

# Retrofit Compliance 2021 Rulemaking

## Summary

### Rulemaking Advisory Committee Meeting #2

Nov. 6, 2020, 10 a.m. to 12 p.m.  
Online Webinar



State of Oregon  
Department of  
Environmental  
Quality

#### Committee Members in Attendance

Committee Member	Affiliation	Representing
Audrey Lawson	Commerce and Compliance Division (Oregon Department of Transportation)	State of Oregon HB 2007 Partner Agency
Corky Collier	Columbia Corridor Association	Small Fleets
Cory Hansen	Oregon Refuse & Recycling Association	Solid Waste Management Industry
Jana Jarvis	Oregon Trucking Association	Private Heavy-Duty Fleets
Jason Novak	United Parcel Service Fleet Services	Fleets regulated by HB 2007
Kenechi Onyeagusi	Professional Business Development	Disadvantaged, minority-, women- and service-disabled veteran-owners
Kevin Brown	Manufacturers of Emission Controls Association	Emission Control Industry
Larry Gescher	Association of General Contractors	Construction Companies
Mary Peveto	Neighbors for Clean Air	Clean Air Community-Based Organization
Morgan Gratz-Weiser	Oregon Environmental Council	Environmental Community-Based Organization
Steve Hoke	Diesel Emission Service	Retrofit Technology Installation and Service
Tom Keyser	Washington County Fleet Services	County regulated by HB 2007
Tracy Olander	Policy and Operations, Driver and Motor Vehicle Services (Oregon Department of Transportation)	State of Oregon HB 2007 Partner Agency

#### Vehicle Inspection Program

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[www.oregon.gov/DEQ](http://www.oregon.gov/DEQ)

*DEQ is a leader in restoring, maintaining and enhancing the quality of Oregon's air, land and water.*

#### Committee Members Not in Attendance

Committee Member	Affiliation	Representing
Allen Schaeffer	Diesel Technology Forum	Diesel Equipment and Technology
Dave Scarfe	Elite Emission Products	Retrofit Technology Installation and Service
David Breen	Port of Portland	Intermodal Freight, Ports and Drayage
David Silva	Multnomah County Fleet Services	County regulated by HB 2007
Rich Angstrom	Oregon Concrete & Aggregate Producers Association	Concrete & Aggregate Business

Tommy Moreno	Franz Bakery Corporate Fleet	Fleets regulated by HB 2007
Warren Gadberry	Clackamas County Fleet Services	County regulated by HB 2007

### Staff Present

Staff Member	Affiliation
Rick Reznic	Oregon Department of Environmental Quality
Gerik Kransky	Oregon Department of Environmental Quality
Monty Grubbs	Oregon Department of Environmental Quality
Michael Skorupka	Oregon Department of Environmental Quality
Eric Feely	Oregon Department of Environmental Quality
Penny Mabie	EnviroIssues
Marilee Jolin	EnviroIssues
Max Farbman	EnviroIssues

### Community Members Present

Community Member	Affiliation
Representative Caddy McKeown	Oregon House of Representatives
Carrie Leonard	Office of Karin Power, Oregon House of Representatives
Grant Stickney	Peterson CAT
Greg Martin	Not listed
Jamie Pang South	Oregon Environmental Council
Jennifer Joly	Oregon Municipal Electric Utilities Association
Jennifer Olson	Government Relations Strategies
Jocelyn Blake	Association of Oregon Counties
Keith Hormann	City of Forest Grove
Kirsten Adams	Associated General Contractors
Les Schwindt	McCoy Freightliner
Logan Cook	Lewis and Clark College
Mark Johnson	Port of Cascade Locks
Sandhu Satvinder	United States Department of Transportation
Sean Daoud	Rivergate Scrap Metals
Sean Edgar	CleanFleets.net
Susan Mates	Not listed
Tim Deboodt	Crook County
Wayne Cochrane	Diesel Emission Service

# Meeting Commencement

## Meeting Objective

Rick Reznic (Oregon Department of Environmental Quality, DEQ) began the meeting by welcoming committee members and thanking them for attending. He explained that in this meeting, he would be presenting the draft rules for the HB 2007 Retrofit Compliance Program and taking input on them from committee members.

Facilitator Penny Mabie (EnviroIssues) asked participants to introduce themselves. Their names and affiliations are listed in the table above. Mabie then walked committee members through the following agenda for the meeting:

- Review advisory committee ground rules and webinar practices
- Overview of retrofit compliance flow chart scenarios
- Rule review and discussion
- Public comment period
- Next steps

Mabie also reminded committee members of the following ground rules for the meeting:

- Stay focused on the specific agenda topics
- Comment constructively and in good faith
- Treat everyone and their opinions with respect
- Allow one person to speak at a time
- Be courteous by not engaging in sidebar discussions (including chat discussions)
- Speak for yourself or your organization when engaging in the conversation

## Overview of Retrofit Compliance Flow Chart Scenarios

Rick Reznic (DEQ) reminded committee members that HB 2007 directs DEQ to develop rules for adoption by the Environmental Quality Commission (DEQ's policy and rulemaking board) for the purpose of reducing diesel pollution.

He noted that during the last meeting, the committee discussed:

- Compliance options and timelines
- Retrofit and diesel engine requirements
- Retrofit technology and pollution reductions
- Approved retrofit criteria and considerations
- Oregon's program design and implementation

Before presenting the draft rules, Reznic walked committee members through three scenarios that showed how vehicles subject to regulation could obtain a Certificate of Approved Retrofit Technology. He used the flowchart below ([also available as a PDF](#)) to explain the following scenarios:

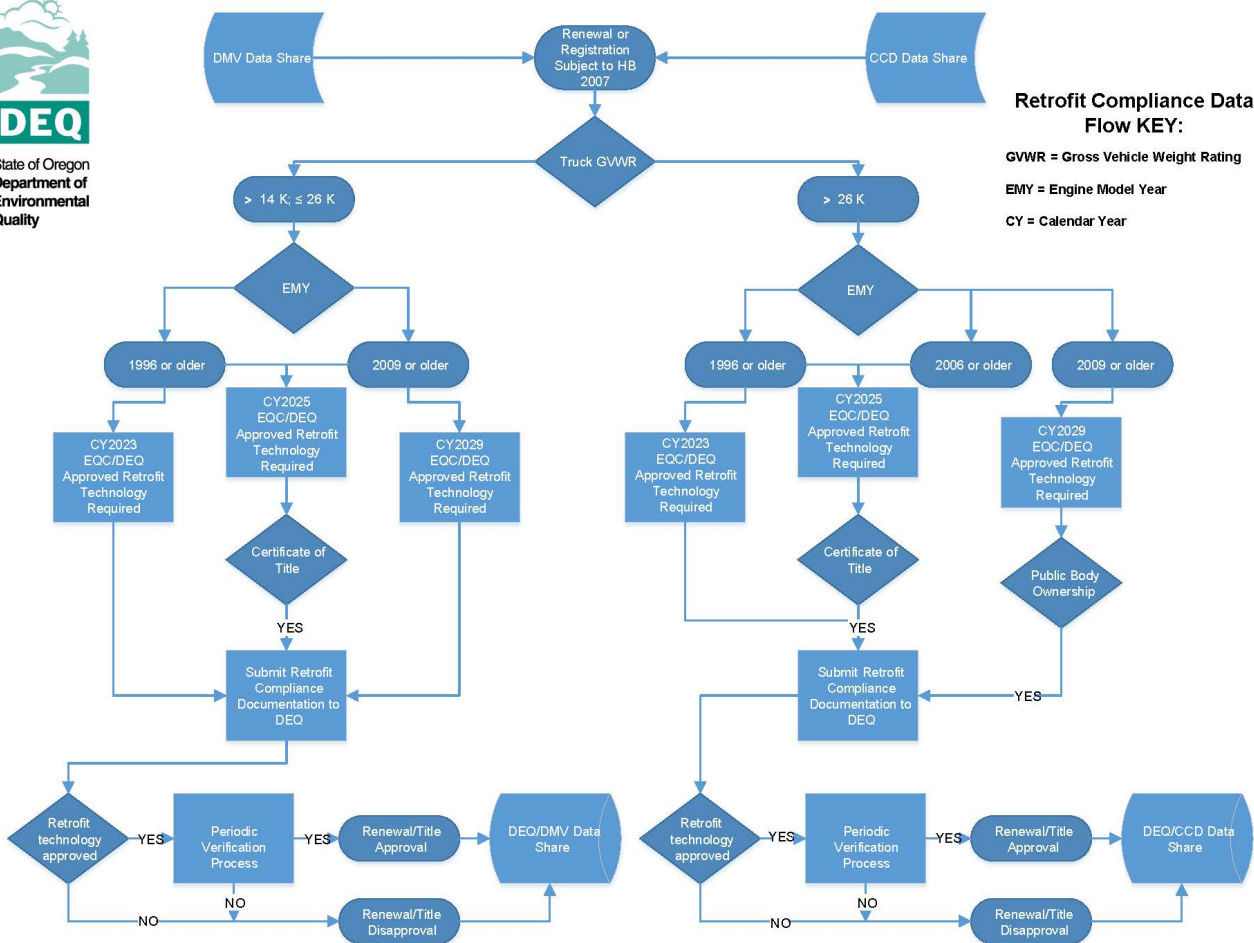
- **A medium-duty vehicle with an engine model year of 1994 seeking retrofit compliance in 2023 to renew registration.** Reznic explained that the data for this vehicle will come from the Oregon Department of Transportation's (ODOT) Driver and Motor Vehicle Services (DMV) data share because it is a medium-duty vehicle. In 2023, this vehicle will need approved retrofit technology for its registration to be eligible for renewal. The vehicle owner will need to submit retrofit compliance

documents to DEQ and agree to DEQ's periodic verification process. DEQ will review the application and, if approved, will send this approval to the DEQ/DMV data share.

- **A heavy-duty vehicle with an engine model year of 2006 seeking retrofit compliance in 2025 to apply for a certificate of title.** Reznic explained that the data for this vehicle will come from ODOT's Commerce and Compliance Division (CCD) data share because it is a heavy-duty vehicle. The vehicle owner will need to submit retrofit compliance documents to DEQ and agree to DEQ's periodic verification process. DEQ will review the application and, if approved, will send this approval to the DEQ/CCD data share.
- **A medium-duty vehicle seeking retrofit compliance in 2029 to renew registration.** Reznic explained that the data for this vehicle will come from DMV because it is a medium-duty vehicle. In 2029, this vehicle will need approved retrofit technology for its registration to be eligible for renewal. The vehicle owner will need to submit retrofit compliance documents to DEQ and agree to DEQ's periodic verification process. DEQ will review the application and, if approved, will send this approval to the DEQ/DMV data share.

A committee member asked how long retrofit certification is good for.

- Reznic explained that the certification is valid as long as the technology is on the vehicle and the vehicle participates in the verification process.



## Rule Review and Discussion

Rick Reznic (DEQ) explained that he would guide the committee through each section of the new draft rule language. He said that he would summarize each section, note any key issues in the section, and ask questions of the committee. He noted that committee members' input on the draft rules would be used to inform the final proposed rules. Reznic also stated that he would respond to questions as he was able but would provide answers to any questions he could not answer during the meeting on the rulemaking website and in the next meeting summary. He also encouraged committee members with technical knowledge to participate in the dialog and help answer technical questions. Finally, he highlighted that committee members could submit written comments on the draft rules until 5:00 p.m. on November 13, 2020.

### Definitions (340-256-0010)

Reznic explained that the retrofit compliance rules will be a part of Oregon DEQ Division 256, Motor Vehicles. He noted that the definitions listed in this section of the draft rules will be added to Rule 0010, in Division 256, as part of the current Vehicle Inspection Program definitions.

He asked the committee for their input on the current definitions and their thoughts on if the agency needs to include any additional definitions. Reznic also noted that the term "person" is already defined in OAR 340-256-0010 and the meaning is identical to the one in the draft rules, so that definition cannot be changed.

Committee members provided the following input on the definitions:

- A committee member pointed out that Section 5 provides a definition for "Component Swapping." He noted, however, that not all manufacturers of retrofit technologies allow for component swapping.
- The same committee member also asked if the rules define who would be allowed to undertake "re-designation" of retrofit technology (a term defined in Section 12).
  - Reznic explained that that is covered in a later section of the rules.
- A committee member asked if the definition of "medium-duty truck" in Section 9 of the rule language is the same as the definition in HB 2007.
  - Reznic noted that it is slightly different. He explained that in the rule language for this program, the definition describes these trucks as "diesel motor vehicles" whereas the bill just refers to them as "motor vehicles." In the bill, the context makes it clear that the definition refers to diesel vehicles. However, the context of these rules does not necessarily make that clear, so DEQ added the word "diesel" to this definition to eliminate possible confusion.
  - The committee member followed up to note that the definition refers to a "diesel motor vehicle or combination of diesel motor vehicles operated as a unit that has or have a gross vehicle weight rating that is greater than 14,000 pounds but less than or equal to 26,000 pounds." He asked if this provision for a combination of vehicles would include someone who attaches a trailer to a pickup truck. He noted that when the bill was written, they wanted to exclude that situation from the regulations.
  - Reznic clarified that a gross vehicle weight rating (GVWR) is specific to how much weight a vehicle can handle and adding a trailer to a vehicle does not change its GVW. Thus, if a vehicle does not already have a GVWR of greater than 14,000 pounds but less than or equal to 26,000 pounds, adding a trailer to the vehicle would not make that vehicle subject to classification as a medium-duty vehicle.

### Background (340-256-0500)

Reznic explained that the background section of the rules states the purpose and authority of the new Retrofit Compliance Program. He noted that ORS 468A.810 requires the Environmental Quality Commission to adopt rules for the certification of approved retrofit technology. He explained that these rules provide a pathway for compliance with registration and titling prohibitions of certain older diesel medium- and heavy-duty vehicles in Washington, Clackamas and Multnomah Counties.

Reznic asked the committee members if they had any suggestions on the existing or additional language for this section of the rules. No committee member shared input.

### **Requirements for Approved Technology (340-256-0510)**

Reznic explained that this section of the rules lay out the requirements that retrofit technology must meet to be approved. This section states that the technology must:

- Be newly installed using new equipment
- Be compatible with medium- and heavy-duty trucks
- Be installed by a licensed installer
- Have a manufacturer warranty
- Be proven to reduce diesel particulate matter by at least 85%

Reznic noted that if a person installs a newer engine or an engine of a different fuel type, the vehicle may no longer need to meet the requirements of the Certification of Approved Retrofit Technology. Reznic also highlighted that DEQ is considering including language in these rules that discusses labelling requirements, swapping and re-designation.

Reznic asked if committee members had any feedback on this section of the draft rules.

- A committee member asked what acknowledgement a person would need to provide DMV or CCD to get a truck registered if they convert that truck from an older diesel engine to natural gas.
  - Reznic explained that this person would need to submit an application to DEQ explaining the change and DEQ would review and approve or deny the application. DEQ would then share that information with DMV or CCD. He added that DEQ would develop the application so that the information could be submitted in an organized way. He also explained that DEQ and ODOT would develop an interagency agreement to make sure they are in alignment on how information like this should be submitted and processed.
- A committee member noted that this section of the rules states that retrofit technologies must be installed by “licensed installers” and asked if Oregon would have a licensing program for installers.
  - Reznic clarified that DEQ does not intend to establish a licensing program but that the installer will need to be approved to install retrofit technology.
  - A second committee member asked why DEQ needs to approve the installer if the manufacturer is required to provide a warranty on the technology and DEQ will also verify the diesel emission reduction. He noted that it seemed redundant.
  - Reznic explained that this section of the rule outlines the requirements for approved technology and the following section will explain the requirements for compliance. He noted that the agency believes that this section provides the information that is necessary to understand what the requirements of the actual retrofit technology are.
  - The first committee member followed up to ask if the term should be “approved” instead of “licensed” and that the next section of the rule would discuss what it means to be approved.
  - Reznic confirmed that was the case.

- The first committee member noted that in California, both the manufacturer and installer have to provide warranties on the retrofit technology. He explained that this provides more protection for the consumer which gives them more buy-in to the program.

### **Certification of Approved Retrofit Technology (340-256-0520)**

Reznick explained that this section of the rules states that the installer must attest that they are authorized by the retrofit manufacturer to perform the installation and must provide a pre-installation compatibility assessment on the subject vehicle. He noted that technologies listed on the U.S. Environmental Protection Agency's (EPA) Verified Technologies List for Clean Diesel or the California Air Resources Board's (CARB) Verified Diesel Emission Control Strategy will qualify as Approved Retrofit Technology. Reznick highlighted an error in this section that will be updated: Section 0520(1)(e) should refer to OAR 340-256-0510(4), which is the requirement that retrofit technology reduce diesel particulate matter by at least 85%.

Reznick asked the committee members if they had any feedback on this section of the rules.

- A committee member asked if DEQ's requirement for the data log time and date (referred to in Section C of this section of the draft rules) will follow the requirements from CARB or EPA.
  - Reznick noted that they would use CARB's requirements.
  - The committee member explained that he brought this up because some retrofit devices are only EPA-verified and they have a different set of rules for the pre-assessment and data logging that is less thorough than those set by CARB.
  - Reznick asked the committee member to specify the differences.
  - The committee member explained that they have different sampling frequencies.
  - A second committee member noted that there are subtle differences between EPA and CARB's requirements. He explained that CARB's requirements are more explicit because it is a mandatory program, while EPA's are less specific because the program is voluntary.
  - Reznick stated that if the requirements are different in the way the data log records time and date then DEQ will have to look into that.
  - The second committee member suggested that DEQ choose one and make those the standard for Oregon.
- A committee member asked how the agency plans to verify the actual in-use performance of the retrofit technologies as opposed to just doing a pre-installation assessment.
  - Reznick explained that the rules establish a periodic verification process whereby DEQ will review data from the device each year to ensure that the device is operating as designed.
  - The committee member asked what the mechanism for that verification will be. She noted that she is still concerned about a lack of oversight to ensure that the technology is in fact achieving a diesel particulate matter reduction of at least 85% as is required in the rule.
  - A second committee member noted that if the retrofit technology is not working, then the truck will not run properly, thereby making this a non-issue.
  - The first committee member thanked the second committee member for the clarification but noted that she would like to see data proving that trucks with non-functioning pollution controls are not able to function.
  - Reznick noted that a later section of the rule would address the first committee member's concerns and asked her to let him know if that later section does not address her concerns.

- A committee member suggested that DEQ include engine family number as a piece of information that vehicle owners must submit to DEQ.

### **Approved Retrofit Compliance Process (340-256-0530)**

Reznic explained that this section of the rules states that DEQ will review applications from vehicle owners and determine whether to issue a certificate or certificate denial. He noted that the person submitting the application will also need to agree to participate in a periodic verification process as a requirement of the Certificate of Approved Retrofit Compliance. He explained that the periodic verification process will be required annually for both medium- and heavy-duty trucks and that the vehicle owner will have to submit information for the verification process within 60 days of their registration renewal date.

Reznic asked the committee members for their input on this section of the rules and specifically asked if they had feedback on if 60 days will be enough time for vehicle owners to submit verification documents.

- A committee member thought that 60 days may not be enough time for vehicle owners to submit verification documents.
- A committee member asked if these 60 days come before or after someone has purchased the retrofit technology. He noted that it would be unfortunate if a vehicle owner had to wait 60 days after purchasing a retrofit technology to be able to use it.
  - Reznic clarified that this will occur yearly after the retrofit technology is already approved and installed as part of the periodic verification process.
- A committee member asked if vehicle registration is annual.
  - Reznic explained that it can be annual or quarterly.
- A committee member asked if this applied to trucks owned by government entities that do not need to register annually.
  - Reznic explained that DMV would handle registration for those vehicles. He noted that DEQ will review the information to certify approved retrofit technology for registration or titling but if a vehicle does not need to be registered or titled, then it will be subject to different terms and DEQ will not review information about that vehicle.
- A committee member asked what section of HB 2007 authorizes the annual verification process.
  - Reznic explained that this verification process is written into the rule as part of the approval process for certified retrofit technology. He said that for a technology to be certified, the vehicle owner must agree to this process.
  - The committee member noted that HB 2007 has the statement “proof of certification of the retrofit has been issued under Section 7 of this bill” but does not say anything about annual certification. She explained that this was a point of discussion during negotiations on the bill and she asked how DEQ has the authority to add this requirement.
  - Reznic clarified that DEQ is using its existing rulemaking authority to add that as part of the compliance process.
  - The committee member pointed out that, with this process, if someone chooses to retrofit their truck, they have to verify the retrofit annually, but if they buy a new truck they will not have to verify annually. She stated that this verification process would add another barrier to retrofitting a vehicle.
- A committee member stated that she agreed with some of the previous committee members’ points. She noted that this process could be burdensome for the smaller firms that she works with, which are



certified small, minority-, or women-owned firms and do not have significant back-office personnel. She said that if it is an annual process, they may fall behind and that is why she previously stated that 60 days may not be enough time for them to submit verification documents. She suggested that the periodic verification process occur every 18 months or two years.

- A committee member noted that if the periodic verification process is conducted annually and requires back pressure data logs for the most recent 12 months, but this occurs 60 days before the registration deadline, then the data logs will go back for more than a year.
  - Reznic clarified that once DEQ approves the certified retrofit technology, vehicles will need to comply with the periodic verification process within 60 days of their registration renewal each year. He agreed that for the first year, there might not be a full 12 months of data, so DEQ may need to adjust its approach.
  - The committee member stated that 12 months of data is a lot of data and asked what DEQ will do with it. He asked why DEQ does not instead require an annual opacity test and documentation of annual service.
  - Reznic explained that the agency wants to review the data and ensure that the technology has been installed while the vehicle has been running on the road.
  - The committee member noted that the data can help troubleshoot problems with the device, but it will not necessarily tell the agency whether the device was present and working. He also stated that looking through the data will create a huge amount of work for the agency and may require a full-time technician or engineer. He again suggested that DEQ instead require an annual opacity test and documentation of annual service and noted that he thought this would be a more effective way of ensuring continued functioning of the retrofit device. He said that with an opacity test and documentation of service as the requirements, a vehicle owner could still remove the device between the annual tests, but the vehicle would emit visible smoke if the device was removed, making it obvious.
  - Another committee member agreed. He stated that it seemed like a big ask for DEQ to monitor the data from a significant number of vehicles. He also noted that DEQ would need to define some consequences if the data is flawed.
  - Reznic noted that the next section of the rule would address some of these concerns.

### **Periodic Verification Process (340-256-0540)**

Reznic explained that this section of the rules describes the requirements for the periodic verification process that an applicant must agree to when applying for a Certification of Approved Retrofit Technology. He noted that DEQ will create an application that ensures consistency in the reported information. He stated that the verification can be submitted by a certified retrofit installer, a retrofit manufacturer's representative or the vehicle owner as long as it meets the criteria in the rule language. Reznic highlighted that the agency may request additional information to verify the installation and operation of the approved retrofit technology, such as a visual inspection performed by a licensed installer.

Reznic highlighted a specific question for committee members: If a vehicle owner does not provide clear data logging records and then does not comply with requests for additional information or a visual inspection, should the agency require the vehicle owner to re-apply for a Certificate of Approved Retrofit Technology?

Reznic opened the floor for input from committee members.

- A committee member noted that the rules state that "the Department may require a vehicle owner to submit for review the following..." He asked for clarification on if the verification process will be mandatory or upon the request of DEQ.

- Reznic explained that while the verification process is mandatory, the specific documents that DEQ requires will vary depending on the application.
- The committee member stated that he thought this would be logistically challenging for the agency. He noted that many of the smaller public entities do not have fleet management systems to keep track of their fleets but instead use spreadsheets or physical notebooks to keep records. He thought that DEQ would receive a mix of Excel spreadsheets or scanned paper documents when they request these documents, and he thought this lack of consistency would make it challenging for DEQ to process and evaluate the documentation.
- Reznic noted that DEQ would build consistency into the application. He also stated that they would accept information from a third party like the retrofit installer so as to not put all of the burden of the verification process on the vehicle owner or fleet manager.
- A committee member noted that the retrofit installer is likely the same person doing the annual maintenance on the vehicle and again suggested that DEQ just require an opacity test to ensure the retrofit is working properly. He noted that this would prevent DEQ from having to work with all of the data.
  - Reznic asked if the opacity test will ensure that the retrofit technology is working properly.
  - The committee member explained that if there is an absence of opacity in the vehicle exhaust, the retrofit device is being serviced annually, and the vehicle outlet appears clean after removing the filter from the device, then you can be pretty certain the device is working correctly. He suggested that DEQ could just require a picture of the filter outlet and documentation of the results of the opacity test to ensure the retrofit is functioning. Then DEQ can require the data for the few instances where a vehicle owner is in a dispute with the retrofit supplier or the truck is emitting soot.
  - Reznic pointed out that the opacity testing only shows that the system is functioning in the moment but does not prove that the vehicle owner did not disconnect the equipment in between tests. He noted that the data log would ensure that the retrofit has been installed and functioning through the entire registration period.
  - A second committee member asked why a vehicle owner would disconnect the retrofit device. He suggested that DEQ might be worried about something that is not an issue.
  - A third committee member pointed out that even if DEQ requires all of the data logs for the device, someone could still disconnect the device and provide fake data to the agency.
- A committee member responded to the question of why someone might disconnect a retrofit device. He explained that a filter for a retrofit device costs between \$8,000 - \$15,000 depending on the engine's size and power and these filters must be replaced regularly. The filter's lifespan is determined by how frequently the device is used. Thus, by disconnecting a retrofit device, a vehicle owner can lengthen the life of the filter and reduce the costs they must pay to replace the filter. He noted that when he worked on retrofits for the Port of Oakland, 20% of the 8,000 vehicles that they retrofitted had their devices removed in between tests. CARB ultimately required modifications to the backpressure monitoring system of the technology so that it would provide a fault code if someone removed a device.
  - Reznic followed up to clarify that DEQ would require backpressure monitoring data and not data logging data. He noted that all approved retrofit equipment will have the capacity to record the backpressure monitoring system and provide that information. He stated that DEQ would not necessarily look at all of the data logs during the periodic verification process, but instead would look at temperature and backpressure to ensure that the retrofit device has been installed on the vehicle for the last 12 months. He said that with training and practice, a

technician could identify problems quickly and then the agency would require additional information like a visual inspection.

- A second committee member again noted his suggestion that DEQ require proof of annual maintenance, a visual inspection and an opacity test and not require the data.
- Reznic noted that he heard these concerns and said the agency will look into them.
- A committee member asked if DEQ would provide technical assistance to firms that need help with this process.
  - Reznic confirmed that the agency would. He noted that DEQ will be hiring staff to help review applications and answer technical questions. He also noted that the retrofit installers will have detailed technical expertise. He explained that ultimately the technical assistance to firms that need it would come from a combination of DEQ providing compliance support and retrofit manufacturers and installers providing technical information on specific retrofit systems. He also noted that DEQ will reach out to firms that are subject to the regulation after the rules are adopted to make sure they are aware of the regulation.

Reznic reiterated the question he asked previously of how DEQ should deal with a vehicle that does not comply with the periodic verification process. He explained that the agency would flag the vehicle as non-compliant but asked whether DEQ should require the applicant to completely redo the application process to get a new certificate. He noted that this could be an incentive for a vehicle owner to maintain compliance because it would be costly to redo the application process.

- A committee member asked what would happen to an applicant in a situation where they try to comply with the verification process but something goes wrong (e.g., they submit their data in an Excel spreadsheet, but the file is corrupted). He asked if they would automatically be denied or if this would go to an ombudsman who would help them.
  - Reznic explained that the periodic verification process would be interactive. He noted that the application would be streamlined to make it easy for the person submitting it.
  - The committee member pointed out that an owner-operator will have to go to a retrofit installer to download the data that DEQ is requiring and this will cost them money.
  - Reznic responded that that is something DEQ is looking into. He noted that DEQ is also looking for information in the application about any warranty work or work on the retrofit technology that has been performed. He said that is how the application is currently described in the draft rules, but it could potentially be simplified.
  - The committee member noted that this is a lot of information to require someone to submit and he thought that much of it is redundant. He noted that he understood that DEQ wants to ensure that the retrofit devices are working properly, but the way the verification process is currently conceived could become very cumbersome especially with only a 60 day window to submit it.
  - Reznic clarified that it is not that vehicle owners have 60 days to submit the information, just that they must submit it 60 days prior to their registration renewal date.

### **Approved Retrofit Technology Labeling Requirements (340-256-0550)**

Reznic explained that this section of the rules lays out the labeling requirements for approved retrofit technology. He noted that the labeling requirements are the standard for CARB-verified retrofit technology. He stated that this labeling system will help ensure a standard for identifying and reporting the approved retrofit technology and will streamline the application and certification process.

Reznic then asked committee members if DEQ should require one label on the retrofit device and a matching label on the engine as CARB does.

- A committee member stated that there is an engine label that comes with the retrofit device that goes on the engine in a visible location. He noted that there is a part of the rule that deals with visibility of the label and states that “Each piece of Approved Retrofit Technology installed pursuant to OAR 340-256-0510 must be labeled with a legible and durable label affixed to a conspicuous location on the engine or engine compartment and on the Approved Retrofit Technology so that it can be easily read and understood during daylight without the assistance of artificial lighting or reflective devices.” He pointed out that this rule will work for the engine labels but not for the retrofit devices as they are located underneath the vehicle and thus will not be legible without artificial light.
- A committee member noted that he did not think it was necessary to add more labelling than what the devices already have since they have a comprehensive amount of information. He also noted that it seemed strange to develop new requirements for the labels themselves that are different from how they are already formatted.
  - Reznic noted that DEQ added this rule for clarity and not to necessarily add anything to the labels themselves. The agency wanted to ensure that the retrofit technology matches CARB’s labelling requirements.

### **Swapping or Re-designating Approved Retrofit Technology (340-256-0650)**

Reznic explained that this section of the rules provides guidelines for component swapping or re-designating of approved retrofit technologies. He noted that not all manufacturers allow for component swapping and re-designation. He noted the following example of the swapping process: a person has a truck that is out of service and swaps out a diesel particulate filter of the same part number to another truck that is operating. He pointed out that the recipient vehicle of a swap must be fitted with an identical particulate filter of the same part number. Reznic also explained that re-designation may occur within a commonly owned fleet and includes the removal of approved retrofit technologies onto another vehicle that meets all of the terms and conditions of the technology.

Reznic highlighted that in the case of either swapping or re-designation, the applicant will need approval from the approved retrofit manufacturer and must comply with the terms listed in the California Code of Regulations 2706(i).

Reznic asked the committee if they had any input on this section of the draft rules.

- A committee member asked what DEQ’s recordkeeping requirements are for the following scenario: a truck owner has multiple identical trucks and installs a retrofit on each of them. When it comes time to service the filter, the truck would need to be out of service for a few days. To mitigate this, the truck owner purchases an extra filter for the trucks and installs that on the vehicle when the original filter is being serviced.
  - Reznic said that he would look at the California Code of Regulations to see if it answers that question and if it does not, he would do additional research.
- 11/20/20 note: The scenario described would depend on whether all of the terms of California Code of Regulations, Section 2706(i) are met and proof is provided to the Department before the service is performed. At a minimum, the person should maintain proof of 2706(1) Section (B) & (D):
  - (B) Applicants must first receive written approval outlining the specific component eligible to be moved from the Executive Officer prior to approving any transfers.
  - (D) Component swapping must also comply with the requirements as described in subsection (i)(3).

## **Public Comment**

Penny Mabie (EnviroIssues) opened the floor for public comments. No observers shared a comment. Mabie noted that the deadline for written comments is November 13, 2020 at 5 p.m. She stated that written comments could be emailed to [HDDR&R2021@deq.state.or.us](mailto:HDDR&R2021@deq.state.or.us).

## **Next Steps**

Rick Reznic (DEQ) explained that he would notify meeting participants when the meeting summary is completed. He also explained that DEQ is currently planning one more committee meeting. He noted that the agency will take the comments provided in this meeting and use them to develop the proposed rules as well as the fiscal impact statement. Reznic will bring these to the committee at the next meeting which is tentatively scheduled for mid-December or early January. He noted that DEQ is tentatively planning to hold the public hearing for the rules in March 2021 and that the process will close with formal action from the Environmental Quality Commission in summer 2021.

Reznic thanked the committee members for their input and the meeting adjourned.

## **Alternative formats**

DEQ can provide documents in an alternate format or in a language other than English upon request. Call DEQ at 800-452-4011 or email [deqinfo@deq.state.or.us](mailto:deqinfo@deq.state.or.us).