

State of California

CALIFORNIA AIR RESOURCES BOARD

Executive Order G-714-ADF-FE23

Alternative Diesel Fuels Regulation
Fleet Exemption for NW Construction Inc. – Gustine, California

Pursuant to Sections 39600, 39601, 43013, 43018, and 43101 of the Health and Safety Code, the California Air Resources Board (CARB) adopted the Regulation on Commercialization of Alternative Diesel Fuels (ADF regulation) published at title 13, California Code of Regulations (CCR), section 2293 et seq. Effective since January 1, 2016, the ADF regulation establishes a comprehensive, multi-stage process administering the commercialization of alternative diesel fuels in California. The ADF regulation governs the introduction and use of innovative alternative diesel fuels in California while preserving or enhancing public health, environmental, and emission benefits of the existing motor vehicle diesel-fuel regulations.

The ADF regulation includes specific provisions designed to control potential increases in oxides of nitrogen (NO_x) emissions that could otherwise be caused by the use of biodiesel under certain circumstances. These in-use requirements have been in effect since January 1, 2018. The ADF regulation includes exemptions to the in-use requirements for qualifying fleets if owners or operators can demonstrate that they meet the exemption conditions specified in the ADF regulation section 2293.6(a)(5)(A)1, 2, and 3. A fleet exemption may be granted if the following conditions are met: 1) the fleet owner or operator can demonstrate to the Executive Officer that at least 90 percent of the fleet consists of a combination of light and medium duty vehicles and heavy duty new technology diesel engine (NTDE) vehicles; and 2) any unmitigated biodiesel approved under this Executive Order will only be used by the exempted fleet.

NW Construction Inc (NW Construction), main office located in Bozeman, MT, has requested a fleet exemption for NW Construction fleet fueling station located at across from 31426 Gonzaga Rd, Gustine, CA 95322.

The fleet serves the B.F. Sisk Dam SOD (Safety of Dams) Modifications, Phase 1. This project entails voluminous excavation of earth materials from a quarry (Basalt Quarry) and placed for structures. The main project site entrance is located at 37.058266, -121.058467. The quarry site is located at 37.024380, -121.100681. The quarry site entrance is accessible through the main project site entrance.

NW Construction submitted their complete fleet composition list of vehicles in the Gustine fleet on May 30, 2022 (Confidential Attachment 1). The fleet meets the

requirement that at least 90 percent of the fleet consists of a combination of light and medium duty vehicles and heavy duty diesel vehicles with NTDEs, as specified pursuant to section 2293.6(a)(5)(A)2.

NW Construction demonstrated that the fleet fueling facility has a centralized and specified secure fueling area for NW Construction fleet vehicles listed in the Confidential Attachment 1. The NW Construction Gustine fleet location is a fully fenced and secured facility.

The fuel island for the NW Construction fleet is located inside the security run gated laydown yard that includes the main offices, the fleet repair area, the supply and tool trailers, and the fleet yard where all vehicles and equipment are maintained when not in use. The complex is gated with ingress and egress monitored by the security subcontractor. The gates will remain locked after hours. General public access is not permitted on site.

There is also a biodiesel fuel container at the quarry site for the NW's equipment supporting the drilling and crushing operations. Only those vehicles and equipment listed may be fueled from the fuel island or from the biodiesel container. The quarry is located at the end of a closed road that will also be maintained by the onsite security subcontractor. Only authorized staff members and drivers can activate and use the system and dispense fuel.

NW Construction demonstrated that the fleet fueling facility has procedures or protocols in place to reasonably preclude fueling of vehicles that are not in the exempted fleet. Only the authorized vehicles specified in Confidential Attachment 1 can access or dispense fuel at this site.

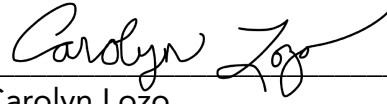
In addition, NW Construction will notify CARB of any changes to the fleet composition.

NOW, THEREFORE, (IT IS ORDERED AND RESOLVED) that the NW Construction fleet, located at across from 31426 Gonzaga Rd, Gustine, CA 95322, has met all requirements for fleet exemption and is granted an exemption from the in-use requirements in section 2293.6 of the ADF regulation.

CARB reserves the right in the future to review this Executive Order Fleet Exemption to confirm that the exemption continues to meet the requirements, conditions, standards, and procedures of title 13, California Code of Regulations, section 2293, et seq.

Violation of any of the above conditions shall be grounds for revocation of this Executive Order.

Executed at Sacramento, California, this 1st day of July, 2022.

A handwritten signature in cursive script that reads "Carolyn Lozo". The signature is written in black ink and is positioned above a horizontal line.

Carolyn Lozo
Chief, Oil and Gas and GHG Mitigation Branch