

To: State of California, AIR RESOURCES BOARD

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Purpose of this Transmittal: Comments pertaining to the IN USE OFFROAD Diesel Vehicles proposed regulation

Date Jan 4, 2007

Comment 1 (General Comment). The exemption for agriculture operations appears to be founded on non scientific principles in regard to the threat to health. This exemption contains grammar which is exceedingly too broad and general.

Recommendation 1a Agriculture Operations would be temporarily exempted from retrofits (only), but included in the registration and fleet calculation data base of the PM and NOx in a manner similar to the other offroad operations. The regulation should contain language which indicates the exemption is a delayed implementation.

Recommendation 1b Add wording to address Agriculture Operations which the scope is other than the planting, growing, or harvesting of crops, or incidental maintenance and repairs, such as:

- a) constructive activities
 - b) those that change or terminate the use of the operation
 - c) extensive or permanent installations
- would not be exempt.

A few examples are presented:

A project involving the installation of sub grade drains in fields is not directly related to planting/growing/harvesting, therefore the equipment would not be agriculturally exempted from reductions.

A project involving the construction of dykes, levees, irrigation canals would not be considered agricultural.

A project to remove old or diseased perennials such as grape vines or orchards would not be considered as agricultural harvesting.

Deep root tillage (2.5 feet or greater) should not be exempt, but shallow tillage would be. Equipment used for installation or replacement of underground piping systems would not be exempt, although on grade or above grade drip or quick coupled pipe systems would be exempted if their usage was related to crops.

Preparation of agricultural land for future uses other than agriculture would not be exempt.

Comment 2 (General Comment) Forestry Operations should not be exempt from registration. Similarly to the above, the future air quality needs may necessitate implementation of reductions. If the registration process were to be completed for Ag and Forestry, then more exacting analysis of the cost benefits of technology improvements could be calculated. There is no logical reason to allow breathing diesel fumes from an agricultural farm tractor than from a construction backhoe. I have no

comment on the wording of the regulation's example forestry activities due to unfamiliarity with these operations. Exempting the equipment from registration provides a continued lack of precise data for evaluation of future actions intended to promote the air quality improvements.

Comment 3 (General Comment) In accordance with board efforts to reduce the diesel emissions, would it be possible to add a small policy section that establishes a provision for a future process whereby reduction credits from either associated uses of on-road trucking, or stationary engines, or off road could be applied to a net reduction from one organization? The details of the process would not be addressed at this time, but for now, at least the concept would be established in the regulation.

For example, many off road diesel operators (especially small fleets) have at least one or a couple on-road diesel truck(s). Many companies have only one or two drivers and these trucks are not driven every day. A dump truck or a lube/service or delivery truck or a semi truck with a flat bed trailer to haul the equipment or maybe a seasonal use water truck would be common types. In almost all situations, these trucks would be operated with reduced miles in a regional capacity. It may be strategically appropriate and lessen the economical burden if the company could gain emission reductions in the off road fleet beyond the expectation of "the calculator" and apply these reductions to the on road micro fleet. Often for these organizations, capital utilization may be greatly optimized within the operations of the off road equipment. It would be more likely to obtain financing for the off road equipment upgrades or replacements than improving an older truck simply because the revenue stream of the business is aligned with the operation of the off road equipment.

As a general characteristic, the operation of these 'associated' trucks is generally an overhead expense. Dump trucks could be discussed as a dual mode. In some cases, the dump truck is utilized (empty) to tow a trailer with an off road equipment item. If the dump truck bed is moving materials, then this mode can be calculated as a billable item. In most cases, a small equipment company does not find large scale dump truck materials operation to be a sensible activity to be engaged. These trucks provide a critical role, however, for small quantities where there is no place for the materials, such as street work or repairs to completed and occupied campus and buildings.

Day cab semi trucks owned by off road equipment fleets equipped with low bed trailers typically are also in the indirect overhead category.

Water trucks are often solely seasonal uses.

Comparison of the economics of these minimal truck operation to the overall company equipment operation yields the improved likelihood that capital improvements for the off road equipment is a notably better business decision. The amount of fuel that is used by off road equipment is very often much higher than these occasional use trucks consume thus any repower or retrofit on the off road equipment is going to produce more reductions.

As an aside, this program feature could be limited in the implementation duration for a period until the 2007 model year trucks become economically relegated to the duty of occasional uses, which could be anywhere from 10 to 15 years. Given a choice, all things

being equal, the program should encourage and facilitate fleet modernization rather than promoting investment and perpetuation of older technology. A personal example of my sentiments on this is the California Unreinforced Masonry Buildings policy where many building owners are encouraged to retrofit than replace -- this is questionable in one very important way because there is no viable comparison between a retrofitted URM building and a new modern building. Sure, maybe the URM will work (*once*). Then what? But I digress from the point.

Comment 4 (Specific Comment) Owner Information -- the idling policy being made available to employees may not be applicable for two reasons:

- the company is an owner operator and has no employees, and/or
- the company does not permit operation of equipment by employees.

Recommendation: change the wording to require the anti idling policy to be documented and available if employees operate the equipment.

Suggestion: Could the anti idling wording be contained in a placard/sticker/label displayed on the equipment? Rental equipment would be a beneficial category to invoke this labeling due to the varied users and greater promotion of the requirement. Therefore the administration of employee policy manual would not be the sole method to comply with this requirement.

Comment 5 (Specific Comment) Vehicle List -- an optional section to include the fleet equipment ID number and/or the national equipment registration number should be added to the information. This is intended to help in coordinating the various numbering schemes.

Comment 6 (Specific Comment) VDEC information. All Reporting Information should be included in one section of the regulation, independent of the complexity of the regulation. Perhaps this is the case, but the wording 'pursuant to a different subsection' is somewhat difficult to comprehend for this reader.

Thank you for the consideration of these comments.

Sincerely,

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Signed ORIGINAL SENT BY, Oceano, San Luis Obispo County, CA
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