

State of California  
AIR RESOURCES BOARD

**Notice Of Public Availability Of Modified Text**

**PROPOSED AMENDMENTS TO THE ON-ROAD HEAVY-DUTY DIESEL-FUELED  
RESIDENTIAL AND COMMERCIAL SOLID WASTE COLLECTION VEHICLES  
REGULATION TO INCLUDE HEAVY CRANES**

Public Hearing Date: January 24, 2019  
Public Availability Date: May 29, 2019  
Deadline for Public Comment: June 13, 2019

At its January 24, 2019, public hearing, the California Air Resources Board (CARB or Board) considered staff's proposed amendments of sections 2021 and 2021.2, title 13 of the California Code of Regulations (CCR), proposed adoption of sections 2021.2 and 2021.3, title 13 of the CCR, and proposed repeal of section 2021.1, title 13 of the CCR. These sections comprise the Solid Waste Collection Vehicle (SWCV) Regulation.

The Board directed the Executive Officer to determine if additional conforming modifications to the regulation were appropriate and to make any proposed modified regulatory language available for public comment, with any additional supporting documents and information, for a period of at least 15 days as required by Government Code section 11346.8. The Board further directed the Executive Officer to consider written comments submitted during the public review period and make any further modifications that are appropriate available for public comment for at least 15 days, and present the regulation to the Board for further consideration if warranted, or take final action to adopt the regulation after addressing all appropriate modifications.

The resolution and all other regulatory documents for this rulemaking are available online at the following CARB webpage:

<https://ww2.arb.ca.gov/rulemaking/2019/road-heavy-duty-diesel-fueled-residential-and-commercial-solid-waste-collection>

In addition to the modifications to the regulatory text below, CARB would like to identify the following documents relied upon for the necessity of proposed amendments identified in the ISOR and Appendix A, as released December 4, 2018:

- CARB, 2003. Staff Report: Initial Statement of Reasons. Proposed Diesel Particulate Matter Control Measure for On-Road Heavy-Duty Residential and Commercial Solid Waste Collection Vehicles. California Air Resources Board. June, 2003. <https://www.arb.ca.gov/regact/dieselswcv/isor.pdf>.

- CARB, 2008. Staff Report: Initial Statement of Reasons for Proposed Rulemaking. Proposed Regulation for In-Use On-Road Diesel Vehicles. California Air Resources Board. October, 2008.  
<https://www.arb.ca.gov/regact/2008/truckbus08/tbisor.pdf>.
- CARB, 2010. Staff Report: Initial Statement of Reasons. Proposed Amendments to the Truck and Bus Regulation, The Drayage Truck Regulation and The Tractor-Trailer Greenhouse Gas Regulation. California Air Resources Board. October, 2010.  
<https://www.arb.ca.gov/regact/2010/truckbus10/truckbus10isor.pdf>.
- CARB, 2014. Staff Report: Initial Statement of Reasons for Proposed Rulemaking. Proposed Amendments to the Truck and Bus Regulation. California Air Resources Board. March, 2014.  
<https://www.arb.ca.gov/regact/2014/truckbus14/tb14isor.pdf> CARB, 2018a. EMFAC Volume III – Technical Documentation V1.0.2. California Air Resources Board. Mobile Source Analysis Branch. July 20, 2018.  
<https://www.arb.ca.gov/msei/downloads/emfac2017-volume-iii-technicaldocumentation.pdf>.

Additionally, CARB would like to provide necessity for section 2021(c)(14), Severability, originally proposed and identified in the ISOR and Appendix A, released December 4, 2018. CARB staff proposes this section to align with the Regulation to Reduce Emissions of Diesel Particulate Matter, Oxides of Nitrogen and Other Criteria Pollutants from In-Use Heavy-Duty Diesel-Fueled Vehicles, section 2025(aa).

The text of the modified regulatory language is shown in Attachment A. The originally proposed regulatory language is shown in ~~strikethrough~~ to indicate deletions and underline to indicate additions. New deletions and additions to the proposed language that are made public with this notice are shown in ~~double-strikethrough~~ and double underline format, respectively.

In the Final Statement of Reasons, staff will respond to all comments received on the record during the comment periods. The Administrative Procedure Act requires that staff respond to comments received regarding all noticed changes. Therefore, staff will only address comments received during this 15-day comment period that are responsive to this notice, documents and information added to the record, or the changes detailed in Attachment A.

### **Summary of Proposed Modifications**

The following summary does not include all modifications to correct typographical or grammatical errors, changes in numbering or formatting, nor does it include all of the non-substantive revisions made to improve clarity.

1. In section 2021(a), staff proposes removing “The regulation” with “Sections 2021, 2021.1, 2021.2, and 2021.3.” This modification is necessary to define which sections of this regulation are applicable to sellers.
2. In section 2021(b)(11), staff proposes removing “are subject to this regulation” from the definition of “fleet” because it is superfluous: section 2021(a) already specifies the applicability of the proposed regulation.
3. In section 2021(b)(18), staff proposes removing the last sentence, “Information must be reported to the Executive Officer as specified in section 2021.3(a) and records must be kept as specified in section 2021.3(b)” because it is superfluous and not relevant to the definition of “low use vehicle.”
4. In section 2021(b)(26), staff proposes adding the language “sections 2700 through 2711” after “Verification Procedure.” This modification is necessary in order to correctly reference where in the CCR the verification procedure for Verified Diesel Emission Control Strategy exists.
5. Staff proposes removing section 2021(c)(3). This language is not necessary because it is implicit that fleet owners that have fallen out of compliance as a result of these amendments or no longer qualify for a compliance extension will need to bring the fleet into compliance.
6. In renumbered section 2021(c)(4), staff proposes adding “pursuant to section 2021.2(a).” This modification is necessary to illustrate where the fleet requirements referenced in this section exist in the CCR, in order to comply with the fleet requirements. Many funding programs are intended to achieve early, surplus emission reductions that would not otherwise be realized through regulation. Therefore, the purpose of the language in 2021(c)(4) is to make it clear that when a funding program specifies that a vehicle cannot be counted towards compliance to be eligible to receive funding, the vehicle will not be counted towards compliance with the SWCV regulation until the contract period to exclude the vehicle ends. Furthermore, the language “unless allowed by the funding program guidelines applicable to the particular source of public funds used for the purchase” was removed from this section, as it was redundant. The preceding sentence already describes that the condition is based on what the funding program allows.
7. In renumbered section 2021(c)(6), staff proposes adding “pursuant to Verification Procedure, Warranty and In-Use Compliance Requirements for In-Use Strategies to Control Emissions from Diesel Engines (Verification Procedure) sections 2700 through 2711” after “approved by the Executive Officer.” This modification is necessary illustrate where the standard of approval for removing the PM retrofit exists in the CCR.

8. In section 2021(c)(7), staff proposes moving the phrase concerning record retention for model years older than 2010 to the beginning of the paragraph, to resolve an ambiguity in the sentence structure. Staff's intention is that only fleets with older, pre-2010 model year engines must retain records used to demonstrate compliance with flexibility options or exemptions in the proposed regulation. A fleet that upgrades to all 2010 engines no longer needs to report, because 2010 and newer model year engines are certified to the lowest engine emissions standard. Furthermore, staff proposes referencing section 2021(c)(9) instead of 2021.3(b)(10) for the maintenance of records. This is necessary to accurately cite where the record maintenance requirements are in this regulation.
9. In section 2021(c)(12), staff proposes citing Health and Safety codes 39674, 39675, 42400, 42400.1, 42400.2, 42402.2 and 43016 for the non-compliance and false information penalties. This modification is necessary so that the regulated community can be informed of non-compliance and false information penalties.
10. Staff proposes removing former section 2021(c)(16), regarding exemption for vehicles awaiting sale, because it is duplicative of section 2021(b)(1) and section 2021.3.
11. In section 2021.1(a), staff proposes to delete the reference to an effective date. This language is unnecessary because the effective date will be specified in the history note.
12. In section 2021.1(b)(2), staff proposes replacing the text with: "Low use solid waste collection vehicles that exceed 1,000 miles in any compliance year must immediately be brought into compliance by meeting PM BACT as specified in section 2021.1(a) or removing the vehicle from the fleet." The purpose of this section is to emphasize that solid waste collection vehicles that do not qualify for the low-use exemption must be immediately brought into compliance. The proposed change avoids an ambiguity in the timing for compliance and specifies that the section refers to solid waste collection vehicles.
13. In section 2021.2(a), Table A-1, staff proposes replacing "Compliance" with "Upgrade" to conform with the section 2021.2(a). This same modification will apply to section 2021.2(c), Table A-2, and section 2021(c)(4). This modification is necessary in order to be consistent with the ISOR and the rest of the language within section 2021.2. Staff has chosen 60 days in order to give the regulated community a reasonable amount of time to bring their fleet into compliance after the regulation goes into effect, pursuant to the upgrade requirements within section 2021.2, because heavy crane replacements require a long lead time due to manufacturing delays and modifications needed after they are ordered.

14. In section 2021.2(a), staff proposes adding “60 days after” to the asterisk explanation language within Table A-1 to conform with the section 2021.2(a). This same modification will apply to section 2021.2(c), Table A-2, and section 2021(c)(4). This modification is necessary in order to be consistent with the ISOR and the rest of the language within section 2021.2(a).
15. In section 2021.2(c), staff proposes adding “for the models years listed” to the end of this section. This change along with the change of “2003 and older” to “1998 to 2003” is necessary to be consistent with the staff report.
16. In section 2021.2(c), Table A-2, staff proposes modifying the table to correctly reference that engine model years 1998–2003 are require to Upgrade to 2010 or Newer Model Year Engine by January 1, 2019, as explained in the ISOR page 41, table 6. This modification is necessary in order to be consistent with the rationale with the ISOR.
17. In section 2021.2(d), staff proposes adding “Beginning with the 2020 compliance year.” This modification is necessary to explain that this section applies to the 2020 compliance year, and not 2019. Compliance year 2019 does not apply to this section because the requirement would be retroactive, therefore unreasonable.
18. In section 2021.2(d)(2), staff proposes replacing “vehicle” with “heavy crane or heavy crane engine.” This modification is necessary to explain that that fleet owners may qualify for a manufacturer delay if a replacement crane or engine has been ordered.
19. In section 2021.3(a)(2), staff proposes adding “Beginning with the 2020 compliance year.” This modification is necessary to explain that this section applies to the 2020 compliance year, and not 2019. Compliance year 2019 does not apply to this section because the requirement would be retroactive, therefore unreasonable.
20. In section 2021.3(a)(4), staff proposes identifying that fleet owners may submit information online via the Truck Regulation Upload, Compliance and Reporting System (TRUCRS), via mail, or using forms. This modification is necessary to so that the regulated community can be informed of the method to report.
21. In section 2021.3(a)(5)(F), staff proposes adding “storage” and “if applicable” with regard to a records address. Large or national fleets often have a distinct records storage address from their street and mailing address or addresses, and it is important that CARB have an accurate record of where records will be stored for enforcement purposes in case an audit is needed. This change is necessary so that the regulated community understands that a records storage address may not be necessary in all cases.

22. In section 2021.3(a)(7), staff proposed adding a cross reference to section 2021.3(a)(6). This language is necessary to clarify the engine information is for the same vehicle specified in the prior section.
23. In section 2021.3(a)(9)(C), staff proposes combining the first two sentences regarding replacement of an odometer or hubometer. This change is necessary so that the regulated party understands the reporting procedure for replacement of either instrument. Staff also proposes identifying that fleet owners may submit information online via TRUCRS or via mail. This modification is necessary so that the regulated community can be informed of the method to report.
24. In section 2021.3(a)(10), staff proposes replacing “during the month of January” with “no earlier than January 1, and no later than January 31.” This change is necessary because reporting for this option is only available January 1<sup>st</sup> through January 31<sup>st</sup>. The section provides additional time for a replacement vehicle to be delivered in the event of a manufacturer delay into the next compliance year. Reporting is required in January if the replacement vehicle has not been delivered by January 1 so that the fleet will not be deemed out of compliance. The owner will be allowed to continue operating an otherwise non-compliant vehicle for a period of time until the replacement vehicle is delivered and the fleet will not be deemed out of compliance due to the manufacturer delay. Without reporting at the beginning of the year, there would be no information to determine whether the fleet met the criteria to qualify for additional time due to circumstances beyond their control.
25. In section 2021.3(a)(12)(A) staff proposes adding “via TRUCRS or mail, pursuant to sections 2021.3(a)(6) through 2021.3 (a)(11).” This is necessary so that the regulated community understands what information is required for reporting newly purchased vehicles for an existing fleet, and how to submit that information.
26. Staff proposes removing section 2021.3(a)(12)(D). This language is not necessary because it is implicit that fleet owners that have fallen out of compliance as a result of these amendments or no longer qualify for a compliance extension will need to bring the fleet into compliance.
27. In section 2021.3(b)(4) staff proposes adding “company or owner name, United States Department of Transportation or California Motor Carrier Permit number, license plate number, and the state of registration,” replacing the proposed language “and other information.” This change is necessary for CARB staff to accurately identify the vehicle dispatched.
28. In section 2021.3(b)(11), staff proposes adding a cross reference to subdivision (a)(5)(F). This is necessary to ensure owners maintain all records at the records storage address previously identified to CARB. This will assist with enforcement in the event an audit of records is deemed necessary.

These modifications do not change implementation of the regulation in any way that affects the conclusions of the environmental analysis included in the Staff Report because the modifications consist primarily of definitional and provision clarifications that do not alter the compliance responses. Therefore, no additional environmental analysis or recirculation of the analysis is required.

In addition to the modifications described above, additional modifications correcting grammar, punctuation, spelling, and authority and reference citations have been made throughout the proposed changes. These changes are non-substantive.

### **Agency Contacts**

Inquiries concerning the substance of the proposed regulatory action may be directed to the agency representative Beth White, Manager, On-Road Compliance Assistance Section, at (916) 324-1704, or (designated back-up contact) Jacqueline C. Johnson, Air Pollution Specialist, On-Road Compliance Assistance Section, Mobile Source Control Division at (916) 323-2750.

### **Public Comments**

Written comments will only be accepted on the modifications identified in this Notice. Comments may be submitted by postal mail or by electronic submittal no later than the due date to the following:

Postal mail: Clerk of the Board, California 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 (Gov. Code § 6250 et seq.), your written and verbal comments, attachments, and associated contact information (e.g., your address, phone, email, etc.) become part of the public record and can be released to the public upon request.

In order to be considered by the Executive Officer, comments must be directed to CARB in one of the two forms described above and received by CARB no later than the deadline date for public comment listed at the beginning of this notice. Only comments relating to the above-described modifications to the text of the regulations shall be considered by the Executive Officer.

If you need this document in an alternate format or another language, please contact the Clerk of the Board at (916) 322-5594 or by facsimile at (916) 322-3928 no later than five (5) business days from the release date of this notice. TTY/TDD/Speech to Speech users may dial 711 for the California Relay Service.

Si necesita este documento en un formato alterno u otro idioma, 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 cinco (5) días laborales a partir de la fecha del lanzamiento de este aviso. Para el Servicio Telefónico de California para Personas con Problemas Auditivos, ó de teléfonos TDD pueden marcar al 711.

CALIFORNIA AIR RESOURCES BOARD



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Richard W. Corey  
Executive Officer

Date: May 29, 2019

Attachment

*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 CARB's website at [www.CARB.ca.gov](http://www.CARB.ca.gov).*