

TITLE 13. CALIFORNIA AIR RESOURCES BOARD

NOTICE OF PUBLIC MEETING FOR THE INTERIM UPDATE 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 for an interim update of the heavy-duty diesel engine voluntary software upgrade program. The adopted software upgrade regulation mandates installation of software to reduce emissions of oxides of nitrogen (NOx) from 1993-1999 model year heavy-duty vehicles. However, the Board directed staff to withhold filing the adopted regulation with the Office of Administrative Law to allow the engine manufacturers, dealers, California Trucking Association, and vehicle owners to work together to get low NOx software installed on a voluntary basis. Interim results were reported to ARB on September 7, 2004. Staff will report on those interim results in preparation for the voluntary program evaluation at the December board hearing.

The software upgrades, referred to as low NOx software, were developed in the 1990s as a result of negotiations between the United States Environmental Protection Agency (U.S. EPA), the ARB, and seven engine manufacturers. Owners of eligible vehicles and dealers/distributors with the capability to install the software have responsibilities under the proposed regulation.

DATE: October 28, 2004

TIME: 9:00 a.m.

PLACE: **In-Person**
San Joaquin Valley Unified
Air Pollution Control District
1990 East Gettysburg Avenue
Fresno, California

Via Videoconference

District Northern Region Office
4230 Kiernan Avenue, Suite 130
Modesto, California

District Southern Region Office
2700 M Street, Suite 275
Bakersfield, California

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 October 28, 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

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. Software

upgrades were developed by the engine manufacturers and are available now for most 1993-1998 model year engines. When the Board adopted the regulation in March 2004, they directed staff to withhold filing the regulation and allow the engine manufacturers, the dealers, the California Trucking Association, and the vehicle owners to work together to get low NOx software installed on eligible engines on a voluntary basis.

When, and 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.

The heavy-duty diesel engine software upgrade (also referred to as low NOx software upgrade or chip reflash) 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.

The ARB staff has prepared a list that can be checked to determine if low NOx software is available for the engine. This list is available from our web site at:
<http://www.arb.ca.gov/msprog/hdsoftware/hdsoftware.htm>

The heavy-duty diesel engine software upgrade has been provided to the vehicle owners at no charge upon request under the voluntary program. 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. Out-of-service costs to the vehicle owner can be reduced or eliminated if the low NOx software is installed at the same time as another service or repair.

Under the voluntary program, there is no requirement for the vehicle owners to install low NOx software. 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 (MHDDEs))
1997-1998 model year MHDDEs	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.

AVAILABILITY OF DOCUMENTS AND AGENCY CONTACT PERSONS

Inquiries concerning this matter may be directed to the designated agency contact persons, Lisa Jennings, Air Pollution Specialist, at (916) 322-6913, or 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, October 27, 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: chip05@listserv.arb.ca.gov and received at the ARB **no later than 12:00 noon, October 27, 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 October 27, 2004**.

The Board requests but does not require that 30 copies of any written statement be submitted and that all written 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. The ARB encourages members of the public to bring any suggestions or comments to the attention of staff in advance of the meeting.

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.