
March 1, 2009.  So, why not give PM credit for the same period?
PM credit is given for early retrofits from March 1, 2009 till
February 29, 2012.  So, why should the Early reirement of Tier 0
equipment not get the same type of credit?  If the idea to save
lives, those contractors that have helped clean up the air early,
and help to contribute to fewer emmisions, should be able to get
some type of benefit.
```

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-12-20 12:27:25

No Duplicates.

Comment 6 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 15-1.

First Name: Harold
Last Name: Bobo
Email Address: altfillisch5@earthlink.net
Affiliation: ACI

Subject: Off Road Diesel Vehicle Regulation
Comment:

```
The SOON Program should be removed from the ARB Regulation.  The
cost of the ARB regulation is enough of a burden.  The contractors
should not have the added burden of dealing with the State
Regulation and also the Local Air District Regulation.
It is going to be difficult enough for contractors to deal with
the calculations and regulations of the ARB regulation.  We do not
need an additional agency controlling the same type of emmissions.
The original thoughts behind the SOON program was that is was to be
a fully funded program.  Now it is turning into a partially funded
"Carl Moyer Program" and the contractor pays the balance. The
contractor can not continue to bear the cost of added regulations.
 Remove the SOON program from the ARB regulation.
```

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-12-20 12:40:26

No Duplicates.

Comment 7 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 15-1.

First Name: Leah
Last Name: Rivera
Email Address: leahr@protegebuilders.com
Affiliation:

Subject: off-road diesel equip.
Comment:

```
I am very opposed to moving up the compliance dates for small &
medium fleets.  I strongly oppose requiring an additional year of
reporting on the back end for fleets of all sizes!  These changes
going to be very expensive and difficult to comply with.  This
coupled with the the downturn in the construction economy is going
to cripple many business such as mine.
```

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-12-21 09:34:32

No Duplicates.

Comment 8 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 15-1.

First Name: Tara
Last Name: McGovern
Email Address: tmcgovern@euca.com
Affiliation: EUCA

Subject: Industry Comments on In-Use, Off Road Diesel Regulation Modifications
Comment:

```
Attached please find EUCA's comments on behalf of its members and
the industry on the modifications to the In-Use, Off-Road Diesel
Equipment Regulation.
```

Attachment: www.arb.ca.gov/lists/ordiesl07/1144-dec_07_euca_ord_comments.pdf

Original File Name: Dec 07 EUCA ORD Comments.pdf

Date and Time Comment Was Submitted: 2007-12-21 11:34:35

No Duplicates.

Comment 9 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 15-1.

First Name: Christopher
Last Name: Torres
Email Address: ctorres@wescom.org
Affiliation: SCCA

Subject: CARB off road diesel emissions rules
Comment:

```
Most if not all of my clients are contractors with heavy equipment.
These new rules so enforced will send many of my contractors into
early retirement, force them to sell off thier paid for equipment
at a considerable loss and or leave them without the ability to
compete in today's construction environment. It will be
interesting to see how future infrastructure work gets done by
anybody other than the very large construction firms that can
afford to buy new equipment to meet the new standards. You've put
the small to medium size contractor out of business!
```

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-12-21 15:33:50

No Duplicates.

Comment 10 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 15-1.

First Name: Jack
Last Name: Goodby
Email Address: goodbygrading@comcast.net
Affiliation: Goodby Grading Inc

Subject: oppose
Comment:

Clarity and Comprehensibility: The regulation is too complex and lengthy: we do not fully understand it or its effect on our fleet. Before this regulation, we bought equipment based on what we needed to do our work. We will have to hire consultants to tell us what we can and must buy and when we will need to replace, retrofit, or repower what have.
Capital-Intensive Industry: The value of our business is tied up in our fleet of construction equipment. To meet ARB's requirements for newer equipment, we will have sell existing equipment.
Rule Forces Downsizing of Capability: Because newer equipment costs more than our older equipment, ARB's rule will force us to downsize our operations. Downsizing will limit our ability to perform on contracts and require us to take longer on the projects that we win.
Unfair Retroactive Requirements: When we made our purchasing decisions and other investments, we relied on the standards that applied to us at the time. It is unfair to require us to retrofit or replace equipment that was legal when we bought it. ARB should regulate the manufacturers, not consumers.
Cost Pass-Through: For us to win contracts, we cannot simply pass on the costs of equipment purchases to our customers. We have to absorb a significant portion of our own expenses. Increasing our expenses will overwhelm our narrow profit margin.

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-12-21 17:59:06

No Duplicates.

Comment 11 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 15-1.

First Name: Deborah
Last Name: Bermudez
Email Address: prkacinco@aol.com
Affiliation:

Subject: unfair law
Comment:

We are a small family owned company. We have been in business for the last 45 years. If this goes through we will have to quit. If we don't quit will will be forced out because our bid will no longer be competitive. We can not pass on the cost of new equipment. We can not absorb the cost of new equipment and continue to work. There will be no downsizing, the 8 men who work for us will be out of a job. All our equipment is older. When it was bought it was legal.. now it isn't? is that fair?
This will hurt all the small family owned business, who just want to work and provide for the people who for them. Some of them for over 25 years.

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-12-22 08:24:51

No Duplicates.

Comment 12 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 15-1.

First Name: John
Last Name: McClelland
Email Address: john.mcclelland@ararental.org
Affiliation: American Rental Association

Subject: Comments on the Non-Road Mobile Diesel 15-Day Package
Comment:

```
Please find the comments of the American Rental Association
Attached.
```

Attachment: www.arb.ca.gov/lists/ordiesl07/1148-comments_in_use_off_road_15_day_dec_2007_w_cover_lt_doc.pdf

Original File Name: Comments In Use Off Road 15 Day Dec 2007 w Cover lt doc.pdf

Date and Time Comment Was Submitted: 2007-12-24 08:16:43

No Duplicates.

Comment 13 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 15-1.

First Name: G.L.
Last Name: Siciliani
Email Address: sonny@atlas-allied.com
Affiliation: ECA & AGC Member Contractor

Subject: Off Road Diesel Regulations comments
Comment:

The timming of this decesion could not be any worse, since the construction industry is now in a recession. The small amount of work avalable is super compeitive with razor thin profit margins.

These Regulations are:
Unfair Retroactive Requirements: When we made our purchasing decisions and other investments, we relied on the standards that applied to us at the time. It is unfair to require us to retrofit or replace equipment that was legal when we bought it. ARB should regulate the manufacturers, not consumers.

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-12-25 06:56:49

No Duplicates.

Comment 14 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 15-1.

First Name: RON
Last Name: HARDER
Email Address: rlharder@aol.com
Affiliation:

Subject: Proposed Regulation For In-Use Off-Road Diesel Vehicles
Comment:

This regulations is unfair due to the following:

Clarity and Comprehensibility: The regulation is too complex and lengthy: we do not fully understand it or its effect on our fleet. Before this regulation, we bought equipment based on what we needed to do our work. We will have to hire consultants to tell us what we can and must buy and when we will need to replace, retrofit, or repower what have.
Capital-Intensive Industry: The value of our business is tied up in our fleet of construction equipment. To meet ARB's requirements for newer equipment, we will have sell existing equipment.
Rule Forces Downsizing of Capability: Because newer equipment costs more than our older equipment, ARB's rule will force us to downsize our operations. Downsizing will limit our ability to perform on contracts and require us to take longer on the projects that we win.
Unfair Retroactive Requirements: When we made our purchasing decisions and other investments, we relied on the standards that applied to us at the time. It is unfair to require us to retrofit or replace equipment that was legal when we bought it. ARB should regulate the manufacturers, not consumers.
Cost Pass-Through: For us to win contracts, we cannot simply pass on the costs of equipment purchases to our customers. We have to absorb a significant portion of our own expenses. Increasing our expenses will overwhelm our narrow profit margin.

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-12-25 19:15:20

No Duplicates.

Comment 15 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 15-1.

First Name: Warren
Last Name: Schmidt
Email Address: wschmidt@flatironcorp.com
Affiliation: FCI Constructors, Inc. - Equip. Mgr

Subject: Off Road Diesel Rules
Comment:

The measeure(s) you propose are very complex, hard to understand even by your own staff(interpretations differ).
We have strived to start our compliance by selling off nearly all our TIER 0 equipment which we feel we lost 10 -25% of what value we expected at this time and age of the equipment sold (oldest unit 13 years old). At this time with even a downed sized fleet with nearly no TIER 0 engine, we still are not in compliance. We see a time when even the newest equipment that we purchased this year with TIER 3 engines will be obsolete within the next 5 years unable to meet the standards for the fleet. While our company can continue to update, the costs of doing so would have to be passed along to our customers(public works) via higher bid prices. CARB has taken so much time in deciding how to implement rules and standards it has left less time for companies to be able to deal with and plan for the future. The manufactures haven't even developed the technolgy that you are asking for and given dates for complaince.The harmful efects of PM and NOX have been overstated to alarmist degrees. If the PM and NOX have always been so toxic to the people of this state, why have effects only been noticed within the last decade? Why aren't more Californians suffering from respiratory health problems on an epic scale?

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-12-26 07:34:28

No Duplicates.

Comment 16 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 15-1.

First Name: Gordon
Last Name: Downs
Email Address: gldowns_2000@yahoo.com
Affiliation: Downs Equipment Retnals, Inc.

Subject: Effect of CARB Off-Road emissions regulation
Comment:

```
Please see attachment.
```

Attachment: www.arb.ca.gov/lists/ordiesl07/1152-letter_to_carb_12-26-2007.doc

Original File Name: Letter to CARB 12-26-2007.doc

Date and Time Comment Was Submitted: 2007-12-26 11:43:07

No Duplicates.

Comment 17 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 15-1.

First Name: Michael
Last Name: Daley
Email Address: daleylandscape@roadrunner.com
Affiliation:

Subject: Off-road diesel regulations
Comment:

To whom it may concern:
I believe this regulation is flawed. I completely support the positions stated below as reasons for my opposal to this regulation.

Clarity and Comprehensibility: The regulation is too complex and lengthy: we do not fully understand it or its effect on our fleet. Before this regulation, we bought equipment based on what we needed to do our work. We will have to hire consultants to tell us what we can and must buy and when we will need to replace, retrofit, or repower what have.
Capital-Intensive Industry: The value of our business is tied up in our fleet of construction equipment. To meet ARB's requirements for newer equipment, we will have sell existing equipment.
Rule Forces Downsizing of Capability: Because newer equipment costs more than our older equipment, ARB's rule will force us to downsize our operations. Downsizing will limit our ability to perform on contracts and require us to take longer on the projects that we win.
Unfair Retroactive Requirements: When we made our purchasing decisions and other investments, we relied on the standards that applied to us at the time. It is unfair to require us to retrofit or replace equipment that was legal when we bought it. ARB should regulate the manufacturers, not consumers.
Cost Pass-Through: For us to win contracts, we cannot simply pass on the costs of equipment purchases to our customers. We have to absorb a significant portion of our own expenses. Increasing our expenses will overwhelm our narrow profit margin.

Please consider these points when making a decision.
Thank you.

Respectfully,
Michael Daley

President
Daley Landscape Inc
Licensed California Contractor

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-12-26 12:06:38

No Duplicates.

Comment 18 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 15-1.

First Name: Philip
Last Name: Ratcliff
Email Address: skazz999W@hotmail.com
Affiliation:

Subject: Proposed Regulation for In-Use Off-Road Diesel vehicles
Comment:

I urge the board to take a significant step in cleaning California's air. Diesel engine construction equipment is a significant source of air pollution, especially particulate pollution.
The air in the San Joaquin valley, and the ports of Long Beach and Oakland would greatly benefit from reduced diesel engine pollution.

It is apparent that the state must take air regulatory matters into its own hands, now that the federal government has denied California the power to regulate emissions from gasoline engines. The rest of the nation emulates California in such matters. Therefore, it is incumbent upon the Air Resources Board, to take a big precedent-setting step, and to reduce emissions from diesel engine construction equipment. Thank you.

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-12-27 15:26:47

No Duplicates.

Comment 19 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 15-1.

First Name: Chris
Last Name: Kip
Email Address: clkip@sbcglobal.net
Affiliation:

Subject: ORDDIESEL07
Comment:

```
I would like to point out that we all would like new clean
equipment. However, our purchasing power is controled by the
economic conditions we find ourselves in, not by some date set by
regulation. To compound that, the re-sale value of our existing
equipment is going in the toilet partly due to this new
regulation. It will be interesting to see how the effects of this
regulation impact the industry in the comming years.
```

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-12-27 17:34:51

No Duplicates.

Comment 20 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 15-1.

First Name: Chris
Last Name: Torres
Email Address: christorres@fandltrucking.com
Affiliation: Transportation

Subject: OFF ROAD Diesel Vehicles
Comment:

I am concerned about the implementation of the off-road and on-road diesel regulation. The current state of the economy of the California cannot absorb this regulation. We are a transportation and farming company. We do not see where the extra capitol will come from to fund all the updated equipment or the updated engines. ARB's cost figures are 1/3 of industries observation, this fact alone should raise a red flag to the board. Much of our equipment is 10 yrs old or older and is in good working order. Our profit margins include the benifit of the equipment being owned free and clear. With the state being in a 14 billion dollar deficit in funding, there is no clear view of the state being able to help in funding replacement vehicles. Where will the funding come from? This regulation should be implimented over a longer period. The ARB needs to be working with the federal goverment to get a variance on the air regulations.

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-12-28 06:52:32

No Duplicates.

Comment 21 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 15-1.

First Name: john
Last Name: hartfield
Email Address: john@hcdemolition.com
Affiliation: hartfield construction

Subject: construction equipment exhaust
Comment:

```
the exhaust standards should be the same for large medium and
small.  we are a small contractor working in neighbor hoods all
over la and orange counties.  we do in fill work. all of our work
is near schools, homes, hospitals and stores with people outside
breathing our black exhaust.  in think you should have started
with the small contractor first as we are working in backyards, on
school sites very close to the population, not
on freeways or out in the middle of nowhere.  it is about time
that you made the engine companies clean up.  keep up the good
work.
john hartfield
```

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-12-28 09:57:19

No Duplicates.

Comment 22 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 15-1.

First Name: Gary
Last Name: Miles
Email Address: gmiles@albay.com
Affiliation: Albay Construction Co.

Subject: diesel ordinance
Comment:

This regulation will put small companies out of business. The normal process in equipment use is that large (very Large) construction companies or equipment rental companies are the only people in construction that buy new equipment. It is just too expensive for medium or small construction companies to buy new equipment. The equipment is passed down from larger to smaller companies as it gets older and older. As a result, the normal life span for equipment is 20 years, with only small compnies owning the oldest pieces.

If you make new equipment with better engines, it takes at least 10 years to filter down to the small companies and they have to get another 10 years of use out if it. Your regulation has to give more time for older equipment to be cycled out of use and then it should not start counting until there is equipment available with engines that comply.

Also, your definition of a small company is okay for total HP, but is far too low for dollar volume of work. Most general contractors subcontract out most of the dollar volume of work they do in a year. So it may look like we are doing a lot of work that might use equipment, but in reality, a very small portion of our dollar volume requires the use of equipment.

So the real affect of the regulation as written will be that being a small contractor will become impossible. Small contractors are necessary for a functioning economy. There is too much work that is too small to interest large contractors. Please revise the regulation to give small companies a chance to plan and survive.

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-12-28 16:11:00

No Duplicates.

Comment 23 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 15-1.

First Name: Kate
Last Name: Leyden
Email Address: kate@vceonline.com
Affiliation:

Subject: More regulatory administrivia
Comment:

This regulation remains absurdly complex, paperwork intensive and economically depressing to 90% of California construction companies. The clarifications and additional reporting requirements in the Modified Text are testament to its complexity and further assurance that business owners will be cited and fined for overlooking some obscure required paperwork filing.

The business owners who bought diesel equipment believing they could perform a fair days work for a fair days pay will get neither. And California taxpayers will get even less when good construction companies have to sideline their skills.

Contractors are willing to do their fair share but this convoluted regulation is unmanageable.

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-12-28 17:59:55

No Duplicates.

Comment 24 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 15-1.

First Name: DON
Last Name: ZWEIFEL
Email Address: dzweifel@sbcglobal.net
Affiliation: AGC of CA Regulatory & Env. Task Force

Subject: Off-Road Diesel Equipment
Comment:

To Mr. Tom Caquette, Deputy Executive Director

Dear Tom:

Perhaps we ought to look at the big picture... and what might that be? Well it actually has to do with the ramifications of bidding against out-of-state contractors on an equal playing field.

Those primes most likely will not have to conform with these draconian regulations as far as we can ascertain... therefore they will have a leg up on us, i.e., since their out-of-pocket-expenses do not involve compliance we'll be effectively cut out of the picture.... Which as a consequence will no doubt have catastrophic results for California's construction industry.

We should therefore not sit idly by and allow the hammer to fall without contemplating litigation as a potential remedy... if push comes to shove.

In summation let us not fail to consider the potentially detrimental fallout before implementation, Tom.

Thank you and the CARB Board for their consideration in this matter.

Look forward to interfacing with you in the near future.

Don Zweifel
Assoc Ed
Compliance News

P.S.: The USEPA probably needs to sign off on this. Our guess is that they will demur at this juncture....

DZ

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-12-29 10:42:47

No Duplicates.

Comment 25 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 15-1.

First Name: Weldon
Last Name: Birch
Email Address: mwelb@calwestcci.com
Affiliation: CSDA, CMCA

Subject: Off-Road Diesel Regulations
Comment:

I have been a Licensed Contractor in California for over 33 years. I have been in the Concrete Cutting Industry for over 40 years. As an employer, we are a Union Contractor with about 50+ full time Union Employees.

Your regulations as adopted for this type of equipment are way to complicated for us to conform to and will require hiring somone to consult us on what to do and when to do it. That simply is not an option for me.

Our company and many others just like it, big and small alike, have to have certain off-road power units to run our equipoment to do our job. Sometimes those run all day, sometimes only an hour a day and some days not at all, depending on the type work we are scheduled to do. Therefore, our equipment lasts for a number of years before it is ready to be replaced. That holds true to most all off-road equipment because depending on your workload, it may sit for weeks or months at a time, until you have work for it. We have some units that are just backup units to use when we are servicing or repairing one of our line units, that may not work more than a handful of days a year.

We are constantly purchasing new equipment and trucks to upgrade our fleet and equipment and do so on a regular basis. However, we do that knowing what we can afford in payments and try to keep that under control at all time. Your regulations would put much of the equipment that is only 2-5 years old at risk and would force us to turn that over well before it has run its life cycle. That means our monthly equipment & truck payments will go right through the roof because no one can afford to buy these things outright and still stay in business. We finance them over long periods of time to keep the payments in line and to even come close to complying with your specs, many will have to discard fairly new equipment and replace it with new equipment just to stay in business. When equipment sits as much as it works in most cases, that is a costly and possibly disasterous move.

Many companies will not be able to afford it, others won't comply and the fall out will be the loss of high-paying construction jobs at the least. Plus, the revenues generated by the taxes paid by those high-paid construction workers.

As a Union Contractor, we compete at a very high level for our work and against many so-called contractors who don't pay union wages or hire off-street, illegal workers to do their work and take that work away from our Union Employees.

We cannot begin to compete if we have to push our prices any higher because the market just won't allow it, which means Union Workers are going to be laid off. There is no option for us to just raise our prices to offset the costs, so we either take it out of profits if we make any, or simply close our doors. Many will chose to do the latter!

Another problem with this regulation is the impact it will have on construction equipment and truck markets. If your proposed regulation goes through as suggested, those that will comply will have to start selling off good, reliable equipment that will work elsewhere for years. Unfortunately, once you have to sell equipment, the value goes to rock bottom and many will have to salvage or scrap their older equipment because there won't be a market for them anywhere in California. Equipment and trucks that are used but in good shape will flood the market all across the country and drive new Equipment & Truck Dealers out of business. Those who make a living in California selling used trucks and equipment will go away because there won't be any market for it!

Net loss of billions of dollars in sales tax revenue for this State, loss of high-paying jobs and the taxes that go with them as well as sales tax, property tax and business tax for those who choose not to work here anymore. This is going to be Devastating to our economy and the livelyhood of those who work for us and every other company who performs Construction work, especially heavy equipment oriented companies. Engineering, Grading, Bridge, Highway Construction, Demolition, Etc. will really be hit hard because none of the equipment that they use and would have to buy is cheap!

Personally, with trying to keep our fleet of trucks and equipment turned over on a regular basis is difficult enough as it is. Add in double, triple or quadruple payments to try to comply with your timeframe and we are all out of business.

In my 33 years in business, I have never heard the resentment and disguest for those in our California Government over any issue like this one! Business owners, staff employees, field employees, union members, association heads, you name it and they are really upset about this proposed law. Rightly so too, because you are going to cripple the highest paying job market in this state without any regard to the consequences of your actions or the not-proven idiology that what you are going to do is really going to help anything!

Add in the proposed Diesel Truck Regs and you set off still another firestorm from those who provice much needed services for all without any consideration for their well being or the hardships that you are going to create.

Must I remine anyone in State Governement that we have right now a 15 billion budget shorfall this year. What do you think is going to happen when you start adding several billion more loss of revenue to it and take on the responsibliy of unemployment insurance, benefits & heathcare for those who will be affected by this the most?

You are proposing changing the rules of the game after the game has started becuase most of the newer equipment we purchased in the past 3 years, will not be of any value in a very short time

with no market to sell it in either.

I stongly oppose this as it is written as does most everyone I know in construction, equipment and trucking. You need to get together with both the industry and end users to work out something that will not cripple our economy! And, anything that you do work out has to be for future equipment, not existing and there must be a tax credit for local and state taxes too. If not, then for sure you will create an even deeper and more hostile work environment in this state.

One thing that you must remember, you work for us, we don't work for you! You don't pay our wages, we pay yours! You have a job to make the lives of all California Taxpayers better, not worse! You also have an obligation to California Businesses to help create opportunity, not diminish it!

Best regards,
Weldon Birch, Pres.
Cal West Concrete Cutting, Inc.

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2008-01-02 09:10:21

No Duplicates.

Comment 26 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 15-1.

First Name: Guenter
Last Name: Meiburg
Email Address: dynamicprecast@aol.com
Affiliation: California Precast Concrete Association

Subject: New CARB off road diesel proposal
Comment:

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Gentlemen: As Legislative Chair of the California Precast Concrete
Association (CPCA) I usrge you to reconsider this proposed
ordinance.  We do not believe this issue is so serious that
literally Billions of dollars of financial damages should be
inflicted on one of the most vibrant sectors of our economy.
Certainly this could be done through ATTRITION, without forced
sale of old machines and purchace of new ones, many of which cost
well over $100,000 (One Hundred Thousand Dollars)

Please consider this carefully.

Respectfully,

Guenter Meiburg,
Legislative Chairman,
California Precast Concrete Association
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Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2008-01-02 12:09:29

No Duplicates.

Comment 27 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 15-1.

First Name: Joyce
Last Name: Waters
Email Address: wci@willitsonline.com
Affiliation: Waters Construction, Inc.

Subject: Proposed Regulation for In-Use Off-Road Diesel Vehicles
Comment:

• The value of our business is tied up in our fleet of construction equipment. To meet CARB's requirements for newer equipment, we will have to sell existing equipment which, with the new regulation, has lost most of its value.
• The engines we need to purchase to be in ultimate compliance with this rule do not exist in the market today and won't for at least another six years. Due to this, we will be forced to spend hundreds of thousands of dollars to retrofit equipment that in less than ten years we will have to turn around and replace.
• When we made our purchasing decisions and other investments, we relied on the standards that applied to us at the time. It is unfair to require us to retrofit or replace equipment that was legal when we bought it. With this rule CARB, for the first time, is regulating the consumer of equipment rather than the manufacturers. What makes more sense, as with the auto industry, the new equipment should be phased in with the manufacture of said equipment.
• Basically these requirements will put us out of business and our investments, some of which were made with our retirements in mind, will be worthless.

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2008-01-02 13:40:36

No Duplicates.

Comment 28 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 15-1.

First Name: Gary
Last Name: Stowe
Email Address: gary@stowecontracting.com
Affiliation: Stowe Contracting

Subject: ordies107
Comment:

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I must object to the retroactive nature of the new rules. I am a
small company and it takes many years to afford the equip we use.
Piling on new requirements to existing equipment prevents
upgrading to newer equipment. Normal attrition would take care of
many of the upgrades but not if we have to keep upgrading
existing. I might be willing to go along with new rules if
technology existed. The damage to my business vesus the
improvemant in air quality do not equate.
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Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2008-01-02 16:21:54

No Duplicates.

Comment 29 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 15-1.

First Name: James
Last Name: Thomas
Email Address: james.thomas@nabors.com
Affiliation:

Subject: In-Use Off-Road Diesel Comments
Comment:

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Please see the attached letter.
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Attachment: www.arb.ca.gov/lists/ordiesl07/1165-in-use_off-road_diesel_15_day_comment.pdf

Original File Name: In-Use Off-Road Diesel 15 Day Comment.pdf

Date and Time Comment Was Submitted: 2008-01-03 10:48:29

No Duplicates.

Comment 30 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 15-1.

First Name: Ron
Last Name: Nuss
Email Address: ron@nwexc.com
Affiliation: Equipment Manager

Subject: New regulations for off road diesel engines
Comment:

Dear Members of the California Air Resources Board:

Northwest Excavating has helped build our communities infrastructure for over 45 years. We have been a positive influence in our community. We have supplied jobs, benefits and education to our employees. We have also supported our local venders for many years, not to mention taxes to the State of California.

We maintain a clean fleet of on road and off road trucks and equipment. We have a variety of equipment, some new and some older machines. Most of our new machines will not meet the new regulations. When we made our purchases, we relied on the standards that applied to us at that time. It is unfair to require us to retrofit or replace equipment that was legal when we bought it. The cost of purchasing and repowering is in the millions. CARB has suggested that the cost of this regulation will be passed on to our customers. This is unrealistic. Increasing our expenses will overwhelm our already narrow profit margin.

We can only ask that you take another look at the ramifications of these new regulations. Today’s economy and rising fuel cost will make this hard to implement. We want to do our part in cleaning up the environment but we need to do it within a reasonable time line.

We look forward to working with you to find a solution that achieves the state’s air quality goals while keeping California’s economy and business’s moving forward.

Sincerely,

Ron Nuss
Equipment Manager

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2008-01-03 13:22:01

No Duplicates.

Comment 31 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 15-1.

First Name: Tyler
Last Name: Wellman
Email Address: tcw8@pge.com
Affiliation: Pacific Gas & Electric Company

Subject: Off-Road Rule Timetable
Comment:

PG&E would like to recommend that the compliance dates and reporting deadlines be moved up 30 days in order to coincide with the end of the first Quarter of the fiscal year.

Currently, fleets must report on activity from March 1st to March 1st of each year. We recommend a slight modification, so that the reporting period is March 31st to March 31st.

This minor change will line up the regulation with the pre-existing financial cycle of most companies. It will make reporting, planning, and budgeting easier by allowing companies to create a Q1 to Q1 compliance plan.

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2008-01-03 14:40:42

No Duplicates.

Comment 32 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 15-1.

First Name: Ben
Last Name: Kimball
Email Address: ben_kimball@msn.com
Affiliation: BJK Construction, Inc.

Subject: Off-Road Diesel
Comment:

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This law will limit my company's growth in a State already hostile
to business. I've already let half my employees go this year. I'm
cutting out and heading to Canada.
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Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2008-01-03 15:20:16

No Duplicates.

Comment 33 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 15-1.

First Name: Ron
Last Name: Barlet
Email Address: rbarlet@bejac.com
Affiliation:

Subject: Regulation For In-Use Off-Road Diesel Vehicles
Comment:

Dear Members of the California Air Resources Board:

I truly hope that the CARB understands what is happening in our state's construction industry. The private home building sector is in the worst situation it has been in years and will remain so at least for the next 18 months and the commercial sector is about to fall into the same predictament. Public works funds are slow in coming and continue to fall short of what our real infrastructure needs are. High fuel prices, the upcoming state budget deficit, labor costs, the general high cost of doing business in Califnria, etc. are squeezing us. Bottom line, the construction industry is facing some of the toughest times it has ever faced. The flawed off-road diesel regulation will be yet another dagger that will have a profound, negative impact on California’s infrastructure rebuilding efforts, the health of the state’s construction industry and its overall economy.

While all of us want improved air quality, these rules are too complex and complicated, are extremely capital intensive, require the use of technology that does not yet exist, will force the downsizing of companies, penalizes us for recent purchases that were legal, and will pass the burden to customers that have already been strangled by fuel, material and labor cost increases. Thsi is a recipe for setting our industry back for many years to come - more lost jobs, less businesses, lower tax revenue, etc. And unbelievably, with this rule CARB, for the first time, it is retroactively regulating the consumer of equipment rather than the manufacturers - this is totally absurd!

You have heard this before, but I echo our industry's situation here: Bejac Corporation is very supportive of reducing particulate matter (PM) and NOx emissions from diesel engines. There is no disagreement that we need to work collectively to improve the state’s air quality and all of us want to provide as healthy an environment as possible for our employees on our job sites, but we need to make sure we do it in away that keeps the state moving forward and with consideration for both the environment and the economy.

Sincerely,
Bejac Corporation
Ron Barlet
President

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2008-01-03 15:26:06

No Duplicates.

Comment 34 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 15-1.

First Name: Robert
Last Name: Ellis
Email Address: repinc@att.net
Affiliation:

Subject: CARB regs/negs!
Comment:

Again another great idea from lawmakers whose time has not come!

Timing in technology, economic impact on our industry, both today and the future has not been thought out.

The construction industry is a major indicator of economics in California. Does it seem like a good idea to tie its hands while trying to recover.

Helping California means helping its citizens(help themselves)

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2008-01-03 15:31:38

No Duplicates.

Comment 35 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 15-1.

First Name: Shelly
Last Name: Rathbone
Email Address: rellis@dishmail.net
Affiliation: Robert L. Ellis Plumbing, Inc

Subject: CARB
Comment:

Economic issues are currently stressed to the max. Why not give California construction (and its citizens) a fighting chance?

These regs lack a true economic understanding and vision of its impact on the future of California.

Lets not be in such a hurry that we throw out the baby with the bath water!

I want to be clear: Robert L. Ellis Plumbing, Inc is very supportive of reducing particulate matter (PM) and NOx emissions from diesel engines. There is no disagreement that we need to work collectively to improve the state's air quality and all of us want to provide as healthy an environment as possible for our employees on our job sites, but we need to make sure we do it in away that keeps the state moving forward and with consideration for both the environment and the economy.

Sincerely,
Robert L. Ellis

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2008-01-03 15:44:16

No Duplicates.

Comment 36 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 15-1.

First Name: Robert
Last Name: Valentine
Email Address: bvalentine@valentinecorp.com
Affiliation: Valentine Corporation

Subject: Off-Road Diesel Regulations
Comment:

Valentine Corporation is a General Engineering Contractor which has been performing public works infrastructure construction in California since 1964. We have the following comments concerning your proposed off road equipment regulation:

1) The regulations is onerous and burdensome to the constructions industry and will cost us a ton of money in equipment retrofitting and liquidation. This is plainly unfair and punitive -- we purchased our fleet in full compliance with the law at the date of purchase. DO NOT change the rules after the fact unless you (the State)are willing to foot the bill!

2)CARB SHOULD BE REGULATING THE EQUIPMENT MANUFACTURERS AND NOT THE END USERS WHO BOUGHT THEIR EQUIPMENT LEGALLY!!! Standards should be established for new equipment and existing old equipment should be grandfathered in so that it can be used without retrofitting for its useful life. Eventually, all equipment will be compliant as older equipment expires. Regulate the manufacturers and the soon enough california contractors will own and operate compliant equipment. This seems logical, which is something that can not be said of your prosed regulation.

3) Small contractors will be adversely impacted by the proposed regulation -- we rely on used equipment and are the ones who will be likely stuck with the retrofit bills for our older fleets. Why is CARB penalizing small business?

4) We have read your proposed regulation and it is lengthy,and unnecessarily confusing. If you are going to implement a new regulation, please keep it concise and simple. Dumb it down if you have to, but we don't need more confusing technicalties placed upon our business, nor do we think it money well spent to have to hire a consultant to interpret your regulations.

Sincerely,
Robert O. Valentine, P.E.
President

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2008-01-03 16:09:53

No Duplicates.

Comment 37 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 15-1.

First Name: Vince
Last Name: Hughes
Email Address: jackshaftjones@cox.net
Affiliation: Vinco General Contractor

Subject: Bad Idea!
Comment:

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The retroactive refitting of diesel equipment is going to choke out
80% of the dirt contractors in California, causing grave damage to
our states economy. The smart way to implement this is through new
equipment sold. I hope somebody there has enough brains to realize
this.
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Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2008-01-03 18:28:05

No Duplicates.

Comment 38 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 15-1.

First Name: Edward
Last Name: Shaw
Email Address: ed@cookconcreteproducts.com
Affiliation:

Subject: Proposed Regulation for in-use off-road Diesel Vehicles
Comment:

Dear Members of the California Air Resources Board;

The cost of complying with the proposed regulations for in-use off-road Diesel Vehicles will force our Precast Coincrete Plant operation to shut down.

Our plant has 35 to 40 employees that manufacture concrete products for undergound infrastructure such as sewer manholes, drainage inlets and invironmental storm water interceptor/clarifier vaults for street and highway run-off.

The plant is serviced by seven diesel engine forklifts, two diesel loader/backhoes and a diesel boom crane. Due to the competetive nature of our business, we cannot afford new equipment and generally purchase used equipment 3 to 5 years old.

Most of the equiipment is only used a few hours a day during peek periods transporting concrete from the concrete batch plant to product forms or loading trucks late in the afternoon for next day deliveries. Two of our least used forklifts are over 20 years old but work efficiently for this low hour use. We obviously could not afford to purchase new equipment or replacment engines for these applications or for all the rest of our rolling stock. The cost of replacement engines would far exceed the present value of most of our forklifts and other equipment.

The type of precast business we are in is low profit margin and highly competitive. The Boards suggestion that we can pass on this tremendous cost of compliance to our customers is Unrealistic.

PLUS ! !

WE HAVE PRECAST PLANTS IN NEVADA AND OREGON, THAT CAN DELIVER PRECAST PRODUCTS INTO CALIFORNIA, THAT WONT HAVE TO MEET CARB'S NEW REQUIREMENTS AND INCUR THE HIGH COST OF COMPLIANCE. THIS PUTS OUR COMPANY AT A COST DISADVANTAGE THAT WE DO NOT BELIEVE WE CAN OVERCOME.

Some consideration must be given to small operations such as Cook Concrete Products, that will not survive the high cost of complying with the proposed regulations as presently written.

Respectfully submitted;
L. Edward Shaw,
President/Owner
Cook Concrete Products, Inc.
5461 Eastside Road
Redding, CA 96001

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2008-01-03 19:58:45

No Duplicates.

Comment 39 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 15-1.

First Name: Michael
Last Name: Taylor
Email Address: mtaylor@demolitionassociation.com
Affiliation: National Demolition Association

Subject: In-Use Off-Road Diesel Vehicle & Engine Emissions Rule
Comment:

Gentlemen,

The National Demolition Association is the trade organization for the Demolition Industry in the United States and Canada. With over 1,100 member companies representing firms involved in every aspect of the demolition process from structural dismantlement and implosions to facilities decontamination and asset recovery, the members of the National Demolition Association pride themselves on their commitment to environmental stewardship. The Industry generates approximately $6 billion in sales in the two countries and employs over 30,000 people.

The Association has over 140 members in the state of California providing demolition, manufacturing and other services. In addition to being an active participant in the continued growth and renewal of the state, the industry generates considerable amounts of revenue used to fund state, county and municipal programs. Demolition contractors play a major role in the success of California's county recycling program contributing a substantial portion of recyclables to each county's total volume. Our Southern California Chapter represents over 60 companies working in the southern part of the state.

The members of the National Demolition Association pride themselves on their commitment to a clean environment. At the same time it is essential that environment stewardship go hand in hand with the economic realities of the marketplace.

With this in mind the National Demolition Association is deeply concerned about the implementation of the proposed In-Use Off-Road Diesel Vehicles and Engines Pollution Control Devices rules. We believe that the proposed rules will have a significant impact on the economic well-being of the construction economy in California and have real concerns about the feasibility of implementing elements of the proposed enforcement strategy.

The National Demolition Association's major concerns are these:

1) As with any construction subcontracting, the Demolition Industry uses equipment specific to its own needs. Cranes with wrecking balls, clamshell buckets, grapples and other tools are used by many demolition contractors. While large excavators that can be used with a wide array of attachments and extended boom arms are certainly new elements of many demolition fleets, the older reliable cranes still play a major role in the demolition process.

Most of these cranes represent a relatively small portion of a demolition company's fleet, albeit a vital part. Considering the age of these units it seems that compliance with the proposed CARB rules by retrofitting or upgrading would be impractical from a technological and economic point of view. While Tier IV engines will be available on newer excavators, the cost of upgrading the essential specialty equipment like older cranes would be prohibitive for the industry. The impact of bringing these specialty units into compliance would be significant for the small businesses involved with demolition that won't be able to "average" their crane's emissions across a larger fleet in order to be bringing their firms into compliance.

This item is practically important to the Demolition Industry as the crane and wrecking ball are still an important tool that the industry relies on to perform its work. Most of these units, vital to demolition operations, are not easily "repowerable" or would be very difficult to retrofit with a diesel particulate filter considering the environment in which they are used. In demolition situations, you have to consider the impact of failing debris on a piece of equipment and its pollution control devices. CARB should exempt these types of specialty equipment from the proposed rule or characterize them as falling under your "specialty vehicle provisions" as their emissions are likely to relatively low and the economic impact of retrofitting or upgrading this equipment would be too great for the industry to bear.

The Demolition Industry believes that is essential for CARB to understand the conditions in which this specialty equipment is likely to be used, e.g. falling debris and damaged structures in your DPF requirement appeal process.

2) We believe that the economic impact of the proposed rule on the demolition industry and the construction industry in general in California is woefully understated. CARB estimates that the total cost of implementation of the proposed rule will cost in the range of $3 billion dollars. Considering the wide-ranging impact of the proposed regulations on the fleets of the many businesses involved in demolition in California, a considerable number of which are small business entities, this estimate appears incredibly low. Estimates developed by other interested parties predict an impact over five times greater than CARB's estimates.

Considering the sweeping nature of the rules and their impact on fleet management, compliance will have a substantial impact on the ability of demolition companies in California to stay in business, especially those many firms that are small businesses. It is important to remember that demolition is very equipment intensive. Modern demolition operations maintain a diverse fleet of equipment to accomplish their tasks in a timely, economic manner. The entire industry across the United States employs less than 22,000 people that means its success is tied to its ability to utilize a variety of equipment. Any regulation that increases the cost of maintaining and replacing this equipment is going to have a substantial economic on the industry.

3) The National Demolition Association is also concerned about the ability to comply with certain elements of the proposed rule. Beyond the overall impact on fleet management and equipment

replacement, we feel that it may be technologically impossible to even measure, let alone bring equipment into compliance with some of the proposed rule's standards.

In the out-years of the rules' implementation CARB is proposing emission levels from equipment that may not even be measurerable. The industry has real concerns that the levels proposed for certain Tier IV equipment are so low as to be non-detectable and will, therefore, be impossible to measure to assure compliance.

Certainly, new technologies will greatly decrease the emissions from all vehicles in the future and our Associate members who produce the industry's fleets are making great strides to develop equipment that meet the industry's needs with minimal impact on our environment. Realizing this, it is important to develop standards that can be met by the regulated communities. The Demolition Industry has real concerns that some of the proposed requirements will be impossible to accurately measure and comply with.

4) The success of any regulatory effort is always tied to its equity. One of the major concerns that the Demolition Industry has with the CARB proposed rules are how will be it be enforced. Considering the limit resources that the state of California has to manage any enforcement program over such a large geographical area, it appears as if CARB is going to rely, to some extent, on policing by non-traditional methods such as having one's competitors monitor compliance with the law.

While not specifically defined in the proposed rule, depending upon the enforcement of any rule, environmental or otherwise, by using the general public or members of a regulated industry seems somehow "un-American" and not likely to stand the rigors of legal scrutiny. The Demolition Industry understands the compliance requirements that CARB must follow to meet the mandates set by the California legislature. The development of a fair and practical enforcement strategy is essential for compliance to be successful.

While there are a number of other major questions that the Demolition Industry has with the proposed In-Use Off-Road Diesel Vehicles and Engines Pollution Control Devices proposal, these are the major concerns that the industry has right now. We think it prudent for CARB to work with the demolition and construction industry to develop rules that meet the goals set by the California legislature while assuring fairness, practicality and economic viability.

We appreciate the opportunity to present the views of California's demolition contractors to CARB and look forward to working with you to develop rules that help protect the state's public health, environment and economic well-being.

Very truly yours,

Michael R. Taylor, CAE
Executive Director

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2008-01-04 06:54:42

No Duplicates.

Comment 40 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 15-1.

First Name: Toby
Last Name: Hayward
Email Address: Non-web submitted comment
Affiliation:

Subject: TBH, inc.
Comment:

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Please see attached.
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Attachment: www.arb.ca.gov/lists/ordiesl07/1181-carb_letter.pdf

Original File Name: CARB Letter.pdf

Date and Time Comment Was Submitted: 2008-01-07 11:17:07

No Duplicates.

Comment 41 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 15-1.

First Name: T. Peter
Last Name: Ruane
Email Address: Non-web submitted comment
Affiliation:

Subject: ARTBA
Comment:

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Please see attached.
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Attachment: www.arb.ca.gov/lists/ordiesl07/1182-artba_carb_emissions_rule_comments_1.4.08.pdf

Original File Name: ARTBA_CARB_Emissions_Rule_Comments_1.4.08.pdf

Date and Time Comment Was Submitted: 2008-01-07 11:20:12

No Duplicates.

Comment 42 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 15-1.

This comment was posted then deleted because it was unrelated to the Board item or it was a duplicate.

Comment 43 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 15-1.

This comment was posted then deleted because it was unrelated to the Board item or it was a duplicate.

Comment 44 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 15-1.

First Name: Lisa
Last Name: Kunzman
Email Address: Non-web submitted comment
Affiliation:

Subject: Department of Transportation
Comment:

Please see attached.

Attachment: www.arb.ca.gov/lists/ordiesl07/1185-20080104143015389.pdf

Original File Name: 20080104143015389.pdf

Date and Time Comment Was Submitted: 2008-01-07 11:22:40

No Duplicates.

Comment 45 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 15-1.

First Name: Timothy
Last Name: Pohle
Email Address: tpohle@airlines.org
Affiliation: Air Transport Association of America Inc

Subject: ATA's 15-Day Comments re ORD Rule
Comment:

```
Please find attached ATA's comments, with attachments, on the
modifications and materials made available by ARB for 15-day
comment concerning ARB's in-use off-road diesel regulation (ORD
Rule).  These comments were also filed January 4, 2008 by
facsimile.

Thank you.
```

Attachment: www.arb.ca.gov/lists/ordiesl07/1186-ata_15-day_comments_re_ord_rule_with_attachments.zip

Original File Name: ATA 15-day Comments re ORD Rule with Attachments.zip

Date and Time Comment Was Submitted: 2008-01-07 11:25:12

No Duplicates.

Comment 46 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 15-1.

First Name: Don
Last Name: Anair
Email Address: Non-web submitted comment
Affiliation:

Subject: Union of Concerned Scientists
Comment:

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Please see attached.
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Attachment: www.arb.ca.gov/lists/ordiesl07/1187-15-day_comments.pdf

Original File Name: 15-day comments.pdf

Date and Time Comment Was Submitted: 2008-01-07 11:33:03

No Duplicates.

Comment 47 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 15-1.

This comment was posted then deleted because it was unrelated to the Board item or it was a duplicate.

Comment 48 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 15-1.

This comment was posted then deleted because it was unrelated to the Board item or it was a duplicate.

Comment 49 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 15-1.

First Name: Mike
Last Name: Shaw
Email Address: Non-web submitted comment
Affiliation:

Subject: Perry and Shaw Inc
Comment:

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Please see attached.
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Attachment: www.arb.ca.gov/lists/ordiesl07/1190-arb_comment_letter_jan_2008.pdf

Original File Name: ARB Comment Letter Jan 2008.pdf

Date and Time Comment Was Submitted: 2008-01-07 11:35:41

No Duplicates.

Comment 50 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 15-1.

First Name: robert
Last Name: cartier
Email Address: bob@erm959.com
Affiliation: CIMA

Subject: off road engine emissions
Comment:

```
Please
   We need a common sense approach to legislation.
   We need more clarity of the pending legislation.
   How do we address this legislation when it requires
   engine specifications that are not available.
   Since legislation is attempting to force technology
   that is not currently available do you wish us to use
   third world techniques. Hand-held picks and shovels !!?
   I do believe that Californias'Legislature has more
   common sense, but I also understand it is the Federal
   government that is mandating unfair and ridiculous conditions
   Therefore, I expect our state to stand-up and be heard !
   California is a leader in technology and innovation and when
   it becomes available we will have it first!!
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Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2008-01-07 14:34:30

No Duplicates.

Comment 51 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 15-1.

First Name: Adam
Last Name: Harper
Email Address: AHarper@calcima.org
Affiliation:

Subject: 15 day comments on ORD
Comment:

See attached

Attachment: www.arb.ca.gov/lists/ordiesl07/1192-calcimaord15daycomments.pdf

Original File Name: CalCIMAORD15daycomments.pdf

Date and Time Comment Was Submitted: 2008-01-07 16:26:11

No Duplicates.

Comment 52 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 15-1.

First Name: Nicholas
Last Name: Pinette
Email Address: nicholas@offshorekayak.com
Affiliation:

Subject: off road diesel equipment
Comment:

People,

I fully appreciate the efforts of the State of California to improve air quality, especially in those areas where pollution tends to concentrate. Requiring smog control devices on automobiles with gas engines was a positive move that set the standard for the entire country. Diesel engines have long been exempt for all the wrong reasons. Diesel engines should also have clean air engineering from cradle to grave and I support legislation that will make it so. I do not, however, support diesel engine retrofit requirements that adversely effect small business. These requirements end up being draconian and are designed to force older equipment out of use. I especially find the proposed off road diesel requirements far too broad and a significant hardship for small farmers, contractors and business people. After too many years letting the manufactures get by without significant compliance, the State is now picking on the small man because it thinks it can.

Just as the smog control regulations exempt older cars, the diesel regulation rules should take into consideration the difficulties of compliance for owners of older equipment. The rules, as proposed, would force the retirement of many pieces of equipment that get limited use, but otherwise are extremely important for their owners when they are needed. The fact of the matter is, that most any machine eventually it breaks down, and the economics of the situation leaves it rusting in the field or dragged off to the metal scrapper. Old tractors and equipment are just too expensive to repair and their age often does not justify the costs. Businesses and farmers who use diesel equipment every day, renew their equipment for the associated dependability, improved performance and comfort the new units offer. The used equipment market is for those who can’t afford the new technology and can get by with the limited service of an older machine. Businesses that put a lot of hours on their equipment, typically run newer machines because they cannot afford the down time associated with older units.

Granted, the air quality in metropolitan areas and parts of the central valley cannot bear the added pollution from any source, let alone diesel equipment. In other rural areas of California, there is no need to require any measures. In areas where the pollution levels are significant, I believe there is a limit to how far government should go and who should be impacted. Criminalizing activity that is necessary to continue to operate a small farm or business enterprise profitably is counter

productive, if not onerous. Costly retrofits, the design of which is intended to retire older equipment would make for extreme hardship for those already challenged to make a living in this economy.

If the technology existed for a simple bolt-on tailpipe solution similar to a spark arrestor or muffler, there might be a way for some to comply, but requiring a complex and expensive retrofit to equipment that has little resale value is ridiculous and leaves small operators with no choice except to become scofflaws. Before any punitive regulations are put into place, other measures should be promoted. Perhaps making biodiesel more readily available and requiring its use on older equipment would be another option. But in the end, the improvements in technology should be required at the manufacture of equipment, whether it is a lawn mower or a back hoe. The older equipment will fall out of use as time goes by.

-Nicholas Pinette
454 McAuley Street
Oakland, Calif. 94609

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2008-01-07 18:55:35

No Duplicates.

Comment 53 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 15-1.

First Name: steven
Last Name: chain
Email Address: chainenterprises@sbcglobal.net
Affiliation:

Subject: New Off Road CARB regs
Comment:

```
Chain Enterprises is concerned the Off Road Regs recently passed do
not factor in the ability of private industry to absorb the cost of
compliance. It also appears questionable if the cost of compliance
can be passed on to the public or what impacts those costs will
have. Please reconsider the phasing and degree of compliance
required over time.

Sincerely,

Steven Chain
Chain Enterprises Inc.
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Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2008-01-07 18:57:57

No Duplicates.

Comment 54 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 15-1.

First Name: Larry
Last Name: Murakami
Email Address: Lmurakami@aol.com
Affiliation:

Subject: CARB Off-road diesel regulation
Comment:

Dear Members of the CARB Board,

The regulations that you passed in 2007 are unfair to the construction industry. As a small business owner who maintains a small fleet of equipment, I will be forced to downsize or liquidate my entire fleet. Most of my equipment is five to ten years old, and even my newest pieces will need to be retrofitted. It would be unrealistic to consider raising rates enough to cover our replacement costs, any more that to raise rates when we purchase new equipment...it just doesn't happen.

As a lifelong resident of Los Angeles, I can appreciate the advances that have taken place in our air quality. I also worked in the automobile industry during the 60's and 70's and know that very little retrofitting was preformed, most advances were established through attrition and replacement. I am aware that heavy equipment and trucks last longer than typical automobiles...but it seems we are being penalized for the lack of initiative of the construction equipment industry and those regulating the industry. Auto emissions were in the spotlight 40 years ago, that surely would be enough time to phase in new technology to the construction industry.

One piece of equipment I own is a excavator mounted drill rig. This rig only runs about 200 hours per year, and costs several hundred thousand dollars to replace...yet I would be forced to replace or repower, according to your regulations.

It seems to be an unfair advantage, that we the endusers will have to pay consultants to help us navigate our way through tese regulations. The standing joke in my circle of contractors is: When are you going to retire? (this is in referece to the implementation of these regulations). Except this is not a joke, it will put many of us out of business...either by choice or economic hardship.

Please consider alternative phasing programs to help us help you clean the environment.

Regards,
Larry Murakami

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2008-01-07 23:34:13

No Duplicates.

Comment 55 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 15-1.

First Name: Nick
Last Name: Pfeifer
Email Address: Nicholas.Pfeifer@gcinc.com
Affiliation:

Subject: In-Use Offroad Diesel Rule Comments
Comment:

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Comment Letter Attached
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Attachment: www.arb.ca.gov/lists/ordiesl07/1196-jan07_granite_comments.pdf

Original File Name: Jan07_Granite Comments.pdf

Date and Time Comment Was Submitted: 2008-01-08 09:13:35

No Duplicates.

Comment 56 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 15-1.

First Name: Spencer
Last Name: Carruthers
Email Address: mahahs@psln.com
Affiliation: The Garden Shop at Blairsden, Inc.

Subject: Off-Road Diesel Regulation
Comment:

The California Air Resources Board has adopted a flawed off road diesel regulation that will have profound, negative impacton my business in California. Under it's current guidelines it will impede my ability to continue to provide services in California. I support the reduction of of particulate matter and NOx emmissions from diesel engines. However We need to to do it an a mannner that will improve my ability to provide service in California.

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2008-01-08 10:11:45

No Duplicates.

Comment 57 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 15-1.

First Name: Scott
Last Name: German
Email Address: scottg@inreach.com
Affiliation: PC Exploration, Inc.

Subject: Off Road Construction Equipment
Comment:

```
The regulations your are proposing will adversly impact our ability
to provide drilling servies thrighout Caliofnria.  The Board's
position that the additional costs can be passed through is at
best erroneous.  If you think that this is a real solution, then
the regulation should require all State construction projects to
include a 15% increase for air regulation requirements.
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Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2008-01-08 12:03:42

No Duplicates.

Comment 58 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 15-1.

First Name: Ron
Last Name: Harder
Email Address: rlharder@aol.com
Affiliation: APA

Subject: off-road diesel regulation
Comment:

Dear Members of the California Air Resources Board:

The California Air Resources Board (CARB) adopted a flawed off-road diesel regulation this summer that will have a profound, negative impact on California's infrastructure rebuilding efforts, the health of the state's construction industry and its overall economy.

Construction contractors and workers want these regulations to work for everyone, however this rule lacks clarity, does not take into account the availability of capital in the industry or the advancement of engine technology, will result in a downsizing of construction firms and loss of construction jobs, contains unfair retroactive requirements and does not accurately reflect the economics of our business. More specifically, this regulation is flawed for the following reasons:
Clarity and Comprehensibility: The regulation is too complex and lengthy: we do not fully understand it or its effect on our fleet. Before this regulation, we bought equipment based on what we needed to do our work. We will have to hire consultants to tell us what we can and must buy and when we will need to replace, retrofit, or repower what have.
Capital-Intensive Industry: The value of our business is tied up in our fleet of construction equipment. To meet CARB's requirements for newer equipment, we will have sell existing equipment. This is like a retailer being forced to sell its building a buy a new one.
Availability of Technology: The engines we need to purchase to be in ultimate compliance with this rule do not exist in the market today and won't for at least another six years. Due to this, we will be forced to spend tens of thousands of dollars to retrofit equipment that in less than ten years we will have to turn around an replace.
Rule Forces Downsizing of Capability: Because newer equipment costs more than our older equipment, CARB's rule will force us to downsize our operations. Downsizing will limit our ability to perform on contracts and require us to take longer on the projects that we win. This means the more than $42 billion in infrastructure bonds to rebuild California passed in 2006 will build fewer schools, houses and roads.
Unfair Retroactive Requirements: When we made our purchasing decisions and other investments, we relied on the standards that applied to us at the time. It is unfair to require us to retrofit or replace equipment that was legal when we bought it. With this rule CARB, for the first time, is regulating the consumer of equipment rather than the manufacturers.

Cost Pass-Through: CARB has suggested that the cost of this regulation will be passed on to our customers. This is unrealistic. For us to win contracts, we cannot simply pass on the costs of equipment purchases to our customers. We have to absorb a significant portion of our own expenses. Increasing our expenses will overwhelm our already narrow profit margin.
I want to be clear: (organization/company name) is very supportive of reducing particulate matter (PM) and NOx emissions from diesel engines. There is no disagreement that we need to work collectively to improve the state's air quality and all of us want to provide as healthy an environment as possible for our employees on our job sites, but we need to make sure we do it in away that keeps the state moving forward and with consideration for both the environment and the economy.

Sincerely,
Ron L. Harder

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2008-01-08 13:01:27

No Duplicates.

Comment 59 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 15-1.

First Name: Erbie
Last Name: Daw Jr.
Email Address: eddamar@sbcglobal.net
Affiliation:

Subject: OFF ROAD DIESEL REGULATION
Comment:

Dear Members of the California Air Resources Board:

The California Air Resources Board (CARB) adopted a flawed off-road diesel regulation this summer that will have a profound, negative impact on California's infrastructure rebuilding efforts, the health of the state's construction industry and its overall economy.

Construction contractors and workers want these regulations to work for everyone, however this rule lacks clarity, does not take into account the availability of capital in the industry or the advancement of engine technology, will result in a downsizing of construction firms and loss of construction jobs, contains unfair retroactive requirements and does not accurately reflect the economics of our business. More specifically, this regulation is flawed for the following reasons:

Clarity and Comprehensibility: The regulation is too complex and lengthy: we do not fully understand it or its effect on our fleet. Before this regulation, we bought equipment based on what we needed to do our work. We will have to hire consultants to tell us what we can and must buy and when we will need to replace, retrofit, or repower what have.

Capital-Intensive Industry: The value of our business is tied up in our fleet of construction equipment. To meet CARB's requirements for newer equipment, we will have to sell existing equipment. This is like a retailer being forced to sell its building and buy a new one.

If this law is passed I estimate the size of my company will be reduced by 70%. This will create a loss of jobs and reduce my bonding capacity in the process which in turn limits the jobs I am able to bid on. The snow ball effect could possibly put me out of business.

Example of the way this has worked for me so far: A few years back I purchased (4) four 637 scrapers for $60,000 each a total of $240,000 dollars. I created 4 jobs in the process with earnings between 50 to 70 thousand dollars each. Due to the possibility of this law going in effect I sold (2) two of these machines and figured to up grade the other (2) two machines.

The first machine I received a grant for $150,000 to replace (2) two engines that was in the machine. The total cost ended up being $350,000 to rebuild a machine I payed $60,000 for. The

hourly rate for this machine stays the same as the second 637 that I decided not to upgrade, it's just not cost effective. I can not sell this machine out of Ventura County which strategically reduces its value. If I sold this machine today I would be lucky to get $100,000 for it.

So just to recap I went from 4 machines to 2 machines soon to be down to one machine, 2 jobs lost at $50,000 each. $200,000 out of my pocket with no way to recover before the law changes again.

THIS LAW IS TOTAL MADNESS.

Erbie Daw Jr.

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2008-01-08 13:28:24

No Duplicates.

Comment 60 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 15-1.

First Name: Weldon
Last Name: Birch
Email Address: mwelb@calwestcci.com
Affiliation: CMCA, CSDA,

Subject: Off-Road Emissions Standards
Comment:

Per my previous letter regarding this Standard and its implemation, this is simply too hard to determine how you are going to comply with it and who is going to do anything at all?

Off road equipment is being targeted for no apparent reason as far as most of us are concerned because it is an easy target for addtional revenues, whether it be fees or fines. With the weather we are experiencing now, most all of this type of equipment is sitting, not working! As are the men who operate it and the Contractors who own it. If you implement this law as written and backdate compliance standards to include older equipment, many of thos now working today will not be working in the future! Plus, because this equipment sits for many months out of the year because of weather conditions, it runs overtime during the dry time of year to catch up. You are penalizing those who have to work and live with that type of schedule and cannot do anything about it at all!

Also, to make equipment meet those standards retroactively, you are forcing those of us who plan long term on purchasing equipment with long lift expectations to not do that because of the standards that are being changed after the fact! One reason that our equipment does last for a long period is because it doesn't run every day of every week. Just like now, some will sit out the winter before firing up again next spring or summer.

All of us want cleaner air but you are targeting and will affect the highest average wage earners in California and also kill sales of new, big ticket construction equipment tools in this State. That too will have far-reaching repercussions as it trickles down to New & Used Equipment Dealers, Truck Dealers and all those directly affected by loss of those jobs in the private sector. Not to mention, the lost sales & property tax revenues, to go along with lost Income Taxes! Add in a 14 Billion dollar deficit in your State Budget and I can't see why you would want to risk losing even more revenue and jobs?

This plan will simply not work the way you think it will and for most of us who will be hit hardest by this you can count on layoffs and reducttion in our work force. It will create a totally unbalanced playing field for our Union Workers trying to compete with those companies who will simply not comply with your regulations! Most of our Union workers, and that excees 60 most all year long, will be affected and they VOTE!

Hopefully you will revisit this with a new and better solution to

what most of us don't really see as a problem in this State. There are plenty of other issues you need to tackle before you start implementing job killing regulations like these.

Respectfully,
Weldon Birch, Pres. & CEO
Cal West Concrete Cutting, Inc.

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2008-01-08 15:14:32

No Duplicates.

Comment 61 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 15-1.

First Name: Claude
Last Name: Fiske
Email Address: Non-web submitted comment
Affiliation:

Subject: CIAQC Comment
Comment:

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Please see attached.
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Attachment: www.arb.ca.gov/lists/ordiesl07/1202-1184-doc1.pdf

Original File Name: 1184-doc1.pdf

Date and Time Comment Was Submitted: 2008-01-08 15:32:00

No Duplicates.

Comment 62 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 15-1.

First Name: Gary
Last Name: Rohman
Email Address: Non-web submitted comment
Affiliation:

Subject: ECCO Equipment Corporation
Comment:

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Please see attached.
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Attachment: www.arb.ca.gov/lists/ordiesl07/1203-1183-letter_for_15-day_comment_period.pdf

Original File Name: 1183-letter_for_15-day_comment_period.pdf

Date and Time Comment Was Submitted: 2008-01-08 15:32:49

No Duplicates.

Comment 63 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 15-1.

First Name: Michael
Last Name: Lewis
Email Address: mike@lewisandco.net
Affiliation: CIAQC & CBCC

Subject: 15-Day Comments on In-Use Off-Road Diesel Vehicle Regulation
Comment:

```
Please find attached the comments prepared and submitted by the
Construction Industry Air Quality Coalition (CIAQC) and the
Coalition to Build A Cleaner California (CBCC) on the proposed
In-Use Off-Road Diesel Equipment Regulation dated January 7, 2008.
```

Attachment: www.arb.ca.gov/lists/ordiesl07/1204-ciaqc___cbcc_15-day_comments_on_final_ord_regulation_1-07-08.pdf

Original File Name: CIAQC & CBCC 15-Day Comments on Final ORD Regulation 1-07-08.pdf

Date and Time Comment Was Submitted: 2008-01-08 15:40:23

No Duplicates.

Comment 64 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 15-1.

First Name: Bob
Last Name: Engel
Email Address: rrengel@yahoo.com
Affiliation:

Subject: Offroad diesel rules
Comment:

Dear Members of the California Air Resources Board:

The California Air Resources Board (CARB) has adopted a damaging and ill advised off-road diesel regulation this summer. Engel & Gray Inc. is a 62 year old company founded in 1946. Never before have we seen a regulatory agency that has taken our new worth and capital that we have worked hard at for so many years only to have it wiped out with the stroke of bureaucratic pens. The hardship that you will impose on our employees and families will be felt for years as dollars are redirected from salaries and health benefits to pay for limited clean air results.

As a second generation construction and recycling operator in California these regulations will effect everyone in the state but most importantly hard working class families. Some of the effects will be:

1. A profound, negative impact on California's infrastructure rebuilding efforts, as cost soar to pay the cost of the new technologies.

2. The reduced benefits to working class families as the health insurance payments are diverted to pay for new equipment. Pension contributions are shorted, Vision coverage is abandoned as cost are diverted.

3. Loss of jobs as construction companies, especially the smaller ones are forced out of business for the lack of capital that it will take to meet you requirements.

Business, construction contractors and workers want these regulations to work for everyone, however this rule lacks clarity, does not take into account the availability of capital in the industry or the advancement of engine technology. A few examples are:

1. The rule does not take into account fuel throughput of a particular piece of equipment. In cleaner language if you do not run a piece of equipment it does not pollute! So if you have three pieces of equipment and they run 25-30% of the time they are treated the same as a piece of equipment that runs 2000 hours a year.

2. Now take the capital cost to replace the three pieces of equipment and you are out of business. Or lets just buy one and truck it from job to job. What is the air impact for the increased transportation.

3. The regulation is too complex and lengthy: we are having a hard time understanding it and its effect on our fleet. Before this regulation, we bought equipment based on what we needed to do our work. We will have to hire consultants to tell us what we can and must buy and when we will need to replace, retrofit, or repower what we have.

4. Capital-Intensive Industry: The value of our business is tied up in our fleet of construction equipment. To meet CARB's requirements for newer equipment, we will have sell existing equipment. But you have lowered the value of this equipment so we can not sell it. This is like a retailer being forced to sell its inventory or food but the food has been declared contaminated

5. Because newer equipment costs significantly greater than our older equipment, CARB's rule will force us to downsize our operations, and limit our ability to perform on contracts.

6. When we made our purchasing decisions and other investments, we relied on the standards that applied to us at the time. It is unfair to require us to retrofit or replace equipment that was legal when we bought it. With this rule CARB, for the first time, is regulating the consumer of equipment rather than the manufacturers.

7. CARB has suggested that the cost of this regulation will be passed on to our customers. This is unrealistic. Small contractors will be forced out by larger well capitalized firms.

8. We are in the recycling business where we recycle organic material and this rule will restrict us from expanding our recycling efforts, which will increase land filling and greenhouse gases.

I want to be clear Engel & Gray Inc. is very supportive of reducing particulate matter (PM) and NOx emissions from diesel engines. There is no disagreement that we need to work collectively to improve the state's air quality and all of us want to provide as healthy an environment as possible for our employees on our job sites, but we need to make sure we do it in away that keeps the state moving forward and with consideration for both the Environment, Jobs and the Economy.

Sincerely,

Robert Engel
Engel & Gray Inc.
Since 1946
P.O. Box 5020
Santa Maria, Ca., 93456

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2008-01-08 15:41:55

No Duplicates.

Comment 65 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 15-1.

First Name: William
Last Name: Davis
Email Address: Non-web submitted comment
Affiliation:

Subject: Southern California Contractors Association, Inc.
Comment:

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Please see attached.
```

Attachment: www.arb.ca.gov/lists/ordiesl07/1206-ordiesl07com0001.pdf

Original File Name: ordiesl07com0001.pdf

Date and Time Comment Was Submitted: 2008-01-08 16:06:58

No Duplicates.

Comment 66 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 15-1.

First Name: Robert
Last Name: Dorazio
Email Address: Non-web submitted comment
Affiliation:

Subject: Comments pertaining to the IN USE OFFROAD Diesel Vehicles proposed regulation
Comment:

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Please see attached.
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Attachment: www.arb.ca.gov/lists/ordiesl07/1207-ordiesl07com0002.pdf

Original File Name: ordiesl07com0002.pdf

Date and Time Comment Was Submitted: 2008-01-08 16:09:12

No Duplicates.

Comment 67 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 15-1.

First Name: Michael
Last Name: Lewis
Email Address: mike@lewisandco.net
Affiliation: CIAQC

Subject: Public Hearing to Consider Proposed Regulation for In-Use Off-Road Diesel Vehicles
Comment:

```
On behalf of the Construction Industry Air Quality Coalition
(CIAQC) please find attached a request respectfully asking for
further Board consideration and a public hearing for the proposed
In-Use Off-Road Diesel Vehicle regulation for the reasons found in
our letter.
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Attachment: www.arb.ca.gov/lists/ordiesl07/1208-ciaqc_letter_to_carb_for_public_hearing_1-08-08.pdf

Original File Name: CIAQC Letter to CARB for Public Hearing 1-08-08.pdf

Date and Time Comment Was Submitted: 2008-01-08 16:10:39

No Duplicates.

Comment 68 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 15-1.

First Name: Gregg
Last Name: Albright
Email Address: Non-web submitted comment
Affiliation:

Subject: Department of Transporation
Comment:

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Please see attached.
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Attachment: www.arb.ca.gov/lists/ordiesl07/1209-ordiesl07com0003.pdf

Original File Name: ordiesl07com0003.pdf

Date and Time Comment Was Submitted: 2008-01-08 16:10:51

No Duplicates.

Comment 69 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 15-1.

First Name: Robert
Last Name: Lewis
Email Address: Non-web submitted comment
Affiliation:

Subject: Coastal Earthmovers, Inc
Comment:

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Please see attached.
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Attachment: www.arb.ca.gov/lists/ordiesl07/1210-ordiesl07com0004.pdf

Original File Name: ordiesl07com0004.pdf

Date and Time Comment Was Submitted: 2008-01-08 16:12:19

No Duplicates.

Comment 70 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 15-1.

First Name: Thomas
Last Name: Hauenstein
Email Address: Non-web submitted comment
Affiliation:

Subject: Coastal Earthmovers, Inc
Comment:

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Please see attached.
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Attachment: www.arb.ca.gov/lists/ordiesl07/1211-ordiesl07com0005.pdf

Original File Name: ordiesl07com0005.pdf

Date and Time Comment Was Submitted: 2008-01-08 16:12:59

No Duplicates.

Comment 71 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 15-1.

First Name: John
Last Name: McCarthy
Email Address: Non-web submitted comment
Affiliation:

Subject: Coastal Earthmovers, Inc- Employee Signatures
Comment:

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Please see attached.
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Attachment: www.arb.ca.gov/lists/ordiesl07/1212-ordiesl07com0006.pdf

Original File Name: ordiesl07com0006.pdf

Date and Time Comment Was Submitted: 2008-01-08 16:13:52

No Duplicates.

Comment 72 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 15-1.

First Name: Lawrence
Last Name: Joseph
Email Address: ljoseph@larryjoseph.com
Affiliation:

Subject: Comments of Associated General Contractors of America
Comment:

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Attached please find the supplemental comments of the Assocated
General Contractors of America.
```

Attachment: www.arb.ca.gov/lists/ordiesl07/1213-agc_supplemental_comments.pdf

Original File Name: AGC supplemental comments.pdf

Date and Time Comment Was Submitted: 2008-01-08 16:17:06

No Duplicates.

Comment 73 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 15-1.

First Name: Ed
Last Name: Walker
Email Address: robinson110@sbcglobal.net
Affiliation: Robinson Enterprises, Inc.

Subject: ARB Regulations
Comment:

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Please see attached letter and photos.
```

Attachment: www.arb.ca.gov/lists/ordiesl07/1214-arb12-2007.zip

Original File Name: ARB12-2007.zip

Date and Time Comment Was Submitted: 2008-01-08 16:18:05

No Duplicates.

Comment 74 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 15-1.

First Name: Freddie
Last Name: Willert
Email Address: freddie@fjwillert.com
Affiliation: Vice President

Subject: Proposed Off Road Diesel Regulations
Comment:

My Father started with just one truck in 1969, and over the next 38 yearss with all the ups & downs of the construction industry, he finally was starting to se the fruits of a successful grading business, with over 150 employees and 100 pieces of equipment ranging from 25HP to 500HP.(90%0 TIER "O")

After going through his first recession in 1983 he decided the best way to stay competetive was to own oder equipment. That way when times got tight he wouldn't have the high payments of newer equipment. This business philosophy worked excellent & when the economy slowed in 1993 we witnessed several of our competetors fall by the wayside with the overlwhelming equipment payments & no work to make them.

A few years of slow work & some very run down equipment later the economy was on the rebound and FJW was able to survive while others were not so fortunate. My Fathers business philosophy had worked again.

As we went into the mid to late 90's business was really picking up and FJW Quadrupled in size to where we currently are, our company added pretty much all TIER "O" equipment sticking with our proven business approach, Reasonably priced equipment that is well maintained, you can afford lots of parts when times are busy, but when it slows down you don't have the big paymnets!

Now it is 2006 FJW is still very busy, we have millions of dollars of equity in our equipment, because the prices of used equipment had actually risen in the last decade due to the higher steel prices and still striving economy.

2007 rolls around the economy is slowing, the word starts to get around about the up coming C.A.R.B. regulations, our equipment starts to drop dramatically in value our 38 year old business plan is deemed "STUPID" by a C.A.R.B. staff member at one of the workshops, and no one wants to listen to any common sense from the contractors.

If P.M. & NOX are so hazardous why over the last 38 years have we not seen a more prolific Asthmatic conditions. I personally was born with Asthma, and I have been around TIER "O" equipment since I could crawl, yet I have outgrown my Asthma. Lets call a spade a spade here, don't go looking to blame an entire industry on something that has existed dince before our equipment was even around!

We have had Four unfortuntate deaths at our company since we have been in business. The cause of all Four deaths were Heart Attacks!!!

Our company is doing 50% of the volume of business compared to last year at this time, due to the slowing economy, This rule as it is currently drafted will have a significant impact on our company, but more so on our loyal employees. FJW will be forced to

sell off equipmentat a major loss, purchase newer equipment, Pay $4 a gallon for Diesel, all while having less work to bid. Sounds like a recipe for disaster!!! Maybe C.A.R.B. should run our business's since they ahve it all figured out!!!

Please give us more time, more flexiblity, and help with the costs in more ways, or give tax credits.

Government should not be able to force thousands of people out of business.

Sincerely,

Freddie Willert

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2008-01-08 16:22:13

No Duplicates.

Comment 75 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 15-1.

First Name: Richard
Last Name: Teebay
Email Address: rteebay@dpw.lacounty.gov
Affiliation: Los Angeles Co. Dept. of Public Works

Subject: COMMENTS REGARDING OFF-ROAD REGULATION
Comment:

See attached.

Attachment: www.arb.ca.gov/lists/ordiesl07/1216-comments_on_off-road_eqpt_regulation.doc

Original File Name: Comments on Off-Road Eqpt Regulation.doc

Date and Time Comment Was Submitted: 2008-01-08 16:35:37

No Duplicates.

Comment 76 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 15-1.

First Name: Kendal
Last Name: Leslie
Email Address: kheroyro@arb.ca.gov
Affiliation: Coastal Earthmovers Inc.

Subject: Implementation of the In-Use Off-Road Diesel Vehicle/Equipment
Comment:

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see attached
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Attachment: www.arb.ca.gov/lists/ordiesl07/1217-commentleslie.doc

Original File Name: CommentLeslie.doc

Date and Time Comment Was Submitted: 2008-01-08 16:40:48

No Duplicates.

Comment 77 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 15-1.

First Name: Steve
Last Name: Sievert
Email Address: kheroyro@arb.ca.gov
Affiliation:

Subject: comment
Comment:

see attached

Attachment: www.arb.ca.gov/lists/ordiesl07/1218-commentsievert.doc

Original File Name: CommentSievert.doc

Date and Time Comment Was Submitted: 2008-01-08 16:41:37

No Duplicates.

Comment 78 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 15-1.

First Name: Matt
Last Name: Hyland
Email Address: kheroyro@arb.ca.gov
Affiliation:

Subject: New Off-road Diesel Regulations
Comment:

see attached

Attachment: www.arb.ca.gov/lists/ordiesl07/1219-commenthyland.doc

Original File Name: CommentHyland.doc

Date and Time Comment Was Submitted: 2008-01-08 16:42:11

No Duplicates.

Comment 1 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 15-2.

First Name: Weldon
Last Name: Birch
Email Address: mwelb@calwestcci.com
Affiliation: CSDA, CMCA, EUCA

Subject: Off Road Equipment Diesel Regulations
Comment:

I received your notice regarding the additional 15 day notice for public comment about the proposed regulation. I went through the entire 65 pages and then took 4 aspirin to get rid of the headache! These rules are so complicated that no one will go along with this because it is almost impossible to understand. These were not written by someone at CARB and no one in the private sector is going to be able to negotiate through all of this without hiring outside help!

There in itself is your first point of failure! You have written requirements that will take a genius to interpret so that means most will not comply! As it stands, you are still targeting the highest wage earners in this State and those most affected by the regulations will be most affected by the loss of jobs. The tricle down effect will be felt all all levels with the decline in sales of new equipment, the loss of tax revenues for same, the loss of construciton jobs and the loss of tax revenue from same and lastly, the high cost of complying will force many jobs to go underground, done by fly-by-night contractors who hire illegals to do their work!

I just recently came back from a week at the World of Concrete Show in Las Vegas. The main topic of discussion with almost every equipment manufacturer or dealer there was this regulation and how it was going to hurt or put them out of business. Many of the manufacturers are simply not going to sell equipment in California and your used equipment will become worthless on the resale market! In other words, you are going to put those dealers, their sales staff, mechanics & truck drivers out of work. In turn, you will lose sale tax revenue abound, un-secured property taxes for new equipment that won't be purchased and have to deal with growing unemployment in the construciton field! Not a very pretty picture for those who work for a State Government that is 14 billion dollars in the red this year and will be for the forseeable future!

You need to get away from making retro-active requirements on used equipment and focus on what we can do with the new technology coming out, not crucify what was acceptable just a few years or months ago. Working to improve the quality of emission standards over the next 15 years in new equipoment will go a long way in cleaning up our already, very clean air!

That will also preserve the jobs and tax base that you so badly need. If you go ahead with this as planned, you can kiss those jobs goodby and probably many State level jobs too because you

won't be able to pay for them.

As a contractor with 32 years of business building experience and with 70 employees, I cannot afford to reconstruct our equipment and trucks to meet your standards without accruing enormous debt. So if they are inacted as you propose them, I will just start shutting down our company and let those jobs and quipment just go away. I cannot afford to stay in business just to work to pay for senseless over-regulation!

Weldon Birch, Pres.

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2008-02-11 14:30:06

No Duplicates.

Comment 2 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 15-2.

First Name: Mike
Last Name: Shaw
Email Address: mshaw@perry-shaw.com
Affiliation:

Subject: SOON Program Comments
Comment:

See Attachment

Attachment: www.arb.ca.gov/lists/ordiesl07/1222-arb_comment_letter_february_22.pdf

Original File Name: ARB COMMENT LETTER February 22.pdf

Date and Time Comment Was Submitted: 2008-02-26 06:46:25

No Duplicates.

Comment 3 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 15-2.

First Name: James
Last Name: Thomas
Email Address: james.thomas@nabors.com
Affiliation: Nabors Well Services Co

Subject: Second 15 Day Public Comment Period
Comment:

Please see the attached letter.

Attachment: www.arb.ca.gov/lists/ordiesl07/1223-15_day_comment_on_off-road_diesel_regulation.pdf

Original File Name: 15 Day Comment on Off-Road Diesel Regulation.pdf

Date and Time Comment Was Submitted: 2008-02-26 15:24:26

No Duplicates.

Comment 4 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 15-2.

First Name: Steven
Last Name: Young
Email Address: syoung@allenlawrence.com
Affiliation: Allen Lawrence & Associates Insurance

Subject: In-Use Off-Road Diesel Vehicle Proposed Regulation
Comment:

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Please see the attached file.
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Attachment: www.arb.ca.gov/lists/ordiesl07/1224-carb_letter.pdf

Original File Name: CARB letter.pdf

Date and Time Comment Was Submitted: 2008-02-27 16:10:45

No Duplicates.

Comment 5 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 15-2.

First Name: Don
Last Name: MacIntosh
Email Address: donmacintosh@dslextreme.com
Affiliation:

Subject: ORDIESL07
Comment:

See attachment

Attachment: www.arb.ca.gov/lists/ordiesl07/1225-kmbt25020080228130248.pdf

Original File Name: KMBT25020080228130248.pdf

Date and Time Comment Was Submitted: 2008-02-28 16:08:18

No Duplicates.

Comment 6 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 15-2.

First Name: Tara
Last Name: McGovern
Email Address: tmcgovern@euca.com
Affiliation: EUCA

Subject: EUCA Comments on SOON Program Amendments
Comment:

February 26, 2008

Mary Nichols, Chairman of the Board
California Air Resources Board
1001 I Street
Sacramento, CA 95814

RE: Comments on the Surplus Off-Road Opt-In for NOx (SOON) Provisions of the
In-Use, Off-Road Diesel Regulation

Dear Chairman Nichols:

Since the early stages of development of the In-Use, Off-Road Diesel Regulation the nearly 300 union-signatory contractor members of the Engineering & Utility Contractors Association (EUCA) have provided, in public forums and in writing, numerous comments and recommendations designed to make the regulation practical and compliance with the regulation feasible. While it remains questionable whether compliance with the regulation is possible for many contractors, the proposed SOON provisions present additional challenges that will make the regulation so complex, costly and burdensome that it is almost assuredly doomed to failure.

The SOON program was originally presented in the days leading up to the July, 2007 Board Hearing as a voluntary, fully funded effort to help two local air districts (South Coast Air Quality Management District and San Joaquin Valley Air Pollution Control District) achieve additional NOx reductions that they suggest are needed to meet their 2014 deadline to achieve compliance with the federal PM2.5 standard. Industry stakeholders had little, if any, opportunity to fully consider the potential impacts of the SOON program prior to its consideration by your Board. This lack of opportunity for stakeholder input, as well as actions taken by the Board at the July, 2007 hearing have made the SOON program unworkable and have, as a result, made the already problematic Off-Road Diesel Regulation even more difficult to comply with.

Unlike what stakeholders were presented originally, the SOON program is mandatory beginning in 2009, not voluntary. Contractors are expected to contribute financially to the “over-compliance” requirements of the SOON. Participation in the SOON will negatively impact equipment equity, borrowing ability, bonding ability and the ability of contractors to dispatch equipment to “where the work is” because of restrictions on use.

The program requirements in the form of mandatory contract participation and dedicated equipment operational commitments are strong disincentives for virtually any contractor to participate. Additionally, the Board's decision to allow districts other than South Coast and San Joaquin to opt-in threaten to create a patchwork of regulations throughout the state, all with different compliance requirements. Finally, the SOON program is projected to continue well beyond 2014 whether or not South Coast and San Joaquin achieve compliance with the federal PM2.5 standard.

Mandatory Participation

Contractors are required to participate in the SOON if, as of January 1, 2008, on a statewide basis, the fleet consisted of more than 40 percent Tier 0 and Tier 1 vehicles and the fleet has more than 20,000 horsepower statewide. No distinction is made regarding whether the Tier 0 and Tier 1 equipment resides in the district opting-in to the SOON. Situations are likely to arise where a contractor is required to participate in the SOON in one district as a result of equipment operating in a completely separate area of the state. Particularly in 2014, even a fleet completely comprised of Tier 2 equipment (equipment manufactured as recently as 2005) will not meet the SOON fleet average targets. Further, no distinction is made between equipment that can be repowered and equipment that can only be replaced. Because the districts view SOON as primarily a repower program only equipment that can be repowered should be considered with respect to the 40 percent eligibility criteria.

Setting the benchmark for determining contractor SOON eligibility at January 1, 2008 gave contractors very little time to plan and places too large a period of time between the eligibility date and the first compliance date. Contractors did not have sufficient time to alter their fleets to avoid SOON participation if that was their desire. Also, SOON does not recognize positive, aggressive fleet improvement steps contractors may take between 2008 and the first SOON compliance dates in 2011 and 2014. To carry on with the earlier example, a fleet may have been SOON-eligible on January 1, 2008 but is able to take actions to achieve an all Tier-2 fleet by 2014. This would leave the fleet with zero percent Tier 0 and Tier 1 vehicles, comfortably in compliance with the NOx fleet average targets in the base regulation in 2011 and 2014 but still not in compliance with the SOON fleet average targets in 2014. This fleet will have expended tremendous resources to comply with the base regulation only to be faced with additional requirements in local air districts who still want them to do more, and at a greater cost of compliance.

Contractors are Expected to Contribute Financially

Most contractors will not be able to afford the compliance costs of the base Off-Road Diesel Regulation let alone the added costs of the SOON program. The requirement to provide matching funds will be out of reach for most contractors. The construction industry is facing a severe economic downturn with makes the survival of many companies a difficult challenge. As a result, a large percentage of the construction equipment fleet in California currently sits idle or is being sold off out-of-state or out-of-country resulting in the reduction in emissions CARB seeks as a result of the Off-Road Diesel Regulation. When the economy improves and fleets begin to grow again the regulation will require that Tier 2 or higher equipment be utilized to facilitate this growth. In other words, the bad economy in combination with the Off-Road Diesel Regulation are working in tandem to lock in

long-term emission reductions from the off-road equipment fleets operating in the state.

SOON Will Negatively Impact Contractors' Financial Status and Credit Worthiness

Heavy equipment ownership is a complicated business. When it is joined with contracting it becomes even more complicated. EUCA, individual contractors and other associations have tried repeatedly to educate CARB and local air district staff about how financing and bonding impacts the ability to purchase equipment and perform work with little success to date. The Tier 0 and Tier 1 equipment that both the base regulation and the SOON program target is typically completely owned by the fleet owner with no direct debt attached to this equipment. The owner typically has a line of credit with a lender that is backed by the equity in this owned equipment. This line of credit is used to support new equipment purchases and to provide cash flow for day-to-day operations. In addition, the owner has a bonding capability based on a balance sheet that uses the equity in this owned equipment as a large part of the financial base of the company. The real equity base in the company is used by bonding companies to determine the amount of bonding available to the owner.

The SOON will require contractors to repower or replace equipment that they normally would not modify, even given the base regulation. The problem with this is that there is not a dollar-for-dollar value added to the equipment by going forward with these repower projects. The value of the equipment is based on the condition of the equipment and its engine(s), not on engine Tier. On the day a SOON repower project is performed the equipment it is encumbered with a new liability in the amount of the district's contribution to the project. The equipment owner has also spent a considerable amount of his available cash (or access to credit), further weakening his balance sheet.

Once this happens the finance company issuing the line of credit will no longer attribute any equity to the SOON-repowered equipment to support the line of credit because the ownership of the machine is questionable given the district's position. The equipment owner's bonding company will follow the finance company's lead in terms of determining equity when calculating the contractor's ability to secure bonding. There will be a direct, significant reduction in the equipment owner's bonding capacity.

Mandatory Contract Participation

The SOON program requires that equipment owners enter into contracts with air districts whether they want to or not and regardless of whether they are capable of meeting their financial obligations as stated in the contract. If an equipment owner is unwilling to sign a contract he is potentially subject to enforcement action by either CARB or a local air district. Having reviewed several potential air district contracts there are several common terms that make signing the contract problematic. For example, contracts often include a provision that asks the equipment owner to certify that he has had the contract reviewed by counsel, but provides no relief in the event that the advice of counsel is to not sign the contract. Contracts also have language with strong indemnity language in favor of the air district. If contract owners are compelled to sign the contracts they should be indemnified by the air districts. Finally, the typical insurance requirements contained in the contracts are well in excess of insurance many equipment owners would consider having on the

equipment.

The operational conditions in the contracts are also cumbersome and add cost to compliance. SOON contracts will require that equipment operate a vast majority of the time in the air district providing the funding, whether the equipment owner has work in that air district or not. These contracts may last up to seven years and during the contract period the equipment owner cannot account for the lower emissions from the SOON equipment with respect to the base regulation. There will be times when the equipment owner has work outside of the air district providing the SOON funding and no work within this air district. The equipment owner will then be faced with renting or purchasing new equipment to perform this work even though he already owns equipment capable of performing the work which is sitting idle and not generating revenue. Contractors need to maintain the flexibility to dispatch equipment to locations where there is work for them to perform. The SOON greatly restricts this flexibility. This represents an additional compliance cost to the equipment owner. An additional consideration is one of competitiveness. SOON-obligated companies will often be faced with competing against fleets that are just under 20,000 horsepower or just under 40 percent Tier 0 and Tier 1 for work. These contractors who just barely miss the SOON-obligation benchmarks will have a competitive advantage over those that are forced to bear the additional costs and equipment operation restrictions of the SOON.

EUCA is not aware of any authority that CARB or any local air district has to force an equipment owner to involuntarily sign a contract they knowingly are unable to comply with.

A Patchwork of Regulations

In allowing South Coast and San Joaquin Valley air districts to develop SOON programs, contractors operating statewide have at least three off-road diesel regulations to consider (the base regulation, the South Coast SOON regulation and the San Joaquin Valley SOON regulation). The prospect of allowing air districts beyond South Coast and San Joaquin to opt-in to the SOON program makes a bad problem worse. Statewide contractors may have several different off-road regulations to consider, each with different compliance requirements, contract provisions and equipment operation restrictions. To provide just a single example, the equipment eligibility requirements differ in the proposed South Coast and San Joaquin rules. San Joaquin proposes that only equipment operating more than 50 percent of the time in their air district will be required to participate in their SOON program. The South Coast proposal would include any equipment operating most of the time in the South Coast District, even if the percentage of time is less than 50 percent. This will result in nearly impossible compliance burden where equipment owners will have equipment sitting idle in one air district while renting equipment to perform work in another air district only because the SOON restricts the operation of a significant portion of their fleet.

EUCA feels strongly that the SOON program as proposed is unworkable and needs to be removed entirely from the Off-Road Diesel Regulation. Barring that, EUCA would like CARB to reconsider allowing air districts other than South Coast and San Joaquin Valley to opt-in to the SOON program. CARB should also require that South Coast and San Joaquin Valley harmonize the requirements of their SOON programs to facilitate contractor

compliance.

These regulations are impacting the construction industry at a time when many businesses are already facing financial challenges. Page 61 of the April, 2007 Initial Statement of Reasons for Proposed Rulemaking states, “Staff also considered requiring higher turnover rates and more stringent NOx averages, but the higher costs would likely be more than the industry could bear.” This document is dated prior to the introduction of the SOON program which includes the higher turnover rates and more stringent NOx averages staff believes the industry cannot bear. By staff’s own estimation the SOON will produce an untenable economic burden without even considering the other regulations the construction industry is faced with including the Portable Equipment Regulation Program (PERP) and the upcoming On-Road (In-Use) Diesel regulation which promises to be even more costly than the Off-Road Diesel Regulation.

The SOON is simply a bad idea proposed at the worst possible time.

Sincerely,

Tara McGovern
Director of Government Relations

Cc: All California Public Works Agency Directors (inc. cities, counties and special districts)
Members of the California State Assembly
Members of the California State Senate
The Honorable Arnold Schwarzenegger, Governor or California
Cabinet Secretary, Dan Dunmoyer – Office of the Governor

The Engineering & Utility Contractors Association serves 400 union-affiliated contractors and vendor firms working in California, Nevada, Utah, Hawaii and other areas of the U.S. Member firms employ over 25,000 workers. The association is the most prominent and influential union contractors association in the Western United States.

Attachment: www.arb.ca.gov/lists/ordiesl07/1226-feb_08_euca_soon_comments_to_carb.pdf

Original File Name: Feb 08 EUCA SOON Comments to CARB.pdf

Date and Time Comment Was Submitted: 2008-03-03 12:34:36

No Duplicates.

Comment 7 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 15-2.

First Name: dan
Last Name: huntington
Email Address: daniel.huntington@att.net
Affiliation:

Subject: SOON Program Regulations
Comment:

I support the changes to remove the dollar threshold from the definition of a small business; the removal of the VDECS requirement for SOON funded projects and the proposal to make the SOON program voluntary for 2008.
Despite this, there are numerous implementation problems with the SOON program as it is written and it needs to be changed because applying the Carl Moyer incentive funding requirements to a mandatory program make it completely unworkable. Specifically:
SOON is not voluntary. Making the program voluntary for 2008 was the proper step to resolve the many issues that have arisen with the SOON program. We would recommend that it be made voluntary until 2012.
SOON is too restrictive. Unfortunately, the requirements proposed by the air districts that re-powers must be done from Tier 0 to Tier 3 engines, significantly reduces the pool of eligible equipment. We would recommend that the SOON program be replaced with a replacement or scrappage program aimed at just the five specific pieces of equipment that can meet the re-power requirements.
SOON applies to equipment that cannot qualify for the Moyer program. Many contractors will be in the SOON program by reason of their 20,000 horsepower fleet and 40% Tier 0 and Tier 1 machines, but that does not mean that they will own equipment that can be re-powered under the Moyer requirements.
SOON should not be open to all air districts. SOON was intended to assist the two air districts in California that need to meet the 2014 deadline to achieve compliance with the Federal PM2.5 standard. Both of those districts are approaching the program differently and it will result in confusing and conflicting requirements for contractors who operate in multiple districts. Adding other districts to the regulation will only compound the confusion.
SOON is too costly for contractors. Most contractors will struggle to meet the CARB base rule compliance and will probably have to reduce the size of their fleets in order to meet the fleet averages because they will not be able to afford the turnover and retrofit requirements. This will reduce the capacity of those firms and the size of the jobs they will be able to bid in the future. The economic circumstances for the industry have only grown worse since 2007 and are not expected to improve before the middle of 2009 or later.
SOON puts an unfair economic hardship on contractors. Due to the Moyer contract requirements proposed for the SOON program, contractors can expect to lose equity in the SOON funded equipment

which will reduce their ability to borrow and bond for their company needs to work outside the air district as opportunities arise in other parts of the state.
The construction industry is subject to multiple rules for which cumulative impact analysis has not been conducted. Most contractors is California own portable, off-road and on-road equipment in order to properly service their construction contracts.

CARB needs to devise a way to provide flexibility in meeting emission reductions from the entire company fleet, not just dictate a series of fleet averages based on equipment type.

Remember, if you are the owner of a large fleet of more than 20,000hp, you will have to meet even higher requirements under this rule - make sure CARB hears directly from you.

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2008-03-03 18:52:15

No Duplicates.

Comment 8 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 15-2.

First Name: Gary
Last Name: Miles
Email Address: gmiles@albay.com
Affiliation: Albay Construction Co.

Subject: Off road Diesel vehicles
Comment:

```
I have a number of problems with the SOON program, the biggest of
which are:
1.  The definition of a small fleet should not include any dollar
volume limits.  Contratactors vary greatly in how they do work.
One contractor could do a huge dollar volume but own no equipment.
 Another contractor might not do much dollar volume but does
operate many thousands of HP in old, dirty equipment.
2.  Because small companies tend to own the older equipment, you
are discriminating against the small business owner.  At least
give him a chance to slowly replace old equipment with newer
equipment over a period of 10 years.
3.  Right now you are requiring us to repower or replace equipment
with engines that won't comply with your regulation's pollution
requirements because compliant engines are not yet available.  As
I said, contractors expect to get 20 years out of a piece of
equipment, You are making us spend money on equipment that will
become noncompliant in less than 10 years.  It is a waste of
money.  Do not penalize us until we have a way to satisfy your
requirments.
```

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2008-03-04 08:34:37

No Duplicates.

Comment 9 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 15-2.

First Name: Dave
Last Name: Sbaffi
Email Address: Dave.Sbaffi@gcinc.com
Affiliation:

Subject: Comments Regarding SOON Program
Comment:

```
Please find comments in attached document.
```

Attachment: www.arb.ca.gov/lists/ordiesl07/1234-granite_soon_comments.pdf

Original File Name: Granite SOON Comments.pdf

Date and Time Comment Was Submitted: 2008-03-05 11:51:01

No Duplicates.

Comment 10 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 15-2.

First Name: Michael
Last Name: Daley
Email Address: daleylandscape@roadrunner.com
Affiliation: CSLB, CLCA

Subject: pricing business out of California
Comment:

```
I currently own 1 piece of off-road diesel equipment. To retrofit
this machine would be costly. How much more regulation
can we endure? All equipment currently in usage should be allowed
to continue for the life of the machine. Set a future date to
begin restrictions and make it reasonable so that there are
machines and equipment that can meet any new regulations.
Thank you.
```

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2008-03-05 22:07:49

No Duplicates.

Comment 11 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 15-2.

First Name: Dave
Last Name: Porcher
Email Address: dporcher@camarilloengineering.com
Affiliation: Camarillo Engineering Inc.

Subject: in-use off- road diesil regulation
Comment:

```
TO: California air resources board members, Air resources staff and
all affected parties involved in the in-use off-road diesel
regulation. Please read our attachment.
```

Attachment: www.arb.ca.gov/lists/ordiesl07/1236-letter_to_arb_3-04-08.doc

Original File Name: letter to arb 3-04-08.doc

Date and Time Comment Was Submitted: 2008-03-06 07:02:54

No Duplicates.

Comment 12 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 15-2.

First Name: Jon
Last Name: Cloud
Email Address: Jon@jcloudinc.com
Affiliation:

Subject: Diesel Off-Road Rule
Comment:

```
Please see attached
```

Attachment: www.arb.ca.gov/lists/ordiesl07/1238-joncloud.pdf

Original File Name: joncloud.pdf

Date and Time Comment Was Submitted: 2008-03-06 10:17:01

No Duplicates.

Comment 13 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 15-2.

First Name: Nick
Last Name: Goldstein
Email Address: ngoldstein@artba.org
Affiliation: ARTBA

Subject: ARTBA 3.6.08 Comments on ARB Diesel Rule
Comment:

```
Please find attached the comments of the American Road and
Transportation Builders Association regarding recent changes to
ARB's In-Use Off-Road Diesel Rule.  If you have any questions or
problems with the attached document, please call 202-289-4434 ext.
207 or email ngoldstein@artba.org.
```

Attachment: www.arb.ca.gov/lists/ordiesl07/1239-artba_3.6.08_comments_on_arb_diesel_rule.pdf

Original File Name: ARTBA 3.6.08 Comments on ARB Diesel Rule.pdf

Date and Time Comment Was Submitted: 2008-03-06 13:38:39

No Duplicates.

Comment 14 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 15-2.

First Name: Lawrence
Last Name: Joseph
Email Address: ljoseph@larryjoseph.com
Affiliation: APA Watch

Subject: Excessive SOON Costs
Comment:

ARB's SOON program calls to mind Shirley Jackson's short story entitled "The Lottery" from the June 28, 1948, issue of The New Yorker. See also Richard Ford, The Granta Book of the American Short Story, at 62 (1992). Set in a small American town, the plot involves an annual lottery in which a person from each family draws a piece of paper from a box that contains only one piece with a black dot. The winning family (the Hutchinsons) then draw again to identify the winning family member (Tessie Hutchinson). With the winner identified, the townspeople (including family members and children) stone her to death. An "mp3" file of "The Lottery" is available at http://town.hall.org/radio/HarperAudio/mp3/940222_harp_01_ITH.mp3

By failing to require air districts to fully fund SOON projects and by mandating participation in the SOON lottery, ARB piles SOON-mandated costs on top of the costs already imposed by ARB's Portable Equipment Registration Program, its underlying off-road in-use diesel rules, its smoke-inspection rules, and its upcoming on-road in-use diesel rules. The resulting burdens will kill SOON "winners" every bit as much as the townspeople kill Tessie Hutchinson in "The Lottery."

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2008-03-06 13:40:46

No Duplicates.

Comment 15 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 15-2.

First Name: John
Last Name: McClelland
Email Address: john.mcclelland@ararental.org
Affiliation: American Rental Association

Subject: In-Use Off-Road Diesel Rule
Comment:

```
Attached are our comments.
```

Attachment: www.arb.ca.gov/lists/ordiesl07/1241-comment-mar-2008-15day_w_cover_lt.pdf

Original File Name: comment-Mar-2008-15day w cover lt.pdf

Date and Time Comment Was Submitted: 2008-03-06 13:54:50

No Duplicates.

Comment 16 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 15-2.

First Name: Barry
Last Name: Wallerstein
Email Address: bwallerstein@aqmd.gov
Affiliation:

Subject: SCAQMD Staff Comments Regarding the SOON Program
Comment:

```
Please find attached the SCAQMD staff comments regarding the SOON
Program under the Proposed Regulation for In-Use Off-Road Diesel
Vehicles.
```

Attachment: www.arb.ca.gov/lists/ordiesl07/1242-scaqmd_staff_comments_-_soon_program_-_030608.pdf

Original File Name: SCAQMD Staff Comments - SOON Program - 030608.pdf

Date and Time Comment Was Submitted: 2008-03-06 13:59:06

No Duplicates.

Comment 17 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 15-2.

First Name: Leah
Last Name: Pilconis
Email Address: pilconisl@agc.org
Affiliation: AGC of America

Subject: Associated General Contractors of America Comments on SOON Program
Comment:

```
Attached please find the Supplemental Comments on the Associated
General Contractors of America on the SOON Program.

Please contact me with any questions.
```

Attachment: www.arb.ca.gov/lists/ordiesl07/1243-agc_supplemental_soon_comments.pdf

Original File Name: AGC supplemental SOON comments.pdf

Date and Time Comment Was Submitted: 2008-03-06 14:23:21

No Duplicates.

Comment 18 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 15-2.

First Name: Timothy
Last Name: Pohle
Email Address: TPohle@airlines.org
Affiliation: Air Transport Association of America Inc

Subject: ATA's Second 15-Day Comments on ARB's ORD Rule
Comment:

```
Please see the attached.
```

Attachment: www.arb.ca.gov/lists/ordiesl07/1244-2008-03-06_ata_second_15-day_comments_re_ord_rule.pdf

Original File Name: 2008-03-06 ATA Second 15-Day Comments re ORD Rule.pdf

Date and Time Comment Was Submitted: 2008-03-06 15:45:23

No Duplicates.

Comment 19 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 15-2.

First Name: Gretchen
Last Name: Hardison
Email Address: gretchen.hardison@lacity.org
Affiliation:

Subject: Off-Road Regulation Comments
Comment:

```
Please see attached.
```

Attachment: www.arb.ca.gov/lists/ordiesl07/1245-cityofla-ead-gsd-offroad-soon_comments.pdf

Original File Name: CityofLA-EAD-GSD-Offroad-SOON Comments.pdf

Date and Time Comment Was Submitted: 2008-03-06 16:59:37

No Duplicates.

Comment 20 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 15-2.

First Name: Michael
Last Name: Lewis
Email Address: mike@lewisandco.net
Affiliation: CIAQC & CBCC

Subject: CARB Off-Road Regulation - SOON Program
Comment:

```
Please find attached the comments prepared by the Construction
Industry Air Quality Coalition and the Coalition to Build a
Cleaner California on the CARB Off-Road Regulation including the
SOON Program.
```

Attachment: www.arb.ca.gov/lists/ordiesl07/1246-ciaqc_15-day_comments_on_soon_3-6-08.pdf

Original File Name: CIAQC 15-Day Comments on SOON 3-6-08.pdf

Date and Time Comment Was Submitted: 2008-03-06 17:00:23

No Duplicates.

Comment 21 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 15-2.

First Name: Jon
Last Name: Cloud
Email Address: jon@jcloudinc.com
Affiliation:

Subject: Diesel Off-road reg's
Comment:

```
I tried to send an attachement earlier, not sure if it worked.

Just wanted to voice opposition to the proposed regulations as
drafted. The staff has ignored industries reports on both cost and
engineering of retro-fit kits.

Staff and the State have decided that these regulations will be
passed regardless of the cost to industry and their total lack of
understanding of running a business in the private sector.

See attached letter for additional comments.

Jon Cloud

J. Cloud Inc.
```

Attachment: www.arb.ca.gov/lists/ordiesl07/1247-carb_letter.doc

Original File Name: Carb letter.doc

Date and Time Comment Was Submitted: 2008-03-06 17:04:49

No Duplicates.

Comment 22 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 15-2.

First Name: Gary
Last Name: Rohman
Email Address: garyr@eccoequipment.com
Affiliation: ECCO Equipment Corporation

Subject: 2nd 15-Day SOON & Off-Road Regulation
Comment:

```
Due to technical difficulties this comment is being received as a
3rd 15-Day comment; however, per ARB Clerk of the Board this
comment is related to the 2nd 15-Day for the Off-Road Regulation.
```

Attachment: www.arb.ca.gov/lists/ordiesl07/1248-letter_to_carb_3-6-08.pdf

Original File Name: Letter to CARB 3-6-08.pdf

Date and Time Comment Was Submitted: 2008-03-07 14:40:39

No Duplicates.

Comment 23 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 15-2.

First Name: Michael
Last Name: Lewis
Email Address: Non-web submitted comment
Affiliation:

Subject: CIAQC 2nd 15-Day
Comment:

```
Please see attached
```

Attachment: www.arb.ca.gov/lists/ordiesl07/1250-ordieslsecond0001.pdf

Original File Name: ordieslsecond0001.pdf

Date and Time Comment Was Submitted: 2008-03-12 14:18:49

No Duplicates.

Comment 1 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 15-3.

First Name: Steven
Last Name: Chain
Email Address: steve@chainenterprises.net
Affiliation:

Subject: Proposed Regulation / In-Use Off-Road Diesel Vehicles
Comment:

```
I sincerely request the Board reconsider the proposed regulations.
The proposed regulations are already recreating confusion as
equipment end users and vendors attempt to second guess the
outcome of these potential industry crippling regulations. I
request that the Board not distance itself from the economic
impact of these regulations in the quest for air quality. I
encourage the Board to consider the full impact, including the
economic implications, these regulations will have on the quality
of life for all Californians.

Sincerely,

Steven Chain
Chain Enterprises
Chain Real Estate Investment & Mortgage
```

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2008-03-10 20:00:08

No Duplicates.

Comment 2 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 15-3.

First Name: Eric
Last Name: G
Email Address: socalgguy@yahoo,com
Affiliation: private citizen

Subject: new filter tech for diesels
Comment:

```
From Eurekalert.com
Reference the following article:

http://www.fraunhofer.de/EN/press/pi/2008/03/ResearchNews32008Topic2.jsp
```

Attachment: www.arb.ca.gov/lists/ordiesl07/1251-exhaust_filters.rtf

Original File Name: Exhaust Filters.rtf

Date and Time Comment Was Submitted: 2008-03-13 09:25:53

No Duplicates.

Comment 3 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 15-3.

First Name: Ronald
Last Name: Landsburg
Email Address: Non-web submitted comment
Affiliation:

Subject: Ordiesl Comment
Comment:

```
Please see attached.
```

Attachment: www.arb.ca.gov/lists/ordiesl07/1252-ordiesl0001.pdf

Original File Name: ordiesl0001.pdf

Date and Time Comment Was Submitted: 2008-03-14 14:21:34

No Duplicates.

Comment 4 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 15-3.

First Name: Kurt
Last Name: Caillier
Email Address: kcaillier@aareadymix.com
Affiliation:

Subject: Off-Road Diesel Construction Equipment Regulation
Comment:

March 17, 2008

Chairperson Mary Nichols
California Air Resources Board
1001 I Street
Sacramento, CA 95812

Re: Off-Road Diesel Construction Equipment Regulation

Dear Chairperson Nichols and Members of the Board:

Please see the attached letter with comments.

Attachment: www.arb.ca.gov/lists/ordiesl07/1253-off-road_diesel.tif

Original File Name: Off-Road Diesel.tif

Date and Time Comment Was Submitted: 2008-03-18 17:10:23

No Duplicates.

Comment 5 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 15-3.

First Name: Nick
Last Name: Goldstein
Email Address: ngoldstein@artba.org
Affiliation: ARTBA

Subject: ARTBA Comments on 3/5/08 Revisions to ARB Diesel Rule
Comment:

```
Please find attached the comments of the American Road and
Transportation Builders Association regarding ARB's 3/5/08
revsions to its In-Use Off-Road Diesel Rule.  If you have any
questions or problems with the attached document, please call
202-289-4434 ext. 207 or email ngoldstein@artba.org.
```

Attachment: www.arb.ca.gov/lists/ordiesl07/1254-artba_3.20.08_arb_diesel_rule_letter.pdf

Original File Name: ARTBA 3.20.08 ARB Diesel Rule Letter.pdf

Date and Time Comment Was Submitted: 2008-03-20 11:57:25

No Duplicates.

Comment 6 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 15-3.

First Name: Richard
Last Name: Teebay
Email Address: rteebay@dpw.lacounty.gov
Affiliation:

Subject: COMMENTS ON OFF-ROAD REGULATION - SOON PROGRAM
Comment:

```
Thank you for allowing us to submit our comments on the proposed
Off-Road Regualtion and its SOON Provision.
```

Attachment: www.arb.ca.gov/lists/ordiesl07/1255-soon_pw.doc

Original File Name: SOON PW.doc

Date and Time Comment Was Submitted: 2008-03-20 14:42:38

No Duplicates.

Comment 7 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 15-3.

First Name: James
Last Name: Thomas
Email Address: james.thomas@nabors.com
Affiliation: Nabors Well Services Co

Subject: Third 15 Day Notice of Public Comments - Off-Road Reg
Comment:

```
Please see the attached letter.
```

Attachment: www.arb.ca.gov/lists/ordiesl07/1256-third_15_day_public_comments_-_ordr_031908.tif

Original File Name: Third 15 Day Public Comments - ORDR 031908.TIF

Date and Time Comment Was Submitted: 2008-03-20 14:44:26

No Duplicates.

Comment 8 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 15-3.

First Name: john
Last Name: krueger
Email Address: jkrueger@arizonapipline.com
Affiliation:

Subject: off road construction equipment
Comment:

ATTN CARB ! WE ALL WANT CLEANER AIR AND APPRECIATE YOUR EFFORTS. HOWEVER YOUR APROACH IS FLAWED IN THAT ITS TO COSTLY AND TO FREQUENTLY CHANGING , YOUR GOING TO FORCE SMALL BUSINESS MEN OUT OF BUSINESS, THEY CANT AFFORD TO COMPLY!

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2008-03-20 14:44:48

No Duplicates.

Comment 9 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 15-3.

First Name: Michael
Last Name: Lewis
Email Address: mike@lewisandco.net
Affiliation: CIAQC

Subject: 3rd Notice for Off-Road Regulation
Comment:

```
Please find attached the comments of the Construction Industry Air
Quality Coalition (CIAQC) and the the Coalition to Build a Better
California (CBCC) on the Third Notice of Availability of Modified
Text and Availability of Additional Documents for the In-Use
Off-Road Diesel Regulation.
```

Attachment: www.arb.ca.gov/lists/ordiesl07/1258-ciaqc_-_off-road_reg_comments_on_3rd-15_day_period.pdf

Original File Name: CIAQC - Off-Road Reg Comments on 3rd-15 Day period.pdf

Date and Time Comment Was Submitted: 2008-03-20 16:44:16

No Duplicates.

Comment 10 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 15-3.

First Name: Leah
Last Name: Pilconis
Email Address: WOODL@agc.org
Affiliation: AGC of America

Subject: Supplemental Comments
Comment:

```
Attached please find the supplemental comments of AGC of America
and CIAQC on the supplemental data that ARB added to the record.
```

Attachment: www.arb.ca.gov/lists/ordiesl07/1259-agc_supplemental_data_comments.pdf

Original File Name: AGC supplemental data comments.pdf

Date and Time Comment Was Submitted: 2008-03-20 16:48:39

No Duplicates.