

TITLE 13. CALIFORNIA AIR RESOURCES BOARD

NOTICE OF PUBLIC MEETING TO UPDATE THE BOARD ON THE HEAVY-DUTY DIESEL ENGINE VOLUNTARY SOFTWARE UPGRADE (CHIP REFLASH) PROGRAM

The Air Resources Board (the Board or ARB) will meet publicly at the time and place noted below to evaluate the heavy-duty diesel engine voluntary software upgrade program. In March 2004, the Board adopted the software upgrade regulation which mandates installation of software on 1993-1999 model year heavy-duty trucks, school buses, and motor homes to reduce emissions of oxides of nitrogen (NOx). However, the Board directed staff to withhold filing the adopted regulation with the Office of Administrative Law while the engine manufacturers, dealers, California Trucking Association, and vehicle owners worked together to get low NOx software installed on a voluntary basis.

Staff reported interim voluntary program results to the Board at the October 2004 Board meeting. Staff will report on the further progress of the voluntary program at the December Board hearing. The Board will evaluate whether the voluntary program has met the first target of 35 percent, and whether the program can sustain the rate of progress to meet the next goal of 60 percent. The Board may direct the staff to continue the voluntary program or to file the adopted regulation at this meeting.

DATE: December 9, 2004

TIME: 9:00 a.m.

PLACE: California Environmental Protection Agency
Air Resources Board
1001 I Street
Auditorium, Second Floor
Sacramento, California 95814

The Board will also consider other items at this meeting. Please consult the agenda for the meeting, which will be available at least 10 days before December 9, 2004, to determine the order in which the items will be considered by the Board.

If you have a disability-related accommodation need, please go to <http://www.arb.ca.gov/html/ada/ada.htm> for assistance or contact the ADA Coordinator at (916) 323-4916. If you are a person who needs assistance in a language other than English, please contact the Bilingual Coordinator at (916) 324-5049. TTY/TDD/Speech-to-Speech users may dial 7-1-1 for the California Relay Service.

Background

In the 1990's, many heavy-duty diesel engines emitted high "off cycle" NOx emissions. Software upgrades, referred to as low NOx software, were developed to correct the high NOx emissions as a result of negotiations between the United States Environmental Protection Agency (U.S. EPA), the ARB, and seven engine manufacturers. The negotiated Consent Decrees and California-specific Settlement Agreements contain requirements to develop and install the low NOx software.

Software upgrades were developed by the engine manufacturers and are available now for most 1993-1998 model year engines. The software upgrade is simply software installed in the engine that reprograms the vehicle's computer and reduces NOx emissions. The installation process typically takes between one-half to one hour.

Only certain engines have low NOx software upgrades available, and only those engines that have low NOx software available need to be upgraded. The ARB staff has prepared a list that can be checked to determine if low NOx software is available for a particular engine. This list is available from our web site at:

<http://www.arb.ca.gov/msprog/hdsoftware/hdsoftware.htm>

Regulation

The ARB has adopted a regulation to reduce air pollution by requiring owners and operators of trucks, school buses, and motor homes with 1993-1998 model year heavy-duty diesel engines to upgrade the software in the electronic control module (ECM) of these engines. When the Board adopted the regulation in March 2004, they directed staff to withhold filing the regulation while the engine manufacturers, the dealers, the California Trucking Association, and the vehicle owners worked together to get low NOx software installed on eligible engines on a voluntary basis.

If the regulation is filed, owners and operators of eligible vehicles that operate in California must ensure that the engines in their vehicles have the appropriate low NOx software installed. Since many 1999 model year vehicles have engines produced in 1998, owners and operators of 1999 model year vehicles will need to check to determine if they are affected. Distributors and dealers must provide the appropriate low NOx software to the vehicle owner or operator upon request.

If this regulation is filed, it will require the low NOx software upgrade to be installed on a schedule that depends on the model year of the engine in the affected vehicle as follows:

1993-1994 model years	By April 30, 2005
1995-1996 model years	By August 31, 2005
1997-1998 model years	By December 31, 2005 (except for medium heavy-duty diesel engines (MHDDDEs))
1997-1998 model year MHDDDEs	By December 31, 2006

The ARB enforcement staff will verify required installations of the low NOx software through a modified Heavy-Duty Vehicle Inspection Program and modified Heavy-Duty Vehicle Fleet Inspection Program.

Voluntary Program

The Voluntary Program is a cooperative effort between the vehicle owners, California Trucking Association, California dealers, the engine manufacturers, and the ARB staff to install low NOx software upgrades on a voluntary basis. Under the voluntary program, there is no requirement for the vehicle owners to install low NOx software. However, the heavy-duty diesel engine software upgrades are being provided to the vehicle owners at no charge upon request. The ARB staff believes the applicable Consent Decrees and Settlement Agreements require manufacturers to supply the low NOx software at no cost whenever it is requested.

The Voluntary Program has performance targets of 35, 60, 80, and 100 percent of the emission reduction benefits of the regulatory program. Once the Board approved the voluntary program, ARB staff generated an outreach letter and mailed it to over 60,000 owners of 1993-1999 model year heavy-duty diesel vehicles. The engine manufacturers notified their authorized dealers of the program, and the California Trucking Association held outreach events for dealers and vehicle owners. ARB staff initiated telephone calls to dealers and distributors to inform them of the Voluntary Software Upgrade Program and staff responded to telephone calls from numerous vehicle owners about the low NOx software installation program. Interim progress of the voluntary program was reported to the Board at the October 2004 meeting.

Phase I Evaluation

At the December 9, 2004, Board meeting, staff will report on data received and analysis performed to help the Board evaluate the progress of the Voluntary Program. The first target for the Voluntary Program is to achieve 35 percent of the emission reduction benefits of the regulatory program with low NOx software installations performed through October 28, 2004. The Board must also decide if the rate at which low NOx software installations are occurring is sufficient to allow meeting the remaining targets.

AVAILABILITY OF DOCUMENTS AND AGENCY CONTACT PERSONS

Inquiries concerning this matter may be directed to the designated agency contact persons, Ms. Lisa Jennings, Air Pollution Specialist, at (916) 322-6913, or Mr. Earl Landberg, Air Pollution Specialist, at (916) 323-1384. To discuss this notice with someone who speaks **Spanish**, please call **Marivel De La Torre** at **(916) 323-1362**.

SUBMITTAL OF COMMENTS

The public may present comments relating to this matter orally or in writing at the meeting, and in writing or by e-mail before the meeting. To be considered by the Board, written submissions not physically submitted at the meeting must be received **no later than 12:00 noon, December 8, 2004**, and addressed to the following:

Postal mail is to be sent to:

Clerk of the Board
Air Resources Board
1001 I Street, 23rd Floor
Sacramento, California 95814

Electronic mail is to be sent to: chip06@listserv.arb.ca.gov and received at the ARB **no later than 12:00 noon, December 8, 2004**.

Facsimile transmissions are to be transmitted to the Clerk of the Board at (916) 322-3928 and received at the ARB **no later than 12:00 noon December 8, 2004**.

The Board requests, but does not require 30 copies of any written submission. Also, the ARB requests that written and e-mail statements be filed at least 10 days prior to the meeting so that ARB staff and Board members have time to fully consider each comment.

CALIFORNIA AIR RESOURCES BOARD

Catherine Witherspoon
Executive Officer

Date:

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs see our Web –site at www.arb.ca.gov.