

**STATE OF CALIFORNIA
AIR RESOURCES BOARD**

PUBLIC HEARING TO CONSIDER THE)
ADOPTION OF A PROPOSED)
REGULATION FOR IN-USE OFF-ROAD)
DIESEL VEHICLES)
)

Agenda Item: 07-5-6

**COMMENTS ON SUPPLEMENTAL DATA OF
THE CONSTRUCTION INDUSTRY AIR QUALITY COALITION &
THE ASSOCIATED GENERAL CONTRACTORS OF AMERICA**

March 20, 2008

On behalf of—
Associated General Contractors of America

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On behalf of—
Construction Industry Air Quality Coalition

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1. Affidavit of Michael Shaw (Mar. 20, 2008)
2. Supplemental Affidavit of Lawrence J. Joseph (Mar. 20, 2008)

GLOSSARY

AGCAssociated General Contractors of America

APA.....California Administrative Procedure Act

ARBCalifornia Air Resources Board

CEQA.....California Environmental Quality Act

ORDIn-Use Off-Road Diesel Rule

INTRODUCTION

The Associated General Contractors of America (“AGC”) and the Construction Industry Air Quality Coalition (“CIAQC”) respectfully submit these supplemental comments to the California Air Resources Board (“ARB”) on its proposed in-use off-road diesel (“ORD”) rule to respond to the supplemental data that ARB entered into the administrative record on March 5, 2008. In summary, AGC and CIAQC respectfully submit that the supplemental data do not support the ORD rule’s cost effectiveness or feasibility.

AGC is the largest and most diverse trade association in the construction industry, with more than 32,000 members and 96 state and local chapters throughout the United States. Among AGC’s members are more than 7,000 of the nation’s leading general construction contractors and approximately 25,000 specialty contractors and other firms engaged in the construction of highways, bridges, tunnels, airport runways and terminals, buildings, factories, warehouses, shopping centers, and both water and wastewater treatment facilities.

CIAQC promotes the adoption and implementation of emission reduction measures that are cost-effective and efficient. Formed in 1989, CIAQC is a coalition of several major construction and building industry associations in California, including the Associated General Contractors of California and San Diego, the Building Industry Association of Southern California, the Engineering Contractors Association, the Engineering and General Contractors Association, the Engineering & Utility Contractors Association, Southern California Contractors Association and the California Dump Truck Owners Association. Associate and affiliate members include the Southern California Rock Products Association (now a part of the California Construction and Industrial Materials Association), the California Rental Association and the California Construction & Industrial Materials Association. Through its members, CIAQC represents several thousand member companies throughout California.

AGC and CIAQC previously submitted comments dated May 23, 2007, July 23, 2007, July 24, 2007, July 25, 2007, December 13, 2007, January 8, 2008, March 6, 2008, and March 12, 2008, which AGC and CIAQC incorporate by reference.

I. OVERSTATED USED-EQUIPMENT MARKET

As AGC and CIAQC have explained in their written comments and in conversations with ARB staff, significant differences exist in the markets in used, later-tier (*i.e.*, model year 2003 and subsequent) equipment, depending on the size of the equipment. Specifically, smaller, inexpensive, low-horsepower equipment turns over frequently (even absent an ORD rule), while larger, expensive, high-horsepower equipment does not. AGC Supplemental Comments, at 15-17 (Jan. 4, 2008); Affidavit of Michael Shaw, ¶4. As a result, the markets in those inherently different products differ.

ARB’s cost-effectiveness and feasibility analyses depend on ARB’s assessment of the availability of higher-tier used equipment to determine whether (and to what extent) low-cost used equipment can accommodate the ORD rule’s accelerated turnover. If the used-equipment market is smaller than ARB anticipated (and AGC has demonstrated that it is more than five-fold smaller), California fleets will need either to purchase newer, more expensive equipment or to

downsize and (consequently) lose their economic ability to pay the ORD rule's significant costs. Either way, ARB's cost-effectiveness and feasibility analysis will be patently incorrect.

Like ARB's original used-equipment data, however, ARB's supplemental data fail to account for this important distinction between the markets in smaller versus larger units. Instead of breaking equipment availability down into the relevant subcategories of equipment, ARB's data rely on the MachineryTrader.com categories, which include wide ranges of equipment types. Shaw Affidavit, ¶4(h); Supplemental Affidavit of Lawrence J. Joseph, ¶¶4-5. In addition, like its prior data, ARB again includes an unknowable degree of irrelevant equipment (e.g., equipment under 25 horsepower, rental equipment, gray-market equipment, portable and onroad equipment subject to other rules). *See* Shaw Affidavit, ¶¶4(a)-(h), 5(a)-(j). These multiple failures bias ARB's assessment of the market in later-tier, higher-horsepower equipment, which in turn renders ARB's cost-effectiveness and economic-feasibility analyses plainly inaccurate.

Of course, if ARB is suggesting that the California construction industry replace large, higher-horsepower workhorse equipment with the readily available, low-horsepower equipment, ARB should say so. While that suggestion would be untenable, *see, e.g.*, Suppl. Joseph Affidavit, Ex. 1-17 (MachineryTrader.com listings for small equipment), it at least would be more straightforward than claiming that higher-tier, high-horsepower used equipment are readily available to support the accelerated demand that the ORD rule will impose.

In short, the supplemental data does nothing to bolster ARB's cost and feasibility analysis on the critical issue of the availability of later-tier, higher-horsepower equipment that the California construction industry will need to continue to perform its vital infrastructure functions.

II. CALIFORNIA ENVIRONMENTAL QUALITY ACT

Under its certified regulatory program, ARB must comply with the non-exempt portions of the California Environmental Quality Act ("CEQA"). *Mountain Lion Foundation v. Fish & Game Comm'n*, 16 Cal.4th 105, 132 (1997). Thus, while the California Administrative Procedure Act may allow supplementing the administrative record with only fifteen days for public comment, CEQA does not. *Ultramar, Inc. v. SCAQMD*, 17 Cal.App.4th 689, 699-702 (1993). ARB's truncated comment period prejudiced AGC and CIAQC, Shaw Affidavit, ¶6; Suppl. Joseph Affidavit, ¶7, and CEQA requires ARB to re-notice its rulemaking package.¹

¹ In addition, CEQA requires ARB to submit its draft environmental documents to the State Clearinghouse, Pub. Resources Code §21082.1(c)(4)(A)(i), which ARB has not done. Suppl. Joseph Affidavit, ¶6 & Ex. 19.

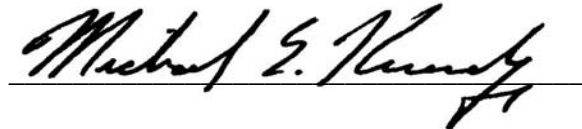
CONCLUSION

For all the foregoing reasons, the Board should recall the ORD rule from ARB staff, revisit the entire issue, reinitiate consultation with affected public agencies and stakeholders and expand its consideration of all less costly alternatives.

Respectfully submitted,
On behalf of—
Associated General Contractors of America

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Email: pilconisl@agc.org



On behalf of—
Construction Industry Air Quality Coalition

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Attachment 1

**STATE OF CALIFORNIA
AIR RESOURCES BOARD**

PUBLIC HEARING TO CONSIDER)
THE ADOPTION OF A PROPOSED)
REGULATION FOR IN-USE OFF-)
ROAD DIESEL MACHINES)

Agenda Item: 07-5-6

AFFIDAVIT OF MICHAEL R. SHAW

I, Michael R. Shaw, hereby declare and state as follows:

1. I am over the age of 18, and I reside in La Mesa, California.
2. I am the president of Perry&Shaw, Inc., and a member of the Construction Industry Air Quality Coalition (“CIAQC”). Perry & Shaw, Inc. is a general engineering contractor licensed in the state of California specializing in heavy grading operations. I have been involved in the construction industry full time for 31 years.
3. Because I use the MachineryTrader.com regularly in my professional capacity, CIAQC asked me to review the supplemental data that the California Air Resources Board (“ARB”) released on March 5, 2008, with its third supplemental notice on its in-use off-road diesel (“ORD”) rulemaking.
4. From my knowledge of the MachineryTrader.com website and the used-equipment market, ARB’s new data suffer from several problems that make them inadequate to assess the market in used equipment available to help industry comply with the ORD rule:
 - a. ARB’s MachineryTrader.com searches are over-inclusive because they include equipment with less than 25 horsepower (“HP”), which is exempt from the ORD rule.
 - b. ARB’s MachineryTrader.com searches are over-inclusive because they include equipment that is not self-propelled, which is exempt from the ORD rule.

c. ARB's MachineryTrader.com searches are over-inclusive because they include rental equipment, which would not necessarily be available for sale, and thus would not (except perhaps by rental) help California fleets comply with the ORD rule.

d. To the extent that ARB relies on the worldwide totals and not the U.S. totals, ARB's MachineryTrader.com searches are over-inclusive because they include "gray market" foreign equipment not certified to federal or California standards, which would not help California fleets comply with the ORD rule.

e. ARB's MachineryTrader.com searches are over-inclusive because they include non-diesel equipment (e.g., gas-powered and electric-powered equipment), which is not subject to the ORD rule and, more importantly, likely would not be an appropriate substitute for diesel-powered equipment in most construction contexts because of construction-specific issues such as the availability of fuel/power or the available torque/performance.

f. ARB's MachineryTrader.com searches are over-inclusive because they include units subject to ARB regulations as onroad vehicles or portable equipment, which are exempt from the ORD rule.

g. ARB's MachineryTrader.com search results are truncated to a single "screenshot" of each search, which do not include all of the units on that search page, much less all of the search pages generated for each search. Aside from then few units that appear on these screenshots, therefore, the reader cannot tell whether the equipment identified in the search actually is relevant or instead should have been excluded for one of the foregoing reasons (or some other reason that might be apparent if ARB had included the results of its searches).

h. Because the MachineryTrader.com equipment categories are very broad, ARB's summary data do not distinguish between low-cost small units (e.g., under 175 HP) that industry would turn over regularly even without an ORD rule and the higher-cost, higher-HP large units that industry needs to complete large construction projects. For example, the Crawler Dozer and Crawler Excavator categories include equipment ranging from small Bobcat units available for rent for do-it-yourselfers to large Caterpillar D11 bulldozers. The small-equipment categories are significantly more available, both as a share of the total market in used equipment and with a higher degree of availability in later model years (i.e., 2003 and subsequent model years).

5. Although ARB's summary data includes very few of the more than 72,000 pieces of equipment that ARB's notice claims are available for sale worldwide, the pieces of equipment listed in ARB's new data demonstrate several of the foregoing defects in ARB's data set:

a. On page 40 (Compaction/Smooth Drum, USA, 2003+), ARB's search shows a 2007 Beuthling B60, which has a gas engine.

b. On page 130 (Excavator/Mini, Worldwide), ARB's search shows two pieces identified as AIRMAN AX15-2 with 17.3 HP (i.e., under the ORD rule's 25-HP minimum).

c. On page 136 (Excavator/Mini, USA, 2003+), all four machines shown in ARB's search are identified as BOBCAT 316 with 10 - 19 HP (i.e., under the ORD rule's 25-HP minimum).

d. On page 144 (Excavator/Wheel, USA, 2003+), the first unit in ARB's search is a towed unit (i.e., self propelled).

e. On page 160 (Forklift/Telescopic, USA, 2003+), the first unit in ARB's

search appears to be a rental unit (i.e., not for sale).

f. On page 168 (Lift/Boom, USA, 2003+), the first unit in ARB's search is a 2004 AERIAL K-13, which is a tow-behind unit with an electric motor (i.e., neither self-propelled nor diesel-fueled).

g. On page 176 (Lift/Scissor, USA, 2003+), all four machines shown in ARB's search are electric powered (i.e., not diesel-fueled).

h. On page 184 (Loader/Backhoe, USA, 2003+), the first two of the three machines shown in ARB's search are gas powered (i.e., not diesel-fueled).

i. On page 52 (Crane/Conventional Truck), the category includes onroad vehicles (which ARB regulates as an onroad vehicle) that either power their cranes from the vehicle's main engine or have a second engine that powers the crane (which ARB regulates as a portable engine).

j. On page 200 (Pipelayer, USA, 2003+), the second of the three machines shown in ARB's search appears to be only an attachment (i.e., has no engine) because the underlying equipment (i.e., a 2005 Caterpillar 345BL) would cost several times more than \$55,000.

6. The short time in which I have had to review ARB's data precludes me from providing a more definitive or exhaustive analysis of ARB's new data and the issues that it presents.

7. I have personal knowledge of the foregoing and am competent to testify to it before the California Air Resources Board or at trial.

I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on this 20th day of March 2008, at El Cajon, California.



Michael R. Shaw

Attachment 2

**STATE OF CALIFORNIA
AIR RESOURCES BOARD**

PUBLIC HEARING TO CONSIDER)
THE ADOPTION OF A PROPOSED) Agenda Item: 07-5-6
REGULATION FOR IN-USE OFF-)
ROAD DIESEL MACHINES)

SUPPLEMENTAL AFFIDAVIT OF LAWRENCE J. JOSEPH

I, Lawrence J. Joseph, hereby declare and state as follows:

1. I am over the age of 18, and I reside in McLean, Virginia.

2. I am an attorney representing the Associated General Contractors of America (“AGC”) and the Construction Industry Air Quality Coalition (“CIAQC”) in responding to the California Air Resources Board (“ARB”) on in-use off-road diesel (“ORD”) rulemaking. I am admitted to practice law in the District of Columbia and California.

3. CIAQC and AGC asked me to summarize the significance of ARB’s supplemental data to the used-equipment market in later-model year (i.e., 2003+) used equipment of higher-horsepower. ARB provides only screenshots of the first page of its searches on the MachineryTrader.com website. While that method shows the number of “results” for the search at the top of the screen, it actually lists only a few of the items.

4. I reviewed ARB’s categories on the MachineryTrader.com website on March 19 and 20, 2008, to identify the lower end of the range of horsepower covered by each category. Examples from MachineryTrader.com’s (and thus ARB’s) equipment categories that I printed from MachineryTrader.com are attached hereto as exhibits:

Ex 1: 2006 CATERPILLAR 904B (Wheel Loader).

Ex 2: 2004 GEHL AL20DX (Wheel Loader).

Ex 3: 2005 YANMAR B55W (Wheel Excavator).

- Ex 4: 2003 BOBCAT V623 (Telescopic Lift).
- Ex 5: 2004 DEERE 110 (Skip Loader).
- Ex 6: 2007 ASV POSI-TRACK RCV (Skid Steer).
- Ex 7: 2004 BOBCAT 463 (Skid Steer).
- Ex 8: 2005 BOBCAT 325G (Mini Excavator).
- Ex 9: 2007 CARTER CT18-7 (Mini Excavator).
- Ex 10: 2004 BOBCAT B250T (Loader Backhoe).
- Ex 11: 2007 KUBOTA BX24 (Loader Backhoe).
- Ex 12: 2007 ASV SCOUT SC50 (Dumper).
- Ex 13: 2007 CORMIDI C10.80AC (Dumper).
- Ex 14: 2007 CASE 550H (Crawler Dozer).
- Ex 15: 2005 BROKK 90 (Vertical Drill).
- Ex 16: 2000 MEC 3072 (Scissor Lift).
- Ex 17: 2004 BOBCAT BCA12S (Compaction-Smooth Drum).

5. All but two categories (Compaction-Landfill, and Wheel Dozer) included equipment under 175 horsepower. All but five categories (the foregoing two plus Crane-Rough Terrain, Pipelayer, and Scrap Processing-Demolition) included equipment under 100 horsepower. Nine categories included equipment under 25 horsepower). They are indicated in the attached spreadsheet (Ex. 18) with a “Yes” in the column headed with “<25HP.”


6. On March 19, 2008, in my capacity as an attorney for AGC and CIAQC, I visited the website of the California Office of Planning and Research (“OPR”) and queried the database of CEQA documents filed by ARB from January 2007 to that time. My search and results

(attached as Exhibit 19) indicate that ARB has not filed its ORD rulemaking documents with OPR.

7. The length of the comment period on ARB's third "15-day notice" has prejudiced AGC's and CIAQC's ability to review the relevant data and to prepare comments and supporting affidavits. In particular, the following issues prejudiced our ability to respond within the time provided: (1) the construction industry had its annual convention during the week of March 10, and many key players were unavailable for most of that week; (2) prior to the convention week, we devoted significant attention to meeting the March 6, 2008, comment deadline for ARB's prior 15-day comment period, and thus did not have a significant amount of time to devote to the new notice that came out on March 5, 2008; (3) my schedule included an appellate oral argument and a district-court dispositive motion, both on March 18, 2008; (4) several key members of our legal team had illness within their family during the notice period.

8. I have personal knowledge of the foregoing and am competent to testify to it before the California Air Resources Board or at trial.

I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on this 20th day of March 2008, at McLean, Virginia.



Lawrence J. Joseph



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2006 CATERPILLAR 904B



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Equipment Specifications

Year	2006
Manufacturer	CATERPILLAR
Model	904B
Price	Call
Location	Saskatoon, Saskatchewan, Canada
Serial Number	B4L
Condition	USED
Stock Number	K1735
Hours	340
Horse Power	55

General Information

Suppl. Joseph Aff. Ex. 1

Cab with Heat/AC, Mitsubishi S4Q2-TDP Engine, Auxilary Hyd's

Detailed Description

Hydraulic Quick Connect, 70" GP Bucket,Forks, 12-16.5 Tires

Say you saw this 2006 CAT 904B On MachineryTrader.com!

Send Korpan Tractor and Parts A Message

Seller Information

Machinery Trader advertiser since: **January 2005**
Has a *Machinery Trader* representative visited seller's
physical location: **Yes**

Contact:

Korpan Tractor and Parts

Korpan Tractor & Parts

Machine is located in:

Saskatoon, Saskatchewan, Canada

Phone: (306)933-2100

Fax: (306)931-8888

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2004 GEHL AL20DX



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Equipment Specifications

Year	2004
Manufacturer	GEHL
Model	AL20DX
Price	US \$25,000
Location	Cresson, Pennsylvania
Condition	USED
Horse Power	20

Suppl. Joseph Aff. Ex. 2

General Information

Mini Loader, Kubota Diesel, 4 Wheel Drive, Articulated Loader

Attachment: Fork, Pallet

Attachment: Post Hole Digger

Attachment: Stump Grinder

Detailed Description

Also Comes with Bucket, Trencher 6x36", Tandem Trailer

Used Very Little. All In Good Condition.

[Say you saw this 2004 GEHL AL20DX On MachineryTrader.com!](#)

Send Hines Equipment A Message

Contact:

Hines Equipment

Gene Hines

Machine is located in:

Cresson, Pennsylvania

Phone: (800)245-6227

Fax: (814)886-8872

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2005 YANMAR B55W



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Equipment Specifications	
Year	2005
Manufacturer	YANMAR
Model	B55W
Price	Call
Location	Neuville Aux Bois, France
Serial Number	1284
Condition	USED
Hours	2,600
Horse Power	57

Detailed Description
MINI-PELLE SUR PNEUS

Suppl. Joseph Aff. Ex. 3

YANMAR B55W-1 + CABINE + CLIMATISATION + LIGNE BRH
ANNEE 2005, 2600 HEURES
L: 6, 18 m, Larg. : 1, 92 m, H: 2, 82 M, POIDS: 5 550 KG
MOTEUR : YANMAR 4TN 94 57 CV
N° DE SERIE : 1284
LAME ARRIERE + DEPORT PIED FLECHE + CLAPETS DE SECURITE
ATTACHE RAPIDE MORIN + 3 GODETS
FORCE DE TRAVAIL : 2820KG AU BRAS ET 4070 KG AU GODET
VITESSE DE TRANSLATION : 25 KM/H
PROFONDEUR DE FOUILLE : 3,41 m
HAUTEUR DE DEVERSEMENT : 4,30 m
4 PNEUMATIQUES BONS 60%
TRES BONNE PRESENTATION
TRES BON ETAT MECANIQUE

[Say you saw this 2005 YANMAR B55W On MachineryTrader.com!](#)

[Send JLS Occasions A Message](#)

Seller Information

Machinery Trader advertiser since: **November 2003**
Has a *Machinery Trader* representative visited seller's
physical location: **Yes**

Contact:

JLS Occasions

Jean Louis Krantz

Machine is located in:

Neuville Aux Bois, France

Phone: 0033238520110

Fax: 0033238520111

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2003 BOBCAT V623

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Equipment Specifications

Year	2003
Manufacturer	BOBCAT
Model	V623
Price	US \$38,000
Location	Maspeth, New York
Serial Number	367112503
Condition	USED
Stock Number	12503R
Capacity (in lbs)	6,000
Hours	3,205
Horse Power	100
Drive	4WD

Suppl. Joseph Aff. Ex. 4

General Information

BOBCAT VERSAHANDLER 623 TELESCOPIC TOOL CARRIER
Attachment: Bucket, GP

Detailed Description

Bobcat versahandler V623 for sale. Model year 2003 with 3174 hours. Unit is in great shape and ready to work. Tires have 95% life remaining on them. This model can lift 6,000 lbs with a reach of 23 feet. Unit has three steering options. Standard in which just the front wheels turn, crab steering in which all tires point in the same direction as well as all wheel steer for tight turns. Enclosed cab. Working CB radio and CD player. Machine comes with your choice of 80" (1 Yard) bucket or pallet forks or a grapple. Other attachments available for purchase include Sweepers and tree booms..If you're in the construction, hurricane or disaster clean up business this is a great choice of equipment. Financing available through Citicapital. We offer shipping throughout the US and Canada. Email us for a shipping quote. Local pickup also available.

[Say you saw this 2003 BOBCAT V623 On MachineryTrader.com!](#)

[Send Bobcat of New York, Inc A Message](#)

Seller Information

Machinery Trader advertiser since: **September 2007**
Has a *Machinery Trader* representative visited seller's physical location: **No**

Contact:
Bobcat of New York, Inc
Sage Prigozen
Machine is located in:
Maspeth, New York
Phone: (718)366-7930

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2004 DEERE 110

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Equipment Specifications

Year	2004
Manufacturer	DEERE
Model	110
Price	US \$17,000
Location	Landrum, South Carolina
Serial Number	LV0110T310314
Condition	USED
Hours	1,600
HorsePower	43
Drive	4WD

Detailed Description

Suppl. Joseph Aff. Ex. 5

Hydraulics front & rear. Includes hydr. top & tilt 3 point. Good cond. One owner operator. Also available- Box blade \$1000; 4-in-1 bucket \$2000; Bobcat auger drive for front \$1000. Need to sell by March 21.

[Say you saw this 2004 DEERE 110 On MachineryTrader.com!](#)

[Send Greg Schlappi A Message](#)

Seller Information

Machinery Trader advertiser since: **March 2008**
Has a *Machinery Trader* representative visited seller's physical location: **No**

Contact:

Greg Schlappi

Machine is located in:

Landrum, South Carolina

Phone: (864)316-5049

or (864)316-5049

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2007 ASV POSI-TRACK RCV



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Equipment Specifications

Year	2007
Manufacturer	ASV
Model	POSI-TRACK RCV
Price	US \$42,989
Location	Greensburg, Indiana
Serial Number	374
Condition	USED
Stock Number	SS105
Hours	189
Horse Power	86

General Information

Suppl. Joseph Aff. Ex. 6

Hi-Flow Aux Hyd., Pilot Controls, AC, We ship worldwide!!

Detailed Description

Machine has been in our rental fleet and has approximately 400 hours at this time. Vertical Lift Cab w/ heat & air conditioning Power Quick Attach, 10500lb operating weight, 3.6psi ground pressure, 38 gpm Hi Flow Aux, 20GPM Low Flow, 72" GP BKT, 86 HP Perkins, 4000lb ROC, 8000lb Tip Load, 26 gallon Fuel Tank, 20 Gallon Hydraulic capacity, 6mph Travel Speed, 145" Hinge Pin Lift height

[Say you saw this 2007 ASV POSI-TRACK RCV On MachineryTrader.com!](#)

[Send Ward Equipment A Message](#)

Seller Information

Machinery Trader advertiser since: **September 2003**
Has a *Machinery Trader* representative visited seller's physical location: **Yes**

Contact:

Ward Equipment

Robert Ward/John Riggs

Machine is located in:

Greensburg, Indiana

Phone: (812)662-7668

or (904)622-7141

Fax: (812)662-8928

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2004 BOBCAT 463

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Special Zoom Features



Equipment Specifications	
Year	2004
Manufacturer	BOBCAT
Model	463
Price	US \$15,000
Location	Wolcott, Indiana
Serial Number	522212876
Condition	USED
Hours	60
Horse Power	22
Drive	Wheel

General Information
 Like new, low hours, 2004 Bobcat 463

Suppl. Joseph Aff. Ex. 7

Attachment: Bucket, GP

Detailed Description

This machine was used to load pea gravel about 10 times, carried concrete once, dug a strip for a sidewalk once, and carried mulch around the house the rest of its time. This machine is like new, but we cannot justify keeping it since we do not use it enough in our small family business. The tires are like new because I am a 3-point turning-type and maintenance is current. The auxillary hydraulics have never been used and the valve has never been open.

[Say you saw this 2004 BOBCAT 463 On MachineryTrader.com!](#)

[Send Mike Wagenbach A Message](#)

Seller Information

Machinery Trader advertiser since: **February 2008**
Has a *Machinery Trader* representative visited seller's physical location: **No**

Contact:

Mike Wagenbach

Machine is located in:

Wolcott, Indiana

Phone: (219)279-2422

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2005 BOBCAT 325G

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Equipment Specifications

Year	2005
Manufacturer	BOBCAT
Model	325G
Price	US \$25,000
Location	Elma, New York
Serial Number	234112281
Condition	USED
Hours	70
Horse Power	27

General Information

OROPS, 3 Buckets, 70 Hrs, New condition

Suppl. Joseph Aff. Ex. 8

Attachment: Bucket, Ditch Cleaning
Attachment: Bucket, GP
Attachment: Bucket, Trenching

[Say you saw this 2005 BOBCAT 325G On MachineryTrader.com!](#)

[Send Camino Development Inc. A Message](#)

Seller Information

Machinery Trader advertiser since: **March 2008**
Has a *Machinery Trader* representative visited seller's
physical location: **No**

Contact:
Camino Development Inc.
David Ogiony
Machine is located in:
Elma, New York
Phone: (716)479-9270

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2007 CARTER CT18-7



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Equipment Specifications

Year	2007
Manufacturer	CARTER
Model	CT18-7
Price	US \$19,553 - (Price entered as 12,500 Euro)
Location	Herschbach, Rheinland Pfalz, Germany
Serial Number	1
Condition	USED
Hours	140
Horse Power	21
Drive	Track

Rental Information

Suppl. Joseph Aff. Ex. 9

Date Available: Call for Availability
Rental Prices: **Daily:** US \$125 **Weekly:** US \$469 **Monthly:** US \$1,721

Detailed Description

1760kg Gewicht, Gummikette, ohne Kabine

[Say you saw this 2007 CARTER CT18-7 On MachineryTrader.com!](#)

[Send Massfeller Transport Gmbh A Message](#)

Seller Information

Machinery Trader advertiser since: **August 2007**
Has a *Machinery Trader* representative visited seller's
physical location: **No**

Contact:

Massfeller Transport Gmbh

Patrik Massfeller

Machine is located in:

Herschbach, Rheinland Pfalz, Germany

Phone: +4926265166

or 004915773516602

Fax: +49262670945

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2004 BOBCAT B250T



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Equipment Specifications

Year	2004
Manufacturer	BOBCAT
Model	B250T
Price	US \$23,000
Location	Port Jefferson Station, New York
Serial Number	572211168
Condition	USED
Stock Number	35467
Hours	340
Horse Power	31
Drive	4WD

Suppl. Joseph Aff. Ex. 10

General Information

Side Shift, Front & Rear Aux. Hyd., Rear X-Change, Front Tooth Bucket

Detailed Description

1 Year Old Ringo C16-10 Trailer sold with the machine for \$25,000.
4-Wheel Steer, Kubota Turbo Diesel, Bucket w/ Removeable teeth, Awesome machine, very strong, small only in size, not capacity. Custom Vinyl Enclosure. Recent dealer maintenance service. Email me for current pics.

Say you saw this 2004 BOBCAT B250T On MachineryTrader.com!

Send Robert A. Dovi Construction A Message

Seller Information

Machinery Trader advertiser since: **November 2007**
Has a *Machinery Trader* representative visited seller's physical location: **No**

Contact:

Robert A. Dovi Construction
Robert Dovi

Machine is located in:

Port Jefferson Station, New York
Phone: (631)987-8847

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2007 KUBOTA BX24



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Equipment Specifications

Year	2007
Manufacturer	KUBOTA
Model	BX24
Price	US \$16,200
Location	Kersey, Pennsylvania
Condition	NEW
Hours	67
Horse Power	24
Drive	4WD

General Information

,DIESEL,12 INCH BACKHOE BUCKET

Suppl. Joseph Aff. Ex. 11

Attachment: Backhoes

[Say you saw this New 2007 KUBOTA BX24 On MachineryTrader.com!](#)

[Send GM Equipment Corp. A Message](#)

Seller Information

Machinery Trader advertiser since: **February 2006**
Has a *Machinery Trader* representative visited seller's
physical location: **Yes**

Contact:

[GM Equipment Corp.](#)

Mike DeLullo

Machine is located in:

Kersey, Pennsylvania

Phone: (814)834-0062

or (814)594-7731

Fax: (814)834-1279

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2007 ASV SCOUT SC50



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Special Zoom Features



Equipment Specifications

Year	2007
Manufacturer	ASV
Model	SCOUT SC50
Price	US \$33,456

Suppl. Joseph Aff. Ex. 12

Location	Cincinnati, Ohio
Condition	NEW
Hours	20
Horse Power	50

Rental Information

Date Available: GREATER CINCINNATI AREA

Rental Prices: **Daily:** US \$200 **Weekly:** US \$800 **Monthly:** US \$2,000

General Information

2-Speed Hdro Industrial Dump Box 1.3 cu/yrd, 3300 # Maximum Load, 2.5 psi

Detailed Description

Ground Pressure 15" Tracks ASV MODEL SC50, YEAR = 2007, 50 HP, OPERATING WEIGHT = 4562 LBS, 2.5 PSI of GROUND PRESSURE, 15" RUBBER TRACKS, 66" WIDE MACHINE, 2-SPEED HYDRO, INDUSTRIAL DUMP BOX 1.3 CU/YARDS, 3300 LBS MAXIMUM LOAD.

Rents for: 200 day, 800 week, 2000 mth

[Say you saw this New 2007 ASV SCOUT SC50 On MachineryTrader.com!](#)

[Send Equipment Maintenance & Repair A Message](#)

Seller Information

Machinery Trader advertiser since: **October 1996**
 Has a *Machinery Trader* representative visited seller's
 physical location: **Yes**

Contact:

Equipment Maintenance & Repair

Sales Dept

Machine is located in:

Cincinnati, Ohio

Phone: (800)891-3450

Fax: (513)353-3582

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2007 CORMIDI C10.80AC

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Equipment Specifications

Year	2007
Manufacturer	CORMIDI
Model	C10.80AC
Price	US \$13,500
Location	Guelph, Ontario, Canada
Condition	NEW
Capacity (in tons)	0.90
Horse Power	10
Drive	Track

General Information

Cormidi 800kg tracked dumper

Suppl. Joseph Aff. Ex. 13

Detailed Description

Tracked diesel self loading dumper, 34" wide, 1750 lb. payload, hydrostattic drive.
Stand on platform. Brand new

[Say you saw this New 2007 CORMIDI C10.80AC On MachineryTrader.com!](#)

Contact:

Rob Snyder

Machine is located in:

Guelph, Ontario, Canada

Phone: (519)763-2400

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2007 CASE 550H



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Equipment Specifications

Year	2007
Manufacturer	CASE
Model	550H
Price	US \$59,000
Location	Conway, Arkansas
Serial Number	CAL000534
Condition	USED
Hours	135
Horse Power	67

General Information

Attachment: Blade, 6-Way

Suppl. Joseph Aff. Ex. 14

Attachment: Engines, Case
Attachment: Track, Steel

Detailed Description

Barely used, in excellent condition! Has a Narrow width for superior Maneuverability and easy to transport. Great Buy!

[Say you saw this 2007 CASE 550H On MachineryTrader.com!](#)

[Send Nicole Ybarra A Message](#)

Seller Information

Machinery Trader advertiser since: **November 2007**
Has a *Machinery Trader* representative visited seller's
physical location: **No**

Contact:

Nicole Ybarra

Machine is located in:

Conway, Arkansas

Phone: (501)428-0705

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2005 BROKK 90

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Equipment Specifications

Year	2005
Manufacturer	BROKK
Model	90
Price	US \$53,183 - (Price entered as 34,000 Euro)
Location	Rozzano, ROZZANO, ITALY
Condition	USED
Hours	1,700
Horse Power	10

General Information

Atlas Copco SBC 115
Attachment: Hammer/Breaker - Hydraulic

Suppl. Joseph Aff. Ex. 15

[Say you saw this 2005 BROKK 90 On MachineryTrader.com!](#)

[Send LODESTAR A Message](#)

Seller Information

Machinery Trader advertiser since: **January 2008**
Has a *Machinery Trader* representative visited seller's
physical location: **Yes**

Contact:

LODESTAR

Roberto Moroni

Machine is located in:

Rozzano, ROZZANO, ITALY

Phone: 00390245409064

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2000 MEC 3072

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Equipment Specifications

Year	2000
Manufacturer	MEC
Model	3072
Price	US \$12,750
Location	East Bethany, New York
Serial Number	9200495
Condition	USED
Stock Number	9200495
Capacity (in lbs)	1,000
Hours	1,361
Horse Power	20
Drive	4WD

Suppl. Joseph Aff. Ex. 16

General Information

36 ft working height scissor lift. Extendable deck. Kawasaki Gas or LP

Detailed Description

powered. RT tires.

Say you saw this 2000 MEC 3072 On MachineryTrader.com!

Send Holland Highlift A Message

Seller Information

Machinery Trader advertiser since: **February 2004**
Has a *Machinery Trader* representative visited seller's
physical location: **Yes**

Contact:

Holland Highlift

John or Han Bakker

Machine is located in:

East Bethany, New York

Phone: (585)343-9961

Fax: (585)343-9967

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2004 BOBCAT BCA12S



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Equipment Specifications

Year	2004
Manufacturer	BOBCAT
Model	BCA12S
Price	US \$8,500
Location	Bensalem, Pennsylvania
Condition	USED
Hours	526
Horse Power	16

General Information

1.5 Ton Roller, Single Drum Vibration, Gas Engine, Runs Great!

Suppl. Joseph Aff. Ex. 17

[Say you saw this 2004 BOBCAT BCA12S On MachineryTrader.com!](#)

[Send Asphalt Care Equipment A Message](#)

Seller Information

Machinery Trader advertiser since: **March 2008**
Has a *Machinery Trader* representative visited seller's
physical location: **Yes**

Contact:

Asphalt Care Equipment

Dan Fackler

Machine is located in:

Bensalem, Pennsylvania

Phone: (215)322-7325

Fax: (215)639-9802

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Low Horsepower in MachineryTrader.com Equipment Categories on March 19-20, 2008

	World	2003+	US	2003+	<25 HP	<100HP	<175HP
Compaction	29	6	13	5		Yes	Yes
Compaction Landfill	107	10	61	6			
Compaction Padfoot	1108	451	950	396		Yes	Yes
Compaction Pnuematic	195	37	138	29		Yes	Yes
Compaction Smooth Drum	3039	1565	2415	1354	Yes	Yes	Yes
Carry Deck Crane	165	37	159	37		Yes	Yes
Conventional Truck Crane	183	0	142	0		Yes	Yes
Crawler Dragline Crane	603	129	484	110		Yes	Yes
Rough Terrain Crane	657	142	527	129			Yes
Crawler Loader	1594	286	1403	269		Yes	Yes
Crawler Dozer	8288	3030	6870	2660		Yes	Yes
Wheel Dozer	80	5	70	4			
Horizontal Drill	100	18	79	17		Yes	Yes
Verticle Drill	318	71	215	52	Yes	Yes	Yes
Dumper	212	43	129	20	Yes	Yes	Yes
Crawler Excavator	12096	5859	9024	4751		Yes	Yes
Mini Excavator (<12000 lb)	3253	1887	2455	1499	Yes	Yes	Yes
Wheel Excavator	731	251	288	101		Yes	Yes
Mast Forklift	2167	757	1828	697		Yes	Yes
Telescopic Forklift	4372	2255	4074	2137		Yes	Yes
Boom Lift	3641	1431	3608	1430	Yes	Yes	Yes
Scissor Lift	5777	3051	5739	3051	Yes	Yes	Yes
Loader Backhoe	4875	2639	4180	2348	Yes	Yes	Yes
Motor Grader	1720	385	1235	297		Yes	Yes
Pipelayer	101	24	65	16			Yes
Scrap Processing/Demolition	201	80	146	65			Yes
Skid Steer	6509	4391	5999	4079	Yes	Yes	Yes
Skip Loader	295	138	295	138		Yes	Yes
Off-Highway Truck	3392	1535	2605	1239		Yes	Yes
Wheel Loader	6786	2481	4861	1914	Yes	Yes	Yes
Totals	72594	32994	60057	28850			

(Equipment Counts from ARB Supplemental Data)

California Home

Wednesday, March 19, 2008



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Query the CEQAnet Database

Clearinghouse Number:

Select Options and Submit:

Date Range : (time period in which the document was received by the State Clearinghouse) All Range through **Project Location:** (type first letter of city or county to move through list more efficiently) All City: County: **Keyword (search for word or phrase in project title):** No Keyword Keyword

(Keyword search may take several minutes; improve search speed by using date and/or location parameters.)

Lead Agency: All Agency **Reviewing Agency:** All Agency **Document Type:**

All Types

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Wednesday, March 19, 2008



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Click Project Title link to display all related documents. Document Type link will display full document description.

Records Found: 2

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Page: 1

Query Parameters: All None All

Date Range: 2007-01-01 to 2008-03-31

SCH#	Lead Agency	Project Title	Description	Document Type	Date Received
2007082087	Air Resources Board	Proposed State Strategy for California's 2007 State Implementation Plan	Notice of Public Meeting to Consider Approval of the Proposed State Strategy for California's State Implementation Plan (SIP) for the Federal 8-Hour Ozone and PM2.5 Standards.	Oth	8/14/2007
2007081077	Air Resources Board	Modification to the Current SIP Commitment for Pesticide Emission Reductions in the Ventura County Nonattainment Area	Revised Proposed Revision and Revised Environmental Analysis to the Pesticide Element of the 1994 Ozone SIP for the Ventura County Nonattainment Area.	Oth	8/13/2007

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