



State of Oregon Department of Environmental Quality

## **Written Comments**

# **Sept. 18 2020, Retrofit Compliance 2021 Rulemaking Advisory Committee Meeting**

### **Commenters**

Mary Peveto

Morgan Gratz-Weiser



September 30, 2020

To: Rick Reznic  
[HDDR&R2021@deq.state.or.us](mailto:HDDR&R2021@deq.state.or.us)

RE: Comments on HB 2007 Medium-Duty/Heavy Duty Truck Retrofit Compliance Rulemaking

Thank you for the opportunity to serve on this committee and provide input into the ODEQ Retrofit Compliance Rulemaking.

Considering the significant risk to public health that older diesel engines pose, the intention of HB 2007 was explicitly to address that risk where the greatest volume of diesel emissions exist, in the areas of highest population density of people and among the most vulnerable communities.

HB 2007 has fundamentally altered the focus of diesel efforts in Oregon to a more direct approach involving requirements and regulation. This was necessary as previous efforts in Oregon put our state at a significant disadvantage. Turnover in the fleet over the last 13 years showed Oregon's progress towards EPA's projected goal of post 2007 truck by 2030 to be significantly lagging our west coast neighbors. HB2007 marks the first time since the Oregon Clean Diesel Initiative began in 2001 that the state has moved beyond a voluntary paradigm. Therefore it is crucial that the rulemaking support that effort and intention through establishing the highest emissions reductions available through implementation of the law. Likewise, while this rulemaking and HB 2007 do not explicitly call for it, the intention of the law demands that Oregon develop an effective inspection and maintenance program for medium duty and heavy duty truck engines to ensure that the goals of emission reductions are being met.

To achieve this, particular attention must be given to the standards of compliance, and the implementation and oversight to ensure compliance is met.

**1. Best Available Control Technology**

ODEQ should establish compliance standards that achieve highest pollution reductions. ODEQ should adopt the California Air Resources Board and EPA verified regulation standards for reducing diesel engine emissions from in-use medium-duty trucks and heavy-duty trucks.

DPFs are successful in reducing all forms of particulate produced by a diesel engine including the most harmful black carbon particulates and should be the default requirement. Particulate matter in diesel engines takes many forms. All other pollutants are defined by their chemical structure, e.g., ozone, nitrogen oxides, lead. Particulates are defined by their size and can be one of many different



chemical makeups, e.g., carbon, sulfates, nitrates, soluble organic fractions. Diesel oxidation catalysts are effective at reducing that fraction of particulates that are not carbon based, i.e., sulfates, nitrates and soluble organic fraction. But DOCs are not successful in reducing that particle fraction identified as most adversely affecting public health and climate.

**In addition to current CARB and EPA verified diesel particulate filter devices, what else does the committee believe that DEQ should consider when developing its approved list?** To provide a greater universe of options, ODEQ could also look to the European Union's VERT certified particle filter list, which is broader than EPA/CARB. The upside is greater flexibility in compliance, but the downside is Oregon businesses would not be eligible for VW funds for filters not on the EPA CARB list.

**Should DEQ approve retrofit technology to satisfy EMY 2010 requirements and if so, what should DEQ consider?** Yes. By 2029 it seems reasonable to ask that those choosing the retrofit option meet the 2010 emissions standards. Since it is not required, there should at least be push from ODEQ on manufacturers to provide accessible effective technology.

## 2. Implementation

### • Outreach (pre-implementation)/Customer Service

California has developed extensive training and educational opportunities in implementing its diesel requirements, even so far as to hold trainings in Oregon to operators. The Department's customer service strategies should reflect a similar, not necessarily identical, commitment to getting the word out. It could be anticipated that vehicle owners are likely to more readily ignore upcoming requirements until it is too late to effectively plan for appropriate action. The steps outlined appear sound but must be augmented by direct engagement rather than waiting for parties to contact the DEQ.

### • Resources

The biennial CMAQ allocation of \$500,000 could be tapped to fund "simple scrapping" as an alternative to get the older models off the road. ORS 468A.803(6) allows payments for "simple scrapping", as compared to scrapping associated with the purchase of a replacement vehicle. It is currently limited to model year 1994 and older on road engines. This could be amended to allow 2007 and older model year vehicles to be eligible and DEQ then adopt rules to set the amount (currently it is at \$6000 for a heavy duty vehicle. The amount needs to be set somewhere between scrap value and the current market price for used comparable used heavy-duty vehicles and a similar value for medium-duty). The rules adopted require a vehicle be operating (or repairable to operation for less than scrapping return), insured and licensed in Oregon for at least the previous 2 years. All of this to make sure that we are scrapping operating engines of some value that have a history of operation in the state. Without regulations limiting the operation of



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these older engines, DEQ funded less than five “simple scrapping” project when first receiving General Fund in the 2007-09 biennium. But with added incentive from HB 2007, there could be renewed interest in this option.

- **Compliance**

Cars with a defective DPF will significantly exceed intended emissions limits, while engines with a correctly working DPF will emit virtually no particles. But PFs, like any other component, tend to malfunction over time (e.g., suffer mechanical damage). It is also possible for owners to tamper with or remove DPF systems.

There have been significant benefits to Air Quality through the VIP program and ODEQ should establish a similiar program for HD-MD Trucks. Compliance could then be demonstrated on a regular basis through a vehicle inspection program similar to Oregon’s existing passenger vehicle program. This has been proven extremely effective in ensuring that engines are maintained and proper emission control devices are working. Alternatively, huge advancements are being developed, particularly in Europe. In Germany there is a quick and easy test developed which takes minutes, and costs only ~\$35 which was found to be significantly more reliable than the on-board testing method or opacity tests.

**Should DEQ require maintenance or cleaning records to maintain approved certification? - Yes**

**What record keeping requirements should DEQ consider from the owner/operator?** Certification from an inspection/maintenance program.

Again, thank you for this opportunity to provide comment.

Kind regards,

Mary Peveto

**From:** [Morgan Gratz-Weiser](#)  
**To:** [HDDR&R2021](#)  
**Subject:** OEC comments on HB 2007 retrofit rules  
**Date:** Friday, October 2, 2020 4:22:18 PM

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Dear Rick and HB 2007 Engine Retrofit Team,

Thank you for the opportunity to submit comments on the HB 2007 Retrofit draft rulemaking process. After our first meeting and associated presentation, I wanted to affirm some comments made during that meeting and answer some of the questions posed in the presentation.

First, we don't see a need for other considerations beyond the CARB and EPA filters, however if there is new technology or practical information that arises as time progresses we should adapt to maintain the best available science. We encourage the adoption of the most health protective filter possible.

Second, DEQ should use engine model year 2010 as the baseline for engine particulate reduction, at a minimum. Over time there may be additional upgrade potential that should be reviewed at that time.

Third, vehicles choosing to use a retrofit should have a requirement to report to DEQ their maintenance and potentially be subject to randomized testing to ensure the filter devices are working properly. Inclusion of information such as proof of approved retrofit material, engine model year and manufacturer materials.

Fourth - we appreciate the comprehensive plan DEQ has put together for outreach, and encourage the department to focus on ensuring small, minority, and women owned businesses have the resources needed to make appropriate decisions for their fleets.

Sincerely,  
Morgan

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