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SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT

**BEFORE THE HEARING BOARD OF THE
SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT**

In the Matter of

SOUTH COAST AIR QUALITY
MANAGEMENT DISTRICT,

Petitioner,

vs.

COUNTY OF SAN BERNARDINO,
[Facility ID No. 161551]

Respondent.

Case No. 6174-1

**FINDINGS AND DECISION FOR A
MODIFIED ORDER FOR ABATEMENT
(STIPULATED)**

District Rule: 1196

Hearing Date: **October 7, 2026**

Time: 9:30 am

Place: Hearing Board
South Coast Air Quality
Management District
21865 Copley Drive
Diamond Bar, CA 91765

A Stipulated Order for Abatement was initially issued on July 7, 2020. Pursuant to a notice and in accordance with the provisions of California Health and Safety Code § 40823 and SCAQMD Rule 812, a Status/Modification hearing for that Stipulated Order was held on October 7, 2026. The following members of the Hearing Board were present: Micah Ali, Chair; Robert Pearman, Esq., Vice Chair; Mohan Balagopalan; Jerry P. Abraham, MD, MPH, CMQ; and Cynthia Verdugo-Peralta. Petitioner, Executive Officer, represented by Kathryn Roberts, Principal Deputy District Counsel did not appear. Respondent, County of San Bernardino, (hereinafter referred to as “Respondent” or “County”) represented by Brud Hancock, San Bernardino County Department of Public Works Equipment Superintendent, and Aaron Gest, Deputy County Counsel, San Bernardino

County, did not appear. The public was given an opportunity to testify. Evidence was received and the matter was submitted.

The Hearing Board finds and decides:

1. Petitioner is a body corporate and politic established and existing pursuant to Health and Safety Code §§ 40000, *et seq.* and §§ 40400, *et seq.*, and is the sole and exclusive local agency with the responsibility for comprehensive air pollution control in the South Coast Basin.

2. Respondent is a body corporate and politic existing pursuant to Government Code §§ 23000, *et seq.*, which, *inter alia*, owns and operates heavy-duty vehicles for use and provision of essential public services within the County of San Bernardino. Respondent's Fleet Management is a department within the County which oversees the procurement, maintenance, and allocation of heavy-duty vehicles to offices, departments and employees of the County for provision of public services. Respondent's fleet of heavy-duty vehicles includes vehicles for use throughout San Bernardino County, both within and without the jurisdiction of the South Coast AQMD.

Respondent's Government Center office is located at 385 N. Arrowhead Avenue, San Bernardino, California 92415. Respondent's Fleet Management has administrative offices located at 210 North Lena Road, San Bernardino, California 92415.

3. At present, Respondent is operating 27 non-compliant heavy-duty vehicles within its heavy-duty fleet.

4. **South Coast AQMD Rule 1196(d)(1)** requires that beginning on July 1, 2002, for public fleet operators that operate 15 or more heavy-duty vehicles, all new additions to an existing fleet shall be by purchase or lease of: (1) alternative-fuel heavy-duty engine or vehicles; (2) dual-fuel heavy-duty vehicles; (3) dedicated gasoline heavy-duty vehicles; or (4) Technical Infeasibility Certification Request-approved diesel vehicles.

5. **South Coast AQMD Rule 1196(f)(8)(a)** provides an exemption for public fleets with greater than 15 but less than 100 heavy-duty vehicles, allowing no more than three of the heavy-duty vehicles subject to Rule 1196 that do not meet the requirement of Rule 1196(d)(1) to be part of the fleet at any given time.

6. **South Coast AQMD Rule 1196(f)(10)** addresses public entities whose jurisdiction

1 includes areas outside the jurisdiction of the South Coast AQMD and creates an exemption for
2 heavy-duty vehicles which are garaged, housed, parked, stored or operated within the South Coast
3 AQMD's jurisdiction for no more than 180 days in any 12-month period.

4 7. Respondent is subject to Rule 1196 when adding a fleet vehicle to its existing fleet
5 or forming a new fleet because it is within the South Coast AQMD's jurisdiction, is a public entity,
6 and currently operates 47 total heavy-duty vehicles as part of its fleet, which are used to provide
7 essential public services in San Bernardino County. As of July 2020, Respondent had 27 heavy-
8 duty vehicles currently not in compliance with Rule 1196, as identified in **Attachment A**.

9 8. Since at least 2004, Respondent has purchased heavy-duty vehicles which do not
10 meet the requirements set forth in South Coast AQMD Rule 1196(d)(1).

11 9. Respondent hired Ron Lindsey in November of 2017 as Fleet Management Director
12 for San Bernardino County. Respondent hired Lauren Finwall in January of 2018 as a Regulatory
13 Environmental Specialist.

14 10. In July 2018, Respondent conducted an audit of heavy-duty vehicles in its fleet
15 operating within South Coast AQMD's jurisdiction to determine its fleet's compliance with South
16 Coast AQMD Rule 1196.

17 11. Following the audit, Respondent self-reported to South Coast AQMD that some
18 heavy-duty vehicles in its fleet failed to meet the requirements of South Coast AQMD Rule 1196.

19 12. Each of the County's Rule 1196 non-compliant vehicles is necessary to operate and
20 maintain the County's public services. These vehicles are utilized to provide essential services,
21 materials and equipment throughout the 20,000 square mile area of the county, maintaining 2,500
22 miles of roadway and various flood control facilities. Vehicles are regularly used in response to
23 disasters including major storm events, earthquakes and wind events to minimize the loss of life
24 and/or property, as well as keeping the roadways and flood control systems working as designed for
25 safety.

26 13. As a public entity, Respondent is constrained by the resources it can commit to
27 replacing its fleet vehicles to achieve compliance with Rule 1196. San Bernardino is funded entirely
28 by ratepayers in an economically disadvantaged area. The County's annual budget for replacing the

1 fleet vehicles comes from its Fleet Management Capital Expenditures appropriation, which for FY
2 2019-2020 was \$5.3 million. The cost of replacing a non-compliant fleet vehicle ranges from
3 \$130,000 to \$470,000 per vehicle, depending upon model and purpose of use.

4 14. Respondent has committed to allocating the necessary funds to acquire vehicles that
5 comply with Rule 1196 requirements in accordance with the heavy-duty vehicle schedule in
6 Attachment A.

7 15. The County and South Coast AQMD negotiated for approximately one year to
8 determine the necessary and appropriate actions the County will take to come into full compliance
9 with South Coast AQMD Rule 1196, while avoiding or minimizing any adverse impacts to the
10 provision of public services.

11 16. The estimated excess emissions associated with the use of non-compliant fleet
12 vehicles during the pendency of this Order is approximately 0.561 ton of oxides of nitrogen and
13 0.008 ton of particulate matter.

14 **July 7, 2021 Status Hearing**

15 17. The Hearing Board held a status conference on July 7, 2021. The Board received
16 evidence from the County that it had taken several actions to comply with the Order, including
17 purchasing replacements and removing several vehicles from within the boundaries of the South
18 Coast AQMD. No Party requested a modification and the Parties jointly requested the Hearing
19 Board to set a further status hearing in approximately one year. The Hearing Board received the
20 evidence and set a further status hearing.

21 **August 8, 2023 Status/Modification Hearing**

22 18. Since the 2021 status hearing, the County has continued to take actions to
23 implement the Order. However, prior to purchase of vehicles scheduled for the second half of
24 2023, Respondent learned that there was not a CNG-powered engine certified by the California Air
25 Resources Board (CARB) that could meet the needs of the County in terms of horsepower for the
26 diesel vehicle being replaced. Following South Coast AQMD's agreement that there was not
27 currently a CARB-certified engine, the Parties agreed to seek a short continuance to develop an
28 appropriate alternative. The Hearing Board continued the hearing to August 8 to enable the Parties

1 to develop a new compliance pathway.

2 19. The Parties met and considered multiple alternatives for the two vehicles scheduled
3 for replacement with CNG engines. At present, there is no CNG engine CARB-certified which is
4 capable of 600 horsepower, which applicable non-compliant diesel vehicles have. The County
5 considered if they could either retire these vehicles without replacement or move them entirely out
6 of the jurisdiction of the South Coast AQMD. The County determined that while one of the
7 vehicles could be moved entirely out of the South Coast AQMD, at least one vehicle with such
8 capabilities would need to operate within the South Coast AQMD portion of San Bernardino
9 County to ensure the County could carry out all needed public services, including using this
10 vehicle in emergencies to transport equipment. The County agreed that other vehicles, currently
11 used under exemption in the Rule could be replaced with CNG-fueled vehicles as a way to offset
12 emissions in the South Coast AQMD.

13 20. Additionally, the Parties looked at engines that are known to have been developed
14 but not yet certified by CARB, and thus not currently available for purchase. The Parties agree
15 there is at least one 15 liter CNG engine that has been produced and is currently undergoing CARB
16 certification. It is possible that this engine, if certified, could be configured to be able to serve
17 instead of the noncompliant diesel engine, but not certain. The Parties agree that a Pilot Study
18 assessing the 15 liter CNG once it is CARB-certified would enable Respondent to determine if a
19 CNG replacement can be procured in the near future. The South Coast AQMD agreed that a short
20 delay in replacement to consider CNG, would be preferable to replacing the non-compliant diesel
21 with another diesel vehicle under an infeasibility certificate under Rule 1196(e).

22 21. The Parties jointly submitted a stipulated modification that captured these changes
23 at the August 8, 2023 hearing.

24 **August 13, 2024 Status Hearing**

25 22. The County has taken steps to comply with the Order for Abatement. Specifically,
26 the County sought approval from its Board of Supervisors for the purchase of two CNG vehicles in
27 October 2023 ,which was granted in January 2024. However, due to difficulties arising from
28 CARB certification, the County was forced to delay procurement until it had worked out

1 specifications with vendors using the certified L9 Cummins CNG engine. This unfortunately
2 delayed procurement until July 2024. Bid responses are due to the County on August 8, 2024. The
3 County has confirmed with its vendors that delivery by 2026 is still on track, consistent with the
4 Order.

5 23. The County has complied with all other terms of the Order, and will continue to do
6 so.

7 24. The Parties requested the Board to set a further status hearing for September 2025
8 in this matter, pursuant to Condition 4.

9 **October 8, 2025 Status Hearing**

10 25. The County has continued to take steps to comply with the Order for Abatement.
11 Specifically, two purchase orders have been issued to replace existing diesel trucks with CNG
12 units. The first purchase order, dated November 25, 2024, is for the paint striping unit (29997).
13 This diesel unit is being replaced with a CNG truck that is currently in the production phase.
14 Due to its complexity and detailed specifications, this truck is expected to take additional time
15 to complete.

16 26. The second purchase order, dated February 25, 2025, is for a broom tender truck
17 (27910), also replacing a diesel unit with CNG. This truck has been completed and returned to
18 the local vendor. The County is expected to take delivery by mid-October 2025. Once
19 operational, this CNG unit will primarily serve within the SCAQMD District.

20 27. The County has committed to a pilot program to acquire a 15-liter CNG Transport
21 Tractor as soon as it becomes available. Discussions have been ongoing with multiple vendors
22 regarding the X-15 CNG engine. Current information confirms that the engine has received
23 certification but remains under allocation. Vendors have indicated readiness to submit bids for
24 building a Transport Tractor equipped with this engine. The County is now developing a new
25 specification to solicit competitive bid pricing for this unit.

26 28. The Parties request a short extension to the Order, as well as to accommodate the
27 additional time needed for the X-15 CNG and carry out the pilot study in Condition 1. The Parties
28 additionally stipulated to two non-substantive changes: to update the South Coast AQMD staff

1 contact to receive notices under the Order; and to hold a further status hearing approximately one
2 year from the date of this hearing. The Parties last noticed a typographical error in lines 25-26 of
3 Attachment A and also stipulate to correction of those errors. Respondent agrees to schedule a
4 follow-up status hearing approximately one year from the date of the current hearing. Following
5 Lamar Allman's retirement as Equipment Superintendent for San Bernardino County in early
6 2026, the Clerk of the Board updated Respondent's contact information to reflect Brud Hancock as
7 Respondent's current Equipment Superintendent at brud.hancock@dpw.sbcounty.gov.

8 **October 7, 2026 Status Hearing**

9 29. The County has continued to take steps to comply with the Order for Abatement.
10 Specifically, Unit No. 27910, scheduled to be replaced in 2026 was replaced with the new unit
11 received in October, 2025. The initial, non-compliant, vehicle was removed from the County's
12 fleet. Replacement of Unit No. 29997 is underway. The replacement was purchased in November
13 2024, and a pre-delivery inspection by County was completed in September 2026. Delivery is
14 expected in October 2026, in compliance with the schedule.

15 30. For Unit No. 29805, County placed a purchase order with the manufacturer in
16 December, 2025. The vehicle is currently in production, with delivery estimated in December,
17 2026. The Parties' jointly requested a stipulated modification to the start time of the Condition 1
18 Pilot Study to accommodate the delivery time frame of this vehicle.

19 31. County is also continuing to comply with Condition (1)(a) vehicles and has
20 provided the District documentation that subject vehicles are housed outside the District's
21 jurisdiction at least 181 days per year.

22 **CONCLUSIONS**

23 1. The parties have stipulated to the issuance of this Order for Abatement pursuant to
24 Health and Safety Code Section 42451(b).

25 2. This Order for Abatement (Stipulated) is not intended to be, nor will it act as, a
26 variance. Nothing herein, however, shall be deemed or construed to limit the authority of the
27 South Coast AQMD to issue Notices of Violation, to seek civil penalties or injunctive relief, or to
28 other administrative or legal relief for violation of South Coast AQMD rules. The Findings of Fact

are based on evidence presented by Petitioner and Respondent as of the date hereof.

ORDER

THEREFORE, subject to and based on the aforesaid Findings of Fact, Conclusions, and additional evidence and testimony, and good cause appearing, this Board orders Respondent to refrain from any operation of heavy-duty vehicles except as in compliance with South Coast AQMD Rule 1196, or in the alternative comply with the conditions as set forth below:

1. Respondent shall comply with the heavy-duty vehicle schedule outlined in Attachment A as follows:

- a. Vehicles in Category 1 shall be redeployed such that they will not be garaged, housed, parked, stored or operated within the South Coast AQMD's jurisdiction for more than 180 days per calendar year, beginning with the calendar year 2020;
- b. Vehicles in Category 2 shall be replaced with a Rule 1196 compliant compressed natural gas (CNG) vehicle within the designated time listed on Attachment A, where "first half" of a calendar year means to January 1 through June 30 inclusive and "second half" of a calendar year means July 1 through December 31 inclusive;
- c. Vehicles in Category 3 shall be considered exempted under Rule 1196(f)(8)(a);
- d. Vehicle in Category 4 shall not be replaced until after the conclusion of a real-world test of a 15 liter or larger CNG engine (the "Pilot Study") as follows:
 - i. Respondent shall monitor the progress of any manufacturer seeking and achieving certification from the California Air Resources Board (CARB) for a 15 liter or larger CNG engine within the calendar year 2024. Not later than 60 days after the date of this Order, Respondent shall reach out to that manufacturer and any applicable truck chassis manufacturers to inquire about and set up a Pilot Study of that engine. Respondent shall make all reasonable efforts to ensure such Pilot Study is started as soon as practicable. Respondent shall ensure the start of the Pilot Study by January 1, 2027. If Respondent determines that the start date of the Pilot Study may be delayed, Respondent shall notify South Coast AQMD via

email (attn: Eugene Kang, ekang@aqmd.gov; Kathryn Roberts, kroberts@aqmd.gov) not later than December 15, 2026.

- ii. During the Pilot Study, Respondent shall assess the capabilities of the 15 liter (or larger) CNG engine, particularly in meeting the County's fleet vehicle needs as a potential replacement for Vehicle Unit No. 29805. Respondent shall work with the manufacturer regarding the appropriate length of the Pilot Study, but in no case shall the Pilot Study exceed 120 days.
- iii. Following conclusion of the Pilot Study, Respondent shall prepare a report summarizing the findings from the Pilot Study, including a conclusion that determines if a 15 liter CNG engine is a suitable replacement for Vehicle Unit No. 29805. Respondent shall submit the report to the South Coast AQMD via email (attn: Eugene Kang, ekang@aqmd.gov; Kathryn Roberts, kroberts@aqmd.gov) not later than 30 days past the conclusion of the Pilot Study.

2. Respondent shall submit progress reports on an annual basis, beginning January 31, 2021 reporting on the immediately preceding calendar year, via email to South Coast AQMD via email (attn: Eugene Kang, ekang@aqmd.gov; Kathryn Roberts, kroberts@aqmd.gov). The written report shall present evidence of ongoing compliance with this Order, including summarizing actions and dates relating to purchase and/or delivery of compliant heavy-duty vehicles, and liquidation, decommissioning and/or retirement of noncompliant heavy-duty vehicles. The written report shall further include evidence verifying the redeployment status for all Category 1 vehicles listed in Attachment A, including GPS location data, that all Category 1 vehicles are garaged, housed, parked, stored and operated within the South Coast AQMD jurisdiction no more than 180 days per calendar year.

3. Within 10 days of any one of the following events, Respondent shall submit notice by email to South Coast AQMD (attn: Eugene Kang, ekang@aqmd.gov):

- a. Purchase of a compliant vehicle replacing a non-compliant fleet vehicle;

- b. Delivery of a compliant vehicle replacing a non-compliant fleet vehicle;
- c. Certification by CARB of any 15 liter or larger CNG engine that Respondent becomes aware of; and
- d. Beginning of a Pilot Study pursuant to Condition 1 above.

4. Respondent shall appear at a status hearing before the Hearing Board on October 5, 2027, with additional status hearings being scheduled thereafter at intervals determined to be necessary by the Hearing Board until final compliance is achieved.

5. Respondent shall notify South Coast AQMD via email (attn: Eugene Kang, ekang@aqmd.gov), when final compliance is achieved, including the Vehicle Identification Numbers for each compliant vehicle acquired and the dates of purchase.

6. The Hearing Board may modify this Order for Abatement without the stipulation of the parties upon a showing of good cause therefore, and upon making the findings required in Health and Safety Code Section 42451(a) and South Coast AQMD Rule 806(a). Such modification of the Order shall be made only at a public hearing held upon 10 days published notice and appropriate written notice to the Respondent and the South Coast AQMD.

7. This Order for Abatement (Stipulated) is not intended to be, nor will it act as, a variance. Respondent is subject to all rules and regulations of the South Coast AQMD and to all applicable provisions of California law. Nothing herein, however, shall be deemed or construed to limit the authority of the South Coast AQMD to issue Notices of Violation, to seek civil penalties or injunctive relief, or to other administrative or legal relief for violation of South Coast AQMD rules.

8. The Hearing Board shall retain jurisdiction over this matter until January 31, 2028.

9. Respondent shall notify the Clerk of the Hearing Board in writing when final compliance is achieved.

Good cause appearing, it is so ordered.

FOR THE BOARD:

DATE SIGNED:

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SO STIPULATED:

September 30, 2026



Kathryn Roberts,
Principal Deputy District Counsel
South Coast Air Quality Management District

SO STIPULATED:

September 30, 2026



Brud Hancock
Public Works Equipment Superintendent
Department of Public Works
San Bernardino County

Proposed Stipulated Order for Abatement - Attachment A

SAN BERNARDINO COUNTY FLEET MANAGEMENT HEAVY-DUTY DIESEL VEHICLES										
	ASSET #	YEAR	MAKE	MODEL/BODY TYPE	VIN #	CURRENT ODOMETER READING	REPLACEMENT COST ESTIMATE	YEAR REPLACED OR RELOCATED OUTSIDE OF DISTRICT	Category	Replacement Schedule
1	19503	2017	Freightliner	108SD	1FVKG5CY7HHJB9986	10,365	\$ 199,903.00	2019	1	N/A (Relocated out of District)
2	19508	2016	Freightliner	108SD	1FVKG5CY7GHHK4242	1,402	\$ 198,277.00	2019	1	N/A (Relocated out of District)
3	8712	2004	Ford	F-650	3FRWF65R84V674206	26,990	\$ 113,630	2019	1	N/A (Relocated out of District)
4	28510	2007	Freightliner	M-2	1FVDCYCS87HY16412	71,939	\$ 290,350	2019	1	N/A (Relocated out of District)
5	8714	2005	Freightliner	Truck	1FVACYDC95HU32811	36,222	\$ 113,630	2019	1	N/A (Relocated out of District)
6	26028	2006	International	Truck	1HTWEAAR06J266414	62,302	\$ 319,553	2020	1	N/A (Relocated out of District)
7	26029	2006	International	Truck	1HTWEAAR66J307063	53,770	\$ 319,553	2020	1	N/A (Relocated out of District)
8	26030	2006	International	Truck	1HTWEAAR86J307064	43,612	\$ 319,553	2020	1	N/A (Relocated out of District)
9	26500	2005	International	Dump Truck	1HTWBAAARX5J132212	52,231	\$ 319,553	2020	1	N/A (Relocated out of District)
10	8708	2009	International	4x4 Patch Truck	1HTWEAAR79J126820	63,952	\$ 283,327	2020	1	N/A (Relocated out of District)
11	8709	2009	International	4x4 Patch Truck	1HTWEAAR99J126821	66,165	\$ 283,327	2020	1	N/A (Relocated out of District)
12	26037	2010	Freightliner	M-2	1FVDC3BSXAHAP6523	41,785	\$ 349,184	2020	1	N/A (Relocated out of District)
13	26033	2009	International	7400	1HTWEAAR79J047826	44,855	\$ 349,184	2020	1	N/A (Relocated out of District)
14	26036	2009	Freightliner	Dump Truck	1FVDC3BS59HAK0162	42,100	\$ 349,184	2020	1	N/A (Relocated out of District)
15	26031	2007	International	Dump Truck	1HTWEAAR27J483805	48,530	\$ 349,184	2020	1	N/A (Relocated out of District)
16	26040	2017	International	7500	3HAWMSUR0HL732402	3,929	\$ 370,450	2020	1	N/A (Relocated out of District)
17	26041	2017	International	7500	3HAWMSUR2HL732403	7,546	\$ 370,450	2020	1	N/A (Relocated out of District)
18	26032	2015	International	7400SFA	3HAWMSUR1GL221795	7,066	\$ 370,450	2020	1	N/A (Relocated out of District)
19	26039	2015	International	7500	3HAWMSURXGL221794	8,741	\$ 370,450	2020	1	N/A (Relocated out of District)
20	27599	2006	International	Dump Truck	1HTXGAHT55J187433	104,400	\$ 345,622	2021	2	first half 2021
21	27602	2006	International	Dump Truck	1HTXGAHT86J354692	118,857	\$ 345,622	2021	2	second half 2021
22	48005	2006	International	Speed Loader	1HTXGSBT26J306572	47,450	\$ 454,166	2021	2	first half 2021
23	29801	2015	Kenworth	Tractor	3WKDD40X3GF108958	54,377	\$ 164,884	2023	1	N/A (Relocated out of District)
24	29805	2015	Kenworth	Tractor	3WKDD40X7GF120904	114,905	\$ 164,764	2027	4	Pending Pilot Study
25	27910	2017	International	Broom Tender Truck	3HAGSSNT1HL777692	33,771	N/A	2026	2	Feb 2025 Delivery est. Oct. 2025
26	29997	2015	Peterbuilt	Paint Truck	3BPZL70X0GF106190	78,513	N/A	2026	2	November 2024 Delivery est. 2026
Exempt	12784	2018	Freightliner	Spray Rig	1FVDG5FE8JHJY3703	6,816	N/A	N/A	3	Exempt under 1196(f)(8)(a)