

07-5-6
May 25, 2007



C. L. KIP CONSTRUCTION SERVICES

BACKHOE ♦ UTILITIES ♦ DRAINAGE ♦ SEPTIC ♦ WATER
CONTRACTOR'S LICENSE #396744

5/15/07

California Air Resources Board
P.O. Box 2815
Sacramento, CA 95812

Received by State of California Air Resources Board	
MAY 18 2007	
# pcs _____	B/P# _____
# pgs _____	Amt. Rcd \$ _____

Dear Sirs:

I am an " active owner " of a small grading and underground utilities company. In order to conduct this business legally and responsibly, I have the following:

- Contractors license.
- Contractors license bond.
- Liability insurance.
- Workmans compensation insurance.
- California commercial drivers license.
- Commercial vehicle insurance.
- CHP bit program enrolment.
- DMV MCP permit.
- And am enrolled in a random drug testing program.

I started out as just a backhoe owner operator, but I have competition. My neighbor "Tom", has a backhoe too. He does not have a contractors license, so he does not need a license bond or liability insurance, say nothing of workmans comp. He tows his machine (a 750 Ford, which is bigger than the 580 Case which I have), on a trailer behind his pickup truck, so He does not need a commercial drivers license, commercial insurance, or to be enrolled in the bit program, have and MCP permit, or be drug tested.

In order to compete with neighbor " Tom ", over the years I have added two bulldozers, a motor grader, a newer backhoe, a compactor, a scraper and an excavator. Now it seems that investment may become a liability. I really don't know if I am going to be able to survive in this business with your proposed regulations, but I'm sure Tom will, given that his machine will be for only his "personal" use.

The reality of it is that I upgraded my backhoe due to the decreased emissions from the new ones. I have been aware of this upcoming regulation for a year or more now, and have also checked into the feasibility of putting particulate filters on the other equipment. I have not been able to get much of a response from the manufacturers of said filters. I find it hard to comprehend the difficulty of having this accomplished, which seems to be a rather technically involved process, when I can't even get information on the systems. From what little I have been able to gather from internet sources, it seems these filters are going to be problematic on equipment that does not run at constant RPMs.



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At this point all I see is the possibility of selling off de-valued equipment to others out of state or south of the border, who I am sure will be happy to get many more years of service from it, just a few hundred miles away. I understand the problem, but I do not feel that the contractors who are the owners of the equipment should be penalized for utilizing the only equipment which is available to perform the work from which everyone else benefits. I personally support industry efforts to make the diesels cleaner, as I have to work with them every day at close proximity. With new machinery that has been properly engineered and tested, this would occur normally. If retrofitting engines is mandatory, then engines that are designed to fit the application should be available. Even in the case of my backhoe, when I looked into re-powering with a newer, cleaner engine, I discovered that the block had been re-configured, and would not fit the older machine. There are many pieces of older equipment that are still serviceable that could be retrofitted with new engines which have been engineered to the new specifications, if those engines were made to fit the application. At this time this is not the case. These problems need to be solved before we get regulated out of business.

Respectfully

A handwritten signature in black ink, appearing to read "C. L. Kip". The signature is written in a cursive, somewhat stylized font.

Christopher L Kip