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Arnold Schwarzenegger
Governor

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TO: All Interested Parties

SUBJECT: EARLY COMPLIANCE EXTENSIONS FOR SOLID WASTE
COLLECTION VEHICLE REGULATION

The Solid Waste Collection Vehicle Regulation, section 2021.2 (d)((1), allows owners to be granted compliance deadline extensions based on early implementation, provided the Executive Officer has received a letter by the applicable early compliance deadline (July 1, 2005 for MY 1988 - 2002 engines) stating the owner's intent to use early compliance. In response to this requirement, the California Air Resources Board has received letters from several hauling firms stating that they plan to comply early and that the necessary retrofit devices will be **installed within six months of the placement of an order for those devices**. This statement expresses a fundamental misunderstanding of compliance deadlines.

An owner is required to have applied best available control technology (BACT) by each applicable compliance deadline, not to have ordered BACT by the deadline. Simply stating intent to install the needed devices within six months of the time they were ordered is not sufficient for compliance. Failure to have the correct number of vehicles in compliance by each applicable deadline will subject the owner to a Notice of Violation and possible fines. Specifically for early compliance, if the BACT is not **in place** by July 1, 2005 (for Group 1 vehicles), the right to delay intermediate and final compliance deadlines is forfeited. The compliance schedule then reverts back to the schedule in Table 1 (section 2021.2 (c)), even if a letter of intent to follow early compliance has been submitted. This holds true for the Group 2a December 31, 2005 and Group 2b December 31, 2006 early compliance deadlines. BACT must be installed, not just on order, by the early compliance deadlines.

In addition, some wastehaulers have said they intend to do early compliance by using all Level 1 devices or a combination of vehicle retirements and Level 1 devices. Remember that the regulation requires that each engine be reviewed for the appropriate BACT. Therefore, owners must first rule out Level 3 technologies, and then Level 2 technologies, before opting for Level 1. Two Level 2 products have been California-verified, Lubrizol emulsified diesel fuel on August 6, 2004 and the ESW Particulate

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 our Website: <http://www.arb.ca.gov>.

California Environmental Protection Agency

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Reactor on September 15, 2004 and must be considered after ruling out Level 3 products before turning to Level 1 products. The only exception to this is if a contract to purchase Level 1 products was entered into before the Level 2 products were verified.

If you have any questions or comments please contact Mr. Richard Varenchik, Staff Air Pollution Specialist at (626) 575-6730 or by e-mail at rvarench@arb.ca.gov.

Sincerely,

/s/

Robert H. Cross, Chief
Mobile Source Control Division

cc: Mr. Richard Varenchik
Retrofit Implementation Section