



American Rental Association

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To Whom It May Concern:

Attached are comments by the American Rental Association on the final 15-day package for the In-Use Off-Road Mobile Diesel vehicle regulations. We appreciate the opportunity to comment on this proposal and to participate in this regulatory process. If you have any questions, please do not hesitate to contact John McClelland at john.mcclelland@ararental.org or Michael Graboski at msgraboski@speedtrail.net.

Sincerely,



John W. McClelland, Ph.D.
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JWM:mmf
Enclosure



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**Comments of the American Rental Association
on
“Modified Text
Proposed Regulation for In-Use
Off-Road Diesel Vehicles
Published December 2007”**

By

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1. Item 2449(d)(1)(A)(2) and (d)(1)(A)(4) seem inconsistent. In the former, a vehicle converted to an alternative fuel may be used, but the user must keep the same emission factor for NOX. Under the latter, each alternative fueled engine must use the emission factor for which the engine is certified. Under the former, if the vehicle is converted, presumably that conversion package is certified and carries its own standard. Why doesn't that apply as required in the latter.
2. Item 2449(d)(2) Hours in Fleet Average Option: We have not seen a quantified justification for the 1.18 factor. This approach already allows for fleets to control the use of older vehicles by limiting their use for compliance purposes. Limiting the use of older equipment could be an economically viable approach for some equipment owners. All the 1.18 factor does is reduce the viability of this approach because it effectively lowers the hours that the older equipment would be used by 20% (1/1.18).
3. 2449(e)(6) Compliance Extension for Equipment Manufacture Delays: Is it possible, since compliance dates are assigned, to put dates in this section for which an extension can be awarded.
4. 2449(e)(8)(A) Appeals: ARA suggests that this section include a statement that allows equipment under appeal to be allowed to remain legally in service until the appeal process is completed and a final decision is made. The owner is assumed innocent until proven guilty.
5. 2449(g) Reporting: We are confused by the reporting requirements. Where is "reporting year" defined? First, medium fleets according to the Board Resolution 07-19 must comply beginning in 2013. Small fleets must comply beginning in 2015. All fleets must do initial reporting in 2009. Then, medium fleets must report in 2012, and small fleets must report in 2014 even though there are no compliance requirements in those years. And finally, small and medium fleets must report changes in fleets between 2009 and their reporting year, which is tantamount to full reporting. How does all this relieve the administrative burden for small and medium fleets in the early years and what benefit does all of this extra reporting provide exactly?
6. 2449(g) Reporting: Why not report if your fleet is a captive fleet in an attainment county?
7. 2449(g) Reporting: Where are first and final compliance dates defined? There needs to be a section that specifically spells out compliance dates based on fleet size. We can't find this in this version.
8. 2449.1 NOX Performance requirements: There is still no procedure for handling numerical roundoff when deciding whether a fleet complies or not. ARA has commented repeatedly in the past regarding this issue.
9. The term "years old" is used in this section. It needs a definition.
10. In section 2449.2 under BACT Requirements: The requirement for PM BACT needs to be clarified. If a fleet fails both the NOX and PM average and therefore turns over vehicles, does it then re-compute its PM average to determine compliance with the PM part of the rule?