

REQUEST FOR EARLY EFFECTIVE DATE

Pursuant to Government Code section 11343.4(b)(3), the California Air Resources Board (CARB or Board) requests that the Office of Administrative Law (OAL) prescribe an “earlier effective date” for the Proposed Amendments to the On-Road Heavy-Duty Diesel-Fueled Residential and Commercial Solid Waste Collection Vehicles Regulation to include heavy cranes. The amendments were approved for adoption by the Board at the January 24, 2019, public hearing and were submitted to OAL for review and approval. 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 proposed modifications were available for public comment on May 29, 2019. The following demonstrates “good cause” for OAL to allow the amendments to be effective on July 1, 2019, upon filing with the Secretary of State.

DEMONSTRATION OF GOOD CAUSE

In this rulemaking, the Board is adopting regulatory amendments that includes two distinct components. First, the proposal would add a reporting requirement for owners of solid waste collection vehicles (SWCV) to improve enforceability and to avoid delays with California Department of Motor Vehicles registration starting in 2020. Second, the scope of the regulation would be expanded to include diesel-fueled on-road single engine heavy cranes (heavy cranes) with a newly added phase in schedule that would provide sufficient time for crane operators to upgrade equipment without disturbing business operations while meeting crane certification safety standards and protecting public health.

In 2014 the Board approved amendments to the Regulation to Reduce Particulate Matter and Criteria Pollutant Emissions for In-Use Heavy-Duty Diesel Vehicles (Truck and Bus regulation). These amendments applied to a wide range of trucks and added a new compliance option for heavy cranes to phase in cleaner equipment over an extended period. The Truck and Bus regulation amendments recognized there was a limited ability to safely retrofit existing cranes and the high cost of replacing this specialized equipment. However, the 2014 amendments were rescinded in 2018 on procedural grounds, and it is not feasible for heavy cranes to comply on the same schedule as other trucks. Beginning January 1, 2018, heavy crane operators were compliant if 10 percent of their cranes had 2010 engines.

After the 2014 Truck and Bus amendments were rescinded, 254 heavy cranes (37 percent of the crane fleet) that could not be retrofitted with a PM filter became non-compliant. The only realistic option would be to park existing cranes immediately, which would be disruptive for those needing crane services, would adversely affect crane operators and other businesses in

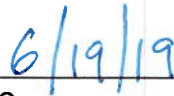
California, and could not reasonably achieve the required emissions reductions in this compressed timeline.

This request for an early effective date ensures that heavy crane fleets are able to meet the upgrade requirements and reduce emissions without adversely affecting the California economy.

For these reasons, CARB hereby requests that OAL approve an early effective date of July 1, 2019.



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Date