

# Proposed Draft 6 NYCRR Part 248

“Use of Ultra Low Sulfur Diesel Fuel & Best Available Retrofit Technology for Heavy Duty Vehicles”

2008 Annual Industry-Environment  
Conference

October 16, 2008

Saratoga Springs, NY



# Part 248 Rulemaking Schedule

- Hearing notice published 10/8/08
- Public comment period closes 12/4/08
- Response to comments
- Environmental Board meeting
- Anticipate effective date early spring 2009



# Background

- “Diesel Emissions Reduction Act 2006” (DERA) amended the ECL
- ECL 19-0323 added: Use of Ultra Low Sulfur Diesel Fuel & Best Available Technology by the State”



# General Overview of Major Compliance Components

- 1) Ultra low sulfur diesel fuel (ULSD) required for covered heavy duty vehicles (HDVs) effective 2/12/07
- 2) Best Available Retrofit Technology (BART) required for covered HDVs according to a compliance schedule
- 3) Installation of Low NOx Rebuild Kit required for certain covered HDV engines prior to BART installation



# General Overview of Major Compliance Components

- Who does it apply to ?
  - 1) ULSD req'mt applies to state agencies, state/regional public authorities, and their contractors
  - 2) BART req'mt applies to state agencies, public authorities w/ more than 1/2 of its governing body appointed by the Governor, and their contractors
  - 3) Low NOx Rebuild Kit req'mt applies to state agencies, public authorities, and their contractors on HDVs w/ affected engines



# General Overview of Major Compliance Components (con't)

- compliance schedule for BART installation:
  - Minimum 33% of covered HDVs by 12/31/08
  - Minimum 66% of covered HDVs by 12/31/09
  - All covered HDVs by 12/31/10



# Subpart 248-1: Definitions

## key terms

- HDV: on road and off road vehicles powered by a diesel engine w/ GVW > 8,500 lbs subject to certain exceptions
- On road vehicle: a motor vehicle powered by a diesel engine that has a GVWR > 8,500 lbs and is designed primarily for transporting persons or properties on a street or a highway
- Off road vehicle: a motor vehicle, other than an on road vehicle, powered by a diesel engine and:
  - 1) w/ GVW > 8,500 lbs, or
  - 2) having an engine  $\geq$  50 Hp



# Subpart 248-1: Definitions

- HDV exceptions include most off road construction vehicles, farm vehicles, authorized emergency vehicles, and self propelled equipment operated on a contract site



# Subpart 248-1: Definitions

- ULSD: diesel fuel w/ 15 ppm sulfur or less
- BART: retrofit technology verified by the USEPA or CARB that achieves reductions in particulate matter (PM) at the highest classification level applicable to the specific engine. Technologies which also reduce NOx at reasonable cost must be considered. (There are 3 classification levels)
- Low NOx Rebuild Kit: an engine manufacturer's upgrade kit required under consent order to be installed on the engine control module of an affected engine



# Subpart 248-1: Definitions

- BART classification levels:
  - Level 3 (highest):  $\geq$  85% PM reduction
  - Level 2 :  $\geq$  50% PM reduction
  - Level 1 (lowest) :  $\geq$  25% PM reduction

Verified retrofit technologies can be found at:

EPA: [www.epa.gov/otaq/retrofit/verif-list.htm](http://www.epa.gov/otaq/retrofit/verif-list.htm)

CARB: [www.arb.ca.gov/diesel/verde/vt/cvt.htm](http://www.arb.ca.gov/diesel/verde/vt/cvt.htm)

(Important to note that not all engines can have L3 retrofit technologies applied. The technologies are engine and engine application specific and must meet certain criteria.)



# Typical BART Devices

- Most Level 3 devices consist of a passive diesel particulate filter (DPF) w/ estimated cost from \$6,000 - \$11,000
- Level 2 devices can include diesel oxidation catalyst (DOC) or flow through filters w/ estimated cost from \$1,000 - \$6,500
- Most Level 1 devices consist of DOCs w/ estimated cost from \$1,000 - \$2,000



# Subpart 248-1: Definitions

- Contractor: any person or entity that contracts directly or indirectly with a regulated entity to provide labor, services, materials and/or equipment on behalf of the regulated entity. Contractor includes prime contractor, subcontractor, and contractors hired by such subcontractor.



# Subpart 248-1: Definitions

- On behalf of: to provide, by a contractor, labor, services, materials, and/or equipment to a regulated entity which are integral to the performance of regulated entity work by a regulated entity



# Subpart 248-2: Applicability

- Part 248 applies to all HDVs except:
  - Locomotives
  - Alternative fuel vehicles
  - HDV subject to lease/contract entered into or last renewed prior to 2/12/07
  - On road HDV w/ engine model year prior to 1960



# Subpart 248-3: Compliance Requirements

- HDVs deemed in compliance w/ Part 248:
  - Vehicles w/ engines certified to EPA or CARB 2007 std for PM
  - HDVs retrofitted w/ EPA or CARB verified or approved diesel retrofit device prior to 2/12/07 provided device is maintained throughout the HDV's useful life
  - Approved bi-fuel vehicles



# 248-3: Compliance Requirements (process)

- For ULSD: should not be an issue since ULSD available for on-road use at retail since Oct 2006
- For BART: follow evaluation/selection process for each engine from L3 to L1 technologies if applicable, or select an option
- For Low NOx Rebuild Kit: first check to see if engine is an affected consent decree engine



# Subpart 248-3: Compliance Requirements

- BART options (in lieu of retrofitting):
  - Replace/repower engine w/ engine certified to EPA 2007 std for PM or subsequent EPA std at least as stringent, or
  - Replace w/ alt fuel engine/vehicle which does not operate on diesel fuel, or
  - Retire the vehicle or remove vehicle's engine



# Subpart 248-4: Waiver Provisions

- Waiver application requirements for lack of ULSD or BART L1 technology
- BART waiver application requires explanation & documentation to substantiate why BART technologies not applicable/available



## Subpart 248-5: Vehicle & Equipment Labeling Requirements

- BART label required on vehicle where BART installed w/ specific vehicle, engine & BART product information
- BART waiver label req'd on vehicle if applicable



# Subpart 248-6: Reporting Requirements

- Contractors shall report to the regulated entity information on the use of ULSD & BART on contractor covered vehicles that perform work on the contract site only
- Regulated entities shall report to the DEC on an annual basis
- Baseline vehicle inventory and annual updated inventories req'd
- Reporting items per ECL 19-0323.6



# Subpart 248-7: Record Keeping Requirements

- records must be kept & maintained including:
  - vehicle info
  - chassis info
  - engine info
  - installed retrofit info
  - if engine/vehicle replaced/repowered w/ 2007 engine or w/ alt fuel, or retired
  - if waiver issued
  - quantity of ULSD used



# DEC websites & email

- Proposed Part 248 regulation is available at [www.dec.ny.gov/regulations/47297.html](http://www.dec.ny.gov/regulations/47297.html)
- Hearing notice is available from the DEC Oct 8, 2008 ENB at [www.dec.ny.gov/enb/enb.html](http://www.dec.ny.gov/enb/enb.html)
- Written public comments can be sent to: [248DERA@gw.dec.state.ny.us](mailto:248DERA@gw.dec.state.ny.us), or to my attention at: NYSDEC, Div. of Air Resources, 625 Broadway, Albany, NY 12233-3255



# For further information

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