

ATTACHMENT 2

PROPOSED AMENDED RULE 1196 LANGUAGE

PROPOSED AMENDMENTS TO RULE 1196 LANGUAGE

(Adopted October 20, 2000)(Amended June 4, 2004)
(PAR1196 April 26, 2005)

RULE 1196. CLEAN ON-ROAD HEAVY-DUTY PUBLIC FLEET VEHICLES

(a) Purpose

For public fleets of heavy-duty vehicles operating in the South Coast Air Quality Management (District), this rule requires public fleet operators to acquire alternative-fuel heavy-duty vehicles when procuring or leasing these vehicles to reduce air toxic and criteria pollutant emissions.

(b) Applicability

This rule applies to all government agencies located in the District, including federal, state, regional, county and city government departments and agencies, and any special districts such as water, air, sanitation, transit and school districts, with 15 or more heavy-duty vehicles. This rule shall not apply to vehicles or services pursuant to paragraph (f) or vehicles subject to Rules 1192, 1193, [adopted June 16, 2000], 1194 [adopted August 18, 2000], 1195 [*proposal for school buses*] or 1186.1 [adopted August 18, 2000].

(c) Definitions

For purposes of this rule, the following definitions shall apply:

- (1) ALTERNATIVE-FUEL HEAVY-DUTY ENGINE OR VEHICLE means a heavy-duty vehicle or engine that uses compressed or liquefied natural gas, propane, methanol, electricity, fuel cells, or other advanced technologies that do not rely on diesel fuel, and has been certified by the California Air Resources Board (CARB).
- (2) APPROVED CONTROL DEVICE(S) is a CARB-certified exhaust control device(s) that reduces particulate matter and possibly other precursor emissions. To be considered fitted with an approved control device(s), all diesel exhaust from the vehicle must be vented through such a device(s) that has been fitted at the time of vehicle purchase. The vehicle equipped with such a control device must use diesel fuel with a sulfur content no greater than 15 ppm.

- (3) DUAL-FUEL HEAVY-DUTY VEHICLE means a heavy-duty vehicle equipped with a diesel engine that uses an alternative fuel (such as compressed or liquefied natural gas, liquefied petroleum gas, methanol, or other advanced technologies) in combination with diesel fuel to enable compression ignition. A dual-fuel engine typically uses the alternative fuel to supply 85 percent of the total engine fuel requirement on a BTU basis. A dual-fuel engine must be certified by CARB to meet an applicable optional nitrogen oxide exhaust emission standard and be fitted with a particulate matter aftertreatment control device that achieves a particulate matter emissions level no greater than the particulate matter emissions level of the latest certified M-100 methanol engine certified by CARB prior to the date of adoption of this rule.
 - (4) EMERGENCY OR RESCUE VEHICLE means any vehicle defined in Section 165 of the California Vehicle Code and is equipped with red lights and sirens as defined in Sections 30, 25269, and 27002 of the California Vehicle Code.
 - (5) FLEET VEHICLE means any heavy-duty on-road vehicle, owned or leased by a public fleet operator that totals 15 or more heavy-duty vehicles excluding vehicles exempt under paragraphs (f)(1) and (f)(2).
 - (6) HEAVY-DUTY VEHICLE means any vehicle having a gross vehicle weight of at least 14,000 pounds.
 - (7) PUBLIC FLEET OPERATOR is a person who owns, leases, or operates heavy-duty fleet vehicles in the District. A person is a federal, state, county or city government department or agency, or special district.
 - (8) SPECIAL DISTRICT means any public agency that provides public services such as, but not limited to, sanitation, school, transit, air, and water districts.
 - (9) VEHICLE means any self-propelled, motorized device that is permitted to operate on public roads through Department of Motor Vehicle registration or the federal government.
- (d) Fleet Requirements
- Beginning July 1, 2002, for public fleet operators with 15 or more heavy-duty vehicles, all new additions to an existing fleet, or formation of a new fleet, of heavy-duty vehicles shall be by purchase or lease of:
- (1) alternative-fuel heavy-duty engine or vehicles;
 - (2) dual-fuel heavy-duty vehicles;
 - (3) dedicated gasoline heavy-duty vehicles; or

- (4) If the fleet operator has an approved Technical Infeasibility Certification for this purchase or lease, as described in subdivision (e), a diesel-powered heavy-duty engine or vehicle with an approved control device and maintain that approved control device per manufacturer's specifications. The provisions of this section shall not apply to subparagraph (e)(1)(D) after June 30, 20056.
- (e) Technical Infeasibility Certification Criteria and Procedures
 - (1) No less than 60 days prior to the date of purchase or lease of a replacement or additional heavy-duty engine or vehicle, any fleet operator seeking to comply with paragraph (d)(4) shall demonstrate the technical infeasibility of complying with paragraph (d)(1), d(2), or (d)(3) requirements by submitting a signed and dated Technical Infeasibility Certification Request to the Executive Officer and attest to the accuracy of all statements therein, that shall include:
 - (A) The name and address of the public fleet operator; and
 - (B) Current heavy-duty vehicle fleet composition, including make, model; and
 - (C) Demonstration that no engine and chassis/body configuration that meets the requirements of paragraphs (d)(1), (d)(2), or (d)(3) is commercially available from any manufacturer (only technical reasons for choosing a given chassis/body configuration are acceptable) or could be used in a specific application.
 - (D) Demonstration that an alternative-fuel refueling station for alternative-fueled or dual-fuel heavy-duty vehicles that are commercially available from any manufacturer is not available within five miles of the vehicle storage or maintenance yards, or at locations where vehicles will be home-based for extended periods of time and the refueling supply is provided through mobile means.
 - (E) Demonstration that vehicles complying with paragraphs (d)(1), (d)(2), or (d)(3) exceed the incremental cost-effectiveness criteria established in accordance with the most recent requirements of the Carl Moyer Program or the Mobile Source Emission Reduction Review Committee Program, whichever is greater.
 - (2) Within 45 calendar days of receipt of a completed Technical Infeasibility Certification Request submitted pursuant to paragraph (e)(1), the Executive Officer will either approve or disapprove the Request, in writing. The Executive Officer shall disapprove the request if it does not meet the requirements of

paragraph (e)(1). If a Technical Infeasibility Certification Request is disapproved by the Executive Officer:

- (A) The reasons for disapproval shall be given to the applicant in writing.
 - (B) Upon receipt of a notice of a disapproved Technical Infeasibility Certification Request, the fleet operator shall comply with paragraph (d)(1), (d)(2), or (d)(3).
 - (C) The fleet operator may resubmit a Technical Infeasibility Certification Request at any time after receiving a disapproval notification or may apply for a variance with the SCAQMD Hearing Board. (See SCAQMD Regulation V and California Health and Safety Code Sections 42350 through 42372 for information regarding variances.), but must still comply with paragraph (d)(1), (d)(2), or (d)(3) until such time as the Executive Officer approves a Technical Infeasibility Certification Request under paragraph (e)(1) or a variance is given by the SCAQMD Hearing Board.
- (3) A Technical Infeasibility Certification Request is subject to a plan filing and evaluation fees as described in Rule 306.

(f) Exemptions

The provisions of this rule shall not apply to the following:

- (1) Emergency or rescue vehicles operated by local, state, and federal law enforcement agencies, police and sheriffs department, fire department, hospital, medical or paramedic facility, and used for responding to situations where potential threats to life or property exist, including but not limited to fire, ambulance calls, or life-saving calls.
- (2) Privately owned or operated heavy-duty vehicle fleets that provide contract services to a public agency. Nevertheless, privately owned or operated heavy-duty vehicle fleets may be required to meet other SCAQMD rules such as Rules 1192, 1193, 1194, or 1186.1.
- (3) No more than ten evaluation/test vehicles per fleet, provided by or operated by vehicle manufacturer for testing or evaluation, exclusively.
- (4) Any vehicle added to or replacing a vehicle in an existing fleet after the applicable implementation date of this rule, as specified in subdivision (d), as long as the purchase contract for acquisition of such vehicle is signed before the date of adoption of this rule. This exemption does not apply to the execution of options to acquire vehicles where the option is executed after the date of

adoption of this rule and where vehicle delivery does not occur until after the applicable implementation date as specified in subdivision (d).

- (5) Military vehicles used for tactical operations.
- (6) Heavy-duty vehicles used routinely to transport materials in and out of the District.
- (7) Heavy-duty vehicles operated and housed by state agencies or special districts in the Riverside County portion of the Mojave Desert Air Basin and located within the District if the vehicles are equipped with approved control devices.
- (8) When the remainder of the fleet consists of heavy-duty vehicles that meet the requirements of paragraphs (d)(1) or (d)(2),
 - (a) For public fleets with greater than 15 but less than 100 heavy-duty vehicles, no more than three (3) heavy-duty vehicles that do not meet the requirements of Subdivision (d) of this rule may be part of the fleet at any given time. Such vehicles shall be equipped with approved control devices.
 - (b) For public fleets with 100 or more heavy-duty vehicles, no more than three (3) heavy-duty vehicles that do not meet the requirements of Subdivision (d) of this rule may be part of the fleet and are garaged, housed, parked, stored at any single vehicle storage or maintenance yard at any given time. Such vehicles shall be equipped with approved control devices. A public fleet operator may deploy these vehicles and place them at any one vehicle storage or maintenance yard if the public fleet operator submits a plan to the SCAQMD demonstrating that a proportionate number of such heavy-duty vehicles is reduced at other facilities operated by the public fleet operator.
- (9) Heavy-duty vehicles leased for no more than 120 days in any 12-month period by the U.S. Postal Service during the peak winter holiday period.
- (10) Heavy-duty vehicles owned or operated by federal agencies, state agencies, county agencies, or special districts whose jurisdiction include areas outside of the District and the heavy-duty vehicles are garaged, housed, parked, stored or operated within the District for no more than 180 days in any 12-month period.

(g) Compliance Auditing and Enforcement

- (1) The fleet operator shall provide at the request of the District any files and/or records created to comply with subdivision (d) including fleet-specific information, such as a list of official DMV registrations, principal vehicle

location, and manufacturer, model-year, model, and fuel type and usage, of each fleet vehicle. This provision shall not apply for records that have been in existence for more than one year.

- (2) Any fleet operator seeking an exemption under subdivision (f) shall supply proof that their vehicle or fleet is exempted from this rule when requested by the District.

(h) Severability

If any provision of this rule is held by judicial order to be invalid, or invalid or inapplicable to any person or circumstance, such order shall not affect the validity of the remainder of this rule, or the validity or applicability of such provision to other persons or circumstances. In the event any of the exceptions to this rule is held by judicial order to be invalid, the persons or circumstances covered by the exception shall instead be required to comply with the remainder of this rule.