

**APPENDIX C**

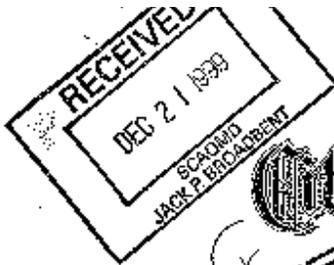
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**NOTICE OF PREPARATION COMMENT LETTERS,  
WORKSHOP COMMENTS, AND RESPONSES  
TO THE ALL COMMENTS**

**COMMENT LETTER 1**

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**CITY OF LOS ANGELES**



CITY HALL  
LOS ANGELES, CALIFORNIA 90012

December 14, 1999

Barry Wallerstein, D. Env., Executive Officer  
South Coast Air Quality Management District  
21865 E. Copley Ave.  
Diamond Bar, CA 91765

From: Office of the Executive Officer	Date: 12-16-99
To: Bradagent	
Cy:	
For your action by:	For your info: handling
Dist. response for:	Signature, etc.

Dear Dr. Wallerstein:

Subject: City of Los Angeles Comments on the NOP/IS for Proposed Rule 1190

The City of Los Angeles appreciates the opportunity to review and comment on the South Coast Air Quality Management District's Notice of Preparation and Initial Study (NOP/IS) for *Proposed Rule 1190 Clean On-Road Vehicles for Government and Airport Operations*. Our detailed analysis of the NOP/IS is attached for your consideration.

The City of Los Angeles has been a leader in supporting efforts to increase the use of alternative fuel vehicles within our own fleets and throughout the South Coast Air Basin. To this end, the Los Angeles City Council has recently adopted three separate motions directing City staff to investigate and report on the potential for converting the entire City's fleet to clean fuels as well as considering how incentives can be provided through the City's contract bidding process to promote clean fuel vehicles among City contractors. As you are aware, the City Council has requested that the SCAQMD assist the City in this effort, and we are hopeful that its results will inform both the City Council and the SCAQMD as we further enhance the City's efforts to promote the use of clean technologies.

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The City is very supportive of reducing criteria and toxic emissions from mobile sources. In particular, we fully support the SCAQMD's of Environmental Justice Initiative #7 which seeks to "[c]reate incentives to clean-up or remove diesel engines in the basin." Additionally, the underlying provision of the Health and Safety Code that the SCAQMD is relying upon for authority to implement PR 1190 specifically uses the phrase "to the maximum extent feasible," yet PR 1190 does not incorporate this flexibility. As such, we believe that the District must include and evaluate a voluntary incentive-based alternative within the Environmental Assessment for PR1190. It is clear, based on the number of applications submitted under the most recent Carl Moyer and MSRC Discretionary Fund programs, that both public and private fleet operators are willing to convert to cleaner fuel vehicles, as appropriate for their operations.

Perhaps the most significant potential impact to local governments that must be addressed in the Environmental Assessment is the effect that PR1190 could have on the provision of public services.

Dr. Barry Wallerstein, Executive Officer

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December 14, 1999

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cont.

The cost and operational impacts of PR 1190 to the City and other government agencies stem from the same impediments that we have faced in seeking to expand our own use of alternative-fuel vehicles; namely, the lack of refueling infrastructure, the lack of available vehicles, the poor performance and operational limitations of some alternative fuel vehicles, the additional cost to purchase and operate alternative-fuel vehicles, and the limited funding options available for such vehicles. Additionally, the potential that adoption of PR 1190 could preclude local governments from qualifying for both Carl Moyer and MSRC funding would only compound this impact. As a result, the proposed rule could severely affect local government's ability to provide services, including essential public services, by increasing our fleet costs while concurrently reducing its effectiveness. Additionally, the provision of services in the event of an emergency could also be impacted if the limited existing re-fueling infrastructure is damaged in an earthquake or other catastrophic event leaving the City without the ability to fuel its fleets.

The District should prepare a regional comprehensive strategic plan for the siting and development of refueling infrastructure to both identify the potential number and location of refueling sites and to identify infrastructure needs to support the proposed rule. We also believe that the District must consider the environmental impacts associated with siting refueling infrastructure and propose mitigation measures or alternatives to reduce or eliminate these impacts.

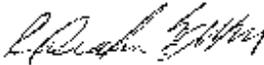
Additionally, as a means of identifying and evaluating the benefits of PR 1190, the Environmental Assessment must consider whether reducing the emissions from government and airport fleet vehicles is the most effective means of reducing toxic air pollution from mobile sources. Also, the Environmental Assessment should describe and incorporate other ongoing related efforts, including finalization of the draft MATES-II study as well as CARB and U.S. EPA proposed rules and policies.

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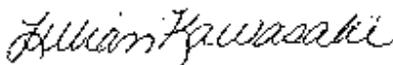
Finally, it is our understanding from SCAQMD staff that a revised version of PR 1190 may be released in conjunction with next week's Public Workshop. If so, we would request that the comment period on the NOF/IS be extended so that the City and other reviewers can consider and provide additional comments concerning the potential areas for analysis within the Environmental Assessment that might result from the revised rule. We would also request that the Socioeconomic Report for PR 1190 be released concurrently with the Environmental Assessment, particularly considering the potentially significant economic costs associated with the rule.

Again, thank you for the opportunity to comment and we look forward to working with the SCAQMD to expand alternative and clean-fuel technologies in the region. Should you have any questions, please feel free to contact Ms. Kawasaki at (213) 580-1045.

Sincerely,



Ronald F. Deaton  
Chief Legislative Analyst



Lillian Kawasaki  
General Manager, Environmental Affairs Department

Attachment - Notice of Preparation/Initial Study Comments

cc: Mr. Darren Stroud, SCAQMD Office of Planning

## Attachment - Notice of Preparation/Initial Study Comments

1-3 The State CEQA Guidelines for New Rules and Regulations (California Code of Regulations, Section 15187) require that the lead agency include an analysis of reasonably foreseeable environmental impacts of the method of compliance; in this case compliance with Proposed Rule 1190 (PR 1190). This section of the Guidelines also requires an analysis of reasonably foreseeable feasible mitigation measures for those impacts. However, the Notice of Preparation section on Projected Emissions Reduction does not include an estimate of the air quality benefits expected from Proposed Rule 1190. The City of Los Angeles believes that defining the universe of affected fleets and quantifying of the expected benefits is needed to evaluate the magnitude of the impacts of Proposed Rule 1190 and the potential effectiveness of the mitigation measures.

1-4 **Existing Condition**  
In order to determine the extent of impacts and benefits of PR 1190, the SCAQMD must develop inventories from all affected fleets. In compiling these inventories, we suggest that the SCAQMD quantify the number of emergency and essential public service vehicles that are currently eligible for exemption under the rule. The SCAQMD should also be aware that the City registers all on- and off-road equipment with the Department of Motor Vehicles (DMV). Therefore, any inventory developed from that DMV records needs to be carefully screened to exclude those vehicles not subject to the rule. The emissions inventory also needs to consider vehicles that regularly travel outside of the region and therefore do not contribute to emissions in the Basin.

1-5 The City would also request that, along with the inventory of existing government and airport fleets, the SCAQMD make determinations of those classes of vehicles that do not have reliable alternative fuel options. For those classes of vehicles where commercially available, original equipment manufacturer vehicles are not available, the implications to local governments, especially on essential public services, needs to be assessed. The City also recommends that the

1-6 SCAQMD conduct a comprehensive survey of alternative fuel sites available including outside the Basin, since the Proposed Rule 1190 currently captures fleet vehicles that need to travel to locations outside the Basin. This survey should be combined with a fueling requirement assessment for the affected fleets with the intent of identifying and filling gaps in the fueling infrastructure. An analysis of the siting, land use issues and the amount of time necessary to

1-7 develop those sites should be included in the Draft Environmental Assessment and Socioeconomic Analysis.

1-8 Additionally, as a means of identifying and evaluating the benefits of PR 1190, the Draft Environmental Assessment must consider whether reducing emissions from government and airport fleets is the most effective means of reducing toxic air pollution for those communities identified in the draft MATES-II study as the most severely impacted by such pollution.

1-9 **Regulatory Background**  
As part of the environmental review of new rules and regulations, CEQA requires that the lead agency consider reasonably foreseeable alternative means of compliance with the rule or regulation (California Code of Regulations, Section 15187(c)(3)). Accordingly, the City of Los Angeles suggests that the SCAQMD include in their Draft Environmental Assessment the regulatory programs currently under development by the California Air Resources Board (CARB) and the U.S. Environmental Protection Agency (EPA).

1-10 One area that the City believes should be carefully evaluated is the status of diesel emissions as a toxic air contaminant. The California Air Resources Board (CARB) is preparing a Needs Assessment on Diesel as a Toxic Air Contaminates from Existing Sources. For purposes of developing controls for stationary diesel sources in Rule 1402: Control of Toxic Air Contaminants, the SCAQMD is awaiting CARB's guidance, which they are expecting to be released in the Fall of 2000. Along with that guidance, CARB is expected to release control strategies for reducing diesel contaminants. In a separate effort, the U.S. EPA has recently released a study on the health impacts of diesel emissions. These efforts should be carefully evaluated in order to assist the SCAQMD in developing the baseline risks and benefits that could be achieved from the Proposed Rule 1190 and alternatives.

1-11 The CARB is also promulgating a rule governing Urban Bus Fleets that is similar to the requirements for urban buses in the Proposed Rule 1190. The SCAQMD should evaluate the differences between the two proposals and quantify any differences in the Draft Environmental Assessment and Socioeconomic Analysis. Other regulatory efforts that should be considered are the EPA's effort to develop an urban air toxic control strategy and the implementation of new heavy-duty engine standards by both CARB and EPA.

1-12 The draft MATES-II study was released in November for a 90-day public review period. The draft MATES II study includes several assumption regarding diesel fuel emission levels and the toxic risk level associated with diesel particulates. The potential impacts of changes to the MATES II report, assumptions, and conclusions due to public comments and to the on-going efforts of CARB and EPA with regard to diesel air toxic issues should be considered and evaluated by the SCAQMD in the CEQA document.

#### Alternatives

1-13 The City of Los Angeles believes there are many realistic alternatives to PR 1190 that may have the potential of achieving the purpose of reducing toxic air contaminants and criteria pollutants in a cost-effective and feasible manner. The following alternatives are reasonable and feasible and should be assessed in the Draft Environmental Assessment and Socioeconomic Analysis. The City recommends these alternatives for environmental assessment purposes only and does not necessarily advocate these alternatives. However, the City does support the broadest possible review of alternative possible, with full documentation of impacts, benefits, and costs, to ensure informed decision making.

#### 1. Voluntary, Incentive-Based Program

1-14 The SCAQMD's Environmental Justice Initiative #7, which states that the SCAQMD should "Create incentives to clean-up or remove diesel engines in the basin", is an alternative approach that must be evaluated. Rather than adopting a rigid and inflexible regulatory policy, the City of Los Angeles believes that voluntary incentive-based approaches may offer the potential for achieving the purpose of Proposed Rule 1190. Recent history with replacing heavy-duty diesel vehicles and engines under the Carl Moyer Program and the MSRC Discretionary Funds Program indicate that there is a large number of fleet operators who are willing to convert their vehicles. This was clearly demonstrated by the \$60 million dollars of projects submitted under the Carl Moyer Program for the \$11 million dollars available. Enhancement of these programs has real potential in further reducing toxic and criteria pollutants. These early replacement strategies offer a cost-effective means of reducing criteria pollutant and air toxics beyond those available from government fleets. This may be particularly true since government fleets tend to

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be newer and better maintained and many governments already have policies to replace traditional fuel vehicles with alternative fuel vehicles whenever possible. Using existing programs as models, the SCAQMD should develop and assess an incentive-based alternative that could achieve comparable or greater air emissions than the proposal currently under consideration.

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#### 2. Fuel-Neutral Emission-Standard Based Approach

Currently the Proposed Rule provides a very limited list of the types of alternative fuels that are acceptable. This list does not include Liquefied Petroleum Gas, synthetic fuels, mixed fuels, hydrogen, dual-fuel or bi-fuel vehicles, or reformulated fuels. A more cost-effective approach may be to establish a vehicle emission standard, or performance standard, for criteria and air toxic pollutant levels, and to allow fleets to determine the best method of attaining those standards. We also believe that a fuel-neutral approach would have the added benefit of including more technologies than those identified as methanol equivalents. It would also be consistent with the SCAQMD's own approach for the 1999 SIP Amendment where the District is requesting the flexibility of being able to choose appropriate control measures to meet the annual emission reduction goals while being able to modify or augment control measures as necessary.

In evaluating a fuel-neutral emissions-based alternative, the District must consider whether reformulated conventional fuels, such as low-sulfur clean-diesel fuel, alone or in combination with cleaner engine technologies, including after-combustion technologies, would satisfy this type of emission standard. Since new infrastructure would not be required if such fuels or technologies qualify under an emission standard approach, the potential environmental impacts from this alternative could be substantially reduced.

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#### 3. Phased Approach

The SCAQMD should consider an alternative that is phased to allow fleet operators to evaluate their fleet operations, available infrastructure, and funding requirements. Under such an alternative, incentives could be provided to allow for the development of infrastructure in the early phases with increasing procurement of alternative fueled vehicles being tied to the public and private availability of infrastructure. A phased approach should also be considered for vehicles based on their commercial availability from original equipment manufacturers. Initially, only categories for some light- and medium-duty vehicles, and urban buses may be appropriate. However, provisions to allow for fleet averaging and to include new categories of vehicles as they become available, subject to appropriate public review, should be evaluated in the Draft Environmental Assessment and Socioeconomic Analysis.

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#### 4. All Fleets

An alternative that requires all fleets to convert to alternative fuels should be evaluated in the Draft Environmental Assessment and Socioeconomic Analysis. Regulation of all fleets within the Basin would provide greater alternative fuel infrastructure development opportunities. Further, no competitive disadvantage would be created by local governments contracting with private fleets. If the provisions of the Proposed Rule 1190 are cost effective for local governments they should be equally cost effective for private fleets. Also, this would not place the burden on local governments, to pay for contractor's transition to alternative fuel vehicles.

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#### 5. No Project

A number of other regulatory and policy activities are currently in place or underway that will greatly reduce vehicle sources of toxic air contaminants. As part of the No Project alternative,

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these activities must be included into the baseline conditions so that the public and decision-makers can evaluate the true benefits of the proposed rule. Some of these existing efforts include:

- CARB is currently working on a number of potential controls associated with reducing emissions from diesel engines, including:
  - New Engine Standards for 2002 and beyond.
  - Potential Cleaner Fuels
  - Potential After-Combustion Treatments
  - Urban Bus Proposal
- U.S. EPA is also considering reauthorization of their Tier 2 heavy duty engine standards and is considering new national cleaner diesel fuel specifications. The compatibility of the Proposed Rule with U.S. EPA's efforts to develop a comprehensive strategy to reduce urban air toxic emissions should also be assessed.
- A number of voluntary programs are in place that provide incentives for purchasing alternative fuel vehicles and reduce emissions of toxic and criteria pollutants. These programs include the U.S. Department of Energy's Clean Cities Program, the Carl Moyer Program, and Mobile Source Air Pollution Reduction Review Committee's discretionary programs. In addition, government fleets, which tend to be newer and better maintained may already have policies to replace traditional fuel vehicles with alternative fuel vehicles whenever possible. The benefits of these types of voluntary programs should be included as part of the No Project Alternative in the Draft Environmental Assessment.

#### Initial Study

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##### I. Land Use and Planning

Although the SCAQMD has determined in the initial study that no Land Use or Planning impacts would result from the Proposed Rule 1190, it is the opinion of the City of Los Angeles that the development of alternative fuel infrastructure does have the potential to create significant environmental impacts, including cumulative impacts, that should be assessed. Alternative fuel infrastructure may require the City to modify zoning ordinances to allow for the siting of those facilities at sites throughout the City. Appropriate sites may not be available and, even if available, may require the City to purchase such property for the development of alternative fuel infrastructure.

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Beyond the construction of alternative fuel stations, the SCAQMD should provide an analysis of the impacts of producing the alternative fuels within the SCAB. For example, LNG is currently transported by truck from outside the basin to facilities that use LNG. However, if this technology is greatly expanded as a result of PR 1190, it is reasonable to assume that LNG production facilities will be developed to support this market. The environmental impacts of developing and operating LNG, methanol, and other alternative fuel production facilities within the Basin, along with the associated planning and zoning considerations of siting those facilities should be included in the Draft Environmental Assessment and Socioeconomic Analysis.

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A potential mitigation to Land Use impacts of this rule that should be considered is the development of a comprehensive regional plan to develop a long-term strategy for infrastructure development in the basin.

III. Geophysical

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The City of Los Angeles does not expect the construction of alternative fuel infrastructure to be limited to industrial areas only. A number of our fleets operate in public parks and residential areas. The requirements of the proposed rule to provide infrastructure to service these fleets could result in disruption of soil that had not been previously disturbed. The SCAQMD should evaluate the siting of alternative fuel infrastructure and production facilities for their potential to cause geophysical impacts.

V. Air Quality

Issues that must be considered in evaluating the air quality impacts of the Proposed Rule 1190 include:

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- **Payload** - CNG fuel tanks, batteries, and other alternative fuel technologies are large and heavy, reducing the payload capacities of the vehicles and limiting their ability to perform their function. This has the potential of requiring more vehicles to provide the same level of service as current, traditional fuel vehicles. The additional vehicles and their emissions must be evaluated in the Draft Environmental Assessment and Socioeconomic Analysis.

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- **Range** - Most alternative fuel vehicles have significant range limitations. Since alternative fuel vehicles will have to be taken out of service to fuel more frequently and additional vehicles will be required to perform the same function as traditional fuel vehicles do currently. The additional miles traveled to fuel and the need for additional vehicles to complete the same functions must be evaluated in the Draft Environmental Assessment and Socioeconomic Analysis.

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- **Other fuels** - For many applications, traditional fueled vehicles meet the current ultra-low emissions vehicles (ULEV) standards established by CARB. The air quality benefits of requiring an alternative-fuel ULEV vehicle but not allow the use of a gasoline ULEV vehicle must be evaluated. Also the socioeconomic analysis needs to consider the fueling and operational issues associated with alternative fuel vehicles when developing the cost-benefits analysis.

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- **Fuel production** - Beyond the construction of alternative fuel stations, the SCAQMD should provide an analysis of air quality impacts of producing or transporting alternative fuels within the SCAB. The environmental impacts of developing and operating LNG, methanol, and other alternative fuel production facilities, along with the associated air quality impacts of alternative fuel production facilities should be included in the Draft Environmental Assessment and Socioeconomic Analysis.

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- **Modeling of air toxic impacts** - The SCAQMD should evaluate and model the health benefits of implementing the proposed rule on government and airport fleets, and for all other alternatives assessed, as part of the Draft Environmental Assessment. Modeling should be similar to that done for the Draft Multiple Air Toxic Emission Study II. Since different fuels may vary in the generation of toxic air contaminants, the SCAQMD should provide an analysis of the relative toxic impacts of the fuels under consideration. Upon determining the health benefits of the proposed rule and alternatives, the SCAQMD should evaluate the cost-benefit of the proposed rule and alternatives in the Socioeconomic Analysis with the intent of

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identifying the most effective means to achieve the greatest health benefits for those communities most impacted.

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Through the development of the Multiple Air Toxics Emission Study (MATES II), the SCAQMD identified those regions where exposure to diesel air toxics is greatest and has relied on this draft study to target government and airport fleets. However, through this rule the SCAQMD has demonstrated no nexus between government and airport fleets and the elevated levels of air toxics found in the draft MATES II study. An evaluation of the proximity of government and airport fleet emissions to those areas showing the greatest impact should be done

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- Greenhouse Gases - Due to the nature of the proposed fuels listed in Attachment 1 of the Proposed Rule 1190, the City of Los Angeles suggests that an evaluation of potential greenhouse gas emissions be conducted for all alternatives and included in the Draft Environmental Assessment.

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#### VI. Transportation/Circulation

As noted above, the different operational characteristics of alternative fuel vehicles has the potential to result in more vehicles on the road. In addition, the centralized fueling for fleet vehicles has some potential of increasing traffic impacts in the vicinity of those fueling locations. Finally, since the Proposed Rule 1190 would greatly increase the number of alternative fuel vehicles and Assembly Bill 71 allows alternative fuel vehicles to use High Occupancy Vehicle lanes (carpool lanes), there is the potential of congestion of carpool lanes as a result of the rule. The SCAQMD should provide an analysis of these potential impacts in the Draft Environmental Assessment.

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#### IX. Hazards

The siting of alternative fuel sites has the potential of exposing the public to increased fire and explosive hazards. Extensive development of alternative fuel infrastructure and the increased deployment of alternative fuel vehicles has the potential of exposing emergency response personnel to greater risk of fire and explosion. The risk of upset from the increase in alternative fuel sites and vehicles should be assessed in the Draft Environmental Assessment.

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#### X. Noise

The potential siting of alternative fuel infrastructure in and adjacent to public parks and residential areas has the potential of increasing noise impacts to the public. A proximity evaluation on the potential of alternative fuel infrastructure to generate significant noise impacts should be included in the Draft Environmental Assessment.

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#### XI. Public Services

- Fire and Police Protection  
The City is concerned that the Proposed Rule could have adverse effects on our ability to respond to an emergency. Although some emergency vehicles are currently exempted, several emergency vehicle categories are not exempted, such as life guards and park rangers. Impacts to non-exempted emergency vehicles must be evaluated.

Another aspect of emergency functions is the ability of police and fire departments to respond safely and effectively to the scene of an accident. The expansion of alternative fuel infrastructure sites and the increase in alternative fuel vehicles requires that police and fire

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personnel be equipped and trained to deal with these potentially hazardous situations. The SCAQMD should work with governments to evaluate the public safety and emergency response needs that will be created by the rule and work with local governments to develop procedures that will protect emergency personnel and public safety.

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▪ **School and Parks**

Both schools and parks may require the development of alternative fuel infrastructure to service their fleet. The impact of siting these facilities as schools, parks, and public service yards should be evaluated in the Draft Environmental Assessment.

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▪ **Public Facilities**

Beyond direct impacts to Public Services, the Proposed Rule 1190 also has potential indirect impacts to public services and facilities by greatly increasing the cost of operating and fueling City owned and operated vehicles. These increased costs could affect the City's ability to provide services, including essential public services, particularly since obtaining additional revenues to offset such cost is very unlikely. The SCAQMD should evaluate the following additional costs to local governments and others in the Draft Environmental and Socioeconomic Analysis:

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- **Infrastructure** - The SCAQMD should evaluate the cost to local government and others of developing the necessary alternative fuel infrastructure. In addition, since only businesses contracting with local governments will have alternative fuel requirements, local governments will shoulder the cost of contractor infrastructure and vehicle acquisition. This evaluation must be included as a potential public service impact and be included as part of the Socioeconomic Analysis.

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- **Availability and Cost of Alternative Fuel Vehicles** - The District should fully investigate the stated applicability of the rule to all replacement and new purchases. In many cases alternative fuel vehicles do not exist for operations needed. Where they do exist they are only available from a limited number of vendors in limited configurations that often require a sole source selection. These additional costs should be evaluated in the Draft Environmental Assessment.

- **Vehicle Testing and Performance** - Even when there is an apparent alternative fuel version for a City vehicle, that vehicle may not meet City performance requirements. It is the practice of the City to obtain limited numbers of vehicles for testing under actual operating conditions for extended periods of time before committing to incorporate those vehicles into our fleet on a large scale. These tests are designed to ascertain durability, reliability, and maintenance needs of vehicles to ensure prudent expenditure of public funds. Rule 1190 would preclude such testing and local government's ability to reject vehicles that do not meet performance standards. This would limit the discretion of local governments to manage fleet operations to ensure that services are provided at reasonable costs. The Draft Environmental Assessment and Socioeconomic Analysis must evaluate provisions to allow for full testing and to allow for the purchase of proven vehicles where alternative fuel vehicles may not be able to fulfill operational requirements.

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- **Payload** - CNG fuel tanks are large and heavy, reducing the ability of the vehicles to perform their function and requiring more vehicles to provide the same level of

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service as current, traditional fuel vehicles. This additional cost must be included in the evaluation.

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- Range - Most alternative fuel vehicles have significant range limitations. Since alternative fuel vehicles will be required to stop operations to refuel, additional vehicles will be required to perform the same function as traditional fuel vehicles do currently. This additional cost must be included in the evaluation.
- Training, Maintenance, Tooling - In order to successfully incorporate alternative fuel vehicles into fleet operations, it is essential that all personnel be properly trained in the use of the vehicles. Maintenance of these vehicles will require difference maintenance procedures and tools. An example of this would be the special training requirements for CNG fuel tank maintenance identified in the SCAQMD's "Contract to Co-sponsor Development and Demonstration of Advanced Safety Inspection Methods for NGV Tanks." These additional costs must be included in the evaluation.

- Warranty - Differences in warranty duration and terms can result in additional costs to the City. The impact of warranty issues on the cost and operation of alternative fuel vehicles must be evaluated and assessed.
- Resale Value - It is currently the practice of the City of Los Angeles to sell vehicles at the end of their designated life-cycles. This is an important source of funding that helps to offset the cost of acquiring new and cleaner vehicles. It is our understanding that there is no resale market for alternative fuel vehicles. The impacts of disposing of alternative fuel vehicles and the impacts that could result from the loss of this funding source should be included in the Draft Environmental Assessment and Socioeconomic Analysis.
- Record Keeping and Enforcement - The Proposed Rule 1190 imposes a number of record-keeping requirements. Part of those requirements may include an administrative burden on governments to identify contracted fleets and to potentially enforce the provisions of the rule on private fleets contracting with governments. The SCAQMD should include in the Draft Environmental Assessment and Socioeconomic Analysis an evaluation and assessment of these impacts on governments.

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- Contractor Issues - The current rule applies to private fleets of 15 or more vehicles that contract with government agencies. The evaluation of this provision must include a clear definition of those private fleets captured by the rule and assess the impact of this rule on their operations and potential impact to governments. Private fleets, particularly those of small businesses, may be unable or unwilling to comply with the Proposed Rule 1190, thereby reducing the number contractors willing to enter into contract with the City. The potential impacts on small businesses, including those owned by minorities and women should be carefully evaluated in this regard.

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- Disaster Preparedness - The lack of existing alternative fuel infrastructure, and the susceptibility of that infrastructure to failure from a catastrophic event such as an earthquake, could impact the ability of the City to provide critical services in an

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- emergency. The impacts of this must be considered in the Draft Environmental Assessment. The SCAQMD should identify and evaluate vehicles in public agency fleets that must remain operational under any and all circumstances and address impacts associated with loss of operation in a catastrophic event. Dependence on alternative fuel infrastructure could impact trash collection, delay electric utility, street lighting, and transportation infrastructure repairs, and impede the ability to transfer critical vehicles from operations in one area of the City to another. The SCAQMD must identify these critical functions and assess the significant Public Service impacts that would result from implementation of the Proposed Rule 1190 in the Draft Environmental Assessment.
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- Durability/Reliability - Some alternative fueled vehicles have substantial durability and reliability issues associated with them. Such vehicles spend a larger percentage of time out of service than diesel technologies. To provide adequate public services, including essential public services, the City strives to ensure that a minimum portion of each fleet is out of service for repairs or routine maintenance, and that a maximum portion is operational on a daily basis. Due to the much diminished operation/repair ratio associated with alternative fueled vehicles, a much larger fleet would be needed to ensure the availability of the minimum number of operational vehicles daily. Compound this with increased fleet requirements to address the operation/repair ratio needs, and the impacts and cost to public services is significant.
- Increased fleet size also requires increased staffing. Additional drivers would be needed, as well as additional repair personnel and space. Such a substantial increase in costs for public services, with no improvement in services, needs to be carefully evaluated in the Draft Environmental Assessment.
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- Funding - Since public services are funded by the general public through taxes and fees, increased costs associated with Rule 1190 implementation must be accompanied by increased taxes or fees or a decrease in funding for other services. The increased costs also includes the additional burden local governments will shoulder to fund contractor alternative fuel fleet requirements. The SCAQMD needs to assess in the CEQA document the impacts of these two mechanisms of funding implementation of Rule 1190.
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- Additionally, the implementation of PR 1190 would preclude local governments from qualifying for both Carl Moyer and MSRC funding, further limiting funding options for alternative fueled vehicles for local governments.
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- XV. Recreation  
Since alternative fuel infrastructure may need to be developed at public parks, the SCAQMD should evaluate the potential impact of this on recreational opportunities and include that evaluation in the Draft Environmental Assessment.

## COMMENT LETTER 1: CITY OF LOS ANGELES

**Response 1-1:** Comment #1-1 is a general summary of the specific comments contained in the attachment to the cover letter. Responses #1-3 through #1-45 respond to each specific issue raised in this general summary.

**Response 1-2:** The comment period on NOP/IS was extended until December 21, 1999. Further, the public has additional opportunities to comment on potential environmental impacts from proposed fleet vehicle rules during the public comment period for this draft program environmental assessment (PEA).

**Response 1-3:** The SCAQMD is aware of the requirements of CEQA and its procedural and substantive responsibilities regarding preparing environmental analyses for its rules, regulations, and programs. The draft PEA for the proposed fleet vehicle rules contains all relevant CEQA requirements including: an analysis of all reasonably foreseeable impacts; feasible mitigation measures, if necessary and/or available; alternatives; etc.

CEQA Guidelines §15082 contains the general requirements for a notice of preparation (NOP). At a minimum the information in the NOP shall include the following: a) a description of the project; b) location of the project; and possible environmental effects of the project. The NOP for PR 1190 (which was subsequently disaggregated into several rules based on vehicle category type) complies with these requirements, including a discussion of the possible benefits of the new rule proposed at that time. Any quantification of the possible benefits of the proposed rule is more appropriate in the environmental analysis document, in this case, the draft PEA. The commentator is, therefore, referred to direct effects discussion under the “Air Quality Impacts” section in Chapter 4.

To analyze potential adverse impacts, as well as identify direct beneficial effects, the draft PEA includes a comprehensive description of population characteristics of public and private fleets affected by the proposed fleet vehicle rules. The inventory of fleets was derived from a number of sources including direct surveys of public and private fleet owners and operators and information obtained from the California Department of Motor Vehicles, California Energy Commission, California Air Resources Board (CARB), U.S. EPA Region IX, and the U.S. Department of Energy.

**Response 1-4:** The focus of the environmental analysis is to assess potential adverse impacts relative to fleet vehicles subject to the requirements of the proposed fleet vehicle rules. Staff has made a concerted effort to obtain accurate and reliable fleet information (see response to comment #1-3). Based upon information received in the fleet vehicle survey and to the extent possible, the universe of fleet vehicles excludes exempt emergency vehicles. If, however, the analysis of potential adverse impacts includes vehicles that are ultimately deemed to be exempt from the proposed

fleet vehicle rules, then the analysis represents a conservative analysis that captures the “worst-case” impacts anticipated from implementing the proposed rules. Similarly, by including in the inventory of fleet vehicles categories of vehicles that are ultimately deemed to be exempt from the rule because they are not garaged, housed, parked, stored or operated within the district for more than 30 days in any calendar year, the environmental analysis overestimates potential adverse impacts from the proposed rules. By identifying the potential “worst-case” impacts of the proposed fleet vehicle rules, it is unlikely that the analysis will underestimate potential impacts of the proposed rules if the universe of fleet vehicles is modified for any reason. As a result, the draft PEA for the proposed fleet vehicle rules serves its purpose as an information document that informs public agency decision-makers and the public generally of the potentially significant environmental effects of the proposed project (CEQA Guidelines §15121).

**Response 1-5:** The SCAQMD has conducted an extensive survey of fleets (see response to comment #1-3) that may be affected by the proposed fleet vehicle rules in order to analyze the specific vehicle applications and vehicle types used in public fleets that may be potentially regulated by the proposed rules. The survey solicited information on vehicles powered by conventional and alternative fuels. The City of Los Angeles was contacted in December 1999 as part of this survey, but has yet to submit any of the requested information to the SCAQMD. Information from the vehicle fleet survey will be used with current and projected vehicle types to be sold by vehicle and engine manufacturers according to the CARB sales projections to develop fleet purchasing requirements in the proposed rules that take into account model availability concerns.

With regard to replacement fleet vehicle availability, provisions have been incorporated into the proposed fleet vehicle rules that would provide relief for certain categories of fleet vehicles if the owners or operators can demonstrate that compliant engine classes are not available for a specific category of vehicle. The demonstration that compliant engine classes are not available would have to be made each time a fleet vehicle is replaced. PR 1191 and PR 1192 do not contain this relief provision because compliant engine classes are considered to be available for these categories of fleet vehicles.

**Response 1-6:** The proposed fleet vehicle rules will require expanding the existing alternative fuel infrastructure. The draft EA includes information on the existing and planned infrastructure for alternative fuels in the district, including the number of fueling stations for each type of alternative clean fuel that may be used to comply with the proposed fleet vehicle rules. The analysis of potential impacts resulting from the proposed fleet vehicle rules also includes likely locations and numbers of alternative fuel refueling stations outside the district. In addition, information on

alternative fuel refueling stations can be obtained at a number of internet websites, including the Alternative Fuels Data Center at: <http://www.afdc.nrel.gov>.

The SCAQMD is continuing to survey vehicle fleets (see response to comment #1-3) in an effort to obtain fleet-specific information on existing refueling infrastructure. In addition, the SCAQMD is accumulating the latest information on existing refueling infrastructure covering areas inside and surrounding the district for the following fuels: methanol, natural gas, liquefied petroleum gas, and electricity. The information will be summarized in the Draft PEA and the staff report (including references) for fleet operators that are interested in pursuing the purchase of vehicles powered by these fuels. These sources of information include, for example, CARB, California Energy Commission, and the U.S. Department of Energy. Some of these same references also contain information relative to analyzing the potential expansion of the existing refueling infrastructure for these fuels. All of the above information will be considered in evaluating the feasibility and cost impacts of the proposed rule.

**Response 1-7:** The Draft PEA includes an analysis of the additional infrastructure anticipated for each type of alternative fuel to support the conversion of affected fleets to alternative fueled vehicles (AFVs). The analysis includes specific assumptions regarding how long it will take to construct AFV refueling stations, based on the type of alternative fuel. The commentator is referred to Appendix F of this Draft PEA for a discussion of the assumptions, methodologies, time frame, etc., related to construction of the various types of alternative clean fuel refueling stations.

Regarding any analysis of siting or land use issues, the NOP/IS did not identify any land use issues. The reason for this is that it is anticipated that, based on modifications to PR 1190 since the December 21, 1999 workshop, light- and medium-duty fleet vehicles regulated by PR 1191, which will be regulated by proposed Rule 1191, will not require infrastructure changes because replacement vehicles would consist of CARB-certified LEV or cleaner vehicles such as LEVs, ULEVs, and SULEVs as required by the proposed rule. These vehicles can operate on conventional reformulated gasoline.

Currently, public agency fleet vehicles typically have centralized refueling and maintenance yards where fleet vehicles are maintained, refueled, and often garaged. It is assumed that infrastructure changes for heavy-duty vehicles, such as construction of EV charging stations or natural gas compressors, will largely occur at existing maintenance and refueling sites. If AFV refueling stations must be constructed at sites other than existing maintenance and refueling sites, it is anticipated that they will be sited in appropriately zoned areas, which are not expected to require changes to existing zoning ordinances. At the December 21, 1999 workshop for PR 1190, a representative from Pickens Fuel Corporation testified that they had built five natural gas refueling stations in 1999 and are expecting to

build 10 more this year (2000). Further, it was indicated that no siting problems had been encountered as part of the refueling station siting process.

With regard to the amount of time necessary to build an alternative fuel refueling station, this will vary depending on the type of fueling capacity being installed and the actual construction activities necessary to install the refueling equipment. For example, to provide a “worst-case” analysis the air quality construction analysis in Chapter 4 of this Draft PEA assume that at all construction sites an underground gasoline or diesel storage tank would have to be removed and disposed of. For the time schedule of constructing the various types of alternative clean fuel refueling stations and associated assumptions.

Finally, because siting alternative fuel refueling stations is a land use issue, the responsibility of proper siting of alternative fuel refueling stations belongs to the local public agencies with general land use authority, i.e., cities or counties. See also response to comment #1-19.

**Response 1-8:** The results of the draft MATES II study indicated that the Basinwide cancer risk from toxic air contaminants (TACs) is 1,400 in one million ( $1,400 \times 10^{-6}$ ). Further, this study concluded that approximately 71 percent of the cancer risk is attributable to diesel particulates. Consequently, the primary objective of the proposed fleet vehicle rules is to reduce exposures to diesel exhaust emitted by fleets of trucks and buses. Additionally air quality benefits, e.g., NO<sub>x</sub>, hydrocarbon, etc., emission reductions, are also anticipated from the proposed rules.

The proposed fleet vehicle rules, however, are only one component of the SCAQMD’s overall strategy for reducing risks associated with exposure to TACs from both stationary and mobile sources. Other efforts to reduce TAC emissions include recent amendments to Rule 1401 – New Sources Review of Toxic Air Contaminants, and currently proposed amendments to Rule 1402 – Control of Toxic Air Contaminants from Existing Sources. Other components may include specific incentive programs to further control TAC emissions or accelerate the phase-out of diesel particulate emissions sources. The SCAQMD is currently in the process of preparing an Air Toxics Control Plan. The Air Toxics Control Plan is expected to include a comprehensive list of strategies to control or reduce TAC emissions in the district. The proposed fleet vehicle rules, stationary source control strategies, and possibly other fleet vehicle rules are expected to be part of the Air Toxics Control Plan. For additional information on the Air Toxics Control Plan, the commentator is referred to Chapter 2 of the Draft PEA.

**Response 1-9:** The SCAQMD is aware of the requirements in CEQA for an analysis of reasonably foreseeable alternative methods of complying with a rule or regulation. The analysis of rule alternatives can be found in Chapter 5 of the Draft PEA. Further, the SCAQMD does not consider other existing regulatory programs to

be alternative means of complying with the proposed fleet vehicle rules. Part of the intent of the proposed rules is to provide emission reduction and TAC exposure reduction benefits beyond or surplus to other existing state and federal regulations governing on-road mobile sources. With regard to urban buses, for example, PR 1192 is expected to accelerate the penetration rate of alternative clean fuel buses.

The Draft PEA will, however, include brief summaries of other regulatory programs, both state and federal, that govern on-road mobile sources. The commentator is referred to Chapter 2 of this Draft PEA for more information regarding other regulatory programs. Since there are currently other regulatory programs governing fleets, these programs are part of the No Project Alternative. The No Project Alternative is the scenario where the SCAQMD's Governing Board adopts neither the proposed project nor any other project alternatives.

**Response 1-10:** The status of diesel particulates is very clear as explained in the following sentences. Diesel exhaust entered the AB 1807 process in October 1989 and has undergone an extensive evaluation because of its potential cancer and non-cancer health effects and widespread exposures. The CARB and the Office of Environmental Health Hazard Assessments (OEHHA) have both evaluated diesel exhaust for potential identification as a TAC. On April 22, 1998, the Scientific Review Panel (SRP) formally reviewed and approved listing particulate emissions from diesel exhaust as a TAC. Further, diesel emissions are composed mainly of particulate matter and gases, which contain potential cancer-causing substances. Diesel emissions currently include over 40 substances that are listed by the U.S. EPA as hazardous air pollutants. As indicated by the results of the MATES II study diesel emissions contribute to approximately 71 percent of the cancer risk in the district.

In the context of Rule 1402, as noted by the commentator, the guidance document referred to that the SCAQMD is waiting for refers to permitting guidance related specifically to stationary diesel sources and does not include mobile sources. Therefore, the guidance referred to by the commentator is not related to the proposed fleet vehicle rules.

**Response 1-11:** CARB adopted its urban bus fleet rule on February 24, 2000. The proposed urban transit bus fleet rule is designed to reduce ozone precursor emissions (NO<sub>x</sub> and VOC) and toxic air contaminants (diesel PM) by encouraging transit agencies to purchase or lease low-emission, alternative-fuel urban buses. To provide transit agencies with flexibility in determining their optimal fleet mix, the proposed CARB rule allows transit agencies to choose between two compliance paths, either the diesel path or the alternative-fuel path. For transit agencies choosing the alternative-fuel path, a minimum 85 percent of new bus purchases would have to be low-emission, alternative-fuel buses, beginning with the adoption of the proposed regulation through model year 2015. The proposed CARB fleet rule currently contains six components: 1) a NO<sub>x</sub> fleet average requirement; 2) PM retrofit

requirements; 3) low-emission bus purchase requirements; 4) a zero-emission bus (ZEB) demonstration project; 5) ZEB purchase requirements; and 6) requirements for transit agencies to use low-sulfur diesel fuel. The NO<sub>x</sub> fleet average requirements, PM retrofit requirements, and low-sulfur diesel fuel requirements are the same for transit agencies on either the diesel or alternative-fuel path. The two paths differ in applicable emission standards (proposed new section 1956.1, Title 13, CCR), ZEB demonstration project requirements, and ZEB purchase requirements. The program applies to 1993 and earlier model year urban buses whose engines are rebuilt or replaced after January 1, 1995. The program is limited to urban buses operating in metropolitan areas with 1980 populations of 750,000 or more

CARB's urban transit bus fleet rule is anticipated to provide fewer TAC and ozone precursor emission reduction benefits compared to the proposed fleet vehicle rules for the following reasons. First, CARB's urban bus fleet rule is focused solely on urban buses whereas the proposed fleet vehicle rules would regulate all fleets with 15 or more on-road vehicles. The proposed fleet vehicle rules would apply to all public fleets operated by federal, state, county, special districts, regional agencies, and joint power authorities. The proposed fleet vehicle rules also apply to vehicle fleets owned and/or operated by airports located in the district, including some private fleets under contract to airports. With the exception of fleets regulated under PR 1191 and other specified fleets, motorcoaches for example, the proposed rules would also apply to private fleets under contract to public entities. As indicated here, the proposed fleet vehicle rules would apply to a substantially wider range of vehicle fleets than CARB's urban bus fleet rule.

The effects of adopting CARB's urban bus fleet rule relative to PR 1192 are evaluated in Chapter 5 of the Draft PEA. Alternative B – CARB HDV Standards, specifically takes into account the effects of CARB's urban transit bus rule, but similar standards for other HDVs expected to be adopted by CARB in the 2007 time frame.

Finally, the Draft PEA does not take into consideration future urban air toxic control strategy and HDV standards because of lack of definition of these programs, it is not clear when they will be adopted, and it would be considered speculative at this time to evaluate these programs.

**Response 1-12:** In November 1999 the SCAQMD released a draft final report on the MATES II study for a 90-day public review and comment period. Public comments may result in modifications to the final MATES II report. The results of the MATES II study indicated that diesel exhaust contributes to 71 percent of the cancer risk in the district. The proposed fleet vehicle rules are being promulgated in part as a result of the MATES II study and are one of a number of components of the SCAQMD's overall strategy for reducing TAC emissions from both stationary and mobile sources.

**Response 1-13:** Pursuant to CEQA Guidelines §15126.6, a CEQA document shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project or would substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives. The CEQA document need not consider every conceivable alternative to the project. The alternatives discussion and evaluation in Chapter 5 of the Draft EA complies with these and all other relevant requirements regarding project alternatives in CEQA Guidelines §15126.6. With regard to the level of detail of the project alternatives, CEQA Guidelines §15126.6 states in part, "...the significant effects of the alternative shall be discussed, but in less detail than the significant effects of the project as proposed." The SCAQMD has reviewed the specific project alternatives recommended by the commentator and has provided responses to each specific recommendation in the following paragraphs.

**Response 1-14:** Staff has evaluated the suggestion for a voluntary, incentive-based program and considers incentive-based programs to be part of the No Project Alternative. The reason for this determination is that there currently exists a number of voluntary incentive programs such as those mentioned by the commentator, which include the Carl Moyer Fund and the MSRC Discretionary Funds Program. In addition to these incentive programs there are a number of other incentive programs, including the following: U.S. Internal Revenue Service (IRS) tax deduction for clean fuel vehicles and certain refueling properties; U.S. IRS electric vehicle tax credit for the purchase of qualified EVs and hybrid EVs; U.S. Department of Energy (DOE) Clean Cities Program, which coordinates voluntary efforts between local government and industry to accelerate the use of alternative fuels and expand AFV refueling infrastructure; U.S. DOE State and Alternative Fuel Provider Fleets AFV Credits Program, which is a program where credits are allocated to state fleet operators and covers alternative fuel provider fleet operators when AFVs are acquired over and above the amount required under existing programs or are acquired at a faster rate; State Energy Program, which includes provisions for competitively awarded financial assistance for a number of state-oriented special project activities including alternative fuels; and local government subvention funds provided by AB 2766 that can be used to purchase alternative fuel vehicles or engines. Because of the number and variety of voluntary incentive programs already available and the fact that the SCAQMD is already involved in the AB 2766 program, a separate voluntary incentive program would be duplicative with the No Project Alternative. Further, the SCAQMD has no jurisdictional authority to authorize or fund additional programs beyond those in which it is already involved. Therefore, a voluntary incentive-based program is not considered a true alternative. Finally, the analysis of the proposed fleet vehicle rules takes existing programs into consideration and does not take air quality credit for emission reductions from these programs.

**Response 1-15:** In response to input received by the SCAQMD, PR 1190 has been replaced by a number of proposed fleet vehicle rules, with each proposed rule regulating a specific fleet category. Depending on the proposed fleet vehicle rule, a fuel neutral approach has been incorporated to a certain extent. For example, replacement light- and –medium-duty fleet vehicles regulated by PR 1191 may consist of CARB-certified LEVs or cleaner vehicles including ULEVs and SULEVs (see Attachment 1 of PR 1191). These vehicles can operate on conventional reformulated gasoline or alternative fuels as long as the vehicle is CARB-certified. PR 1192, which regulates transit bus fleets, continues to specify that replacement buses must be alternative clean fuel buses. Although PR 1192 specifies that replacement buses must consist of alternative fuel vehicles, there is an element of fuel neutrality because the proposed rules specify a range of alternative clean fuels the fleet owner or operator can use. For heavy-duty vehicles regulated by the remaining fleet vehicle rules, fleet owners or operators would be required to replace heavy-duty fleet vehicles with vehicles that comply with the methanol equivalency criteria contained in H&SC §40447.5. Each proposed fleet vehicle rule that regulates heavy-duty fleet vehicles (except PR 1192) will include an attachment lists CARB-certified heavy-duty engine classes that comply with methanol equivalency criteria. As indicated in attachments to the specified proposed rules, available CARB-certified engine classes operate using a range of combustion fuels including: M-100, M-85, CNG, LPG, LNG, etc. Consequently, fuel neutrality is already a component of the current versions of the proposed fleet vehicle rules. As a result of the fuel neutrality incorporated into the proposed fleet vehicle rules, potential infrastructure development is not expected to be as extensive as indicated by the commentator..

**Response 1-16:** Staff has considered the recommendation for a phased approach alternative and offers the following. A phased approach alternative such as the one described in this comment, which would allow the fleet operators to evaluate fleet operations, available infrastructure, infrastructure availability, etc., with no firm requirements for compliance with any criteria would be difficult to implement and enforce and, therefore, is not considered a feasible alternative. Instead of allowing such an open-ended phased approach, staff has developed an alternative (Alternative C) similar to the proposed fleet vehicle rules, that delays the AVF fleet replacement compliance dates by one year compared to the original compliance dates originally identified in PR 1190. Further, this alternative includes a technology review provision that would allow further delays if there are no compliant CARB-certified engines for the various engine categories.

With regard to phasing in replacement fleet vehicles based on commercial availability, provisions have been incorporated into the proposed fleet vehicle rules that would provide relief for certain categories of fleet vehicles if the owners or operators can demonstrate that compliant engine classes are not available for that engine class. The demonstration that compliant engine classes are not available

would have to be made each time a fleet vehicle is replaced. PR 1191 do not contain this relief provision because compliant engine classes are considered to be available for these categories of fleet vehicles.

**Response 1-17:** Part of the rationale for focusing the proposed fleet vehicle rules on public fleets is the fact that public fleet vehicles typically refuel, are maintained, and are often garaged at a centralized refueling/maintenance site. As a result, it is assumed that public agencies can more easily accommodate infrastructure changes such as construction of EV charging stations or natural gas compressor stations because they will be installed at existing maintenance and refueling sites.

Although a fleet rule affecting all other fleets not regulated under the proposed fleet vehicle rules may be an option for consideration in the future, there are currently insufficient staff resources to identify all private fleets in the district, compile all of the cost data from all potentially affected fleets, identify additional funding sources, etc., in the rule adoption timeframe advocated by the Governing Board. As a result, an alternative regulating all fleets in the district is not considered to be a feasible alternative for the current rule promulgation process.

**Response 1-18:** As already indicated in response to comment #1-9, other existing regulatory programs, including federal and state programs that govern on-road vehicle emissions will be included as part of the No Project Alternative. The specific existing voluntary programs mentioned by the commentator including: U.S. Department of Energy's Clean Cities Program, the Carl Moyer Program, and the Mobile Source Air Pollution Reduction Review Committee program are part of the existing setting because they are laws or programs that have already been enacted. The specific programs mentioned by the commentator under consideration by CARB including: new engine standards for 2002 and beyond; potential cleaner fuels; potential after-combustion treatments will not be part of the No Project Alternative because they have not yet been adopted and it is speculative at this time to consider effects of programs that are not completed defined or adopted (see also response to comment #1-11). Similarly, U.S. EPA's consideration of reauthorizing Tier 2 heavy-duty truck standards and possible new national clean diesel fuel specifications will not be included as part of the No Project Alternative for the same reasons given for the CARB programs currently under consideration. Finally, pursuant to CEQA Guidelines §15125, the existing setting for a CEQA document, "... must include a description of the physical environmental conditions in the vicinity of the project, as they exist at the time the notice of preparation is published." Based upon this CEQA Guidelines requirement, rules, laws, ordinances, etc. that may be proposed, but are not adopted at the time the notice of preparation is circulated, would not be part of the existing setting. The original notice of preparation for PR 1190 was circulated in November 12, 1999.

**Response 1-19:** The CEQA Guidelines indicate that the degree of specificity required in a CEQA document depends on the type of project being proposed (CEQA Guidelines §15146). The detail of the environmental analysis for certain types of projects cannot be as great as for others. For example, the environmental document for projects, such as the adoption or amendment of a comprehensive zoning ordinance or a local general plan, should focus on the secondary effects that can be expected to follow from the adoption or amendment, but the analysis need not be as detailed as the analysis of the specific construction projects that might follow. As a result, this Draft PEA analyzes impacts of a regulatory program with a degree of specificity commensurate with the degree of specificity of the entire proposed fleet vehicle program. This means that a site-specific analysis as recommended by the city is not possible at this time because of the general nature of the regulatory program being analyzed.

Land use impacts are not anticipated to be significant in part because public agencies replacing existing fleets of light- and medium-duty vehicles pursuant to PR 1191 will likely be able to replace these vehicles with LEVs, ULEVs, and/or SULEVs as specified in the proposed rule. In fact it is anticipated that more than 99 percent of the replacement light- and medium-duty vehicles will consist of ULEVs or SULEVs, which operate on reformulated gasoline. Consequently, no special infrastructure beyond the existing gasoline distribution infrastructure would be necessary for light- and medium-duty fleet vehicles.

With regard to heavy-duty vehicles in the remaining proposed fleet vehicle rules, it is likely that these replacement vehicles will consist primarily of AFVs. It is anticipated that, to the extent possible, alternative fuel refueling equipment will be located at existing public fleet refueling sites. In this situation it not likely that changes to existing zoning ordinances would be required. If the City must purchase alternative fuel refueling sites, it is not known and cannot be known at this time where such facilities would be located. Therefore, it is speculative at this time to assume that the proposed fleet vehicle rules will require the City to modify existing zoning ordinances. This conclusion is consistent with CEQA Guidelines §15145. It is anticipated that individual refueling sites, when ultimately procured, will undergo a site-specific CEQA evaluation by the appropriate CEQA lead agency, typically the agency with general land use authority, such as cities or counties.

Construction of AFV refueling sites would be expected to generate construction air quality impacts to the extent that a site would require grading, earth-moving, trenching, dirt hauling, etc. Potential air quality impacts from the construction of AVF refueling sites are analyzed in detail in the construction air quality impacts section of Chapter 4.

**Response 1-20:** The SCAQMD has comprehensively analyzed the environmental impacts associated with production of alternative clean-fuels due to the

implementation of the proposed fleet vehicle rules. The environmental impact analysis in Chapter 4 of the Draft PEA concluded that the supply of alternative fuels in the SCAQMD's jurisdiction was sufficient to meet the demand created by the proposed fleet vehicle rules. Therefore, expansion of existing production facilities is not required.

Accordingly, the SCAQMD focused its environmental impact analysis on infrastructure changes (e.g., the installation and operation of alternative clean-fuel fueling sites) associated with the proposed project. In the context of operational activities, the SCAQMD analyzed the potential direct and indirect environmental impacts resulting from operation of alternative clean-fuel fueling sites, increased alternative-clean fuel deliveries, longer vehicle turnover rates, loss of services, and fueling site centralization. The results of these analyses concluded that the proposed project would not generate any significant environmental impacts. For the SCAQMD's comprehensive analysis of these impacts, the commentator is referred to Chapter 4 of the Draft PEA.

As to the commentator's assertion that the SCAQMD should evaluate the environmental impacts associated with the planning and zoning considerations of siting alternative clean-fuel fueling sites, the commentator is referred to responses to comments #1-7 and #1-19.

**Response 1-21:** The SCAQMD disagrees that there will be significant adverse land use impacts as explained in the response to comment #1-19. Further, infrastructure development will depend on the composition of affected public agency fleets. To the extent that affected public agencies need to install alternative clean fuel refueling stations, a number of factors would likely influence the decision on where to locate the refueling station including availability of existing refueling stations, location and range of the affected fleet, etc. The SCAQMD cannot speculate on the specific needs of each affected public agency. Consequently, a regional long-term infrastructure plan developed by the SCAQMD would not necessarily meet the needs or address particular issues related to the specific operating conditions for all affected public agencies. A more flexible approach is for each affected public agency to assess its own infrastructure development needs and proceed accordingly.

**Response 1-22:** Significant adverse geophysical impacts are not anticipated to occur for many of the same reasons significant adverse land use impacts are not expected. Public agencies that replace light- and medium-duty fleet vehicles with LEVs, ULEVs, and/or SULEVs, as specified in PR 1191, will be able to continue using existing reformulated gasoline refueling stations. Further, for heavy-duty vehicles affected by the remaining proposed fleet vehicle rules, it is expected that, to the extent possible, alternative fuel refueling stations will be sited at existing fleet refueling station locations. The analysis of potential adverse impacts includes an estimate of the number of alternative clean fuel refueling stations (see Chapter 4 and

Appendix F), but it is not known and cannot be known at this time where alternative fuel refueling stations would be located. Therefore, potential geophysical impacts are considered speculative at this time. This conclusion is consistent with CEQA Guidelines §15145.

**Response 1-23:** For light- and medium-duty vehicles regulated by PR 1191, no payload constraints are anticipated because these vehicles would continue to operate on reformulated gasoline, which does not require changes to the engines, fuel tanks, etc., that might affect payload size. The SCAQMD acknowledges that for replacement heavy-duty vehicles CNG fuel tanks, batteries and other alternative fuel technologies may result in weight and space constraints, potentially reducing the payload capacities of vehicles and limiting their ability to perform their functions in certain situations. Since implementation of the proposed fleet vehicle rules is gradual in that they only apply to the acquisition of replacement fleet vehicles, the fleet operator is expected to have considerable flexibility in determining the specific situation where this particular vehicle be utilized in order to minimize any payload capacity impacts associated with the use of this vehicle, if any.

**Response 1-24:** For light- and medium-duty vehicles regulated by PR 1191, no range limitations are anticipated because these vehicles would continue to operate on reformulated gasoline. These vehicles would likely require servicing at the same rate as existing vehicles. The SCAQMD acknowledges that most heavy-duty alternative fuel vehicles have range limitations. Whether these range limitations are problematic depends on the specific situation where the vehicle is being utilized. For example, the SCAQMD is aware of the successful use of alternative-fueled vehicles (compressed natural gas) utilized in waste hauling, transit bus, street sweeping, and school bus applications where the range issue has not significantly affected the effective utilization of these vehicles. Notwithstanding the preceding, since the implementation of the proposed fleet vehicle rules regulating heavy-duty vehicles is gradual in that they only apply to the acquisition of replacement fleet vehicles, the fleet operator will have considerable flexibility in determining the specific situation where this particular vehicle be utilized, in order to minimize any range limitations associated with the use of a particular vehicle, if any.

**Response 1-25:** PR 1190 has been disaggregated into a number of proposed fleet rules. One of the proposed rules, PR 1191, which regulates light- and medium-duty fleet vehicles, would allow the use of CARB-certified gasoline-powered LEVs, ULEVs and SULEVs.

The SCAQMD will prepare a separate socioeconomic impact analysis for the proposed fleet vehicle rules, which will be released prior to the public hearing for each proposed rule.

**Response 1-26:** The commentator is referred to the response to comment #1-20.

With regard to impacts from developing alternative fuel refueling stations, the Draft PEA includes an analysis of potential environmental impacts from construction alternative fuel refueling stations in Chapter 4. For example, the analysis of construction air quality impacts is based on the anticipated number of alternative fuel refueling stations that would need to be built to accommodate replacing all heavy-duty vehicles that would be regulated by the relevant proposed fleet vehicle rule. Operational air quality impacts from operation of alternative fuel refueling stations are also analyzed in Chapter 4. The commentator is, therefore, referred to the impacts analysis in Chapter 4 of this Draft PEA.

**Response 1-27:** There is a general recognition that localized emission reductions will occur through the implementation of the proposed rule; however, the methods used in the MATES II study are consistent with a regional analysis and may not fully capture this localized air quality benefit. The Draft PEA does, however, include an evaluation of the direct TAC reduction benefits of the proposed fleet vehicles rules in Chapter 4.

**Response 1-28:** The results of the MATES II study indicated that the Basin-wide cancer risk from TAC emissions is 1,400 in one million ( $1,400 \times 10^{-6}$ ). Further, this study concluded that 71 percent of the cancer risk is attributable to diesel particulates. Consequently, the primary objective of the proposed fleet vehicle rules is to reduce population exposures to diesel exhaust emitted by fleets of trucks and buses and TAC compounds associated with gasoline-fueled vehicles, e.g., benzene and 1,3 butadiene. To the extent that government and airport fleets contain diesel-fueled vehicles, they contribute to the overall cancer risk in the Basin. The reasons to begin with government fleets and bus fleets include the fact that it is more practical to convert government fleets that tend to be centrally fueled. Also, many fleet buses coincide with areas of highly diesel exposure. The proposed fleet vehicle rules are being promulgated in part as a result of the MATES II study and they are one of the components of the SCAQMD's overall strategy of reducing TAC emissions from both stationary and mobile sources. Chapter 4 of this Draft PEA contains a benefits analysis of implementing the proposed fleet vehicle rules.

**Response 1-29:** The Draft PEA includes a comparison of the emissions from diesel fuel to the various alternative clean fuels expected to be used by heavy-duty replacement vehicles to comply with the relevant proposed heavy-duty fleet vehicle rules. The comparison includes an evaluation of greenhouse gases emitting from the combustion of the various fuel types. In general, alternative clean fuels have lower greenhouse gas emissions than conventional diesel fuel. The commentator is referred to Chapter 4 for the emissions comparison between alternative clean fuels and diesel.

**Response 1-30:** The SCAQMD evaluated potential transportation/circulation impacts from implementing the proposed fleet vehicle rules in Chapter 4 of this Draft PEA. In general, transportation/circulation impacts as described by the commentator are

not anticipated for the following reasons. First, PR 1191 would allow affected fleet owners to replace light- and medium-duty vehicles with LEVs, ULEVs and/or SULEVs, as specified in the rule, rather than requiring a specified alternative fuel. Based upon surveys conducted by the SCAQMD, light- and medium-duty vehicles comprise approximately 81 percent of all fleet vehicles that would be regulated by the proposed fleet vehicle rules. Consequently, the types of congestion identified by the commentator, i.e., more vehicles on the road and increasing congestion in the vicinity of centralized refueling stations are expected to be approximately equivalent to current conditions.

For heavy-duty replacement vehicles regulated by the remaining proposed fleet vehicle rules, the Draft PEA analyzes the potential increase in vehicle miles traveled from more centralized fueling stations. It is anticipated that there will be an increase in the number of alternative fueled heavy-duty vehicles because it is considered to be relatively unlikely that current diesel technologies will be able to comply with the methanol equivalency criteria in the near term. As a result, there could be centralized refueling stations requiring heavy-duty vehicles to travel more miles per refueling trip. The analysis in Chapter 4 assumes that each heavy-duty vehicle will travel an extra five miles per fueling trip. Based upon the number of vehicles affected, the number of fueling trips per affected vehicle, and the distribution over the district of affected heavy-duty fleet vehicles, significant traffic congestion impacts from the proposed fleet vehicle rules are not anticipated. The commentator is referred to the analysis of transportation/circulation impacts in Chapter 4 of this Draft PEA.

As noted by the commentator, AB 71 allows specified single occupancy vehicles (SOV) alternative fueled vehicles to use high occupancy vehicle (HOV) lanes as follows. Beginning in July, 2000, through December 31, 2003, SOV ULEVs would be allowed to use HOV lanes and beginning January 1, 2004, through December 31, 2007, SOV SULEVs would be allowed to use HOV lanes. As noted in AB 71, HOV lanes are currently “uncongested and underutilized.” Consequently the intent of AB 71 is to provide an incentive to accelerate the penetration of ULEVs and SULEVs, as well as improve traffic flow, thus providing air quality benefits. Although PR 1191 will increase the fleet penetration of ULEVs and SULEVs in the district, this is not anticipated to cause congestion in HOV lanes for several reasons. First, the total population of fleet vehicles is relatively small compared to the total vehicle population in the district. AB 71 specifies a limited three-year schedule where only SOV ULEVs would be allowed to use the HOV lanes and a different three-year period that only SOV SULEVs would be allowed to use the HOV lanes. There would be no overlap in HOV lane usage by ULEVs and SULEVs. Further, AB 71 contains a provision that allows the Governor to remove individual HOV lanes or portions of those lanes during periods of peak congestion from the access provisions of AB 71 if the California Department of Transportation makes the following findings: 1) the lane, or portion thereof, exceeds a level of service C, or 2) the

operation or projected operation of the ULEV and SULEV vehicles in the HOV lanes, or portions thereof, will significantly increase congestion. Finally, PR 1191 would regulate light- and medium-duty public agency fleets, including private fleets under contract to public agencies. Public agency fleets, particularly fleets for city governments are used primarily for city business within the confines of each individual city. As a result, for most vehicle trips by city fleet vehicles, it is not necessary to travel by freeway because vehicle trip lengths are relatively short and vehicle trip originations and destinations may not be easily accessible to local freeway systems. Consequently, public agency fleets regulated by PR 1191 are not expected to unduly burden HOV lanes.

**Response 1-31:** Although there will be an increase in alternative fuel refueling infrastructure, the increase is not as large as anticipated by the commentator. The reason for this is that, under the current versions of the proposed fleet vehicle rules, approximately 81 percent of the affected fleet vehicles are light- or medium-duty vehicles, which are expected to be replaced by CARB-certified LEV, ULEV or SULEV vehicles, as specified by PR 1191. These categories of vehicles operate on reformulated gasoline and, therefore, will be able to use existing gasoline refueling stations.

It is anticipated that additional alternative fuel infrastructure will be necessary for fleets consisting of heavy-duty vehicles. There are inherent fire or explosion hazards associated with any combustion fuel, especially, for example, gasoline. For fleets such as urban buses and school buses it is anticipated that alternative fuel refueling sites will be located at existing refueling locations. It is also anticipated that new alternative fuel refueling locations will comply with all relevant building, fire, and safety codes. Further, as the usage of alternative fuels increases, there will be a concurrent decrease in diesel usage, as well as a reduction in associated fire or explosion hazards. In any event a comparison of the risks associated with alternative clean fuels is included in Chapter 4 of this Draft EA.

**Response 1-32:** As noted in previous responses, it is anticipated that 81 percent of the affected replacement fleet vehicles (both light- and medium-duty vehicles regulated by PR 1191) will be either LEV, ULEV or a SULEV vehicles, as specified by PR 1191, that will be able to use existing conventional gasoline refueling stations. As a result, potential noise impacts from the proposed fleet vehicle rules, PR 1191 in particular, are expected to be unchanged from the existing setting.

It is expected that heavy-duty vehicles will likely comply with the proposed heavy-duty fleet vehicle rules by replacing vehicles with compressed natural gas-fueled vehicles. The prime mover to power gas compression at refueling stations is either an electric motor or an internal combustion engine (ICE). Electric motors are relatively inexpensive, don't require extensive maintenance, are very reliable, and do

not have noise impacts associated with them. Electric motor compressors tend to be used at small- to medium-sized refueling stations.

Larger refueling stations, such as those used by transit districts, tend to operate compressors using ICEs to avoid the high compressor costs. The main advantages of ICE-driven compressors are that fuel costs are relatively inexpensive and they are independent of the electricity grid in the event of a power outage. The main disadvantage of ICE-driven compressors is that they are labor intensive, have higher maintenance costs, are not as reliable as electric motors, and are relatively noisy. It is anticipated that bus fleet operators, e.g., transit bus fleet operators will install ICE-driven compressors at existing fleet refueling/maintenance locations because they have trained onsite maintenance personnel. Existing refueling/maintenance bus fleet locations tend to be in industrial or commercial areas where noise levels are already relatively high, due to industrial processes and vehicular traffic. Noise from refueling/maintenance locations would typically be attenuated substantially by distance, air absorption, and other attenuation factors before reaching a community area. Finally, ICE-driven compressor will normally be installed and fitted with mufflers, silencers or other appropriate noise reduction equipment and located as far from the facility's perimeter as possible to reduce noise levels to comply with local noise ordinances and applicable OSHA or Cal/OSHA workplace noise reduction requirements. For all of the above reasons the proposed fleet vehicle rules are not expected to generate significant adverse noise impacts.

**Response 1-33:** It is not the intent and, therefore, is not anticipated that the proposed fleet vehicle rules will substantially alter or affect in any way a public agency's ability to respond to emergencies for the following reasons. The proposed fleet vehicle rules exempt fleets typically associated with responding to emergencies such as police departments; fire departments; hospital, medical, or paramedic facilities, etc. It is anticipated that for other categories of emergency responders, such as those mentioned by the commentator (lifeguards and park rangers), the proposed fleet vehicle rules will have few noticeable effects for the following reason. These categories of emergency responders typically use light- or medium-duty vehicles. Since PR 1191 will allow replacement light- and medium-duty fleet vehicles to consist of LEV, ULEV, and/or SULEV vehicles that operate on conventional reformulated gasoline, it is not anticipated that the adverse public service impacts identified by the commentator will occur.

Although it is likely that alternative fuel infrastructure and the number of AFVs will increase as a result of implementing the proposed fleet vehicle rules, at the very least there will be a concurrent reduction in the number of diesel-fueled vehicles on the road, at least in the short term. In general, accidents involving heavy-duty diesel fueled vehicles that result in an accidental release of diesel are typically manpower intensive with regard to emergency responders, including the Highway Patrol and

city or county cleanup crews. Spilled diesel poses a hazard to motorists because roadways become slick and motorists can lose control of their vehicles. Further, diesel is toxic to the skin and lungs.

Although an accident involving alternative clean fuels would require emergency response personnel, the hazards posed by alternative clean fuels would, in general be less than for diesel. For example, methanol is considered to be less hazardous than diesel because diesel contains polyaromatic hydrocarbons. Methanol vapor is lighter than diesel vapor and disperses more readily in air. Methanol is more difficult to ignite than diesel because it has a lower flammability limit (LFL) that is higher than the LFL for diesel. Finally, a methanol fire can be extinguished with water, whereas, water on diesel spreads the fire.

Similarly, hazards posed by CNG, LNG, and LPG are less than hazards posed by diesel since diesel tends to be toxic to the lungs and skin and these alternative fuels are not. All of these alternative fuels tend to higher LFLs than diesel, and an accidental release of these alternative fuels does not pose a cleanup hazard like diesel. For more information on the relative hazards of alternative clean fuels the commentator is referred to the “Hazards” section of Chapter 4 of the Draft EA.

Implementing the proposed fleet vehicle rules will require additional knowledge and training of owners/operators of fueling stations regarding maintaining and operating alternative refueling stations and emergency responders. The Natural Gas Vehicle Institute (NGVI) in Las Vegas offers a series of forums and classes designed to educate the end users of natural gas vehicle refueling stations. For example, twice annually the NGVI offers a three-day Natural Gas Fueling Station Technology Exchange as an official forum for natural transportation fuel retailers to share common strategies, problem-solving techniques, design elements, and experiences. Also twice annually, the NGVI offers its Natural Gas Fueling Station Operation & Maintenance Forum, which is specifically designed for people with hands-on responsibility for solving day-to-day operation and maintenance problems at natural gas refueling stations. A third forum that NGVI offers is the Natural Gas Fueling Station Certification Course, which is a four-day program for public and private sector professional involved with the design and operation of natural gas vehicle refueling stations. Not only does greater knowledge of natural gas refueling infrastructure improve safety, it contributes to reducing high natural gas refueling station life-cycle costs (CEC, 1999). As indicated in the preceding, sources of information on natural gas vehicle fueling stations are currently available. To the extent feasible, the SCAQMD will work with local governments to find resources to provide safe and reliable refueling stations.

Finally, there are local community colleges in the district that offer programs in proper operation and maintenance of alternative fuel vehicles. LA Trade Tech, Cypress College, and College of the Desert currently offer such programs.

**Response 1-34:** As noted in response to comment #1-31, approximately 81 percent of the total number of fleet vehicles affected by the proposed fleet vehicle rules consist of light- and medium-duty vehicles that would be regulated by PR 1191. Further, PR 1191 would allow replacement vehicles to consist of CARB-certified LEVs, ULEVs, and/or SULEVs, as specified by the proposed rule. Consequently, potential impacts from an increasing alternative fuel infrastructure will not be as great as indicated by the commentator.

For heavy-duty vehicles it is anticipated that existing public fleets that typically have centralized refueling and maintenance facilities, such as those identified by the commentator, will install the necessary clean fuel infrastructure at these facilities. A program-level analysis of potential adverse impacts from installing the alternative fuel infrastructure was conducted and is provided in Chapter 4 of this Draft EA. If the commentator is implying that the analysis of potential infrastructure development for schools, etc., should include a site-specific analysis of new refueling locations, as noted in response to comment #1-19, the analysis of potential adverse impacts in this Draft PEA estimates the number of alternative clean fuel refueling stations (refer to Chapter 4 and Appendix F), but such a site-specific analysis cannot be performed because it is not known and cannot be known at this time where such refueling stations would be located. Therefore, such an analysis would be speculative at this time.

**Response 1-35:** According to the “Public Services” section of the Environmental Checklist in Appendix G of the CEQA Guidelines, public services impacts include only substantial physical impacts associated with the provision of new or physically altered governmental facilities. Similarly, in *Goleta Union School District v. Regents of University of California* (2d Dist. 1995) 37 Cal.App.4<sup>th</sup> 1025 [44 Cal.Rptr.2d 110], for a project that had the potential to increase student enrollment at the local school district, the court found that increased school enrollment resulting in overcrowding is not, in itself, a significant environmental impact requiring mitigation under CEQA. Instead, increased enrollment will only lead to such an impact if the increased enrollment will ultimately require physical changes in the environment, such as construction of new school facilities. In reaching this decision, the court relied on the following CEQA principles, which distinguish between economic and social effects (which do not constitute environmental impacts) and physical effects (which can constitute environmental impacts):

“[e]conomic or social effects of a project shall not be treated as significant effects on the environment. An EIR may trace a chain of cause and effect from a proposed decision on a project through anticipated economic or social changes resulting from the project to physical changes caused in turn by the economic or social changes. The intermediate economic or social changes need not be analyzed in any detail greater than necessary to trace the chain of cause and effect.

The focus of the analysis shall be on the physical changes.” (CEQA Guidelines §15131(a)).

The court also relied on the definition of a project which states in pertinent part, that a “significant effect on the environment” means a substantial or potentially substantial adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna...An economic or social change by itself shall not be considered a significant effect on the environment. A social or economic change related to a physical change may be considered in determining whether the physical change may be considered in determining whether the physical change is significant (CEQA Guidelines §15382)

The above information relates to the proposed fleet vehicle rules in the following ways; the cost of purchasing fleets and installing infrastructure, in itself, is not a significant adverse impact unless it results in physical changes to the environment. Indirect air quality impacts from installing refueling stations and additional VMT to reach a centralized refueling station, etc., are physical effects on the environment and have been evaluated in Chapter 4 of this Draft PEA. Cost effects as they relate to construction of additional city services may be considered a significant adverse indirect environmental impact, while the effects of a project that may include a reduction in city services is not identified as a significant adverse impact in the CEQA Guidelines, nor has staff found any case law to support this latter interpretation. In fact, staff reviewed the City of Los Angeles’ *Draft L.A. CEQA Thresholds Guide* document to evaluate the public services significance thresholds proposed for use by the City. In general, the public services significance thresholds are related to increases in public services, not a reduction in public services.

The potential costs of the proposed fleet vehicle rules will be evaluated in a separately prepared socioeconomic impact analysis. In addition, as part of the rule promulgation support materials, the SCAQMD is compiling information on potential funding sources that could be used to offset the additional costs of purchasing heavy-duty alternative fuel fleet vehicles. It is important to note, that the environmental analysis in this Draft PEA does not rely on the funding information currently being compiled.

**Response 1-36:** Each proposed fleet vehicle rule will include a comprehensive list of currently available qualifying qualify as methanol equivalent or low emission vehicles. Costs associated with the proposed fleet vehicle rules will be evaluated in a separate socioeconomic impact assessment.

The SCAQMD is continuing to investigate the availability and cost of vehicles that would comply with the proposed fleet vehicle rules, including conventional and alternative-fueled vehicles. This investigation will relate directly to the purchasing

requirements that are ultimately proposed for the rule, in terms of minimizing the model unavailability and cost impacts associated with the implementation of the rule. Further, for specific categories of affected fleet vehicles where replacement vehicles are currently unavailable, the proposed fleet vehicle rules will likely provide additional time before the affected vehicles would have to comply with the replacement vehicle provisions of the relevant rule. It should be noted that the SCAQMD is intending to develop a companion document to the rule development package that will address available funding needs and funding sources related to the implementation of the proposed rule.

**Response 1-37:** With regard to vehicle testing and performance, staff does not believe this to be a significant issue, since the conventional and alternative-fueled vehicles that will be promoted by the proposed fleet vehicle rules have been utilized in vehicle fleets for many years. The SCAQMD can provide, if requested, contacts from fleets that have successfully utilized alternative-fueled vehicles so that the City will not have to "reinvent the wheel" and waste taxpayer funds in attempting to duplicate testing that has already taken place. In addition, if the City of Los Angeles still believes that vehicle testing is necessary, the rule provides lead-time and a gradual implementation mechanism so that this activity can be accommodated.

**Response 1-38:** With regard to payload constraints, the commentator is referred to the response to comment #1-23.

**Response 1-39:** With regard to range limitations, the commentator is referred to the response to comment #1-24. Regarding training and maintenance, the commentator is referred to the response to comment #1-33. Regarding costs to fleet vehicle owners, including warranty costs, loss of funding from resale of existing fleet vehicles, etc., the commentator is referred to the response to comment #1-35.

PR 1191 subdivision (g) and PR 1192 subdivision (f) contain specific provisions regarding recordkeeping and enforcement. The commentator is referred to Appendix A, which contains a copy of PR 1191 and PR 1192, to review these specific subdivisions. It is expected that subsequent proposed fleet vehicle rules will have similar recordkeeping and enforcement provisions.

**Response 1-40:** The analysis of potential impacts includes public fleets, private fleets that provide ground access to commercial airports (PR 1194), and private fleets that contract with public agencies. The impacts analysis in Chapter 4 is based on the potential adverse environmental impacts generated by all of the proposed fleet vehicle rules

**Response 1-41:** The commentator is referred to the response to comment #1-33.

**Response 1-42:** As noted in response to comment #1-31, approximately 81 percent of the total number of fleet vehicles affected by the proposed fleet vehicle rules consist of light- and medium-duty vehicles that would be regulated by PR 1191. Further, PR 1191 would allow replacement vehicles to consist of CARB-certified LEVs, ULEVs, and/or SULEVs, as specified by the proposed rule. Consequently, no durability or reliability impacts are anticipated for these replacement fleet vehicles.

Data that the SCAQMD has collected from fleets relative to the durability, reliability and cost of alternative fuel vehicles indicate that these vehicle may be superior or inferior to their conventionally-fueled counterparts, depending on the specific vehicle technology utilized, and the strategies that vehicle fleet operators will employ to successfully utilize alternative-fueled vehicles. Nevertheless, the fleet operator has flexibility to choose the specific application for the alternative-fuel vehicle, if such a vehicle is even necessary for rule compliance, in order to minimize or eliminate the potential impacts to public services from the operation of these vehicles. Finally, the SCAQMD is developing a companion document to the rule development documentation that will provide information and facilitate the training of vehicle fleet personnel in the operation and maintenance of alternative-fueled vehicles.

**Response 1-43:** Regarding economic and social costs of project, as well as a project resulting in reduced funding for other public services, the commentator is referred to the response to comment #1-35.

**Response 1-44:** The SCAQMD has contacted CARB relative to Carl Moyer and MSRC funding. It is the SCAQMD's intent, consistent with CARB input relative to this matter, that the proposed fleet vehicle rules are intended to be structured to ensure that these funding sources will be available to fleets that would have otherwise qualified for funding in the absence of the proposed fleet vehicle rules.

**Response 1-45:** The commentator is referred to the responses to comments #1-31 and #1-34.

**COMMENT LETTER 2**

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**COUNTY OF LOS ANGELES DEPARTMENT  
OF PUBLIC WORKS**



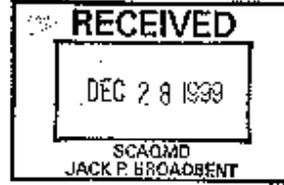
HARRY W. STONE, Director

COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

500 SOUTH FREMONT AVENUE  
ALHAMBRA, CALIFORNIA 91803-0331  
Telephone: (626) 437-5100

SCAQMD  
EXECUTIVE OFFICE



ADDRESS ALL CORRESPONDENCE TO:  
P.O. BOX 1460  
ALHAMBRA, CALIFORNIA 91802-1460

IN REPLY PLEASE  
REFER TO FILE PD-5

*12/23 via D. Stroud*  
*cc: Chang*  
*Hogis*  
*Chell*  
*Vacker*  
*S. Smith*

December 16, 1999

Mr. Barry Wallerstein, Director  
South Coast Air Quality Management District  
21865 East Copley Drive  
Diamond Bar, CA 91765

From: Office of the Executive Officer	Date: 12-21-99
To: BROADBENT	
Cy: _____	
For your info by: _____	For your info: <input checked="" type="checkbox"/> No Sig
Draft response for: _____	signature cc: _____

Attention Darren Stroud

Dear Mr. Wallerstein:

**SOUTH COAST AIR QUALITY DISTRICT (SCAQMD) PROPOSED RULE 1190 (PR 1190)  
CLEAN ON-ROAD VEHICLES FOR GOVERNMENT AND AIRPORT OPERATIONS**

In response to your request for comments regarding SCAQMD PR 1190, we have the following comments:

**PROPOSED LAW**

In accordance with the California Environmental Quality Act (CEQA), the SCAQMD will require, pursuant to its certified regulatory program (SCAQMD 110), the implementation of PR 1190. The proposed rule would require the following:

2-1

- Fleet registration for certain fleet vehicle owners/operators;
- Government agency fleet vehicle owners/operators of 15 vehicles or more, including airport fleet operations, to acquire vehicles powered by clean burning fuels as defined in PR 1190 when purchasing new or replacing existing fleet vehicles, to the maximum extent feasible;
- Fleet vehicle owners/operators to keep records of fleet vehicle purchases; and
- Provide an exception for emergency services fleet vehicle owners/operators.

Mr. Barry Wallerstein  
 December 16, 1999  
 Page 2

#### ANALYSIS

2-2 SCAQMD PR 1190 is being aimed, primarily, at reducing emissions from diesel and gasoline fueled vehicles from public agencies and airport fleets. According to SCAQMD, diesel engine emissions contribute approximately 70 percent to the total regional cancer risk. PR 1190 would reduce the amount of pollutants released into the air by an undetermined amount.

2-3 The Department would be required to acquire low-emissions to ultra-low-emissions clean-burning fueled vehicles. Under PR 1190, qualifying, low-emission vehicles must be fueled by Methanol (M100), Compressed Natural Gas (CNG), Liquefied Natural Gas (LNG), and electricity as supplied by batteries (currently used by the Department) or fuel cells. All these types of alternative fuels have various advantages and disadvantages. Therefore, fleet operators will have to choose the type of fuel that is compatible with particular needs and resources. Reformulated gasolines and low-sulfur diesel fuel do not qualify as clean-burning fuels under PR 1190.

#### IMPACT ON THE DEPARTMENT

2-4 PR 1190 requires purchasing new vehicles, or replacing retired fleet vehicles, with low-emissions, alternative fueled vehicles "to the maximum extent possible." Given the vagueness of that statement, the Department could be obligated to replace every vehicle in the fleet with alternative fuel vehicles. Also, the Department currently has 44 fueling sites (gasoline and/or diesel) throughout the County. The cost to convert a regular fueling station into a LNG fueling station is approximately \$500,000 to \$2 million per site.

2-5 Furthermore, there are not enough vehicles with engines certified to lower-emission NOx standards available to replace the vehicles in the Department's fleet. Approximately 2,000 vehicles with certified engines are produced or imported into the United States every year, not nearly enough to satisfy the demand. Also, the cost of vehicles with certified engines is approximately \$5,000 to \$40,000 more per vehicle than vehicles powered with conventional fuels.

2-6 Replacing the Department's diesel truck and heavy equipment vehicle fleet with existing alternative fuel vehicles would be an extremely impractical and high-cost measure. Diesel engines are widely used because of their low cost to operate, easy maintenance, and long range. Alternatives to gasoline and diesel fuels include propane (LPG), CNG, and LNG. These fuels produce less energy per gallon of fuel than gasoline and diesel. As a result, vehicles powered by alternative fuels need significantly larger and heavier fuel tanks than vehicles powered by conventional fuels. The larger and heavier fuel tanks reduce the carrying capacity and range of vehicles powered with alternative fuels, limiting the capabilities of the Department's vehicle fleet for both routine work and emergency services.

Mr. Barry Wallerstein  
December 16, 1999  
Page 3

2-7

SCAQMD is offering, through the Carl Moyer Program, funds to operators of public and private fleets in order to provide incentives for the acquisition of low-emissions vehicles. The funds, which amount to \$13.5 million for Fiscal Year 1999-2000, would be totally insufficient to meet the demands imposed on the Department if PR 1190 is implemented as proposed.

#### RECOMMENDATION

2-8

The Department of Public Works has always supported legislation that would contribute to reduce vehicle emissions and to improve the air quality in Southern California. However, SCAQMD PR 1190 would actually contribute to a lower air quality in Southern California. PR 1190 only targets public agencies and airport vehicle fleets. Due to the high cost incurred in the implementation of PR 1190, many public agencies, including the Department, would be forced to contract out their fleet services to the private sector who would be exempted from this legislation. As a result, many public agencies would abandon current practices of voluntarily procuring low-emission vehicles, resulting in a net increase in vehicle fleet emissions. Therefore, it is recommended that the County *oppose* this rule *unless amended*. In order to foster fair competition, PR 1190 should be amended to include not only public agencies and airport fleets, but all private vehicle fleets. The rule should also be amended to include the use of low-sulfur diesel fuel (Swedish standard) until alternative fuel technology can match the advantages of conventional diesel engines. PR 1190 should be amended to specify that retired vehicles be replaced with low-emissions vehicles.

If you have any questions on this matter, please contact Mr. José Pou of our Transit Operations Section, at (626) 458-3692.

Very truly yours,

HARRY W. STONE  
Director of Public Works

  
PATRICK V. DeCHELLIS  
Assistant Deputy Director  
Programs Development Division

JRP:li  
C991078  
PR1190RESPONSE\_A.MPO

## **COMMENT LETTER 2: COUNTY OF LOS ANGELES DEPARTMENT OF PUBLIC WORKS**

**Response 2-1:** Comment #2-1 is a general summary of the requirements of PR 1190. It should be noted, however, that a PR 1190 has been disaggregated into a number of fleet vehicle rules based upon vehicle type. The commentator is referred to Appendix A to view copies of PR 1191 and PR 1192. For a description of the remaining fleet vehicle rules and the proposed amendments to Rule 431.2, the commentator is referred to Chapter 2 of this Draft PEA.

**Response 2-2:** Comment #2-2 summarizes the objectives of PR 1190, that is, to reduce TAC emissions from gasoline- and diesel-fueled vehicles. Secondarily, it is anticipated that PR 1190 will reduce criteria pollutant and precursor emissions to a certain extent. The currently proposed fleet vehicle rules continue to contain these objectives. According to the SCAQMD's MATES II study, and as noted by the commentator diesel emissions contribute to approximately 71 percent of the total regional cancer risk.

**Response 2-3:** As noted in response to comment #2-1, PR 1190 has been modified and now consists of a series of fleet vehicle rules that regulate specific categories of fleets. Under PR 1191, replacement fleet vehicles could consist of light- and medium-duty vehicles that are CARB-certified LEV, ULEV, or SULEV, which can operate on reformulated gasoline.

**Response 2-4:** The proposed fleet vehicle rules now require that affected fleet operators shall procure compliant vehicles when adding or replacing affected fleet vehicles. To the extent that the County of Los Angeles Department of Public Works operates fleets consisting of light- to medium-duty vehicles regulated by PR 1191, it is anticipated that LEV, ULEV or SULEV vehicles capable of operating on reformulated gasoline would replace these vehicles. It is likely that heavy-duty vehicles would be replaced by alternative-fueled vehicles, which will require infrastructure development, as indicated by the commentator. With the exception of PR 1191 and PR 1192, the proposed fleet vehicle rules will contain a relief provision that for certain categories of fleet vehicles if the owners or operators can demonstrate that compliant engine classes are not available for that engine class. The demonstration that compliant engine classes are not available would have to be made each time a fleet vehicle is replaced.

The direct cost of installing infrastructure is not considered an impact under CEQA unless it causes an indirect physical change in the environment (CEQA Guidelines §15131(a)). The commentator is referred to the response to comment #1-35.

The potential costs of the proposed fleet vehicle rules will be evaluated in a separately prepared socioeconomic impact analysis. In addition, as part of the rule

promulgation support materials, the SCAQMD is compiling information on potential funding sources that could be used to offset the additional costs of purchasing heavy-duty alternative fuel fleet vehicles.

**Response 2-5:** The SCAQMD has not received sales projection or manufacturer capacity information from vehicle or engine manufacturers that would support an assertion that there are not enough vehicles with engines certified to lower-emission NOx standards. It should be noted that since the proposed fleet vehicle rules affect a small fraction of fleet sales in the United States (U.S.), the primary market for U.S. based heavy-duty engine manufacturers, the resulting affect of engine or vehicle manufacturer sales of these engines or vehicles would most likely be negligible. The commentator is also referred to the response to comment #1-5.

**Response 2-6:** The commentator is referred to the response to comment #1-23.

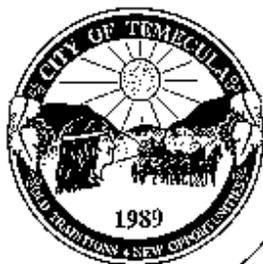
**Response 2-7:** In addition to obtaining funding for implementing the proposed fleet vehicle rules through the Carl Moyer Program, the SCAQMD is compiling information on potential funding sources that could be used to offset the additional costs of purchasing heavy-duty alternative fuel fleet vehicles. This information will be included in a separate rule promulgation support document.

**Response 2-8:** The proposed fleet vehicle rules affect both public and private fleet operators, including private fleet operators under contract to public agencies. In addition, the SCAQMD is evaluating the use of vehicles powered by low-sulfur diesel fuel with the use of appropriate exhaust after-treatment technology, in consultation with CARB.

**COMMENT LETTER 3**

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**CITY OF TEMECULA**



## City of Temecula

43200 Business Park Drive • Temecula, CA 92590 • Mailing Address: P.O. Box 9033 • Temecula, CA 92589-9033  
(909) 694-6444 • Fax (909) 694-1999

December 14, 1999

South Coast Air Quality Management District  
Attn: Daren Stroud  
21865 E. Copley Drive  
Diamond Bar, CA 91765-4182

RE: Proposed rule 1190

Dear Mr. Stroud:

In accordance with the California Environmental Quality Act (CEQA), we understand SCAQMD has become the lead agency in preparing an environmental assessment for the Proposed Rule 1190: Clean On-Road Vehicles for Government and Airport Operations.

3-1

The City of Temecula has a concern about the requirements of the proposed rule surrounding fleet maintenance programs. In your preparation of these regulations, please give special consideration to the additional costs to agencies in their efforts to comply with the above stated program. The costs associated with records management is one that all agencies will incur should this proposed rule be adopted.

Thank you for your consideration of our request, and if I can be of further assistance please don't hesitate to contact me at (909) 694-6411.

Sincerely,

A handwritten signature in black ink, appearing to read "William G. Hughes".

William G. Hughes  
Public Works Director/City Engineer

♻️ Printed on Recycled Paper

**COMMENT LETTER 3: CITY OF  
TEMECULA**

**Response 3-1:** The direct costs of installing infrastructure and complying with other requirements of the proposed rules are not considered an impact under CEQA unless it causes an indirect physical change in the environment (CEQA Guidelines §15131(a)). The commentator is referred to the response to comment #1-35.

The potential costs of the proposed fleet vehicle rules will be evaluated in a separately prepared socioeconomic impact analysis. In addition, as part of the rule promulgation support materials, the SCAQMD is compiling information on potential funding sources that could be used to offset the additional costs of purchasing heavy-duty alternative fuel fleet vehicles.

**COMMENT LETTER 4**

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**SUNLINE TRANSIT AGENCY**



**MEMBERS**  
 Desert Hot Springs      Rancho Mirage  
 Palm Springs            Palm Desert  
 Cathedral City          Indian Wells  
                                  La Quinta  
**A Public Agency**

Inyo  
 Coachella  
 Riverside County

December 9, 1999

Mr. Darren Stroud  
South Coast Air Quality Management District  
21865 E. Copley Drive  
Diamond Bar, CA 91765-4182

**Re: Proposed Rule 1190**

Dear Mr. Stroud:

SunLine Transit Agency is happy to comment on your proposed Rule 1190.

I have attached a copy of SunLine Policy #B-160393 that was unanimously approved by the SunLine Board of Directors on March 24, 1993. Simply stated, the Policy dictates that SunLine purchase only alternatively fueled vehicles for both revenue vehicles and non-revenue vehicles. This policy has been in effect for over six years, and every vehicle we've purchased in that time period meets that criteria. If we were unable to purchase the vehicle with OEM equipment, we converted it to CNG after purchase. Even our mobile bus wash unit used at our yard in Indio, CA, is equipped with a CNG fueled engine. We were the first transit agency in the country to be 100% alternatively fueled, and we are proud of that distinction.

4-1

SunLine strongly supports proposed rule 1190. We have 5 operating CNG fueling stations in the Coachella Valley at this time and will be adding 3 new ones in the very near future. We have worked cooperatively with the cities in our valley to begin their fleet conversions. We have worked with the Post Office to switch 150 postal vehicles in the valley to CNG, with 86 of them now completed. We worked with Waste Management to convert their fleet in Palm Desert. We have begun a leasing program that has already put CNG taxis on the road. The list goes on and on. We are also working with DOT, DOD and other partners on a hydrogen fuel cell project which will be the next generation of alternate fuel, especially for heavy duty vehicles. This will offer a choice of alternative fuels, making it even easier and cleaner to use these fuels.

The SunLine Board (elected officials from each of our member entities) took these bold steps 6 1/2 years ago and has strongly supported each of the steps we have taken to broaden the use of alternatively fueled vehicles. We are very pleased to learn that the AQMD is now considering making this action mandatory. Without rules of this nature, we will never clear our air.

Very truly yours,

Richard Cromwell III  
General Manager

Enc.

32-505 Harry Oliver Trail, Thousand Palms, California 92276      Phone 760-343-3456      fax 760-343-3845

Policy #B-160393

Utah Approved  
3-24-93

SunLine Transit Agency

Policy on the Purchase of Vehicles

SunLine is dedicated to being a part of the solution to the problem of air pollution rather than a part of the problem. With the programs in place at this time to become the first transit agency in the country to operate 100% alternatively fueled full size transit coaches, it is only logical that our next step should be to adopt a policy that will ensure that all vehicles purchased by SunLine are fueled by an alternative fuel.

**PURPOSE**

To establish policy advocating the purchase and use of only vehicles that are fueled by alternative fuels with the lowest possible emissions.

**POLICY**

It shall be the policy of SunLine Transit Agency that the replacement and/or addition of all vehicles, revenue or non-revenue, be made with vehicles fueled with an alternative fuel that provides the lowest possible emissions.

**BACKGROUND**

Recognizing that reducing mobile source air pollution emission is the largest contributor to air pollution, and that by using vehicles with the lowest tail pipe emissions, we create great benefits for our own health and the continued well being of the citizens of the Coachella Valley, and act as a catalyst to convince others to do the same. SunLine Transit Agency should continue to advocate and use vehicles that are friendly to the natural beauty of the Coachella Valley.

**ACTIONS TO BE FOLLOWED**

The State of California has established four categories of alternate fueled vehicles: 1) Zero Emission Vehicles; 2) Ultra Low Emission Vehicles; 3) Low Emission vehicles; and 4) Transitional Low Emission Vehicles. SunLine will, whenever possible, purchase vehicles in the same order as listed above. We do recognize that it may not always be possible to buy a vehicle from these categories as alternate fueled vehicles are still relatively new and are not always available. We also have to be practical and take into consideration the cost of the vehicle, and the cost of continued use and maintenance.

h:\spence\dennis\lyz\p\policy 393

**COMMENT LETTER 4: SUNLINE TRANSIT AGENCY**

**Response 4-1:** This comment is from a transit agency in the Coachella Valley whose fleet consists of alternative-fueled vehicles and, in general, offers support for PR 1190, which now consists of a series of fleet vehicle rules based on vehicle classification.

**COMMENT LETTER 5**

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**CHINO VALLEY INDEPENDENT FIRE  
DEPARTMENT**



## Chino Valley Independent Fire District

2005 Grand Avenue  
Chino Hills, CA 91709  
(909) 902-5260 Administration  
(909) 902-5280 Fire Prevention  
(909) 902-5250 Fax

*Board of Directors*  
*Larry S. Simcoe,*  
*President*  
*David A. Voigt,*  
*Vice President*  
*Howard J. Beck*  
*Fred L. Burns*  
*James S. Espinosa*

*Fire Chief*  
*Albert C. Grans*

December 9, 1999

Mr. Darren Stroud  
Office of Planning, Rule Development & Area Resources  
South Coast Air Quality Management District  
21865 Copley Drive  
Diamond Bar, CA 91765-4182

Dear Mr. Stroud:

The Chino Valley Independent Fire District applauds your efforts for cleaner air in the South Coast area. Proposed Rule 1190 will help in this regard. However, there is an area of the proposed rule that could have significant adverse affects on Fire Departments, which can be easily remedied with a simple change to your definitions.

### **Problem With Emergency Vehicle Definition**

Under Proposed Rule 1190, governmental agencies with 15 or more vehicles will have to buy clean air vehicles for all new vehicles purchased, after a given date. Emergency vehicles are exempted. However, the definition of emergency vehicles provided in Section (g) of Proposed Rule 1190 has a significant problem. It limits the exemption to fire, police, or medical vehicles "...*exclusively* used for responding to situations where potential threats to life or property exist..." (emphasis added).

The problem is the word "exclusively". Many times throughout the year we send personnel and equipment on Strike Teams to fight brushfires throughout the State. These fires are often in remote areas where alternative fuels are not readily available. In the event of long-term emergencies of several days or more, we will send personnel to the scene to relieve our personnel in the remote location, usually in a Fire Dept. sedan or van. They will be using Fire District vehicles that are not used *exclusively* for emergency response. Sending a unit powered by alternative fuels to such remote locations is often not feasible.

5-1

5-1  
CONT.

If applied strictly, even our Fire Engines would not qualify as vehicles used "exclusively" to respond to emergencies. Fire Engines are used to transport firefighters to training, meetings, inspections, etc., none of which are "emergencies". However, since firefighters must be prepared to respond to emergencies at a moment's notice, they must always be near the Fire Engine, which is why they use the fire engine to transport them for non-emergency activities. Other kinds of vehicles, such as Fire Dept. sedans, while used often for non-emergency transportation, are also used for emergency transport of personnel such as Chief Officers, Fire Marshals, Inspectors, logistical and repair personnel to emergency sites. As mentioned before, in mutual aid situations, this may involve transport of hundreds of miles to remote locations where alternative fuels may not be available. In addition, since the driving range of alternative fuel vehicles is often less than that of traditional fuel vehicles, the response time for the mutual aid can be increased, as all vehicles in a mutual aid strike team must travel together, and when one must stop for refueling, all vehicles in the strike team must also stop.

#### Recommendation

We suggest an alternative approach to reduce the adverse impact on Fire Departments, while meeting the intent of your regulations. Change Section (g) of Proposed Rule 1190 to issue an exemption to any vehicle equipped for Code 3 emergency response (i.e. red light and siren). This would allow for non-emergency use of such equipment, but would still limit substantially the vehicles that can qualify for the exemption, as legally only certain uses of vehicles can qualified for Code 3 equipment. We also recommend changing the wording in Section (b) from "This rule is limited to fleet operators of fifteen (15) or more vehicles" to "This rule is limited to fleet operators of fifteen (15) or more non-code three vehicles".

#### Conclusion

We believe our proposed wording will have only a minor adverse affect on air pollution, while having a significant impact on our ability to respond to long-distance emergencies such as mutual aid requests. It should be noted that the tons of pollutants caused by a single wildfire made worse due to a delayed fire department response would probably be far more than the pollution created by Code Three vehicles that are not used *exclusively* for emergency response.

If you would like to discuss our suggestion with us, please feel free to call me at (909) 902-5260.

Respectfully Submitted,



Al Grams  
Fire Chief

AG:KMS:AT

**COMMENT LETTER 5: CHINO VALLEY INDEPENDENT FIRE DEPARTMENT**

**Response 5-1:** The SCAQMD would consider Fire Engines to be exempted from the proposed fleet vehicle rules' purchase requirements, which is consistent with the intent of Health and Safety Code Section 40447.5(a). With regard to expanding the definition of "emergency vehicles," this is being carefully considered; however, the SCAQMD has not received any viable input regarding modifications to this definition that would incrementally expand the scope of exempted vehicles without significantly weakening the overall effectiveness of the proposed rule. With regard to the availability of alternative fuels in remote locations, based upon recent changes to PR 1190 disaggregating it into several rules, as well as other modifications, this issue no longer appears to be a problem for two reasons. First, in the near term, since the fleet operator has flexibility to choose the specific application for the alternative-fuel vehicle if this type of vehicle is purchased to comply with the proposed fleet vehicle rules. In particular, implementation of the proposed fleet vehicle rules is gradual in that replacement requirements only apply to new vehicle acquisitions, so the fleet operator has the flexibility to use vehicles purchased as a result of the proposed fleet vehicle rules (if alternative-fueled) in applications that would not require operation in remote areas if alternative fuel availability is a potential problem based on current alternative fuel availability. Second, PR 1191 allows new and replacement vehicles to consist of LEVs, ULEVs, and SULEVs, which operate on reformulated gasoline. This issue, however, will continue to be evaluated and, if necessary, will be addressed in subsequent rulemaking efforts.

**COMMENT LETTER 6**

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**DOWNEY, BRAND, SEYMOUR & ROHWER**

12-14-99 2:46PM  
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**DOWNEY  
BRAND  
SHEYMOUR  
& ROHWER**

ATTORNEYS - LLP  
ESTABLISHED 1926

555 CAPITOL MALL  
10TH FLOOR  
SACRAMENTO, CA 95834-6886  
TELEPHONE (916) 441-0331  
FAX (916) 442-0024

TAYLOR O. MILLER

December 14, 1999

Mr. Darren Stroud  
South Coast Air Quality Management District  
21865 E. Copley Drive  
Diamond Bar, CA 91765-4182

Re: Notice of Preparation/Initial Study, Proposed Rule 1190  
Our File No.: 00405.00063

Dear Mr. Stroud:

These comments on the Rule 1190 Notice of Preparation/Initial Study ("NOP/IS") are submitted on behalf of Hertz Corporation ("Hertz"). Hertz operates vehicle rental facilities at Los Angeles International, Burbank, John Wayne, Orange County and Palm Springs Airports within the South Coast Air Quality Management District ("District"). The comments which follow address both the NOP/IS and the proposed rule itself.

Time Extension

6-1

A preliminary matter concerns the time schedule for consideration of Proposed Rule 1190. Hertz is submitting these comments in accordance with the District's deadline. However, Hertz became aware of the proposal only recently and requests the opportunity to supplement these comments. In view of the importance of the Rule 1190 proposal, Hertz believes that the rule needs greater opportunity for public review and acceptance than is feasible under the District's current March 2000 adoption schedule. Hertz suggests the schedule be extended a minimum of sixty days to enable a more thorough analysis of the proposal and a full opportunity for those affected by the rule to participate in the rule making process. We understand that the current schedule may call for a Draft Environmental Assessment only ten days after deadline for comment on the scope of the analysis.

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Mr. Darren Stroud  
 December 14, 1999  
 Page 2

Rule 1190 Comments

Hertz operates both buses and vehicle rental fleets at airports within the District. Hertz requests the following amendments to the proposed rule:

6-2

1. Clarify Exclusion of Rental Fleets

Hertz doubts that the rule was intended to cover airport based rental fleet vehicles since these vehicles are not fueled with diesel. The rule should be amended to clarify its coverage in this respect by amending the definitions of "Public Fleet Operator" and "Airport Fleet Operator" or by adding rental fleet vehicles to the list of exemptions in subsection (g) of the rule. Suggested amendment language is attached.

6-3

2. Urban Bus Definition

The draft rule includes a definition of "urban buses." This term is applied in the section (e)(1) of the rule concerning time for compliance by such buses. This definition appears to be intended to cover public transit vehicles for which fares are collected. For clarity, the definition should be amended to clearly exclude airport car rental buses so that the schedule compliance for such buses would not be governed by section (e)(1). Suggested amendatory language is also attached for this amendment. Hertz is still evaluating the cost and operating impact of potential coverage of its airport shuttle buses under section (f) of the proposed rule and may wish to comment further on that topic.

NOP/IS Comments

The NOP/IS finds potentially significant impacts in the areas of water resource, air quality, transportation, energy/mineral resources, hazards, public service, solid and hazardous wastes. This appears to be a reasonable selection of general topics. We suggest that certain topics should receive additional attention in the Draft Environmental Assessment. These relate to the project description, emission benefits, and alternatives.

6-4

1. Project Description

The NOP/IS states that the District Board has approved the concept of a comprehensive strategy to control air toxics in the District. However, the NOP/IS does not describe this strategy or how the emission changes resulting from Rule 1190 will contribute to that strategy. Additional detail on these matters is necessary to place the rule in context and evaluate its benefits and cost impacts.

DOWNNEY BRAND SEYMOUR & KOIWER LLP

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Mr. Darren Stroud  
December 14, 1999  
Page 3

2. Emission Benefit

6-5

The NOP/IS states that emission reduction resulting from Rule 1190 have not been firmly established but will be made available sometime later in the rule making process. This information should be made available in the DEA along with the forecasted costs of compliance with the rule. Information concerning total emissions of diesel fueled vehicles in the District should also be included.

3. Alternatives

6-6

The NOP/IS notes that alternatives to the rule as proposed are required to be discussed in the DEA. Other than the "no project" alternative, no alternatives are identified in the NOP/IS. Hertz also notes that the NOP/IS states that the District's EJ Initiative #7 is intended to "incentivize" the early clean up or removal of diesel engines on the District. However, the proposed rule does not include incentives and is limited to regulatory directives. Hertz requests that an incentive based program be considered among the alternatives considered in the DEA.

6-7

Hertz also requests that the DEA consider alternative implementation schedules, scope of fleets covered, and fuels to be included in the "clean fuels" list. The DEA should provide some background information concerning the comparative environmental effects of diesel and alternative fuels. The analysis should include consideration of available engine technology to reduce emissions from diesel fueled engines. Such an analysis would enable an informed evaluation of the relative multi-media impacts of alternative fuel and engine technologies before a quick adoption of a "short-term strategy," as stated in the NOP/IS (page 1-4).

\* \* \*

DOWNEY BRAND SEYMOUR & ROHWER LLP

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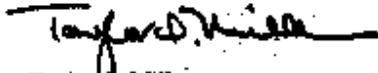
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Mr. Darren Stroud  
December 14, 1999  
Page 4

Thank you for the opportunity to comment on Proposed Rule-1190 and the Notice of Preparation. Hertz will work actively with District staff and interested parties concerning further development of the rule and completion of the Environmental Assessment.

Sincerely yours,

DOWNEY, BRAND, SEYMOUR & ROHWER LLP



Taylor G. Miller

TOM:pa

cc: Kevin Melver, Hertz Corporation

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DOWNEY BRAND SEYMOUR & ROHWER LLP

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ATTACHMENT A

Draft Suggested Amendments

Amendment No. 1

6-8

(c)(2) AIRPORT FLEET OPERATOR IS a person who owns or leases vehicles that are operated at airports located in the District. A person is any public agency that is responsible for airport operation, and also includes private leasing and rental agency, individual firm, association, organization, partnership, business trust corporation, company, contractor, supplier, installer, user, or owner that has (1) contracted with these public agencies, or (2) transports passengers and/or cargo to and from airports located in the District. Person does not include an operator of a fleet of vehicles offered for daily rental.

Amendment No. 2

6-9

(c)(10) PUBLIC FLEET OPERATOR is a person who owns, leases, or operates fleet vehicles in the District. A person is federal, state, county and city government departments and agencies, and U.S. Military Forces. In addition, a person includes any private leasing and rental agency, individual firm, association, organization, partnership, business trust corporation, company, contractor, supplier, installer, user, or owner that transports passengers and/or cargo under contract with a federal, state, county or city government department or agency, and U.S. Military Forces. Person does not include an operator of a fleet of vehicles offered for daily rental.

Amendment No. 3

6-10

(a) Exemptions  
The provisions of this rule shall not apply to the following:

\* \* \*

(5) fleets consisting of vehicles offered for daily rental.

Amendment No. 4

6-11

(c)(12) URBAN BUS a passenger-carrying vehicle powered by a heavy heavy-duty diesel engine, or a type normally powered by a heavy heavy-duty diesel engine, with a load capacity of fifteen (15) or

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6-11  
cont.

more passengers and intended primarily for intra-city operation, i.e., within the confines of a city or greater metropolitan area. Urban bus operation is characterized by short rides and frequent stops. To facilitate this type of operation, more than one set of quick-operating entrance and exit doors would normally be installed. Since fares are usually paid in cash or token, rather than purchased in advance in the form of tickets, urban buses would normally have equipment installed for collection of fares. Urban bus does not include buses used solely operated by operators of vehicle rental fleets to transport customers between airport facilities and vehicle rental facilities.

**COMMENT LETTER 6: DOWNEY, BRAND, SEYMOUR & ROHWER**

**Response 6-1:** The commentator will have additional opportunities to comment directly on the rule and on the environmental analysis for the proposed contained in this Draft EA. In addition, the rule adoption schedule for PRs 1191 and 1192 has been extended to the April 2000 SCAQMD governing board hearing. The governing board will consider the remaining proposed fleet vehicle rules in subsequent months.

**Response 6-2:** The SCAQMD intends to clarify in PR 1194 the exemption for daily rental vehicles.

**Response 6-3:** The SCAQMD has, in general, used the definition of "urban buses" that is incorporated in CARB regulations. It is the intent of PR 1194 to apply to airport car rental buses so that the emissions and toxic related impacts of these buses will be minimized in future years.

**Response 6-4:** The proposed fleet vehicle rules are only one component of the SCAQMD's overall strategy for reducing risks associated with exposure to TACs from both stationary and mobile sources. Other efforts to reduce TAC emissions include recent amendments to Rule 1401 – New Sources Review of Toxic Air Contaminants, and currently proposed amendments to Rule 1402 – Control of Toxic Air Contaminants from Existing Sources. Other components may include specific incentive programs to further control TAC emissions or accelerate the phase-out of diesel particulate emissions sources. The SCAQMD is currently in the process of preparing an Air Toxics Control Plan. The Air Toxics Control Plan is expected to include a comprehensive list of strategies to control or reduce TAC emissions in the district. The proposed fleet vehicle rules, stationary source control strategies, and possibly other fleet vehicle rules are expected to be part of the Air Toxics Control Plan. For more information, the commentator is referred to Chapter 2 of this Draft EA.

**Response 6-5:** The commentator is referred to the response to comments #1-3 and #1-8. Although the language in the Governing Board's EJ Initiative #7 does refer to incentivizing the early clean up or removal of diesel, this does not preclude the SCAQMD from pursuing a regulatory program within its jurisdictional authority to limit or eliminate diesel. Like the EJ initiatives, it is at the Governing Board's direction that the SCAQMD is currently promulgating the proposed fleet vehicle rules.

**Response 6-6:** The commentator is referred to the response to comment #1-14.

**Response 6-7:** The commentator is referred to the response to comment #1-16. Further, the commentator is referred to "Hazards" section of Chapter 4 for

comparison of the relative environmental effects of diesel compared to alternative fuels. Although Chapter 4 of this Draft PEA includes a qualitative evaluation of clean diesel technologies, the proposed fleet vehicle rules currently do not allow diesel fuel as a compliance option because there are no commercially available diesel technologies that can meet the methanol equivalency criteria. Finally, an analysis of other environmental impacts from implementing the proposed fleet vehicle rules can also be found in the other sections of Chapter 4.

**Response 6-8:** Please refer to the response to comment 6-2.

**Response 6-9:** Please refer to the response to comments 6-2 and 6-3.

**Response 6-10:** Please refer to the responses to comments 6-2 and 6-3.

The inclusion of tour buses that carry passengers to and from airports is carefully being considered as part of the rule development process. This is because from an air quality improvement standpoint, the use of lower-emitting tour buses represents an important opportunity to provide the public with air quality benefits by reducing their exposure to toxic particulate matter emissions from diesel engines at airports and in surrounding areas.

**Response 6-11:** The commentator is referred to the response to comment #6-3.

**COMMENT LETTER 7**

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**CAR AND TRUCK RENTING & LEASING  
ASSOCIATION OF CALIFORNIA**

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p. 2



December 14, 1999

Mr. Darren Stroud  
 South Coast Air Quality Management District  
 21865 E. Copley Drive  
 Diamond Bar, CA 91765-4182

Dear Mr. Stroud:

The Car and Truck Renting & Leasing Association of California (CATRALA) has just received a copy of the Draft Environmental Assessment for Proposed Rule 1190 - Clean On-Road Vehicles for Government & Airport Operators. Many of our members operate vehicle rental facilities at the Los Angeles International, Burbank, John Wayne, Orange County and Palm Springs Airports within the South Coast Management District.

7-1

We note the final date for submitting comments is today at 5 p.m. Since we just became aware of the proposal, we have not had an opportunity as yet to review the draft and do not at this time have any comments to submit but reserve the right to comment later.

7-2

We believe Proposed Rule 1190 is important to our members, but are concerned about the limited time schedule for the rule. At this time, we respectfully request that consideration be given to extending more time in the District's time schedule (at least another 60 days) for further review. We believe this would afford those affected by the rule more of an opportunity to fully participate in the process.

We look forward to working with the District staff on Proposed Rule 1190.

Yours very truly,

*Cindy J. Nettie*  
 Cindy J. Nettie  
 Executive Director

CJN:ss

STATE HEADQUARTERS: 1228 N STREET, SUITE 6 SACRAMENTO, CALIFORNIA 95814 (916) 441-5858

**COMMENT LETTER 7: CAR AND TRUCK RENTING & LEASING  
ASSOCIATION OF CALIFORNIA**

**Response 7-1:** The comment period on NOP/IS was extended until December 21, 1999. Further, the public has additional opportunities to comment of potential environmental impacts from the proposed fleet vehicle rules during the public comment period for this draft EA.

**Response 7-2:** The rule adoption schedule for PR 1191 and PR 1192 has been extended by 60 days to the April 2000 SCAQMD governing board hearing. Other proposed fleet vehicle rules will be considered in subsequent months.

**COMMENT LETTER 8**

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**CALIFORNIA BUS ASSOCIATION**

Darren Stroud

**From:** Mike Waters [pcb@pacbell.net]  
**Sent:** Monday, November 15, 1999 3:27 PM  
**To:** Darren Stroud  
**Subject:** Effects of Proposed Rule #1190

Dear Mr. Stroud,

8-1

As President of the California Bus Association, I am quite interested in the potential impact this rule MAY have regarding the use of non-clean burning fueled motorcoaches (i.e. diesel powered tour buses) operated on airport properties in the Southern California area.

We understand that the Airport's Commissions can specify 'clean fueled vehicles' in contracts with private companies running contract services on Airport properties (long term parking, rental car shuttles, etc), however, as an Association, we do not want to be restricted from operating on Airport property in diesel fuel powered vehicles.

8-2

Can you please include our concerns, as an Association, with your study, and contact California Bus Association for any future input.

Michael R. Waters  
President

California Bus Association  
11020 Commercial Parkway  
Castroville, CA 95012

cbabus@redshift.com

**COMMENT LETTER 8: CALIFORNIA BUS ASSOCIATION**

**Response 8-1:** Over-the-road motor coaches are not regulated by any of the proposed fleet vehicle rules at this time.

**Response 8-2:** Your comment letter has been addressed as part of the SCAQMD's responses to NOP/IS comments. Further, your letter has been forwarded to rule development staff so they can contact you directly regarding your concerns.

