

Tuolumne County  
Administration Center  
2 South Green Street  
Sonora, California 95370



Alicia L. Jamar, *Chief Deputy  
Clerk of the Board of Supervisors*

Telephone: (209) 533-5521  
Facsimile: (209) 533-6549  
[www.tuolumnecounty.ca.gov](http://www.tuolumnecounty.ca.gov)

**BOARD OF SUPERVISORS  
COUNTY OF TUOLUMNE**

Sherri Brennan, *First District*  
John L. Gray, *Fourth District*

Randy Hanvelt, *Second District*

Evan Royce, *Third District*  
Karl Rodefer, *Fifth District*

*October 1, 2013*

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

Re: In-Use Heavy Duty On-Road Diesel-Fueled Truck Regulation

Dear Chairman Nichols:

The Tuolumne County Air Pollution Control District is very concerned about the impact of the Air Resources Board's In-Use Heavy Duty On-Road Diesel-Fueled Truck Regulation on all businesses utilizing trucks within the District. This regulation was originally adopted by your Board in December of 2008 and became effective in December 2011. This regulation requires that most fleets of heavy-duty diesel trucks within Tuolumne County demonstrate compliance with the engine and retrofit requirements beginning January 1, 2014. Unfortunately, this regulation has and will continue to result in unintended economic consequences for local communities, individuals, and the transportation industry as a whole.

We recognize that diesel exhaust can potentially cause cancer in humans. The question is whether rural areas like Tuolumne County produce enough diesel exhaust to constitute costly requirements that can significantly affect local economies and the lives of truckers that operate older engines. Tuolumne County is a small rural county with a population of just over 55,000. Although District residents are subjected to some vehicular air pollution, our low population density and the lack of any high-traffic interstate transportation corridors means that diesel emissions are not a significant threat to our air quality. Tuolumne County enjoys good air quality, having come into attainment for the federal ozone standards in 2012. The benefits our citizens will see from the tremendous expense of implementing this regulation will be minimal.

Like many rural districts, most fleets in Tuolumne are small with only 1 to 3 trucks. For those small fleet operators, the purchase of a \$20,000 particulate filter or \$140,000 new engine and cab will be devastating and force many out of business. While CARB authorized incentive funding in the form of Proposition 1B funds and the

Carl Moyer program to help ease the financial hardship that this regulation is bringing on truck owners, in reality this financial assistance is simply not available for the vast majority of Tuolumne County businesses. The District receives the minimum allotment of \$180,000 for Carl Moyer Program projects and per the guidelines, most on-road trucks cannot qualify for grant funding. Low use in terms of miles and hours prohibit many from participating in the program, yet their use is not low enough to take advantage of the low use thresholds contained in the rule.

The rule provides for less stringent and less aggressive compliance requirements for vehicles operating in cleaner parts of the State. These NOx Exempt Areas had already met the federal ambient air quality standards and are specifically listed in the rule. However, the rule makes no provisions for Districts such as Tuolumne County who have achieved attainment since its adoption to be added to this list. If less stringent requirements are to be applied to cleaner parts of the State, then they should be applied to all who are designated as attainment regardless of when they achieved that status. There is simply no reason for Tuolumne County to continue to abide by provisions that are not necessary for a county that is in attainment.

At a minimum, we would like the Air Resources board to consider amendments to this regulation that could include:

- \* Increasing the low-use vehicle threshold from 1,000 miles and 100 hours. Raising the low-use cap in Attainment/NOx areas will create only minimal emissions and allow low use vehicles some reasonable opportunity to provide an owner a living.
- \* Allowing new attainment areas to be automatically added to the list of NOx Exempt areas, therefore providing less stringent and aggressive compliance requirements.

More importantly, in addition, your Board should take action to delay the small fleet compliance date of January 1, 2014 to January 1, 2023 for rural areas of California. As seen with the In-Use Off-Road Mobile Agricultural Equipment Regulation, the 'one size fits all' approach to diesel regulations does not work across California Air Districts. Factors such as reduction in air pollution over the last three years, the natural attrition of older model year trucks/engines, smaller fleets, lower usage, lack of high-traffic corridors, funding ineligibility, and the devastating economic impact to individuals and communities all necessitate a reconsideration of this rule for rural areas. By delaying the implementation date of this rule, used vehicles with 2010 engines will eventually be entering the market and be available as an option for small fleets to begin compliance with the rule. The delay will also allow filter technology to improve for operators that can only afford to comply via retrofit.

Mary D. Nichols, Chairman  
October 1, 2013  
Page 3

---

The Tuolumne County Air Pollution Control District appreciates the regulatory relief provided to rural areas in considering the Mobile Agricultural Equipment Regulation. We now ask you to consider the economic impacts to our Air District and its small businesses that will result from the current implementation schedule in the Truck and Bus Rule and take steps to delay the implementation.


Sincerely,



Randy Hanvelt, Chairman  
Tuolumne County Air Pollution Control District Board

cc: Governor Jerry Brown  
Senator Tom Berryhill  
Assemblyman Frank Bigelow  
Congressman Tom McClintock  
Senator Diane Feinstein  
Senator Barbara Boxer  
Richard Corey, Executive Officer, California Air Resources Board  
Rural County Representatives of California (RCRC)  
California State Association of Counties (CSAC)

I hereby certify that according to the provisions of Government Code Section 25103, delivery of this document has been made.

By:   
ALICIA L. JAMAR  
Clerk of the Board