



January 26, 2010

CALIFORNIA AIR RESOURCES BOARD
California Environmental Protection Agency Headquarters Building
1001 I Street
P.O. Box 2815
Sacramento, CA 95812

Re: Proposed Regulation Order:
California Code of Regulations, Title 13, Division 3
Chapter 14. Verification Procedure, Warranty and In-Use Compliance
Requirements for In-Use Strategies to Control Emissions from Diesel Engines

Dear Board Members:

Ironman distributes and installs VDECS, verified diesel emission control strategies, in California. Upon careful review of the proposed regulation order noted above, Ironman respectfully responds with suggestions for revision to several items as follows:

1. Page 9; Item (m) Recordkeeping Requirements.
2) Installers must keep all pre-installation compatibility assessment records as described in Section 2706(t)(3).

See Ironman comments below on issues and concerns with the data requested to be recorded – some of it is not possible to be recorded (example, oil consumption) where no customer records exist.

2. Page 25; Item (h) Maintenance Requirements.

This requires applicants to disclose proprietary information to service providers or fleets. It still requires that the manufacturing warranty and install warranty remain in place. It does not require, however, for the service provider the owner uses to keep a detailed record that they performed the service in the manner and process CARB would require by the applicant. A simple example: recently a customer who was placed on credit hold sent substrates out to a shop that does not normally provide a cleaning service. The substrates were “cleaned” but Ironman believes that this company may have used a process not endorsed by the manufacturer – but of course we are not sure.

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We have instances where customers have chosen to use shop air to blow out a substrate. Ironman recommends that service providers keep a record that they have performed the service in the prescribed method of the manufacturer, record the amount of ash or PM removed, the method of doing the service and the method of disposing of the hazardous materials. The service provider needs to then be responsible for the installer warranty, just as if they have swapped out components, etc. It seems illogical to try and hold an installer liable for an installation warranty if you allow others to take the VDEC system apart to clean the unit.

3. Page 27; Item (F) The installer must agree to honor the original installation warranty and warranty period (see section 2707). If the installer of either a swapped component or re-designated diesel emission control strategy is not the same as the installer who did the original installation of the diesel emission control strategy, the new installer must assume the installation warranty responsibilities defined in section 2707 for the remainder of the original warranty period or until another installer swaps the component or re-designates the diesel emission control strategy.

If the new installer must assume the installation warranty responsibilities, how will the previous installer be notified that they have been relieved of their installation warranty responsibility?

4. Page 32; Item (t) (1) (B) 1. All engines belong to the same common ownership fleet.

It is Ironman's experience to date, that especially in off road applications, the rule will be more practical to be defined across a vocation and not by common ownership. For example, a Solid Waste Loader – we find it more reasonable to group similar equipment being used in a similar use – with there being little differentiation by common ownership.

5. Page 33; Item (t) (2) (D) and (F)

Ironman has several concerns as to this new data logging standard. Our concerns are as follows:

- Whatever new requirements are implemented, we would like to see some kind of phase in requirements from the current levels of data logging to the new standard. Ironman has at least 500 data loggers currently in service to gather data, none of which meets the technical requirements listed in these sections. Assuming we need to start adding new data loggers to comply with a new standard, and assuming they cost \$1,500 - \$2,000, distributors are looking at a large investment and financial burden in new data loggers. In addition, anything requiring overnight implementation will affect our clients' ability to be in compliance.

- Ironman recommends that staff consider some differentiation in data logging between on and off road equipment. Ironman recommends further that staff consider different data logging standards between PM devices and NOx requirements within these markets. It is currently extremely difficult to gather large amounts of engine data log results in off road applications. The current 5 - 8 hours is challenging; the proposed 24 hours may take several months and will significantly delay implementation. The requirements of data every 5 seconds versus say every 15 seconds will provide little, if any, valuable benefit. The data log remains a snap shot of data; it is as representative as the customer can offer but staff needs to recognize that it remains a snap shot. Customers may still use the engine in various applications. Most companies in common ownership do not have enough representative equipment to meet the standard. This is why we recommended removing common ownership.

6. Page 34; Item (t) (4)

As we read this requirement, it is apparent that staff would like installers to be responsible for engine condition and suggest reviewing records like engine oil consumption. As staff is well aware, probably less than 25% of on road fleets keep oil consumption records. The percentage is even lower of off road fleets. Our experience has been that the higher amount of engine issues by far have been related to fuel injectors and the fuel system in general. The logical party to be held responsible for engine condition is the owner of the equipment. No installer can be an expert on the many various brands of engines, as we do not have the ability to get OE dealers to supply the data. In fact, we have little if any power to compel the owner to do anything to the equipment under this requirement. To date, we request that the customer have the equipment maintained to OE specs prior to us installing a VDEC and to keep the records of that maintenance. We can get copies of this being completed and we can gather whatever records exist. Simply stated, we can ask for records, we can store them; however we cannot create them! To insist that companies keep oil consumption records, as if this is the answer to emission service issues, is just not realistic, nor is it likely to resolve any emission issues. Instead of a requirement that installers or customers cannot actually adhere to, Ironman recommends that the in use compliance group develop methods and input from all parties and come up with various records of **reasonably available data** that may be used to satisfy this requirement.

Ironman trusts that the aforementioned concerns and information provided, coupled with our industry reputation and experience will assist the Board in revising this Regulation in order to allow the manufacturers and distributors of the VDECS to adhere to the final Regulation.

Sincerely,

A handwritten signature in black ink, appearing to read "Phillips". The signature is written in a cursive style with a large, prominent initial "P".

Craig Phillips
President