

MWD

METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

Executive Office

May 21, 2007

Clerk of the Board
Air Resources Board
1001 I Street
Sacramento, California 95814

Attention: Ms Catherine Witherspoon
Executive Officer

Dear Ms Witherspoon:

CARB Proposed Regulation for In-Use Off-Road Diesel Vehicles

Metropolitan Water District of Southern California (Metropolitan) is a consortium of 26 cities and water districts that provides drinking water to nearly 18 million people in parts of Los Angeles, Orange, San Diego, Riverside, San Bernardino, and Ventura counties. Metropolitan delivers an average of 1.7 billion gallons of water per day to a 5,200 square mile service area. Our facilities include the Colorado River Aqueduct, pumping plants, treatment plants, reservoirs, tunnels, pipelines, and hydroelectric plants. To support the operations, maintenance, and construction projects at these facilities and along our distribution system, MWD maintains a fleet of nearly 70 off-road construction vehicles, including, but not limited to bulldozers, loaders, backhoes, graders, forklifts, cranes, and excavators. These were identified in our previously submitted CARB 2005 Off-Road Equipment (In-Use) Survey. We would be classified as large fleet (greater than 5,000 hp) under the rule, because our total fleet horsepower is approximately 16,000 -17,000 hp, and as a special district, we are a state of California agency. We support the intent of the rule to reduce diesel particulate matter, and nitrogen oxides, and will be replacing or retrofitting existing equipment to accomplish this. In fact, we submitted an application to CARB for grant money to purchase new lower polluting equipment in advance of the rule date, and just last week received notification that the grant was awarded to Metropolitan.

Metropolitan's specific comments are outlined below, and primarily are focused on those portions of the rule where we see the need for additional flexibility in the current rule language:

Definitions - Emission Factor, Section 2449 (c)(15) - The current definition of emission factor limits the emissions factors to those provided in Appendix A. However, it is possible that the values in Appendix A are higher than actual manufacturer engine emissions data.

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As an example, we compared the emissions numbers for two pieces of Caterpillar equipment, a loader of 140 hp with a Tier 2 engine, and another loader of 180 hp with a Tier 3 engine, and discovered that the default numbers in Appendix A are higher than the manufacturer's emissions data for both PM and for NOx:

Because of the potential differences in the CARB default numbers as compared to the manufacturer's emissions data, we are requesting the flexibility to be able to use either the manufacturer's emissions factors, or the CARB default emissions factors for calculating the fleet averages. With this in mind, we are requesting the following change in the definition:

The definition of Emission Factor should be changed as follows:

“(14) Emission Factor means diesel PM or oxides of nitrogen (NOx) emission rate in grams per brake-horsepower hour (g/bhp-hr) as shown in Appendix A, *or as provided in manufacturer's emissions data*, unless the engine is a Post-2007 Flexibility Engine (see definition).

(A) Engines certified to Family Emission Limits and flexibility engines certified before January 1, 2007 should still use either the emission factors in Appendix A, *or the manufacturers emissions data.*”

This flexible approach is consistent with CARB's other diesel equipment rules (e.g., the Air Toxic Control Measure for Diesel Particulate Matter from Portable Engines).

- **Definitions - Emergency Operations, Section 2449 (c)(14)** - Metropolitan crews and equipment often need to respond to unforeseen emergencies to help alleviate an immediate threat to public health or safety. These emergency operations may include those listed in the rule, and may also include emergency, unscheduled repairs due to major pipeline breaks. Such large-scale breaks would require the immediate use of heavy equipment from other sources to quickly resolve the problem. Such circumstances would be very different than situations that would occur under routine maintenance or construction. To add flexibility in the definition to account for these emergencies, we recommend the following wording (highlighted in italics):

“Emergency operation means helping alleviate an immediate threat to public health or safety. Examples of emergency operations include repairing or preventing damage to roads, buildings, terrain, *water supply systems*, and infrastructure as a result of an earthquake, flood, storm, fire, terrorism, or other infrequent act of nature, *or unforeseen events beyond the control of the in-use off-road diesel-fueled vehicle or equipment operator, (including its officers, employees, and contractors) that threaten public health and safety and that require the immediate temporary operation of such vehicles or equipment to help alleviate the threat to public health and safety.* Routine maintenance or construction to prevent public health risks does not constitute emergency operation.”

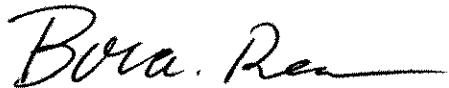
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This wording is consistent with the emergency-related definitions in other CARB diesel equipment regulations (e.g., the Air Toxic Control Measure for Diesel Particulate Matter from Portable Engines, and the Statewide Portable Equipment Registration Program Regulation).

- **Reporting, Section 2449 (g) (1)** - The current reporting date in the regulation for medium fleets is June 1, 2008. Metropolitan's budget and internal reporting is done on a fiscal year cycle from July 1st to July 1st. We would appreciate flexibility in the reporting timeframe to align with the fiscal year cycle, so a mid to late July or August reporting date would fulfill this request. It is our understanding that other public agencies' budgets are also aligned with fiscal year reporting.

Please contact Janet Bell at (213) 217-5516 if you have any questions, or would like to discuss further.

Sincerely,



Bobbi A. Becker
Section Manger
Environmental, Health and Safety

JJB/pr R-07-143

cc: Kim Heroy-Rogalski, CARB
Tony Brasil, CARB