

State of California
AIR RESOURCES BOARD

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

Resolution 19-2

January 24, 2019

Agenda Item No.: 19-1-2

WHEREAS, sections 39600 and 39601 of the Health and Safety Code authorize the California Air Resources Board (CARB or Board) to adopt standards, rules and regulations and to do such acts as may be necessary for the proper execution of the powers and duties granted to and imposed upon the Board by law;

WHEREAS, in section 43000 of the Health and Safety Code, the Legislature has declared that the emission of air pollutants from motor vehicles is the primary cause of air pollution in many parts of the state; also, the State has the responsibility to establish uniform procedures for compliance with the standards that control or eliminate those air pollutants;

WHEREAS, pursuant to Health and Safety Code sections 39650 et seq., the Board adopted Resolution 98-35 on August 27, 1998, identifying particulate emissions from diesel-fueled engines as a toxic air contaminant;

WHEREAS, section 43018 of the Health and Safety Code directs the Board to achieve the maximum degree of emission reduction possible from vehicular and other mobile sources in order to accomplish the attainment of state ambient air quality standards at the earliest practicable date;

WHEREAS, the Legislature in 1988 enacted section 44011.6 of the Health and Safety Code directing the Board to prohibit, by regulation, the use of heavy-duty vehicles which are determined to have excessive smoke emissions or other emissions-related defects and to commence inspecting heavy-duty motor vehicles;

WHEREAS, two regions in California, the San Joaquin Air Basin and the South Coast Air Basin, are designated nonattainment for both the annual and 24-hour standards for particulate matter with a diameter less than 2.5 micrometers (PM_{2.5});

WHEREAS, excessive smoke emissions from heavy-duty diesel vehicles contribute significantly to air pollution problems in the state, and specifically are a significant source of diesel particulate matter;

WHEREAS, diesel particulate matter is a toxic air contaminant known to cause cancer;

WHEREAS, heavy-duty on-road vehicles account for over 25 percent of statewide diesel particulate matter emissions;

WHEREAS, staff has proposed amending the Solid Waste Collection Vehicle (SWCV) Regulation, as set forth in Appendix A to the Initial State of Reasons (ISOR, or Staff Report), released to the public on December 4, 2018, to require fleets to report information about SWCVs to improve enforceability and to avoid delays with California Department of Motor Vehicles (DMV) registrations starting 2020 and to allow sufficient time for heavy crane operators to upgrade equipment without disrupting business operations while continuing to meet crane certification standards and continuing to make progress in reducing emissions to protect public health;

WHEREAS, the Board approved the Regulation to Reduce Particulate Matter and Criteria Pollutant Emissions from In-Use Heavy-Duty Diesel Vehicles (Truck and Bus regulation) in 2008. The Truck and Bus regulation applies to nearly all trucks and buses that operate annually in California including heavy cranes and was subsequently amended in 2011 and 2014;

WHEREAS, the Board approved amendments to the Truck and Bus regulation that applied to a wide range of trucks and added a compliance option for heavy cranes. The new compliance option was unique to heavy cranes and required heavy crane fleets to upgrade to 2010 engines at a rate of 10 percent of the crane fleet each year starting in 2018. For the heavy cranes that could be equipped with PM filters, the amended regulation did not require further upgrades;

WHEREAS, the 2014 amendments to the Truck and Bus regulation were challenged in court on procedural grounds and are being rescinded;

WHEREAS, beginning January 1, 2020, Senate Bill 1, the Road Repair and Accountability Act (SB1), requires the California DMV to only register diesel vehicles that are compliant with the Truck and Bus regulation;

WHEREAS, vehicles subject to the SWCV Regulation are exempt from the Truck and Bus regulation but do not have reporting requirements that would allow CARB staff to distinguish vehicles subject to the SWCV Regulation from vehicles subject to the Truck and Bus regulation;

WHEREAS, CARB's regulatory program that involves the adoption, approval, amendment, or repeal of standards, rules, regulations, or plans has been certified by the Secretary for Natural Resources under Public Resources Code section 21080.5 of the California Environmental Quality Act (CEQA; California Code of Regulations, title 14, section 15251(d)), and CARB conducts its CEQA review according to this certified program (California Code of Regulations, title 17, sections 60000-60007);

WHEREAS, CARB prepared an environmental analysis under its certified regulatory program for the proposed amendments, and circulated it as part of the Staff Report for 45 days; the environmental analysis concluded there is no substantial evidence to support a fair argument that the proposed amendments will result in any significant adverse impacts on the environment;

WHEREAS, no comments were received during the 45-day comment period that raise significant environmental issues associated with the proposal and no approval of written responses to environmental comments is required under California Code of Regulations, title 17, section 60007;

WHEREAS, a public hearing and other administrative proceedings have been held according to the provisions of Chapter 3.5 (commencing with section 11340), part 1, division 3, title 2 of the Government Code;

WHEREAS, the Board finds that:

Despite advances in reducing emissions from mobile sources, stationary sources, and area sources, California still has the most severe air pollution problems in the United States;

To meet federal and California Clean Air Act emission reduction requirements, CARB must continue to seek reductions from all sources under its authority, including heavy-duty on-road vehicles;

Diesel particulate matter was identified as a toxic air contaminant in August 1998, and in response, the diesel risk reduction plan was adopted to achieve an 85 percent reduction in diesel particulate matter by 2020;

Diesel particulate matter from the excessive smoke of heavy-duty diesel motor vehicles is a significant source of air contaminants and a risk to public health;

The operation of heavy-duty vehicles with damaged emission control systems may lead to the release of excessive smoke and excess diesel particulate emissions;

The reporting requirements applicable to businesses in the proposed amendments are necessary for the health, safety, and welfare of the people of the State;

Without the proposed amendments, a significant portion of the statewide heavy-duty diesel vehicle population may continue to operate with damaged emission control systems and emit excessive smoke and diesel particulate emissions;

The proposed amendments are necessary, appropriate, and feasible;

The economic and fiscal impacts of the proposed amendments have been analyzed as required by California law, and the conclusions and supporting documentation for this analysis are set forth in the Staff Report, as supplemented by staff's presentation at the hearing of this item;

The proposed amendments meet the statutory requirements authorizing the adoption and implementation of in-use performance standards for the control of air contaminants and sources of air pollution for light, medium, and heavy-duty vehicles which the State Board finds necessary, cost effective, and technological feasible unless preempted by federal law identified in sections 43013(a) and (b) of the Health and Safety Code;

The proposed amendments were developed in an open public process, in consultation with affected parties, through numerous public workshops, individual meetings, and other outreach efforts, and these efforts are expected to continue;

No reasonable alternatives to the amendments considered to date, or that have otherwise been identified and brought to the attention of CARB, would be more effective at carrying out the purpose for which the regulation is proposed or would be as effective and less burdensome to affected entities than the proposed regulation;

The proposed amendments are consistent with CARB's environmental justice policies and do not disproportionately impact people of any race, culture, or income; and

On the basis of the whole record, including the environmental analysis included in the Staff Report, no substantial evidence exists to support a fair argument that the proposed amendments will result in any significant adverse impacts on the environment.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby approves for adoption amendments to sections 2021 and 2021.1, Title 13, California Code of Regulations, and the addition of sections 2021.2 and 2021.3, Title 13, California Code of Regulations, as set forth in Attachment A.

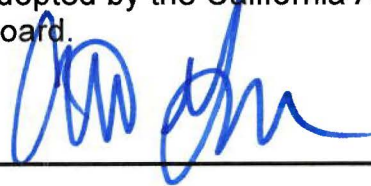
BE IT FURTHER RESOLVED that if there is a possibility that any modifications to the regulation made available for one or more 15-day public comment periods may affect the conclusion of the environmental analysis, the Executive Officer shall prepare and circulate any additional environmental analysis to the extent required by CARB's regulations pursuant to California Code of Regulations, title 17, sections 60000-60007, prepare written responses to any comments received raising significant environmental issues as necessary, and present its findings to the Board for approval along with the final regulation.

BE IT FURTHER RESOLVED that the Board directs the Executive Officer to determine if additional conforming modifications to the regulation are appropriate. If no additional modifications are appropriate, the Executive Officer shall take final action to adopt the regulation, as set forth in Attachment A. If the Executive Officer determines that additional conforming modifications are appropriate, the modified regulatory language shall be made available for public comment, with any additional supporting documents and information. The Executive Officer shall 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. The Executive Officer may present the regulation to the Board for further consideration if warranted, and if not, the Executive Officer shall take final action to adopt the regulation after addressing all appropriate conforming modifications.

BE IT FURTHER RESOLVED that the Executive Officer shall, upon adoption, submit the proposed regulatory action to the United States Environmental Protection Agency (U.S. EPA) for approval as a revision to the California State Implementation Plan (SIP) as required by the federal Clean Air Act (CAA). The adopted regulatory action would be submitted as a SIP revision because it amends regulations intending to reduce emissions of air pollutants to attain and maintain the National Ambient Air Quality Standards promulgated by U.S. EPA under the CAA.

BE IT FURTHER RESOLVED that the Board hereby determines that the regulations adopted herein will not cause California motor vehicle emission standards, in the aggregate, to be less protective of public health and welfare than applicable federal standards.

I hereby certify that the above is a true and correct copy of Resolution 19-2 as adopted by the California Air Resources Board.



Cristina Granados, Clerk of the Board

Resolution 19-2

January 24, 2019

Identification of Attachments to the Board Resolution

Attachment A*: Proposed Amendments to the On-Road Heavy-Duty Residential and Commercial Solid Waste Collection Vehicle Regulation to Include Heavy Cranes sections 2021 and 2021.1, Title 13, California Code of Regulations, and addition of sections 2021.2, and 2021.3, Title 13, California Code of Regulations, as set forth in Appendix A to the Initial Statement of Reasons, released December 4, 2018.*

***Attachment A is NOT attached to the proposed resolution; it is simply described on this page.**