

Updated Informative Digest

ADOPTION OF THE DIESEL PARTICULATE MATTER CONTROL MEASURE FOR ON-ROAD HEAVY-DUTY DIESEL-FUELED RESIDENTIAL AND COMMERCIAL SOLID WASTE COLLECTION VEHICLES

Sections Affected: Adoption of new sections 2020-2021.2, article 4, chapter 3, division 3, title 13, California Code of Regulations (“CCR”).

Background: In 1998 the Air Resources Board (“ARB” or “Board”) identified diesel particulate matter (PM) emissions from diesel-fueled engines as a toxic air contaminant (Section 93000, Title 17, CCR). The ARB adopted the Diesel Risk Reduction Plan (“DRRP” or “Plan”) in 2000, which established the goal of reducing emissions from virtually all in-use diesel engines within the State of California by the year 2010. The methods for achieving the goals in the Plan include new, more stringent standards for all new diesel engines, the implementation of low-sulfur diesel fuel, and the use of diesel emission control strategies (DECS) for in-use vehicles and equipment. Also, according to California law, an airborne toxic control measure using the best available control technology (BACT) shall be employed to reduce the public’s exposure to diesel PM. ARB, therefore, created a diesel particulate control measure to reduce diesel PM emissions from 1960 to 2006 diesel-fueled engine model years in residential and commercial solid waste collection vehicles.

Description of Regulatory Action:

The Diesel PM Control Measure for On-Road Heavy-Duty Diesel-Fueled Residential and Commercial Solid Waste Collection Vehicles (SWCV) mandates SWCV owners and municipalities that authorize owners through a contract for residential and commercial solid waste collection service to reduce diesel PM emissions from their collection vehicles.

The rule applies to a collection vehicle with a manufacturer’s gross vehicle weight rating greater than 14,000 pounds and an engine of model year 1960 to 2006. The owners of these collection vehicles must use BACT for their engines, which is defined as either an engine alone or in conjunction with a verified DECS that meets a 0.01 gram per brake horsepower-hour PM standard; an alternative fueled engine or heavy-duty pilot ignition engine; or application of an ARB-verified DECS to the engine, which reduces diesel PM emissions by the greatest amount possible for that engine and application. The requirement to install BACT will be phased-in between December 31, 2004 and December 31, 2010, by engine model year group.

The regulation offers various compliance options for collection vehicle owners. Owners are mandated to use BACT by following the implementation schedule

and then providing records as needed to show compliance with the rule. Special provisions are made for compliance deadline extensions based on early implementation, small fleet status, and unavailability of a verified DECS within a specified period of time. The rule also offers options for compliance due to special circumstances involved in the failure, damage, or discontinuation of a DECS; upgrading of a DECS from Level 1 technology, engine retirement exemption and use of experimental DECS.

The rule also applies to municipalities that contract with owners for solid waste collection service. These municipalities are responsible for including language in their contracts requiring compliance with this regulation and for supplying an annual list of contractors to the ARB. Municipalities were included as an extra measure of enforcement and to ensure municipality awareness, thus helping to facilitate renegotiation of contracts to address costs associated with the implementation of this regulation.

Modifications from the regulation as originally proposed include: the removal of joint responsibility for compliance by municipalities, leaving vehicle owners as solely responsible for compliance; a corresponding reduction in reporting requirements by municipalities; a split of one compliance phase-in group into two groups; tighter requirements for owners to ensure BACT is implemented on all applicable vehicles before an owner can apply for a compliance extension and that 100 percent of vehicles are in compliance by the end of the phase-in period. A number of definitions were changed to improve clarity. In addition, changes were made to reflect the split of one compliance phase-in group into two groups. The proposed initial reporting date was changed from August 1, 2004, to January 1, 2005, and the information required to be reported to ARB each year by municipalities was reduced. New language has been added to require an owner, when he intends to comply with an early compliance deadline, to submit a notification of intent to comply to the Executive Officer. The notification letter ensures that ARB will have a record of the delay in intermediate and final compliance deadlines afforded by early compliance. A sentence was added to clarify the transfer of records with the transfer of ownership of a collection vehicle.

Comparable Federal Regulations: No comparable federal regulations exist.