

# Diesel Emissions Identification Program 2023

## Rules Advisory Committee Meeting

Nov. 15, 2022

# Agenda Topics:

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- 9 a.m. – Welcome and Introductions
- 9:25 a.m. – Background on Construction Related Emissions & HB 2007
- 9:35 a.m. – Proposed Rules
- 9:50 a.m. – Racial Equity and Environmental Justice
- 11:15 a.m. – Fiscal Impact & Economic Analysis
- 12:25 p.m. – Next Steps

# Ice Breaker:

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- Name
- Organization
  
- What is one thing you most want DEQ to learn or achieve through this process?

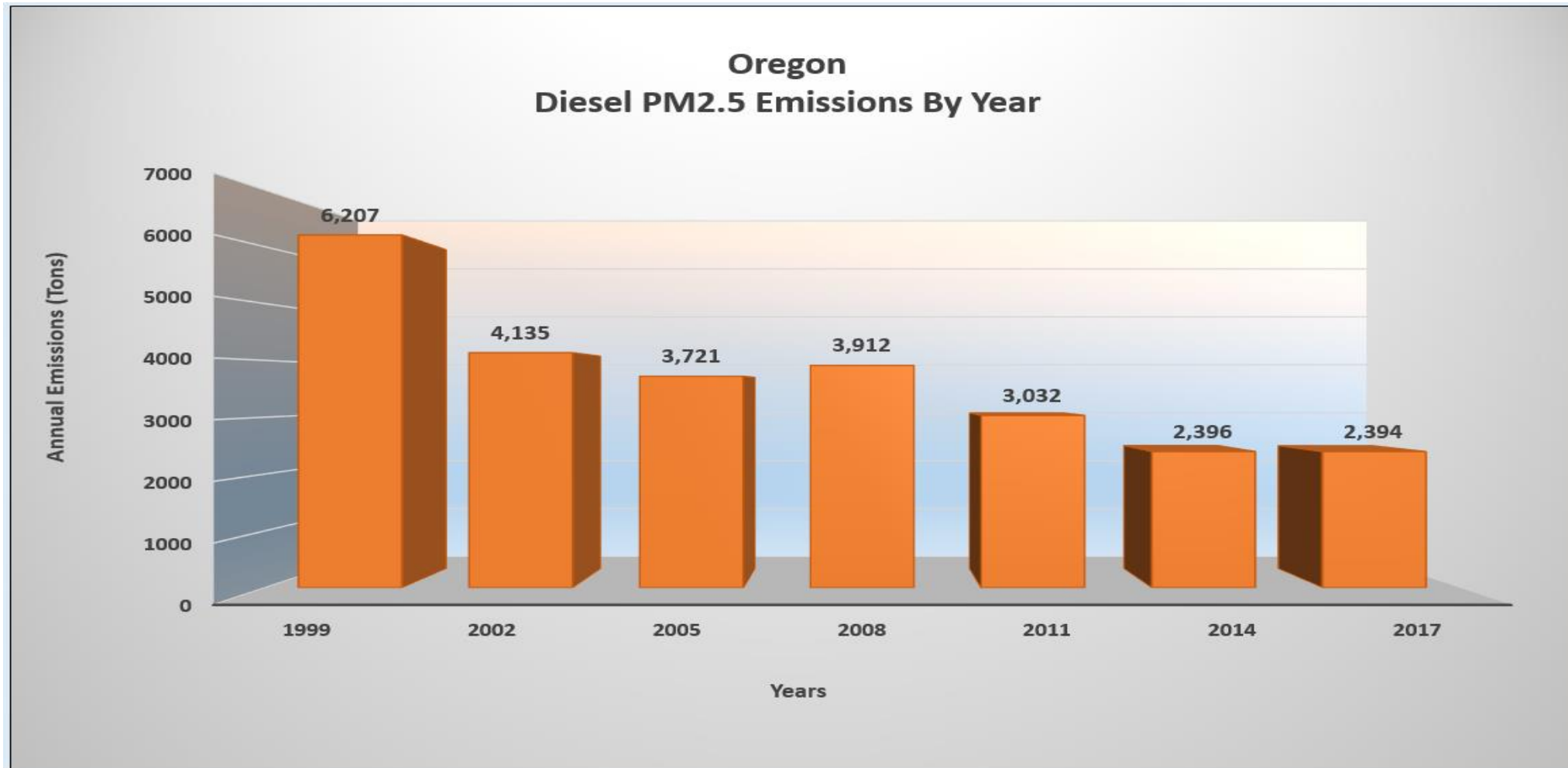


# Sources of Diesel Emissions

- On road
  - Light Duty Vehicles
  - Heavy Duty Vehicles
- Nonroad
  - Variety of applications & duty cycles
    - Agriculture, Construction, Logging, etc.
  - Variety of vehicle types
- Other
  - Locomotives
  - Commercial Marine

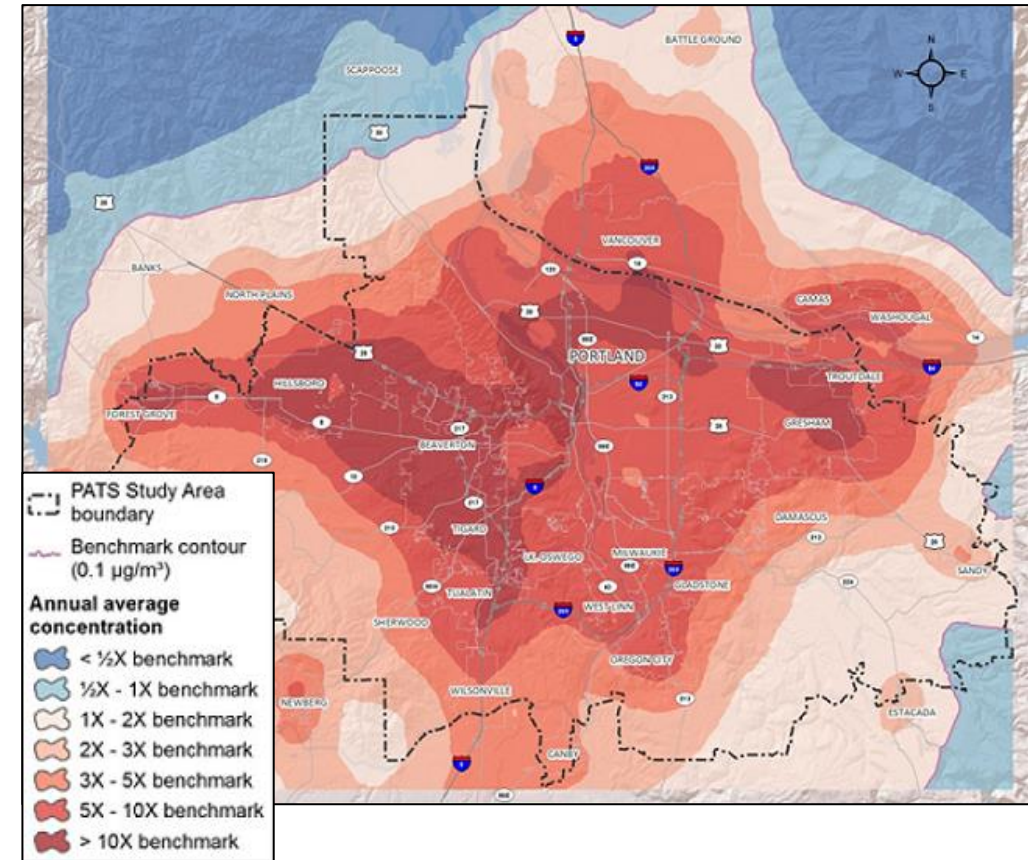


# Diesel particulate emissions over time

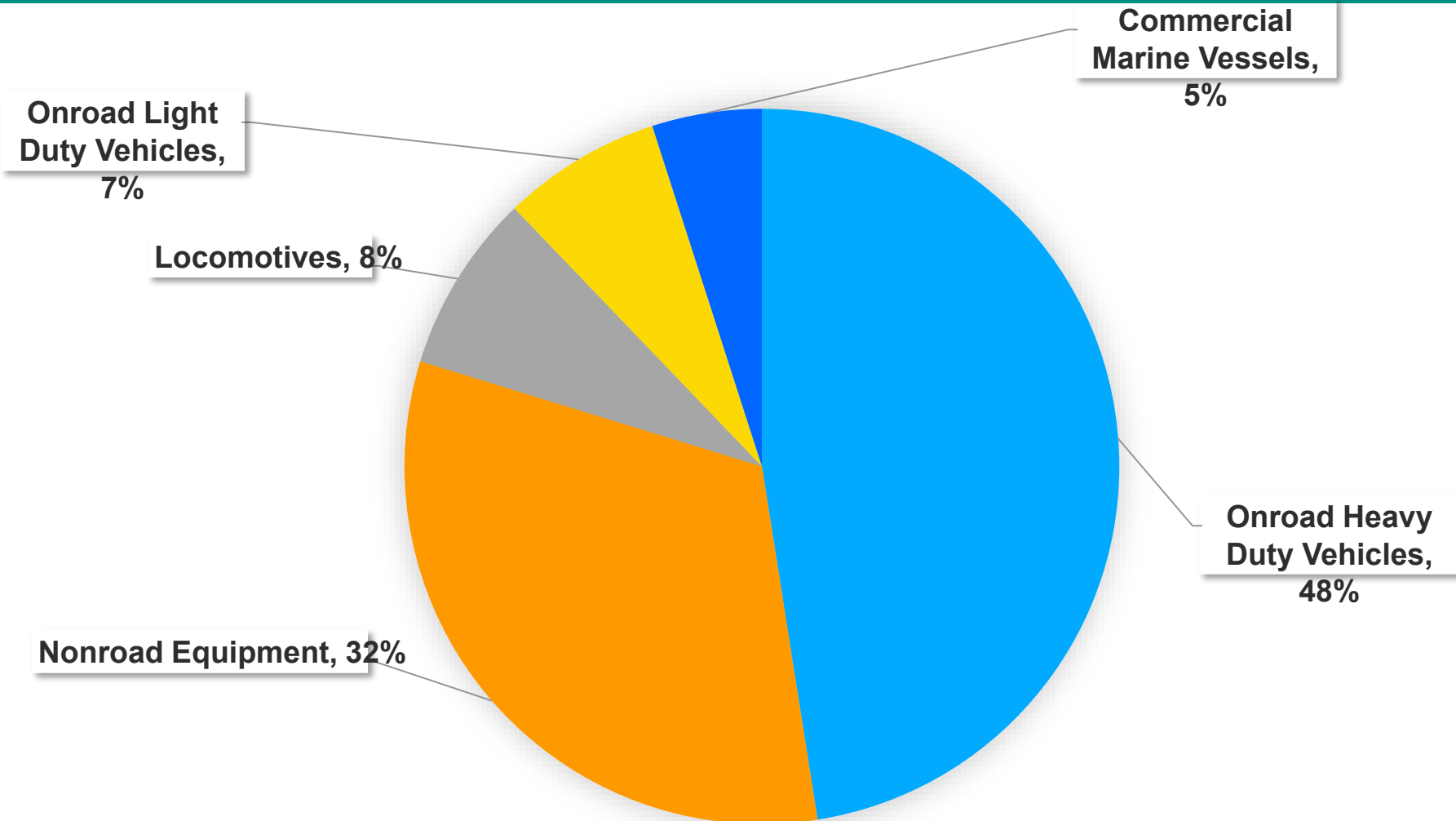


# What Has Oregon been doing on Nonroad Diesel?

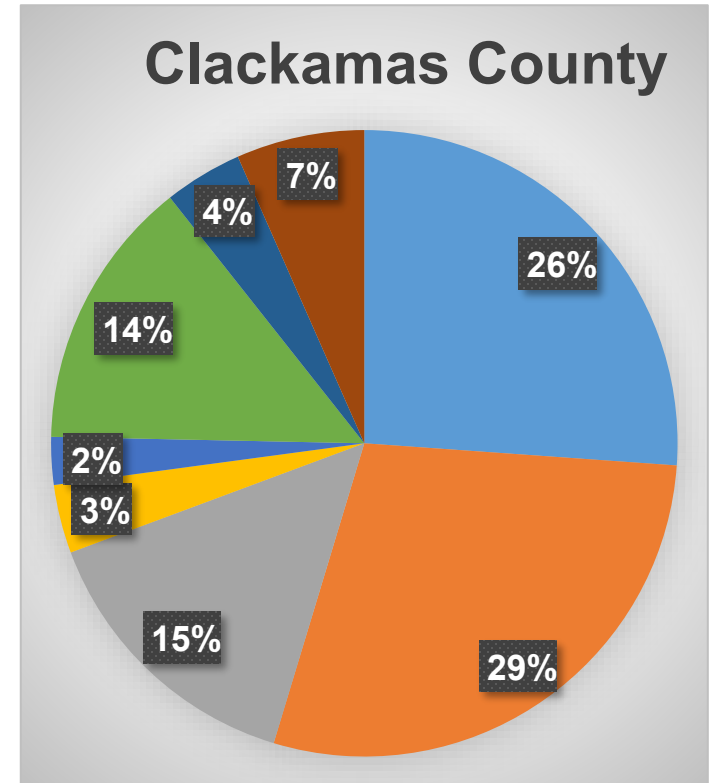
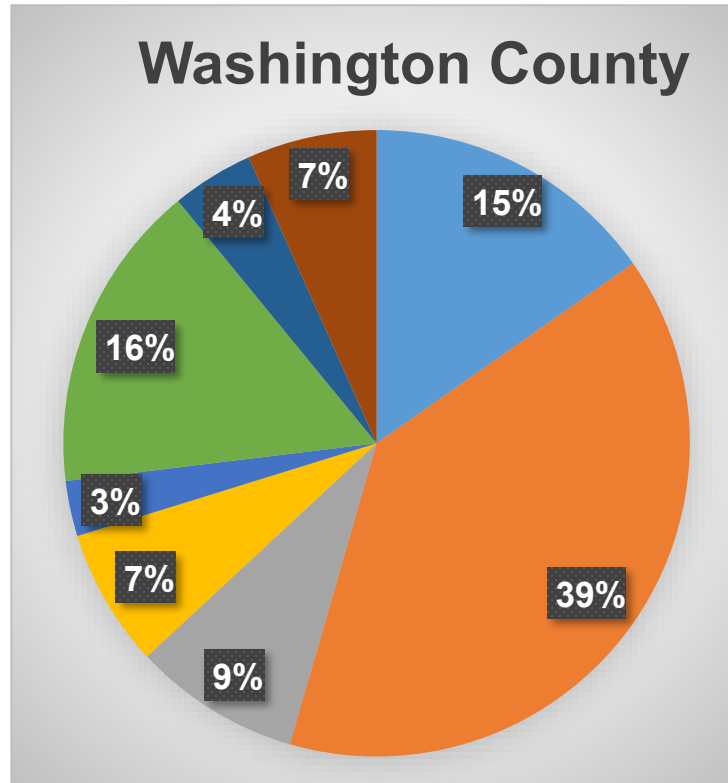
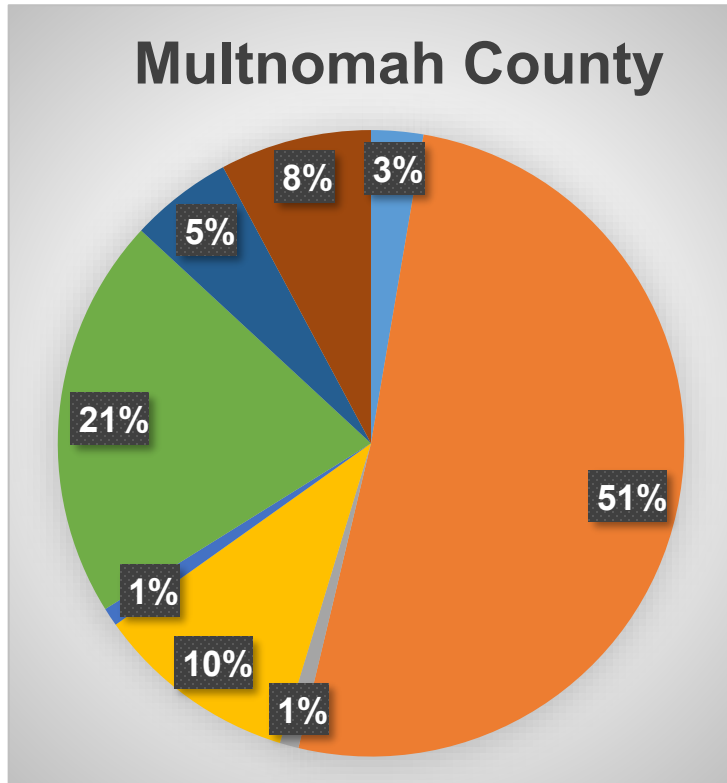
- PATS – identified non road diesel pollution as a problem
- Clean Air Construction Collaborative
- DEQ Model Construction Standard
- Nonroad Diesel Emissions Inventory
- Diesel Community Monitoring Grant - EPA



# Oregon – 2017 Statewide % Contribution to DIESEL-PM<sub>2.5</sub> By Mobile Sector



# Nonroad diesel PM2.5 emissions in the Portland Metro Region by sector



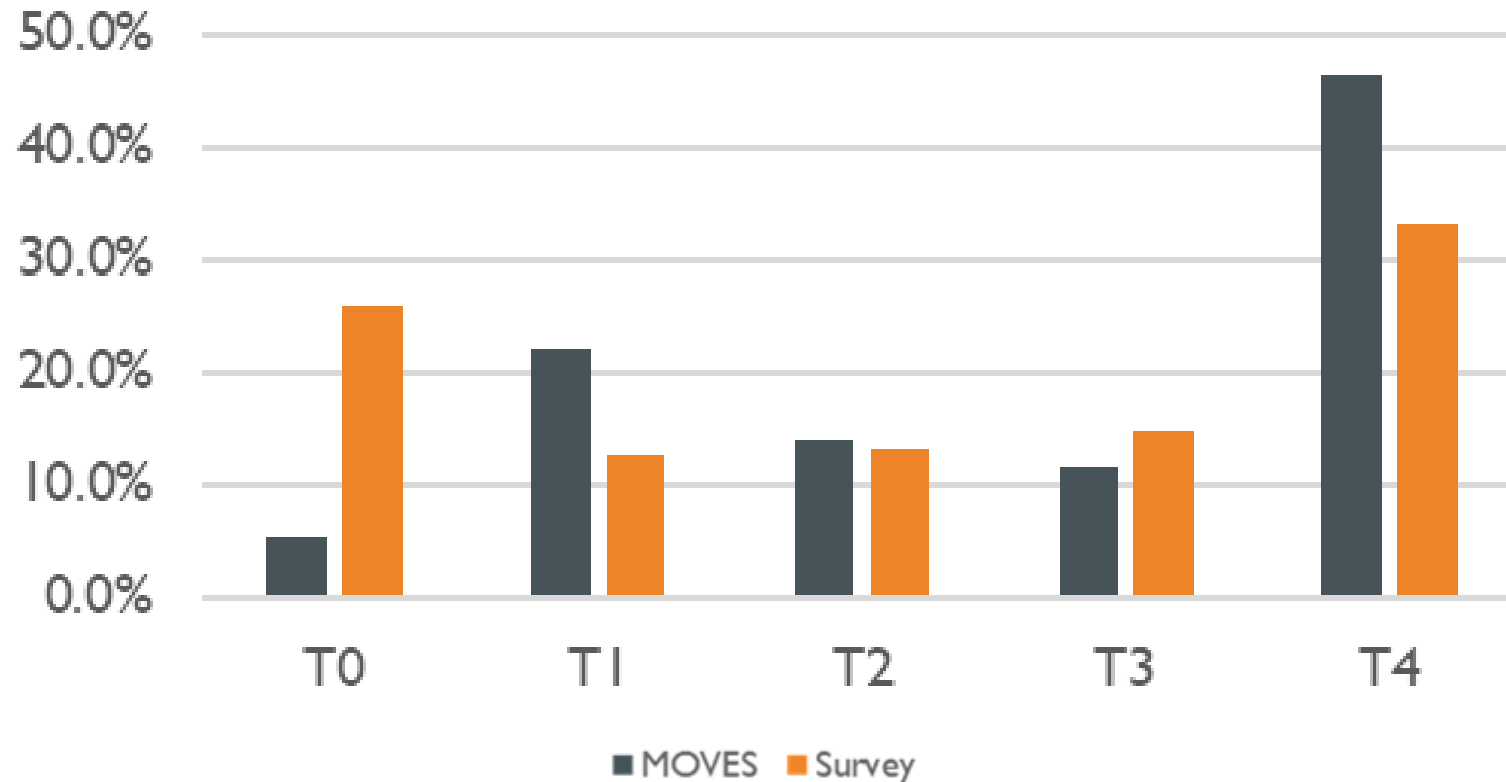
- Agriculture
- Construction
- Logging
- Public Fleets
- Surface Mining
- Commercial/Industrial
- TRUs
- Other



# Comparing OR Nonroad diesel inventory with EPA defaults

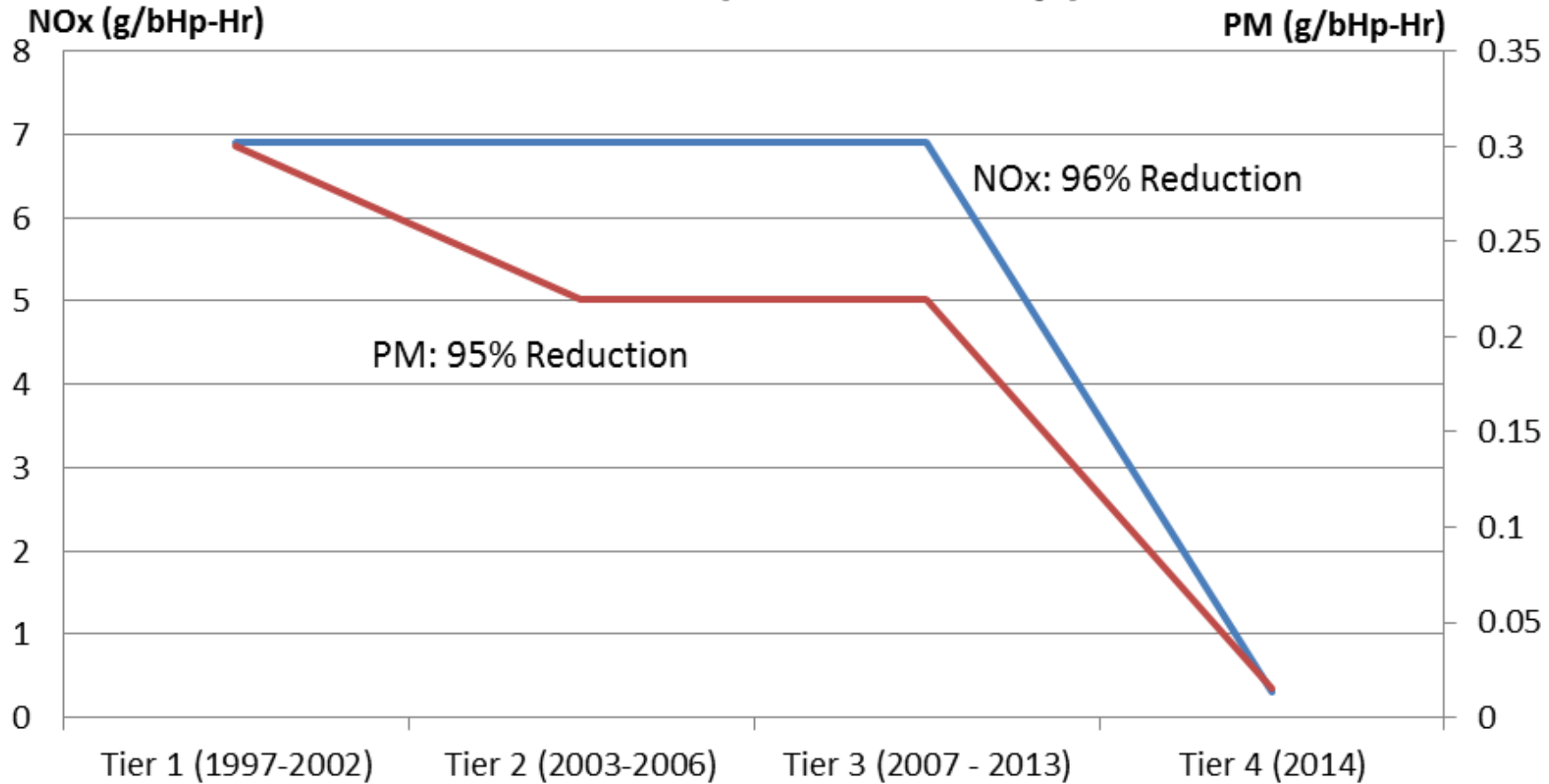


## Construction/Mining Equipment



# History of Engine Emissions Standards for Nonroad Engines

## Backhoe (100 - 175 hp)



# HB 2007 (codified in ORS 468A.813)

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- (1) The Environmental Quality Commission shall adopt by rule a program allowing for an owner or operator of a piece of construction equipment powered by a nonroad diesel engine and operated in Oregon to *voluntarily demonstrate* to the Department of Environmental Quality the *emissions profile* of the nonroad diesel engine powering the equipment, and to receive and display *an emission control label* on the piece of construction equipment. [emphasis added]

# Proposed Rules: Introduction

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- Purpose:
  - Program proposes to allow owner/operators of nonroad diesel equipment to receive labels that give indication of engine certification and retrofit status
  - Labels are placed on outside of the equipment, making it easier to keep track of engine certification and retrofit status
  - DEQ issued labels provide additional assurance of engine certification and retrofit status
- Potential Uses for Voluntary Labels:
  - Compliance with clean construction contracting standards
  - Compliance for LEED pilot credit
  - Promote environmentally conscious contractors

# Racial Equity & Environmental Justice:

Racial Group	% of Group in Counties Along I-5
Black	91%
Asian	90%
Latino	75%
Native America	61%

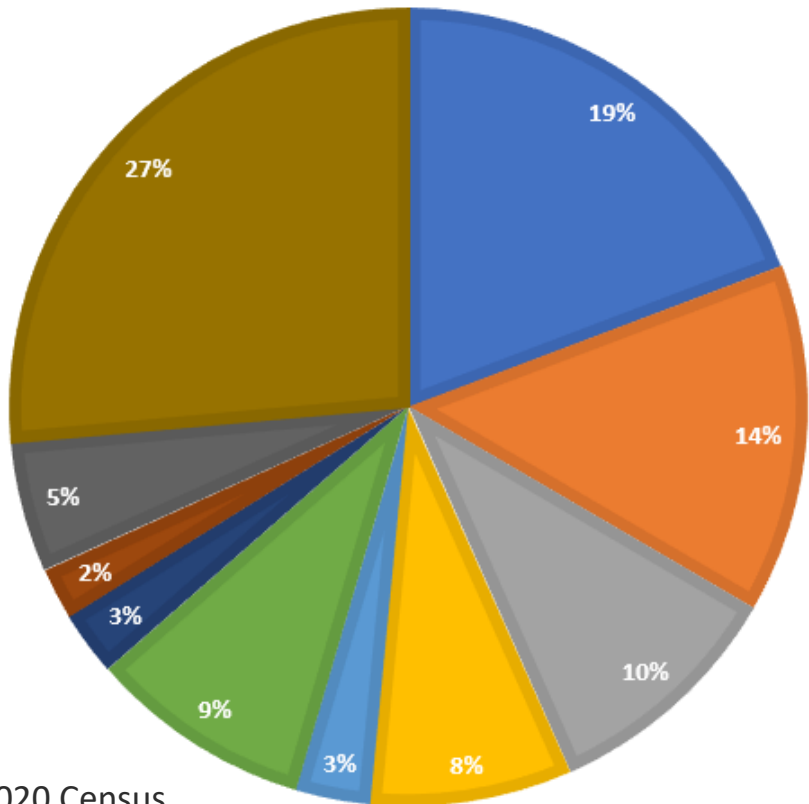
Source: 2020 Census

- Majority of each racial group is found along Interstate 5 where concentrations of the most harmful diesel particulate matter are found
- Construction in high traffic locations such as interstate highways, bridges, and densely populated metropolitan areas can add to already concentrated emissions
- DEQ issued labels can assist with tracking and ensuring positive results in statewide emissions reduction efforts

# Racial Equity & Environmental Justice:

COUNTY POPULATION TOTALS

Multnomah Washington Clackamas Marion Linn  
Lane Douglas Josephine Jackson Other Counties



Source: 2020 Census

- Almost three quarters (73%) of the state's population live in the 9 counties along I-5, while a bit more than a quarter (27%) live in other counties
- Diesel PM emissions are found all over the state in every county
- Diesel PM emissions from construction are most concentrated in Multnomah county, where about 1 in 5 Oregonians live
- It is important to reduce emissions where they have the most impact

# Proposed Rules: Voluntary Registration

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## The Process:

340-269-0110 & 340-269-0120

- Submit completed voluntary registration form
  - Detailed engine information required
  - Authorized representative completes attestation statement



## Key Issues:

- Documentation required will include a picture of the manufacturer's engine label
- DEQ may accept forms already filled out for other programs to build efficiency

# Proposed Rules: Labeling

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## **Rule Text:**

340-269-0130

- Labels must be affixed to equipment within 30 days of issuance
- Owner/operator will receive 2 labels, each to be affixed on opposite sides of equipment in a way that is clear and easy to see
- Cannot remove until deactivation process complete
- No transfers

## **Key Issues:**

- Adequacy of label dimensions
- Label design that works for both contractors and interested parties



# Proposed Rules: Labeling

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## Rule Number: 340-269-0130

- Emission Control Label (ECL)
  - Showcases clean equipment
  - Gives indication of retrofit status at a glance
  - QR code for easy access to information
  - Gives indication of EPA engine tier rating

# Proposed Rules: Labeling

- Sample Mockups:  
(Just look for green!)



EPA tiers 0-3, no retrofit



No equipment shaming



EPA tiers 0-3, with retrofit



Green means clean



EPA tier 4, no retrofit



Green triangle means tier 4

# Proposed Rules: Reporting & Deactivation

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## Rule Text:

340-269-0140 & 340-269-0150

- Submit a quarterly report listing any changes to equipment that affect labeling status, or submit a form stating that there are no changes since last report
- May submit additional “no changes” form up to 3 consecutive quarters before needing to submit a new quarterly report
- DEQ may accept forms already filled out for other programs to build efficiency
- Failure to meet programmatic criteria can result in suspension or deactivation
- Appeals process is available

## Key Issues:

- Frequency
- Are there other examples of effective equipment maintenance records that DEQ should consider?

# Proposed Rules: Timeline

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# Roundtable Discussion:

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- **Questions:**

- How would the proposed voluntary application process work in your business?
- Are there any forms or documents your business works with on a regular basis that you'd like DEQ to consider as good examples? Bad examples?
- Regarding the design of the labels, how do you think these would work on your diesel equipment? If you are in the field reviewing labels, are they readable and effective?
- Regarding DEQ's proposed program webpage, are you okay with the types of information included for each piece of equipment? Is there any information you want or don't want to see included?
- Talk with us about how you understand the deactivation process would work from your perspective.
- Do you have any additional questions about the proposed rules or any issues you'd like to discuss that we haven't covered today?

# Break Time!

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- Take 15 minutes to get refreshed!

# Fiscal & Economic Impact:

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- 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
- Whether the proposed rules would have a significant adverse impact on small businesses and complies with ORS 183.540
- The committee will review the draft fiscal and economic impact statement and will share its comments findings with DEQ staff, who will document those comments and findings

# Fiscal & Economic Impact:

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## Summary:

- In general, costs associated with voluntarily complying with this program include the cost of time spent filling out forms and providing necessary documentation and information, the cost of time spent adhering the labels to the equipment, and any time spent on miscellaneous follow up and reporting, such as the need for one or more replacement labels due to issues like label damage or a change in engine status. These costs are expected to be rather minor in relation to the period of time that participation in this program can cover, which can extend into years up to the full life of the equipment's use.

## Key Issues:

- Ensure that the fiscal impact statement is accurate and thorough



# Fiscal & Economic Impact:

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## Summary Continued:

- Due to the voluntary nature of this program, there is no cost of compliance for small businesses. However, there is likely to be some cost associated with voluntary participation in this program, as previously described.

## Key Issues:

- Ensure that the Fiscal Impact Statement is accurate and thorough

# Roundtable Discussion:

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- Questions:
  - How much time would you estimate it might take staff to fill out forms and handle other tasks to complete the process?
    - What is the rough expense attributable to that?
  - Do the proposed rules have a fiscal impact?
    - If yes, then to what extent is there an impact?
  - Will the proposed rules have a significant adverse impact on small businesses?
    - If so, then how might DEQ reduce or eliminate that impact?
  - Any closing thoughts or remarks?
  - Any public comments?

# Next Steps:

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- Opportunity for public input.
- Written comment deadline: 11/29/2022
- Email for rulemaking: [deip2023@deq.oregon.gov](mailto:deip2023@deq.oregon.gov)
- Estimated EQC consideration is May 2023.

# Adjourn:

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Thank you!