



Medium-and Heavy-Duty Diesel Retrofit Compliance Program — Draft Proposed Rule and Fiscal Impact Review

Vehicle Inspection Program

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Today's Agenda:

- Review Rules Advisory Committee ground rules and webinar practices
- Previous meeting review
- Committee member introductions
- Section by section rule review and discussion
- Public comment period
- Next steps
- Adjourn



Advisory Committee Ground Rules:

- Prepares for and sets aside time for the meetings;
- Provides DEQ staff with copies of relevant research and documentation cited during the meeting;
- Stays focused on the specific agenda topics for each meeting;
- Comments constructively and in good faith;
- Consults regularly with constituencies to inform them on the process and gather their input;
- Treats everyone and his or her opinions with respect;
- Allows one person to speak at a time;
- Is courteous by not engaging in sidebar discussions; and
- Avoids representing to the public or media the views of any other committee member or the committee as a whole.



Rules Advisory Committee Member Introductions:





Draft Proposed Rule Review Summary

The purpose of this presentation is to provide committee members a summary of the recent changes to the rule language for Oregon's Retrofit Compliance Program.

Each slide will address one section of the rule language, key issues and questions for committee
Please follow along with a copy of the rule text open in front of you

Rule Summary:

- Language or summary of proposed rules to inform committee discussion

Key Issues:

- Requirements meant to establish criteria and procedures for Approved Retrofit Technology certification

Questions for Committee:

- Requests for feedback and committee expertise to inform DEQ's proposed approach



Draft Proposed Rule Review – 340-256-0010

Definitions

Rule Summary:

- Incorporated in Division 256, Vehicle Inspection Program existing definitions
- Added the definition of “Diesel Engine” to mean a compression ignition engine

Key Issues:

- Establishes shared understanding of key terms for the Retrofit Compliance Program

Questions for Committee:

- Any questions from the committee on this or other definitions?



Draft Proposed Rule Review – 340-256-0510

Requirements for Approved Retrofit Technology

Rule Summary: (1)(a) “Was installed by an installer authorized by the Approved Retrofit Technology manufacturer.”

Key Issues:

- Installers must be authorized by the retrofit manufacturer of the Approved Retrofit Technology
 - Manufacturers authorize each installer/distributor

Questions for Committee:

- Is the intent of the rule clear?



Draft Proposed Rule Review – 340-256-0520

Certification of Approved Retrofit Technology

Rule Summary:

- (1)(c) A pre-installation compatibility assessment as prescribed by the Approved Retrofit Technology manufacturer, signed by the installer
- (3)(h) Added engine family number as a piece of required information on the application

Key Issues:

- Maintains the technical requirements of the EPA or CARB verified technology

Questions for Committee:

- Any additional comments on the certification criteria?



Draft Proposed Rule Review – 340-256-0530

Issuance of Approved Retrofit Compliance

Rule Summary:

- (6) Once issued a Certificate of Approved Retrofit Compliance, the registrant of the Medium or Heavy-duty truck must keep and maintain all Approved Retrofit Technology filter cleaning, temperature, back pressure and maintenance (warranty and other than warranty repairs) for a minimum period of 24 months.

Key Issues:

- Provides a certification process for Approved Retrofit Technology

Questions for Committee:

- Are there any concerns or suggestion for the record keeping requirement?



Draft Proposed Rule Review – 340-256-0540

Periodic Verification Process

Rule Summary:

- (1)(a) Annually, or prior to each and every renewal year of the Medium-or Heavy-duty truck for which the Certificate of Retrofit Compliance is issued...
 - Visual and opacity inspection to verify that the retrofit conforms to the manufacturer's specifications of function and is not operating with decreased efficiency or effectiveness
- Periodic Verification Process updates include department review of records upon request/audit.

Key Issues:

- Provides third party inspection and review of manufacturers' specifications

Questions for Committee:

- Does the process cover concerns over continued compliance of the Approved Retrofit Technology?
- Does the process simplify requirement for all involved?



Draft Proposed Rule Review – 340-256-0550

Approved Retrofit Technology Labeling Requirements

Rule Summary:

- Added language to clarify the intent that a label may need to be inspected with artificial light depending on its location

Key Issues:

- Applies common industry labeling practices for the specific installation

Questions for Committee:

- Does the labeling approach raise any concerns?



Draft Proposed Rule Review – 340-256-0560

Swapping or Re-designating Approved Retrofit Technology

Rule Summary:

- (3)(b) All documentation associated with the Component Swapping or Re-Designation under Title 13, California Code of Regulations, Section 2706(i) (2020) sufficient to allow the Department to determine that the Component Swapping or Re-Designation would comply with those provisions.

Key Issues:

- Clarifies DEQ's required processes before and Component Swapping or Re-designation is authorized.

Questions for Committee:

- Are there any concerns with this approach?



Draft Fiscal Impact Statement Rule Advisory Committee Input

Advisory Committee Fiscal Review

As ORS 183.333 requires, DEQ will ask for the committee's recommendations on:

- Whether the proposed rules would have a fiscal impact,
- The extent of the impact, and
- Whether the proposed rules would have a significant adverse impact on small businesses; if so, then how could DEQ reduce that impact.



Draft Fiscal Impact Statement Rule Advisory Committee Input

Advisory Committee Fiscal Review

Will the proposed rules have a fiscal impact?

- Both positive or negative impacts on state agencies, local governments, the public, and businesses large and small



Draft Fiscal Impact Statement Rule Advisory Committee Input

Advisory Committee Fiscal Review

The extent of the impact...

- Both positive or negative impacts on state agencies, local governments, the public, and businesses large and small



Draft Fiscal Impact Statement Rule Advisory Committee Input

Advisory Committee Fiscal Review

Do proposed rules would have a significant adverse impact on small businesses; if so, then how could DEQ reduce that impact?



RAC Meetings
Proposed Rules
& Fiscal Impact
Statement

Next: Public
Hearing, Spring
2021

EQC Adoption,
Summer 2021