

TITLE 13. CALIFORNIA AIR RESOURCES BOARD

NOTICE OF PUBLIC MEETING TO GIVE AN UPDATE REGARDING THE REGULATION FOR IN-USE OFF-ROAD DIESEL VEHICLES AND THE IN-USE ON-ROAD DIESEL VEHICLE REGULATION

The Air Resources Board (ARB or Board) will conduct a public meeting at the time and place noted below to give an update regarding the regulation for In-Use Off-Road Diesel-Fueled Fleets (the off-road regulation), title 13, California Code of Regulations (CCR), section 2449 through 2449.3, and the In-Use On-Road Diesel Vehicle Regulation (the truck and bus regulation), title 13, CCR, section 2025. This notice summarizes the purpose and the material covered by the update.

DATE: April 22, 2010

TIME: 9:00 a.m.

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

This item will be heard at a one-day meeting of the Board, which will commence at 9:00 a.m., April 22, 2010. Please consult the agenda for the meeting, which will be available at least 10 days before April 22, 2010, to determine the order of agenda items.

At the meeting, ARB staff will update the Board on the following:

- A progress report and summary of staff's findings regarding updates to the off-road emissions inventory, including staff's assessment of (1) the Associated General Contractors (AGC) emissions inventory modeling analysis presented to the Board in December 2009, and (2) a recent study comparing the off-road inventory with fuel-based emission estimates,
- The latest information regarding the recession's effect on emissions from fleets subject to the truck and bus regulation,
- A summary of the March 11, 2010, Executive Officer Meeting concerning the need for further amendments to the off-road regulation, and
- A broad description of potential changes that could be considered to both regulations in light of the recession, the overall State Implementation Plan (SIP) assessment, and the substantial health benefits that both rules provide.

BACKGROUND

Off-Road Regulation:

The off-road regulation was originally approved by the Board on July 26, 2007, and is intended to significantly reduce emissions of diesel particulate matter (diesel PM) and oxides of nitrogen (NOx) from the over 150,000 off-road diesel vehicles in California. The regulation requires off-road vehicle owners to accelerate the use of cleaner engines and vehicles and to apply exhaust retrofits. The scope of the regulation is far reaching; affecting vehicles of dozens of types used in thousands of fleets, in industries as diverse as construction, air travel, manufacturing, landscaping, and ski resorts, as well as public agencies.

Truck and Bus Regulation:

The truck and bus regulation was approved by the Board on December 12, 2008, and will significantly reduce emissions of diesel PM and NOx from in-use diesel trucks and buses that operate in California. The regulation establishes requirements for in-state and out-of-state motor carriers, California-based brokers, vehicle owner operators, and any California resident who hires or dispatches vehicles subject to the regulation.

HEARING TOPICS

Recession Impact on Emissions:

Since the off-road and the truck and bus regulations were adopted, California has entered a severe economic recession, which has impacted fleets subject to both regulations. The recession has had various effects on fleets, including affecting many fleets' ability to comply with the two regulations due to reduced revenues.

The recession has also had an impact on emissions from vehicles subject to the two regulations. In December 2009, staff presented preliminary results of an analysis showing that because of the current recession and a resulting reduction in vehicle activity, emissions from trucks and buses are currently lower than originally anticipated. Staff has done similar work to evaluate the impact of the recession on off-road diesel vehicles as well, and will present an assessment of this impact, along with an evaluation of the AGC emissions inventory modeling analysis, which was presented to the Board in December 2009.

Additionally, using the results of staff's assessment of the impact of the recession on emissions, staff is also evaluating ARB's status relative to the 2014 SIP commitments to reduce emissions from off-road diesel vehicles and diesel trucks and buses in the San Joaquin Valley and South Coast Air Basins.

Summary of the March 11, 2010 Hearing:

To provide economic relief and preserve jobs during the recession, in early 2009, the legislature and Governor approved Assembly Bill 8 2X (AB 8 2X), which directed ARB to amend the off-road regulation. Amendments in response to AB 8 2X, which were approved by the Board in July 2009, will allow many large fleets to delay compliance requirements for the first several years of the regulation.

In January 2010, the AGC filed a petition requesting that ARB delay the off-road regulation fleet average target dates for two years, stating, among other things, that the relief provided by AB 8 2X was insufficient.

In response, ARB's Executive Officer took two actions. First, in February 2010, because of the economic effects of the recession on industries that use off-road diesel vehicles, and because ARB currently lacks authorization for the United States Environmental Protection Agency to enforce certain aspects of the off-road regulation, ARB issued an advisory stating that until further notice, no enforcement action will be taken for noncompliance with the March 1, 2010 emission performance provisions.

Second, the ARB's Executive Officer held a special hearing on March 11, 2010, to take testimony regarding the need for further amendments to the off-road regulation. A summary of the testimony presented at the March 11, 2010 hearing will be presented to the Board at this hearing.

Potential Future Regulatory Changes:

At its December 2009 meeting, the Board directed staff to develop potential amendments to the truck and bus regulation that would provide additional near-term flexibility for fleets while still providing the emission reductions necessary to meet federal air quality standards. Staff is continuing to evaluate potential regulatory proposals that could provide appropriate near-term relief.

Additionally, ARB staff has determined that some amount of longer term regulatory relief could be provided. In evaluating potential relief, staff believes that both regulations should be considered together to identify an equitable proposal that could reduce the compliance costs of both rules while still meeting ARB's 2014 SIP commitments and maintaining the overall health benefits of both rules. Based on these considerations, in addition to the near term regulatory relief being considered for the truck and bus regulation, staff is also considering longer term regulatory relief to the two regulations. Staff will brief the Board on potential longer term relief at this hearing; actual regulatory amendments to both regulations will not be proposed until late summer 2010.

SUBMITTAL OF COMMENTS

The public may present comments relating to the regulations orally or in writing at the meeting, and may be submitted by postal mail or by electronic submittal 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, April 21, 2010**, and addressed to the following:

Postal mail: Clerk of the Board, Air Resources Board
1001 I Street, Sacramento, California 95814

Electronic submittal: <http://www.arb.ca.gov/lispub/comm/bclist.php>

Please note that under the California Public Records Act (Government Code section 6250 et seq.), your written and oral comments, attachments, and associated contact information (e.g., your address, phone, electronic, etc.) become part of the public record and can be released to the public upon request. Additionally, this information may become available via Google, Yahoo, and any other search engines.

The Board requests, but does not require 20 copies of any written submission. Also, ARB requests that written and electronic mail statements be filed at least 10 days prior to the so that ARB staff and Board members have time to fully consider each comment.

Further inquiries concerning this meeting may be directed to Ms. Kim Heroy-Rogalski, Manager of the Off-Road Implementation Section, by phone at (916) 327-2200, or Ms. Beth White, Manager of the In-Use Control Measures Section, by phone at (916) 324-1704.

To request a special accommodation or language needs for any of the following:

- An interpreter to be available at the meeting.
- Have documents available in an alternate format (i.e. Braille, Large print) or another language.
- A disability-related reasonable accommodation.

Please contact the Clerk of the Board at (916) 322-5594 or by facsimile at (916) 322-3928 as soon as possible, but no later than 10 business days before the scheduled Board meeting. TTY/TDD/Speech to Speech users may dial 711 for the California Relay Service.

Para solicitar alguna comodidad especial o necesidad de otro idioma para alguna de las siguientes:

- Un intérprete que esté disponible en la audiencia
- Tener documentos disponibles en un formato alternativo (por decir, sistema Braille, o en impresión grande) u otro idioma.
- Una acomodación razonable relacionados con una incapacidad.

Por favor llame a la oficina del Secretario del Consejo de Recursos Atmosféricos al (916) 322-5594 o envíe un fax al (916) 322-3928 no menos de diez (10) días laborales antes del día programado para la audiencia. Para el Servicio Telefónico de California para Personas con Problemas Auditivos, ó de teléfonos TDD pueden marcar al 711.

CALIFORNIA AIR RESOURCES BOARD

/s/

James N. Goldstene
Executive Officer

Date: April 12, 2010

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 website at www.arb.ca.gov.