

Attachment B to Resolution 13-51

Staff's Suggested Modifications to the Tractor-Trailer Greenhouse Gas (GHG) Regulation (Distributed at the December 12, 2013 Board hearing)

This attachment shows the additional modifications to the regulatory language as set forth in Appendix 1-B of the Staff Report: Initial Statement of Reasons, as published and posted October 23, 2013. The modifications to this language are shown in double underline to indicate additions and ~~double strikeout~~ to indicate deletions. Shown below are only those portions of the regulatory language that have been modified. This language will be made available to the public for a fifteen-day comment period prior to final adoption.

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§95305. *Exemptions.*

(i) *Trailer Aerodynamic Equipment Compliance Delay*

- (1) An owner of a dry-van or refrigerated-van trailer that is subject to the requirements of section 95303(b) may apply for a Trailer Aerodynamic Equipment Compliance Delay if the trailer is configured such that existing aerodynamic technologies necessary to meet the requirements defined in sections 95303(b)(1)(B)2. or 95303(b)(3)(B)2. for dry-van trailers, or 95303(b)(2)(B)2. or 95303(b)(3)(C)2. for refrigerated-van trailers, cannot be installed.

~~(2) A trailer identified in a Trailer Aerodynamic Equipment Compliance Delay is subject to the following compliance deadlines~~

~~(A) For a trailer not participating in an optional trailer fleet compliance schedule, the applicable compliance date is one year from the trailer's current compliance date, or one year from the Trailer Aerodynamic Equipment Compliance Delay approval date, whichever is later.~~

~~(B) For a trailer participating in an optional trailer fleet compliance schedule as defined in section 95307, *Optional Trailer Fleet Compliance Schedules*, the applicable compliance date is one year from the applicable Conformance Threshold Deadline for that trailer, provided all other trailers in the fleet have been brought into compliance.~~

(23) To apply for a Trailer Aerodynamic Equipment Compliance Delay, an owner must provide the Executive Officer the following information

(A) Owner contact information

1. Trailer owner's name, and if a corporate entity or governmental agency owns the trailer, the responsible official and title (if applicable);
2. Street address of owner or owner's company including city, state or province, zip code, colonia (Mexico only), and country;
3. Mailing address including city, state or province, zip code, colonia (Mexico only), and country;
4. Owner contact person's name;
5. Telephone number of contact person;
6. Email address of contact person (if available);
7. TRUCRS identification number (if applicable)

(B) Trailer Information (for each candidate trailer for compliance delay)

1. Trailer vehicle identification number (VIN).
2. Trailer participating in Optional Compliance Schedule? (Y or N)
3. Current scheduled compliance dates of trailers.
4. Narrative description of why exemption is necessary. Description should clearly explain why all available aerodynamic technologies that meet the requirements defined in sections 95303(b)(1)(B)2. or 95303(b)(3)(B)2. for dry-van trailers, or 95303(b)(2)(B)2. or 95303(b)(3)(C)2. for refrigerated-van trailers ~~95303(b)(1)(B)2.a. or 95303(b)(2)(B)2.a.~~ cannot be installed on the trailer, and why modification of such technologies is infeasible without compromising the aerodynamic effectiveness of the technology or technologies.

5. Additional supporting materials as requested by the Executive Officer.

~~(34)~~ Applications for a Trailer Aerodynamic Equipment Compliance Delay may be submitted to the Executive Officer in written or electronic format no sooner than one year prior to the trailer's current compliance date.

~~(45)~~ The Executive Officer will respond to the application for a Trailer Aerodynamic Equipment Compliance Delay within 30 days of receipt of the application, and notify the applicant in writing of the decision.

(A) The Executive Officer will review the existing list of U.S. EPA SmartWay verified aerodynamic technologies and determine if any of the existing technologies can be installed to meet the requirements defined in sections 95303(b)(1)(B)2. or 95303(b)(3)(B)2. for dry-van trailers, or 95303(b)(2)(B)2. or 95303(b)(3)(C)2. for refrigerated-van trailers.

~~(AB)~~ If the Executive Officer determines that the candidate trailer(s) identified in the application can be equipped with an aerodynamic technology that meets the requirements defined in sections 95303(b)(1)(B)2. or 95303(b)(3)(B)2. for dry-van trailers, or 95303(b)(2)(B)2. or 95303(b)(3)(C)2. for refrigerated-van trailers ~~95303(b)(1)(B)2. or 95303(b)(2)(B)2.~~, the application will be denied.

~~(BC)~~ If approved, the ~~Executive Officer will notify the applicant in writing of the new effective compliance dates for these trailers identified in the application~~ Trailer Aerodynamic Compliance Delay will remain in effect until the Executive Officer notifies the applicant that the U.S. EPA has verified an aerodynamic technology that can be installed on the trailer(s) to meet the requirements defined in sections 95303(b)(1)(B)2. or 95303(b)(3)(B)2. for dry-van trailers, or 95303(b)(2)(B)2. or 95303(b)(3)(C)2. for refrigerated-van trailers. The Executive Officer will use the owner contact information provided in accordance with section 95305(i)(2)(A) to contact the applicant. Once notified, the applicant will be required to install the aerodynamic technology on the trailer(s) within one year from notification.

~~(6)~~ ~~The applicant may request an extension to an approved Trailer Aerodynamic Equipment Compliance Delay no sooner than 30 days prior to the new effective compliance dates.~~

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(n) Exemption for New Trailers

- (1) A 53-foot or longer box-type trailer is exempt from the requirements of section 95303(b) for three consecutive months following the month of its manufacture. For example, if the month of manufacture is September 2013, the exemption would apply through December 2013.