

----- Original Message -----

Subject:Rule Comment about Construction Equipment

Date:Thu, 24 May 2007 08:10:18 -0700

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To:ombudsman@arb.ca.gov

I am a registered Mechanical Engineer in California, and been in the construction equipment application all of my professional career. I have been a member of the Society of Automotive Engineers for over 40 years, and participated in their Construction Equipment committee. I have a deep understanding of the operations and conditions for use of construction machinery, and must state that retrofitting and asking the contractors who do construction to attend to issues of emissions is very unconstructive and ill advised.

Attached is a short note that capsulates my opinion, sent to the San Jose Mercury News Environment Editor, Paul Rogers.

Dale Ronsin PE

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Paul Rogers May 17, 2007

progers@mercurynews.com

I thought your article in the Sunday May 13 Mercury News (1B) was well balanced, and brought out some metrics on emissions. There are lots of definitions and types of emissions, from noxious chemicals through physical particulates. I would suggest the particulates are less an issue than the NOx, CO, Sulfur compounds, and other complex emissions, but more obvious by their visibility.

I am writing to help explain the issue between Air Quality Agencies and the Construction industry....to wit, the 'coalition' presents costs as 13 billion while the 'board', 3 billion. I have 40 years of construction experience as a mechanical engineer involved with equipment, its application, safety, and operation to give perspective and expertise.

What is not understood is that construction is a very active and time scheduled business, much more unpredictable than manufacturing or most businesses. It has to accommodate all the 'unplannable' variables like weather changes, and have people and equipment available when needed, to continue work efficiently on the 'front'. Anything that interferes or complicates this already tough issue has a tremendously magnifying effect on costs. The unavailability of a piece of equipment because rules prevent its use or delay availability once the need is identified, can halt all progress on a site.

If one studies the bureaucracy imposed it will involve "permission before proceeding" in an industry that is quite like the military, it has to act timely. (Can you imagine an army fighting a front with impediments of authority and restraints such as time of day allowed to launch specific weapons)? This is why private contracting is effective - it is less costly to contract work than for the government to do it themselves, to get outside the self imposed constraints, to allow risk and to reward resourcefulness).

I suggest that the place to focus on making substantive improvements is with manufacturers, and the fuel. A retrofit and/or a complex set of rules and exceptions will simply hamper the progress of our state towards upgrading our infrastructure. The costs will be borne by the public, and must be fully and accurately considered, by an independent unbiased and non political technical group. The CARB, EPA, and others are not working well together and give the appearance of an unbalanced, legally driven, mandate and goals which are self defined or interpreted. And industries are poorly organized to provide the counterbalance.

We need a clear third party to judge the impact and set priorities. Imposing regulations on an existing fleet may be ineffective and overreaching. Remember the NOx Retrofit program for automobiles in the 1970's, which really impacted the fundamental fuel efficiency of cars, a cost not clearly identified.

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