



**COUNTY OF LAKE
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September 10, 2013

Mary D. Nichols, Chairman
California Air Resources Board
P.O. Box 2815
Sacramento, CA 95812

Subject: Regulation to Reduce Emissions of Diesel Particulate Matter, Oxides of Nitrogen and Other Criteria Pollutants from In-Use On-Road Diesel Fueled Vehicles

Dear Chairman Nichols:

I am writing this letter to you on behalf of the Lake County Air Quality Management District Board of Directors to express our concern about both public health and safety as well as the economic impact of the Regulation to Reduce Emissions of Diesel Particulate Matter, Oxides of Nitrogen and Other Criteria Pollutants from In-Use On-Road Diesel-Fueled Vehicles.

This Regulation was originally adopted by your Board in December of 2008 as a result of SIP commitments in the South Coast and San Joaquin Valley, which have some of the worst air quality in the Nation. We acknowledge that this regulation may be necessary for areas in California to deal with the extreme air quality issues. As you know, Lake County is the only Air Basin in California to be in attainment with all State and Federal Air Quality Standards for 23 consecutive years. Lake County is rated as the 'Cleanest County' for particulate air pollution (PM2.5) in the Nation by the American Lung Association State of the Air Report 2013. The Statewide requirement to reduce particulate emissions from on-road trucks within Lake County, with only a two year delay from the large corporate owned fleets and on the same schedule as small fleets appears arbitrary. The potential health risk and ambient air quality risk is minimal, so setting an emissions rule for Lake County because of poor air quality in San Joaquin Valley is arbitrary. The setting of these standards without consideration of the financial impacts on locally owned and operated fleets in Lake County is capricious considering our local clean air achievements.

Family owned and operated fleets in Lake County should be recognized and rewarded for their efforts to ensure Lake County maintains its Attainment

Status. The financial hardship for these local operators has resulted in the closing of these fleets / operations as the only means of compliance for these fleets. Not only does this result in higher unemployment in Lake County, but fleets from other areas will be hired to drive into Lake County every day to fill the gap. This adds significant costs to operations in Lake County, to local governments, and small businesses. Additionally, the routes available for these fleets to enter and exit the County are already hazardous, with winding single lane roads.

Upon adoption of the Truck and Bus Rule, the Carl Moyer Program discontinued funding opportunities for retrofit and repower projects for our local family run fleets. The reason given the AQMD was that they were considered "large fleets" as they owned more than ten (10) vehicles; even though they had more than five (5) years of surplus particulate emissions reductions and twelve (12) years of surplus NOx emissions reductions.

To survive in a rural area owner/operators have two options: 1. operating with one (1) or two (2) trucks contracting their services or 2. operating with more than ten (10) trucks contracting projects and remote delivery of materials. A single round trip from a quarry to a project site and back can easily exceed 100 miles and take more than 4 hours per load, therefore multiple trucks are needed to support any construction project or multiple projects. Local family owned truck fleets had less than five (5) years to determine the requirements of the Truck and Bus Rule and find funding to retrofit and/or replace their trucks, and then find funds to replace their trucks with 2010 model year equipment starting in 2020. For a small business with multiple trucks, this is not feasible and has caused some to close operations / business and many plan to close their businesses in the near future.

To acknowledge the years of commitment to their community and to clean air, the Lake County AQMD Board of Directors is requesting that the California Air Resources Board consider the following commonsense amendments to this regulation:

1. Re-open the agricultural vehicle provisions approval period to allow late registration of agricultural vehicles, and eliminate the statewide limit for NOx Exempt Districts.
2. Re-open the low mileage construction truck provision to allow late registration of construction trucks, and consider increasing the allowable mileage to 20,000 miles/year.
3. Delay or eliminate the PM BACT requirements for NOx Exempt fleets, so that these fleets can plan for truck replacements starting in 2023 rather than

retrofitting trucks that will only be compliant for 5-9 years. This delay will allow fleets to upgrade their fleets as used model year 2010 trucks become available.

4. Open up the Carl Moyer Program to allow retrofit and repower projects in NOx Exempt areas through 2020 to realize emissions reductions and promote alternative solutions, such as hybrid and alternative fuels.

5. Enable the Voucher Incentive Program to be used in NOx Exempt areas to fund the purchase of model year 2010 or newer certified used trucks. Simple requirements could be implemented to ensure these trucks stay in NOx Exempt areas and be properly maintained for 3-5 years.

Providing flexibility in this regulation for areas of California that are not subject to the emissions reductions prescribed by the State Implementation Plans nor areas where significant truck traffic impacts are likely to occur, will enable Lake County to improve its chances for economic recovery and enable the local family owned fleets to upgrade to 2010 model year equipment.

The Lake County Board of Directors has supported clean air efforts, as is demonstrated by the 23 years of continuous attainment with State and Federal Ambient Air Quality Standards. As such, we believe that the closing of our local family owned fleets will be detrimental to the air quality in Lake County, to economic recovery, and unemployment rates. We urge you to review the above requested options and implement necessary delays to ensure fair and reasonable implementation of this rule.

Sincerely,



Jeff Smith, Chairman
Lake County AQMD Board of Directors

CC: Governor Jerry Brown
Senator Noreen Evans
Assemblywoman Mariko Yamada
Richard Corey, Executive Officer, CARB
Board Members, California Air Resources Board
La Ronda Bowen, ARB Ombudsman