

## UPDATED INFORMATIVE DIGEST

### **Amendments to the Diesel Particulate Matter Control Measure for On-road Heavy-duty Diesel-fueled Residential and Commercial Solid Waste Collection Vehicles to Include Heavy Cranes.**

#### **Sections Affected:**

Amend sections 2021, 2021.2 (renumbered to 2021.1), title 13, California Code of Regulations (CCR), adopt sections 2021.2, 2021.3, title 13, CCR, and repeal section 2021.1, title 13, CCR, Diesel Particulate Matter Control Measure for On-road Heavy-duty Diesel-fueled Residential and Commercial Solid Waste Collection Vehicles.

#### **Background:**

The Board approved the Solid Waste Collection Vehicle (SWCV) regulation in September 2003. The regulation became effective under California law on July 20, 2004. The regulation applies to diesel trucks that haul waste for a fee that have a gross vehicle weight rating greater than 14,000 pounds. As of January 1, 2010, all 1960 to 2006 model year diesel engines were required to be equipped with the best available control technology to reduce diesel PM following a phased-in schedule from 2004 through 2010. The SWCV regulation was one of several early regulations adopted by CARB to reduce adverse health effects from PM and smog-forming emissions from trucks operating in communities.

The Board approved the Truck and Bus regulation in 2008. This regulation applies to nearly all privately or federally owned trucks and buses that operate annually in California and includes cranes. The rule requires vehicles to meet particulate matter (PM) and oxides of nitrogen (NOx) emissions requirements to achieve California's air quality goals. To comply with the regulation, fleet owners must transition from older higher emitting vehicles to newer lower emitting vehicles through a combination of PM filter retrofits and vehicle replacements starting January 1, 2012, and running through January 1, 2023. The regulation was subsequently amended in 2010 and 2014. The 2014 amendments included a compliance option for heavy cranes to upgrade to 2010 engines at a rate of 10 percent of the crane fleet each year starting in 2018 and did not require further upgrades for those equipped with PM filters. The 2014 amendments were challenged in court on procedural grounds and are being rescinded.

Beginning January 1, 2020, Senate Bill 1, the Road Repair and Accountability Act (SB 1), requires the California Department of Motor Vehicles (DMV) to register diesel vehicles only if they comply with the 2011 Truck and Bus regulation. Heavy cranes (those with a gross vehicle weight greater than 54,000 pounds) must be retrofitted or replaced under the Truck and Bus regulation. Vehicles subject to the SWCV regulation do not have reporting requirements.

At present, heavy cranes face unique circumstances and challenges to be retrofitted or replaced. CARB staff has worked closely with crane operators, crane manufacturers, and other organizations to investigate and collect data on specialized crane operations and ultimately determined that retrofitting or repowering most specialized cranes was not feasible. These cranes could not be safely retrofitted with PM filters, and thus CARB granted heavy crane owners annual PM filter extensions under the Truck and Bus regulation, until the extensions ended January 1, 2018. These heavy cranes must now be retired or replaced, often at a cost of several hundred thousand dollars.

In addition, CARB staff cannot distinguish vehicles subject to the SWCV regulation from vehicles subject to the Truck and Bus regulation and so cannot identify, for the DMV, compliant vehicles that are not subject to SB1 requirements. This issue would potentially cause serious registration delays if not addressed.

### **Description of Regulatory Action:**

At its January 24, 2019, public hearing, the Board approved amendments that expand the scope of the regulation to include diesel-fueled on-road single engine heavy cranes (heavy cranes) and a reporting requirement for SWCVs. 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. Staff released modifications to the regulation for a 15-day public comment period beginning May 29, 2019.

The amendments clarify the definition of vehicles subject to the SWCV regulation and requires reporting for all fleets that own or operate SWCVs with 1960 to 2006 model year diesel engines to improve enforceability and to avoid delays with California DMV registration starting in 2020.

The addition of heavy cranes, with a newly-added phase in schedule, reduces particulate matter (PM) and oxides of nitrogen emissions. The amendments also require heavy crane owners to report fleet information to ensure compliance with the proposed replacement schedule, to take advantage of proposed credits for early action, and to improve enforceability. The amendments also allow sufficient time for crane operators to upgrade equipment without disrupting business operations while meeting crane certification safety standards and protecting public health. This recognizes the limited ability to safely upgrade existing cranes and the high cost of replacing this specialized equipment.

Further modification made during the 15 day comment period include a revision to the table with the engine model year schedule for heavy-cranes to be consistent with the description in the ISOR page 41, Table 6, other modifications to provide clarification and to add references.

**Comparable Federal Regulations:**

There are no comparable federal regulations to the proposed amendments.

**Consistency with Existing State Regulations:**

During the process of developing the regulatory action, CARB conducted a search of any similar regulations on this topic and concluded these regulations are neither inconsistent nor incompatible with existing state regulations.