



Air Resources Regulatory Experts

April 21, 2014

California Air Resources Board  
1001 I Street  
Sacramento, CA 95814

**Re: COMMENTS ON THE PROPOSED AMENDMENTS TO THE REGULATION TO REDUCE EMISSIONS OF DIESEL PARTICULATE MATTER, OXIDES OF NITROGEN AND OTHER CRITERIA POLLUTANTS FROM IN-USE HEAVY-DUTY DIESEL-FUELED VEHICLES**

Dear Chair Nichols and Board Members:

I have spent the past 14 years working on diesel fleet rule implementation. Initially, I represented trade associations during rule development and more recently was selected by your staff to train over 5,000 business owners in six western states about this regulation. I am supplying the following summary and attachments to further compliance with the regulation:

1. **Help affected fleets "sell the program"** through a stronger "How to Verify" statement. Please consider the attached language to insert into the regulation text. By putting the supply chain on notice that clean trucks are to be used then the free market will adjust more readily to the changing economics associated with the regulation.
2. **Give "common ownership" fleets the flexibility to count all their compliant trucks.** If the Board does not intend the owner of 30 trucks to create ten "three-truck" fleets to slow the rule down, then that owner should not be prohibited from counting all the compliant trucks regardless of which business unit holds title to the truck or bus.
3. **Allow "Work Truck" fleets flexibility.** In the December 2010 amendments the Board allowed construction truck fleets to apply the minimum percentage to the entire fleet of heavy trucks or just the low mileage construction truck fleet. The current proposal disallows the "or" and is less flexible. Also, the Work Truck category requires reporting of January 1, 2012 odometer readings but Appendix A-38 says beginning January 1, 2015. Please confirm that the 20,000 miles per year applies beginning in 2015.
4. **Preserve Compliance for Fleets Affected by VDECS Recalls:** The identical provisions proposed should be applied to Public Agency/Utility fleets, Solid Waste fleets and Offroad fleets affected by recalled VDECS.
5. **Ensure prompt reporting and outreach.** ARB should reaffirm that any extensions or credits under the regulation require timely and annual reporting and that informing the tens of thousands of affected fleets is a top priority.

Thank you for your consideration of these comments and I may be reached at 916-520-6040 Ext 104 should additional information be required.

Sincerely,

A handwritten signature in black ink, appearing to read "Sean R. Edgar", is written over the word "Sincerely,".

Sean R. Edgar  
Director  
enclosures

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## COMMENT #1

### ARB TRUCK & BUS REGULATION:

#### Insert "How to Verify" into Regulation Text

##### (x) Compliance Requirement

(1) The vehicle owner shall comply with all applicable requirements and compliance schedules set forth in this regulation.

(2) Any in-state or out-of-state motor carrier, California broker<sup>\*1</sup>, or any California resident business entity<sup>\*2</sup> including but not limited to public agencies, developers, shippers<sup>\*3</sup>, contractors, subcontractors, receivers, and others, who operates, or directs or influences the operation of or payments to any vehicle subject to this regulation shall verify that each hired, dispatched or utilized vehicle is in compliance with the regulation and comply with the record keeping requirements of section 2025(s)(4).

(3) Compliance may be accomplished by keeping at the business location, a copy of the Certificate of Reported Compliance with the In-Use On-Road Diesel Vehicle Regulation for each fleet, or in the vehicle.

(4) Any contract that a lessor and lessee enter into that has an effective date of January 1, 2010 or later shall clearly specify whether or not the leased vehicle is to be excluded from the lessor's fleet for the duration of the lease, or the responsibility will be that of the lessee.

\*1 – "Broker" means a person or business entity defined here who for compensation, arranges, or offers to arrange, the transportation of property or goods by an authorized motor carrier. For purposes of this section a "bona fide agent" and "freight forwarder" means the same as broker.

\*2 – "Business entity" means a domestic corporation, foreign corporation, limited liability company, foreign limited liability company, limited partnership or foreign limited partnership, or sole proprietorship which receives some or all profits from a business and is responsible for taxes and liabilities of the business.

\*3 – "Shipper" represent the owner of goods being transported by any mode of transport, whether consignors (the traditional meaning of shipper) or consignee. The definition of shipper has changed somewhat in line with the nature of international trade and transport: in today's global economy shippers may contract third party logistics providers or freight forwarders to procure and manage their freight shipments; they will be responsible for arranging and managing that contract. But many shippers will also seek to contract directly with the carriers whether or not they are the importer or exporter. Sales terms provide for shippers to take control of the shipment and the goods (and liabilities surrounding the carriage of goods) either from their source (e.g. the factory gate) or from a place of delivery; this may or may not include responsibility for payment of import or export duties, freight charges, insurance, or requirements under various rules of international trade (e.g. security). Invariably, however, a shipper – as owner of the goods will have ultimate responsibility for the goods in their control or in transit and compliance with the relevant national and international rules of trade and commerce.



**Terry Tamminen**  
Agency Secretary

## Air Resources Board

**Alan C. Lloyd, Ph.D.**  
**Chairman**  
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**Arnold Schwarzenegger**  
Governor


April 30, 2004



Dear City and County Officials:

The California Air Resources Board (ARB) is moving ahead with implementing regulations to reduce toxic particulate matter (PM) emissions from diesel-fueled commercial and residential waste collection vehicles. Exposure to PM -- the tiny soot particles from diesel engines -- is a health hazard, particularly to children whose lungs are still developing and the elderly who may have other serious health problems. Each year in California, diesel PM contributes to 2,900 premature deaths, 3,600 hospital admissions, 240,000 asthma attacks and respiratory symptoms and 600,000 lost workdays. These numbers illustrate why reducing diesel PM has become one of ARB's most critical challenges.

The new solid waste collection vehicle regulation is particularly effective because it reduces PM concentrations in the heart of residential communities where waste collection trucks frequently make multiple trips on trash pickup day. But while the regulation brings significant clean-air benefits, it also brings cost increases to the state's waste collection companies. Depending on the age and type of trucks in an owner's fleet, implementing the regulation can average from \$3000 to more than \$50,000 per truck. During the debate on the regulation, one of the major issues of concern was who would pay these costs. Since all California residents will enjoy the health benefits of this regulation, the Board felt waste collection companies should not stand alone in shouldering the costs. 

That being the case, in passing the regulation, the Board stated it intends and expects municipalities and service providers to work together to amend or renegotiate contracts as needed so service fees reflect the service providers' costs for compliance. 

*The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our Website: <http://www.arb.ca.gov>.*

California Environmental Protection Agency

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As both elected county officials and ARB Board Members, we urge you to work cooperatively with your local solid waste collection companies to resolve this important issue.



Supervisor Mark DeSaulnier  
Board Member



Supervisor Barbara Patrick  
Board Member



Barbara Riordan  
Board Member



Supervisor Ron Roberts  
Board Member





## **COMMENT #2**

### **ARB TRUCK & BUS REGULATION:**

#### **Common Ownership Fleets**

##### **Existing Regulation:**

"Common Ownership or Control" means being owned or managed day to day by the same person, corporation, partnership, or association. Vehicles managed by the same directors, officers, or managers, or by corporations controlled by the same majority stockholders are considered to be under common ownership or control even if their title is held by different business entities..."

##### **Discussion:**

Many construction and solid waste companies are managed day to day by the same person or shareholders who make the vital capital decisions about compliance, however do not individually own a majority of any subdivision of a given corporation or partnership. Leasing companies owned by individuals are a very common way to procure and lease diesel vehicles to multiple entities within the same family of companies.

##### **Needed Changes to the Regulation:**

1. Add language to ensure that common ownership or control fleets that have the same "financial managers" can base their compliance calculations on the entire fleet of trucks or buses under their control