

ATTACHMENT 1 - SOLID WASTE COLLECTION VEHICLE RULE PROPOSED REGULATION ORDER

**** New Regulation ****

1. Adopt new sections 2020, 2020.1, and 2020.2, Title 13, Chapter 1, Article 4. California Code of Regulations, to read as follows: (Note: The entire text of section 2020, 2020.1, and 2020.2 set forth below is new language proposed to be added to the California Code of Regulations.)

Section 2020. Airborne Toxic Control Measure for Diesel Particulate Matter from On-road Heavy-duty Diesel-fueled Residential and Commercial Solid Waste Collection Vehicles

- (a) Purpose. Diesel particulate matter was identified in 1998 as a toxic air contaminant. According to California law, an airborne toxic control measure using the best available control technology shall, therefore, be employed to reduce the public's exposure to diesel particulate matter.
- (b) Scope and Applicability. This regulation applies to all 1970 to 2006 engine model year on-road diesel-fueled heavy-duty residential and commercial solid waste collection vehicles with a manufacturer's gross vehicle weight rating greater than 14,000 pounds. This regulation applies to owners, and to cities, counties, and member agencies of regional, state, or federal agencies that contract, permit, or license for solid waste collection.
- (c) Definitions. For the purposes of the fleet rule specified in this section, the following definitions apply:
 - (1) "Active fleet" means an owner's total active fleet of on-road heavy-duty residential and commercial solid waste collection vehicles with a manufacturer's gross vehicle weight rating greater than 14,000 pounds, including back-up vehicles, which accrue greater than 1000 miles per year.
 - (2) "Alternative fuel" means the same as in section #####. (Natural gas, liquefied petroleum gas, ethanol, methanol, electricity, fuel cells, or advanced technologies that do not rely on diesel fuel. Alternative fuel also means any of these fuels used in combination with each other or in combination with other non-diesel fuels.)
 - (3) "Fuel infrastructure" means either transportation or storage tanks for the fuel.
 - (4) "Owner" means the same as in section 2180.1 (21). (Either (A) the person registered as the owner of a solid waste collection vehicle by the California Department of Motor Vehicles (DMV), or its equivalent in another state, province, or country; or (B) a person shown by the registered owner to be

legally responsible for the solid waste collection vehicle's maintenance. The person identified as the owner on the registration document carried on the solid waste collection vehicle at the time a citation is issued shall be deemed the owner unless that person demonstrates that another person is the owner of the solid waste collection vehicle.)

- (5) "Repower" means the engine has been rebuilt, replaced, or remanufactured using a California Air Resources Board certified kit or engine.
- (6) "Residential and commercial solid waste" means all putrescible and nonputrescible solid, and semisolid wastes, including garbage, trash, refuse, paper, rubbish, ashes, industrial wastes, demolition and construction wastes, abandoned vehicles and parts thereof, discarded home and industrial appliances, manure, vegetable or animal solid and semisolid wastes, and other discarded solid and semisolid wastes, not include hazardous waste, radioactive waste, or medical waste as defined in Section 40191(b) of the Public Resources Code, originating from single-family or multiple family dwellings, stores, offices, and other commercial sources, and construction and demolition projects in residential and commercial zones.
- (7) "Rolloff vehicle" means any heavy-duty vehicle used for transporting waste containers such as open boxes or compactors.
- (8) "Solid waste collection vehicle" means a heavy-duty vehicle used for the purpose of collecting solid waste, yard waste, or recyclable materials from residential or commercial establishments. A solid waste collection vehicle is a vehicle having the capability to collect solid waste using, manual or automated, front, side or rear loaders, and generally operates on fixed routes, or rolloff vehicles.
- (9) "Verification Levels" means the diesel emission control strategy that reduces diesel particulate matter emissions by a Level 1, 2, or 3 amount as defined in the " Verification Procedure for In-Use Strategies to Control Emissions from Diesel Engines."

Section 2020.1 Methods for Determining Compliance with the Airborne toxic Control Measure for Owners.

- (a) As of the applicable effective dates, a owner shall not operate in his active fleet a diesel-fueled solid waste collection vehicle unless it complies with this airborne toxic control measure. Compliance is determined by:
 - (1) Choosing a best available control technology option for each solid waste collection vehicle as defined in Section (b),
 - (2) Following the "Implementation Schedule" for the active fleet as defined in Section (c),

- (3) Meeting the "Fuel Requirement" for each solid waste collection vehicle as defined in Section (d),
 - (4) Submitting the report to the Executive Officer of the ARB by January 31, 2004 as defined in Section (e), and
 - (5) Keeping records as required and defined in Section (f).
- (b) Best Available Control Technology Options. Each owner shall use one of the following best available control technologies on solid waste collection vehicles in his active fleet to comply with this regulation:
- (1) Use an engine or power system that meets the optional 0.01 g/bhp-hr diesel particulate emission standard as specified in § 1956.8 (a)(2), Title 13, CCR, or the 0.01 g/bhp-hr diesel particulate emission standard as specified in §1956.8(a), Title 13, CCR, when effective. This can be accomplished through a repower or replacement. An alternative fuel engine meets this standard.
 - (2) Diesel Emission Control Strategy. Use a diesel emission control strategy verified to the highest level diesel particulate emission reduction capability as set forth in the "Verification Procedure for In-Use Strategies to Control Emissions from Diesel Engines" as specified in § 2700, Title 13, CCR [date]. (Incorporate by reference.)
 - (A) Availability of a higher level diesel emission control strategy. If a diesel emission control strategy fails within its warranty period, the owner may replace it with the same diesel emission control strategy. If a Level 1 or Level 2 diesel emission control strategy fails outside of its warranty period, the owner shall upgrade the diesel emission control strategy to the highest level diesel emission control strategy available as verified by the "Verification Procedure for In-Use Strategies to Control Emissions from Diesel Engines." If the diesel emission control strategy is a fuel, upon termination of the fuel contract the owner shall use the best available control technology within six months of termination of the fuel contract.
 - (3) Other Emission Standards. The solid waste collection vehicle shall continue to comply with all other emission standards as specified in § 1956.5 through 1956.8, Title 13, CCR.
- (c) Implementation Schedule. By the implementation dates listed in Table 1. Implementation Schedule for Solid Waste Collection Vehicles Model Years 1970 to 2006 the owner shall not operate any diesel-fueled, bi-fuel, or diesel hybrid solid waste collection vehicle in his active fleet with model year engines listed for that implementation date, unless the engine complies with this regulation.

Table 1. Implementation Schedule for Solid Waste Collection Vehicles Model Years 1970 to 2006.

Tier	Engine Model Years	Percentage of Active Fleet	Implementation Date
1	1994 – 2002	25	July 1, 2004
		50	July 1, 2005
		100	July 1, 2006
2	1970 – 1993	25	July 1, 2006
		50	July 1, 2007
		100	July 1, 2008
3	2003 – 2006	25	July 1, 2007
		50	July 1, 2008
		100	July 1, 2009

- (1) Calculating Active Fleet Size. Active fleet size is calculated by totaling the number of solid waste collection vehicles in an owner's active fleet, as of January 1, 2004, and is recalculated annually as of January 1st of each subsequent year.
- (2) Early Implementation. Those solid waste collection vehicles in compliance before July 1, 2004, are included in the total active fleet size as well as to the percentage of the active fleet in compliance.
- (d) Fuel Requirement. Beginning January 1, 2004, an owner shall use in his active fleet commercial grade diesel fuel with a sulfur content of 15 parts per million by weight or less, or another fuel verified by the Air Resources Board as a diesel emission control strategy.
- (e) Implementation Delays.
- (1) If a diesel emission control strategy has not been verified under the "Verification Procedure for In-Use Strategies to Control Emissions from Diesel Engines," or is not commercially available for a particular engine/vehicle combination, the owner may apply to the Executive Officer for a one-year implementation delay for those engine/vehicle combinations. The owner shall request the implementation delay six months prior to the implementation deadline for which the vehicles are planned to come under compliance. Approval from the Executive Officer will be based on the documentation of lack of availability of an emission control strategy for the specific engine. The Executive Officer will make his decision within 90 days of receipt of the request.
- (2) The Executive Officer may grant a one-year implementation delay without documentation from the owner based on Air Resources Board knowledge of available diesel emission control strategies. These delays will be available by October 1st of each calendar year for the implementation deadline for the following year. An annual delay may be granted until October 1, 2006, at which point the owner shall comply with section 2020.1(b) by July 1, 2007, or the subsequent applicable implementation date as specified in Table 1.

- (3) The owner shall apply to the Executive Officer by August 31, 2003 to obtain an implementation delay if low sulfur diesel fuel or low sulfur diesel fuel infrastructure is unavailable. The application for delay shall include, at a minimum, documentation of unavailability of fuel or fuel infrastructure for his solid waste collection vehicles and evidence that a public solicitation seeking to procure fuel with less than 15 parts per million sulfur content was issued by July 1, 2003. The Executive Officer may grant an implementation delay to July 1, 2006, or for a shorter time period at his discretion.
- (4) If the owner has received a letter of delay from the Executive Officer due to unavailability of low sulfur diesel fuel or low sulfur diesel fuel infrastructure, and the only diesel emission control strategy available to the owner requires the use of low sulfur diesel fuel, the owner may apply for an implementation delay to July 1, 2006 with the Executive Officer. Approval from the Executive Officer will be based on the documentation of lack of availability of a non-low sulfur diesel fuel requiring diesel emission control strategy for the specific engine. The Executive Officer will make his decision within 90 days of receipt of the request.

(f) Reporting Requirement.

- (1) The owner shall submit to the Executive Officer of the Air Resources Board a compliance plan with the following information:
 - (A) Business name, owner first and last names, contact first and last names, business address, business telephone number, business fax number;
 - (B) The fleet California identification number and terminal number;
 - (C) The total number of solid waste collection vehicles in the active fleet broken down by the following solid waste collection vehicle engine model year categories:
 - (i) 1994 – 2002
 - (ii) 1970 – 1993
 - (iii) 2003 - 2006
 - (D) Best available control technology that will be used to comply with this regulation for each vehicle.
- (2) The compliance plan shall be submitted according to the following schedule for the following solid waste collection vehicle engine model year categories:

Table 2. Reporting Schedule for Solid Waste Collection Vehicles Model Years 1970 to 2006.

Tier	Engine Model Years	Reporting Date
1	1994 – 2002	July 1, 2004
2	1970 – 1993	July 1, 2006
3	2003 – 2006	July 1, 2007

- (g) Record Keeping Requirement. As of the effective implementation deadlines in §2020.1 (c), the owner shall comply with the following record keeping requirement. The owner shall provide records of diesel emission control strategies when requested by an Air Resources Board inspector for all solid waste collection vehicles subject to compliance with this regulation. The records shall be kept at the maintenance facility and in the solid waste collection vehicle and shall include the following information:
- (1) Proof of purchase, installation, and installation date of Air Resources Board verified particulate matter control device,
 - (2) Identification or serial number that links Air Resources Board verified particulate matter control device to engine family,
 - (3) Service maintenance dates on particulate matter control device, including ash removal dates, if applicable,
 - (4) Copies of receipts or invoices of appropriate fuel, or fuel additives, use since the installation of the verified particulate matter control device,
 - (5) Engine maintenance date(s) on air-fuel management system including adjustments, and
 - (6) Certificate of training for maintenance personnel on understanding of air quality regulations and procedures for diesel emission control system service.
- (h) Enforcement. If an owner is found to be in non-compliance with this regulation by an Air Resources Board inspector, enforcement may be taken against the owner under the California Business and Professions Code Sections 17200 - 17210 as an unfair competition practice.

Section 2020.2 Determining Compliance for a City, County, or Member Agency of a Regional, State, or Federal Agency. As of July 1, 2004, a city, county or member agency of a regional, state, or federal agency shall not contract, permit, or license a owner unless it complies with this airborne toxic control measure. Each city, county, or member agency of a regional, state, or federal agency shall:

- (1) Submit a report by January 31, 2004 to the Air Resources Board listing all contracts, permits, and licenses it has with owners by January 31, 2004 and every January 31st through to January 31, 2010.

(2) Each report shall include the following:

- (i) City, county, or member agency of a regional, state or federal agency name, contact name, business address, business telephone number, business fax number;
- (ii) For each contractor, permittee, or licensee, the business name, owner name, contact name, business address, business telephone number, business fax number, and
- (iii) Start and end dates of each applicable contract, permit, and license.

NOTE: Authority cited: sections 39600 and 39601, Health and Safety Code.
Reference: section 39002, 39003, 39658, 43000, 43013, 43018, 43101, 43102, 43104, and 43105.