

Air Quality Update

Brought to you by **YORKE ENGINEERING, LLC**

www.YorkeEngr.com

January 11, 2024 – BAAQMD

CARB OFF-ROAD DIESEL AMENDMENTS

The California Air Resources Board (CARB) Off-Road Diesel Regulation amendments have been approved, with an effective date of October 1, 2023. The regulation applies to off-road diesel vehicles with engines rated 25 horsepower (HP) or larger, with fleet sizes based on cumulative HP under common ownership in California. The amendments add additional requirements to existing obligations. Fleets are required to clean up 10% of their fleet HP each year until meeting the final fleet average target (F-FAT), with excess cleanup points [Best Available Control Technology (BACT) credits] carrying over until 2023 for Medium or Large fleets and 2028 for Small fleets (see Table 1).

Table 1: Fleet Sizes and Credit Expiry Dates

Size	Cumulative HP	Carryover Expires
Small	25-2,500	1/1/2028
Medium	2501-5,000	1/1/2023
Large	Over 5,000	1/1/2023

Carryover Credits Restart

After the initial expiry dates in Table 1, the amendment allows for BACT credit carryover with no expiration.

Renewable Diesel

Starting January 1, 2024, off-road diesel fleets must demonstrate via fueling records (contracts/receipts) that rental and owned off-road vehicles in the fleet solely use renewable diesel (RD) that is either 99% or 100% RD (R99 or R100). If RD is unavailable, the fleet must maintain quarterly records of attempts to obtain R99 or R100. Fleets

will affirm compliance with the RD requirements during each annual report. Captive attainment fleets or fleets solely comprised of Tier 4-Final (T4-F) engines or cleaner are exempt from RD requirements. If no bulk fuel vendors can provide RD to a fleet, the fleet must use the Alternative Fueling Station Locator tool to locate RD fuel stations near job sites or along trip routes. Screenshots of the tool at the following website may be used as documentation of RD unavailability:

<https://afdc.energy.gov/stations/#/find/nearest>

Tier Phase-Outs

Even if meeting its F-FAT, every fleet must “phase out” Tiers 0-2 engines by the January 1st deadlines in Table 2, via conversion to permanent low use (200 hours per year) or removal from California operations. Tier 0 (T0) engines have a “backstop” that will ban all California operations starting in 2036.

Table 2: January 1st Phase-Out Deadlines

Fleet Size	2024	2026	2028	2030	2032	2036
Large	T0	T1	T2			T0 Backstop
Medium		T0	T1	T2		
Small			T0	T1	T2	

Minimum Tier for Adding Vehicles

Starting January 1, 2024, there will be new minimum tier requirements for adding vehicles to a fleet, as shown in Table 3.

Table 3: Minimum Tier for Adding Vehicles

Minimum Tier for Adding Vehicles (Applicable January 1 st of Each Calendar Year)						
Fleet	2023	2024	2025	2026	2027	2028
Med/Lrg	Tier 3	T4-F				
Small*	Tier 3	Tier 4-Interim (T4-I)			T4-F	

*Fleets following the Optional Compliance Schedule for fleets with 500 HP or less may add T4-I through 2034 and must be T4-F or cleaner starting in 2035.

Air Quality Tip

For your on-road fleet where the CARB Advanced Clean Fleets (ACF) Regulation applies, reporting is due by February 1st. Reporting facilities will choose a compliance pathway of “minimum useful life” or “zero-emission vehicle milestone.” This choice can have a large impact on when fleets need to transition to zero-emission vehicles, and therefore can have a large financial impact.

Upcoming Online EH&S Training Offered by Yorke Engineering (3-Hour Sessions)

- Northern California Air Quality Regulations, Permitting, and Compliance Seminar: May 1, 2, 7, 8, and 9, 2024
- Class Info at: <http://yorkeengr.com/classes>

Upcoming Due Dates for 2024*

- CARB Clean Truck Check Report..... 1/31
- CARB On-Road TRUCRS Reporting for Flexibility Options 1/31
- CARB ACF Report for HPF Fleets 2/1
- CARB Off-Road DOORS Reporting for All Fleets..... 3/1
- CARB PERP Reporting: Equip. Units and Low-Use Engines 3/1
- CARB Refrigerant Reporting for Medium/Large Systems (≥ 200 lbs) 3/1
- CARB GHG Semiconductor Report 3/1
- U.S. EPA GHG Report 3/31
- CARB LCFS Q4 Fuel Report 3/31
- CARB ACF Report for SLGA Fleets 4/1
- CARB GHG > 25K Metric Tons 4/10
- CARB LCFS Annual Fuel Report 4/30
- CARB GHG 10-25K Metric Tons and All Electric Retailers 6/1
- CARB Gas-Insulated Equipment GHG Report 6/1
- CARB LSI DOORS Reporting for Medium and Large Fleets 6/30
- CARB LCFS Q1 Fuel Report 6/30
- Semi-Annual Title V Report... Semi-Annually
- Annual Title V Compliance Certification Annually
- Title V – Application for Permit Renewal – Due 180 Days Prior to Permit Expiration

*Due dates listed are statutory dates; sometimes dates are extended when on a weekend/holiday.

SMOKE TEST PROGRAMS FOR HEAVY-DUTY VEHICLES

CARB's Periodic Smoke Inspection Program (PSIP)

The PSIP requires fleets with at least two diesel vehicles with a gross vehicle weight rating (GVWR) over 6,000 pounds (lbs) to conduct annual smoke tests when the engine is over 3 years old, if driven on California public roads and registered with the California Department of Motor Vehicles (DMV).

CARB's Heavy-Duty Inspection and Maintenance (HD I/M)/Clean Truck Check (CTC) Program

In October 2022, CARB adopted the HD I/M Program, now known as the CTC Program. Starting in 2024, private and public fleets are required to report their non-gasoline combustion vehicles with a GVWR over 14,000 lbs that operate in California (regardless of which state's DMV they are registered in). This expands the smoke test requirements to other fuel types, such as compressed natural gas (CNG) and propane heavy-duty vehicles.

Fleets must complete initial reporting and pay a \$30 fee per applicable vehicle by January 31, 2024. Smoke tests are required for vehicles with 2012 model year or older engines, and a CARB-approved on-board diagnostic test method is required for 2013 model year or newer engines. Diesel vehicles 6,001-14,000 lbs will continue to require PSIP smoke tests.

Smoke Tester Credentials

The smoke testing must be performed by a certified tester, and testers must renew their credentials every 2 years. The free CTC tester training course, exam, and associated information can be found at:

<https://ww2.arb.ca.gov/our-work/programs/inspection-and-maintenance-program/hd-im-tester-training-course-and-exam>

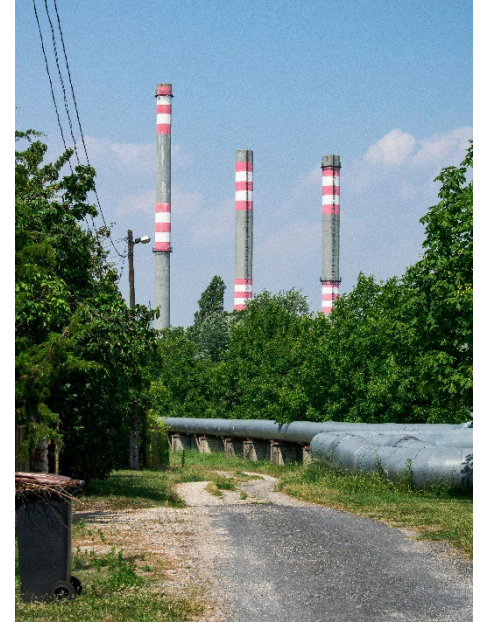
SB 253: CLIMATE CORPORATE DATA ACCOUNTABILITY ACT PASSED

On October 7, 2023, Governor Newsom signed Senate Bill (SB) 253: The Climate Corporate Data Accountability Act (CCDAA) into law, which requires large public and private companies with annual revenues greater than \$1 billion that conduct business in California to publicly disclose their greenhouse gas (GHG) emissions. Following the GHG Protocol Corporate Accounting and Reporting Standard, emissions of GHGs, which includes carbon dioxide (CO₂), methane (CH₄), nitrous oxide (N₂O), and others, are quantified as belonging to a company or operation in three categories, or "scopes":

- Scope 1 – GHGs emitted directly from a facility (e.g., on-site combustion in boilers and turbines);
- Scope 2 – Indirect GHG emissions associated with the purchase of electricity, steam, heat, or cooling; and
- Scope 3 – Indirect emissions not included in Scope 2, including emissions that occur in the value chain of the reporting company both upstream and downstream.

The CCDAA requires reporting of Scope 1 and 2 GHG emissions annually starting in 2026, with additional reporting of Scope 3 GHG emissions starting in 2027. Similar to the CCDAA, the proposed United States Securities and Exchange Commission (SEC) Climate Disclosure Rule and the already adopted European Union Corporate

Sustainability Reporting Directive require companies to report Scope 1, 2, and 3 GHG emissions starting in 2026.



The specifics for implementation of the CCDAA are being developed by CARB and are due to be released to the public by January 1, 2025. It is expected that CARB will clarify exactly what entities will be subject to the act by defining the term "doing business in California," as this term is not defined in SB 253.

Consumers and the public are increasingly advocating for greater transparency concerning corporate GHG emissions and GHG reduction efforts. Many businesses already publicly disclose their GHG emissions using internationally accepted accounting protocols. Some of these businesses are requiring their suppliers and customers to provide Scope 1, 2, and 3 GHG emissions data as part of their business disclosures.

Yorke Engineering, LLC specializes in air quality and environmental consulting for stationary and mobile sources, including dispersion modeling, health risk assessments, permitting, emission inventories, air quality compliance systems, etc. Yorke Engineering has assisted over 1,800 customers, including a wide variety of industrial facilities and government organizations throughout California.

FUTURE UPDATES TO REGULATION 6, RULES 1 AND 6: FUGITIVE DUST

For full details on other upcoming BAAQMD regulations, go to:

<http://www.baaqmd.gov/rules-and-compliance/rule-development/rules-under-development>

Goals and Background of Proposed Rulemaking Regarding Fugitive Dust

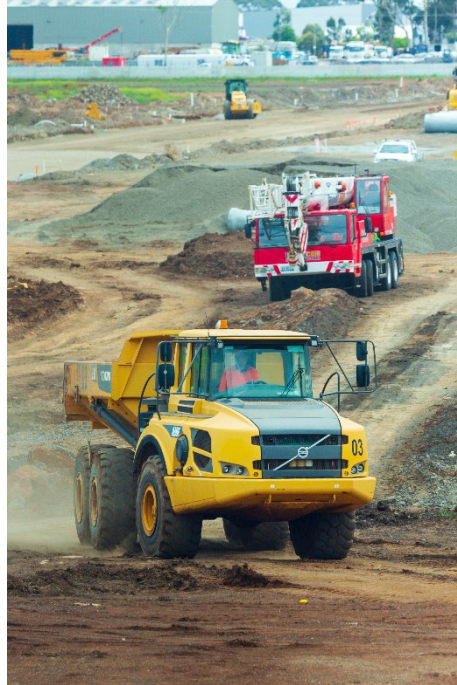
A 2020 report from the Bay Area Air Quality Management District (BAAQMD) Advisory Council concluded that “Particulate Matter (PM) was the most important health risk driver in Bay Area air quality.” Community feedback, especially in Overburdened Communities, echoes this message, as PM is the primary concern among residents and is a priority for reduction. In response to this feedback, the BAAQMD authored a white paper, published in March 2023, which explored opportunities to update District rules and regulations to address fugitive dust. This white paper identified construction projects, earthmoving activities, paved and unpaved roads, and bulk storage and loading facilities as potential subjects for future rulemaking to reduce fugitive dust.

White Paper Recommended Actions

The BAAQMD’s Fugitive Dust White Paper includes a recommendation to increase enforcement for fugitive dust activities via amendments to Regulation 6, Rule 1: General Requirements and Regulation 6, Rule 6: Prohibition of Trackout, with the potential inclusion of “Dust Fees” for future permitting projects to fund additional compliance and enforcement efforts. These regulations would be modified by requiring Dust Control Plans (DCPs) for earthmoving operations.

Additionally, the white paper recommends the addition of regulatory

language to mandate compliance with Best Management Practices (BMPs) and Best Available Control Measures, including during construction activities. The District is also evaluating implementing a screening threshold for PM for short-term “acute” health risks from localized concentrations of PM, similar to the District’s New Source Review for Toxic Air Contaminants (Regulation 2, Rule 5).



A link to the BAAQMD’s Fugitive Dust White Paper can be found on the following website, listed under “Documents”:

<https://www.baaqmd.gov/rules-and-compliance/rule-development/fugitive-dust>

REGULATION 11, RULE 18 HEALTH RISK ASSESSMENT UPDATE

Under Regulation 11, Rule 18, the BAAQMD conducts health risk assessments (HRAs) for facilities whose emissions pose potentially high health risks. Facilities were ranked into two phases for evaluation: Phase I (36 total facilities) and Phase II. If a facility is found to exceed health risks, a Risk

Reduction Plan will be required. After approval by the District, this Risk Reduction Plan will require implementation within 5 years.

As of the fourth quarter of 2023, the BAAQMD has calculated Prioritization Scores for all Phase I facilities and ranked each Phase I facility as either Top Priority (eight facilities), Medium Priority (13 facilities), or Low Priority (15 facilities). The BAAQMD is considering rulemaking in the 2023-2024 fiscal year to amend Rule 11-18 to streamline and expedite regulatory implementation.

More information and the list of Phase I facilities can be found at:

<https://www.baaqmd.gov/community-health/facility-risk-reduction-program>

AB 617 CRITERIA AND TOXICS REPORTING IN THE BAAQMD

In response to Assembly Bill (AB) 617’s passage in 2017, CARB established the Community Air Protection Program to reduce exposure in communities most impacted by air pollution. Additionally, this bill mandated the reporting of Criteria and Toxics Reporting (CTR) in a standardized format. The BAAQMD intends to implement CTR requirements in conjunction with the emissions inventory reporting during the permit renewal process. Submittal of a completed Data Update form satisfies CTR requirements in the BAAQMD.

However, per Section 93403(c)(2) of the CTR Regulation, facilities are allowed to request to submit emissions reports directly to CARB. This may be utilized by facilities to gain direct CARB involvement if there is significant misalignment between a facility and the BAAQMD regarding emissions reporting.

For full details on CTR reporting in the BAAQMD, please visit:

<https://www.baaqmd.gov/permits/renew-a-permit/criteria-toxics-reporting>