

**Form Letter 1 for Comment 26 for In-Use Off-Road Diesel Fueled Engines  
(ordiesl07) - 45 Day.**

First Name: Kurt  
Last Name: Cutler  
Email Address: kurt@socalgrading.com  
Affiliation:

Subject: Offroad Diesel Emissions  
Comment:

5-3-2007

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

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: Southern California Grading, Inc. 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 \$2,000,000. 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. Please note: The Carl Moyer program is working for the larger more expensive vehicles that are not feasible to purchase. We have been buying a new piece of smaller equipment since 1997 thinking we would be compliant with the tier 1 engine. I would ask the tier one be allowed to remain in service for a longer time as we find there is a 20+ year lifespan for this equipment.

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,

Kurt Cutler  
Southern California Grading, Inc.  
(949) 551-6655

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-05-03 10:41:18

**Form Letter 2 for Comment 26 for In-Use Off-Road Diesel Fueled Engines  
(ordiesl07) - Non-Reg.**

First Name: Ron

Last Name: Harder

Email Address: RLHARDER@aol.com

Affiliation: EXCEL Concrete Breaking, Inc.

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

Comment:

Please see the attached comment.

Attachment: <https://ww2.arb.ca.gov/sites/default/files/BARCU/barcu-attach-old/ordiesl07/223-ordiesl07-26a.pdf>

Original File Name: ordiesl07-26a.pdf

Date and Time Comment Was Submitted: 2007-05-10 11:25:28

**Form Letter 3 for Comment 26 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.**

First Name: Blake

Last Name: Bencier

Email Address: Non-web submitted comment

Affiliation: Allen L. Bender, Inc.

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

Comment:

Please see the attached comment.

Attachment: <https://ww2.arb.ca.gov/sites/default/files/BARCU/barcu-attach-old/ordiesl07/549-ordiesl07-26b.pdf>

Original File Name: ordiesl07-26b.pdf

Date and Time Comment Was Submitted: 2007-05-11 12:24:04

**Form Letter 4 for Comment 26 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.**

First Name: Guillermo

Last Name: Santillan

Email Address: Non-web submitted comment

Affiliation: Santillan Earthmovers

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

Comment:

Please see the attached comment.

Attachment: <https://ww2.arb.ca.gov/sites/default/files/BARCU/barcu-attach-old/ordiesl07/550-ordiesl07-26c.pdf>

Original File Name: ordiesl07-26c.pdf

Date and Time Comment Was Submitted: 2007-05-11 12:25:47

**Form Letter 5 for Comment 26 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.**

First Name: Luke

Last Name: Middleton

Email Address: Non-web submitted comment

Affiliation: Ray's Electric

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

Comment:

Please see the attached comment.

Attachment: <https://ww2.arb.ca.gov/sites/default/files/BARCU/barcu-attach-old/ordiesl07/551-ordiesl07-26d.pdf>

Original File Name: ordiesl07-26d.pdf

Date and Time Comment Was Submitted: 2007-05-11 12:33:43

**Form Letter 6 for Comment 26 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.**

First Name: Bill

Last Name: Young

Email Address: billecge@pacbell.net

Affiliation: El Cajon Grading & Engineering Co., Inc.

Subject: Off Road Diesel Emissions Regulations

Comment:

El Cajon Grading has been in business since 1972. We own 21 pieces of off-road diesel construction equipment and we employ 23 people whose families depend on us and our survival.

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

To be clear: El Cajon Grading 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.

But the ARB 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 going out of business entirely - which means the loss of many high-wage jobs.

We need five more years to allow pending Tier 4 technology to become available and to allow us to be able to afford such costly equipment purchases and retrofits. This will give diesel 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.

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-05-16 20:27:59



**Form Letter 7 for Comment 26 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.**

First Name: R. Jon

Last Name: Grafton

Email Address: Non-web submitted comment

Affiliation: Pomeroy Corporation

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

Comment:

Please see the attached comment.

Attachment: <https://ww2.arb.ca.gov/sites/default/files/BARCU/barcu-attach-old/ordiesl07/740-ordiesl07-26e.pdf>

Original File Name: ordiesl07-26e.pdf

Date and Time Comment Was Submitted: 2007-05-17 12:02:43

**Form Letter 8 for Comment 26 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.**

First Name: Steve

Last Name: Jeffress

Email Address: Non-web submitted comment

Affiliation: Jeffco Painting & Coating, Inc.

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

Comment:

Please see the attached comment.

Attachment: <https://ww2.arb.ca.gov/sites/default/files/BARCU/barcu-attach-old/ordiesl07/789-ordiesl07-91.pdf>

Original File Name: ordiesl07-91.pdf

Date and Time Comment Was Submitted: 2007-05-21 12:46:27

**Form Letter 9 for Comment 26 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.**

First Name: s

Last Name: grano

Email Address: sgrano@retrofittechnology.com

Affiliation:

Subject: off-road diesel regulations

Comment:

5-22-07

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

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: Retrofit Technology 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 \$13 billion. For my company's fleet alone, the cost will be XXX, YYY. 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,

S Grano

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-05-22 14:14:35

## **Form Letter 10 for Comment 26 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.**

First Name: Cynthia

Last Name: Miramontes

Email Address: cyndimcci@earthlink.net

Affiliation:

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

May 22, 2007

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

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: Miramontes Const. Co., Inc. which is a small family run minority business, 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 \$13 billion. For my company's fleet alone, the cost will be in the millions and we are a small minority business. 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,

Cynthia Miramontes  
Miramontes Const. Co., Inc.

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-05-22 16:07:41

## **Form Letter 11 for Comment 26 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.**

First Name: Tom

Last Name: Hauenstein

Email Address: coastalearthmovers@verizon.net

Affiliation:

Subject: CARB Vote

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: (organization/company name) 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 \$13 billion. For my company's fleet alone, the cost will be \$8,500,000. 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,

Thomas A. Hauenstein, President  
Coastal Earthmovers, Inc.

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-05-23 07:22:05



**Form Letter 12 for Comment 26 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.**

First Name: Chuck

Last Name: Leek

Email Address: estimating3@precisionelectricco.com

Affiliation: Associated Builders and Contractors

Subject: Pending Diesel Construction Equipment Regulations Vote

Comment:

March 23, 2007

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

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: (organization/company name) 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 \$13 billion. For my company's fleet alone, the cost will be \$8,000. 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.

Thank You,  
Chuck Leek  
Estimator

Office: (619) 390-2991 ext 125  
Direct Line: (619) 966-9661  
Fax: (619) 390-7539  
[estimating3@precisionelectricco.com](mailto:estimating3@precisionelectricco.com)

Precision Electric Company  
8137 Winter Gardens Blvd.  
Lakeside, Ca 92040  
<http://www.precisionelectricco.com/>

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-05-23 08:03:23

**Form Letter 13 for Comment 26 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.**

First Name: Helen

Last Name: Barnett

Email Address: hammybopbop@earthlink.net

Affiliation: Barnett Vandyne Construction Inc.

Subject: RE: Proposed Legislation

Comment:

Date May 23, 2007

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

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: Barnett VanDyne Construction Inc., A Small Business Construction 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. Small Business can not sustain these costs and remain in business. This initiative is a sure disaster for the well being of all small construction entities.

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 \$13 billion. For my company's fleet alone, the cost will be 250,000. the 1st. year. This is an impossible amount for our company. It will put us out of business.

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,

Helen Barnett, Pres./ RMO  
Barnett VanDyne Construction Inc.

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-05-23 09:30:17

**Form Letter 14 for Comment 26 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.**

First Name: Gary

Last Name: Eckles

Email Address: garyeckles@ecklesconstruction.com

Affiliation:

Subject: Off Road Diesel Regulations

Comment:

Dear Members of the California Air Resource Board:

The CA 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 (Eckles Construction, Inc.) 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, and estimated 165,000 pieces of machinery will have to be retrofitted, repowered 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 finally hits the marketplace.

While many of California's larger construction companies have already begun the process of repowering and 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 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 \$13 billion. For my company's fleet alone, the cost will be approximately \$200,000.00. 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 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,

Gary B. Eckles/President  
Eckles Construction, Inc.

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-05-23 13:02:13



## **Form Letter 15 for Comment 26 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.**

First Name: Joe

Last Name: Valverde

Email Address: joev@valverdeconst.com

Affiliation:

Subject: OFF ROAD DIESEL REGULATIONS

Comment:

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: Valverde Construction Inc. 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 \$13 billion. For my company's fleet alone, the cost could be 10 million dollars. 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,

VALVERDE CONSTRUCTION INC.

Joe A. Valverde

Attachment: [https://ww2.arb.ca.gov/sites/default/files/BARCU/barcu-attach-old/ordiesl07/865-urgent\\_message\\_carb.pdf](https://ww2.arb.ca.gov/sites/default/files/BARCU/barcu-attach-old/ordiesl07/865-urgent_message_carb.pdf)

Original File Name: Urgent Message CARB.pdf

Date and Time Comment Was Submitted: 2007-05-23 15:00:08

**Form Letter 16 for Comment 26 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.**

First Name: Darryl  
Last Name: Mueller  
Email Address: dmc@darrylmueller.com  
Affiliation:

Subject: Off Road Diesel Construction  
Comment:

5/23/07

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

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: (organization/company name) 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 \$13 billion. For my company's fleet there is, NO WAY TO FIX IT, Technology does not exist. 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,

Darryl Mueller

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-05-23 22:29:51

## **Form Letter 17 for Comment 26 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.**

First Name: Myung H.

Last Name: Lee

Email Address: frankie\_50@hotmail.com

Affiliation:

Subject: About construction equipment regulations

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: (organization/company name) 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 \$13 billion. For my company's fleet alone, the cost will be XXX, YYY. 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,

Frankie Lee  
Best C & C, Inc. / C.E.O.

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-05-24 00:57:25

## **Form Letter 18 for Comment 26 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.**

First Name: Kevin  
Last Name: Holtzinger  
Email Address: kevin@nwge.com  
Affiliation:

Subject: off road diesel motor legislation  
Comment:

Date 5-24-07

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

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: (Northwest General Engineering) 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 \$13 billion. For my company's fleet alone, the cost will be \$ 1.5 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,

Kevin Holtzinger/ Larry Gentry  
NorthWest General Engineering

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-05-24 06:28:32



**Form Letter 19 for Comment 26 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.**

First Name: James

Last Name: Wyatt

Email Address: Portmachineryinc@yahoo.com

Affiliation:

Subject: off-road diesel regulations

Comment:

05/23/07

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

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: Port Machinery Inc. 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 \$13 billion. For my company's fleet alone, the cost will be unattainable in the time given. 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,

James Wyatt - Port Machinery Inc.

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-05-24 11:19:53

**Form Letter 20 for Comment 26 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.**

First Name: William

Last Name: Ferraro

Email Address: will@wysongconstruction.com

Affiliation: Construction Industry

Subject: Proposed regulation for In-use off road- diesel vehicles

Comment:

Et al-

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.

As a General Contractor we specialize in public work projects, prisons, hospitals, education establishments, street maintenance, transportation improvements, etc. We will be severely impacted:

1. By cost to implement said standards
2. Timeframe for completion will suffer due to lack of compliant equipment
3. We will not be able to carry the tremendous burden stated herein

We want to be clear; Wysong Construction 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 replace more then 1,000 high polluting engines, resulting in a reduction of more then 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 or reducing particulate matter emissions only. Due to delays in developing these rules, that timeline has been reduced to 13 years. In addition, the regulation on 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 re-powering 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 re-powering 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 re-power 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 in excess of \$500,000. 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,

Will Ferraro  
Wysong Construction Co.

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-06-25 14:37:42

**Form Letter 21 for Comment 26 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.**

First Name: Michael  
Last Name: Ghilotti  
Email Address: mikeg@ghilottibros.com  
Affiliation:

Subject: Proposed Regs for Off Road Vehicles  
Comment:

Ghilotti Bros., Inc.  
525 Jacoby St  
San Rafael, CA 94901  
(415) 454-7011  
F (415) 454-5324

July 25, 2007

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

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: Ghilotti Bros., Inc. 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 \$13 billion. For my company's fleet alone, the cost will be XXX, YYY. 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,

Michael M. Ghilotti  
President  
Ghilotti Bros., Inc.

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-07-25 12:48:03



**Form Letter 22 for Comment 26 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.**

First Name: Michael  
Last Name: Sturgeon  
Email Address: sturgeonconstruction@yahoo.com  
Affiliation:

Subject: CARB's Regulations for Off-Road Diesel Construction  
Comment:

July 25, 2007

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

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: MICHAEL JOSEPH STURGEON CONSTRUCTION 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 \$13 billion. For my company's fleet alone, the cost will be XXX, YYY. 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,

MICHAEL JOSEPH STURGEON CONSTRUCTION

By: Michael Joseph Sturgeon, Owner  
Sandi Gascon, Controller  
Cathy Dodson, Office Manager  
Joe Miller, Chief Superintendent  
Andy Sturgeon, Superintendent  
Tony Sturgeon, Superintendent

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-07-25 12:54:40

**Form Letter 23 for Comment 26 for In-Use Off-Road Diesel Fueled Engines (ordiesl07) - 45 Day.**

First Name: Lisa  
Last Name: Ramey  
Email Address: LCRamey@aol.com  
Affiliation: Coastline Equipment

Subject: CARB Vote  
Comment:

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Sincerely,  
Lisa Ramey  
Coastline Equipment

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2007-07-25 17:08:24