

SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT

Draft Staff Report

Proposed Amended Rule 1186.1 – Less-Polluting Sweepers

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Introduction

Between June 2000 and April 2001, the South Coast Air Quality Management District (SCAQMD or District) Governing Board adopted seven mobile source rules, commonly referred to as the “fleet rules.” The purpose of the fleet rules is to reduce mobile source emissions by accelerating the implementation of currently available cleaner-burning or alternative-fuel vehicle technology. Rule 1186.1 – Less-Polluting Sweepers was adopted by the SCAQMD Governing Board on August 18, 2000. Rule 1186.1 affects public fleets with 15 or more on-road vehicles and private fleets that provide street sweeping services to affected public fleets. Beginning July 1, 2002, Rule 1186.1 required these fleets to purchase alternative-fuel sweepers when adding or replacing street sweepers to their existing fleets. In addition, for those government agencies that utilize private street sweeping services, the contracts for these services must specify the use of alternative-fuel sweepers for contracts executed after July 1, 2002. A street sweeper is defined as an on-road vehicle weighing 14,000 pounds or more that is permitted to operate on public roads for the express purpose of removing material from paved surfaces by using mechanical systems through the action of one or more brooms, or by suction through a vacuum/regenerative air system, or any combination of these two systems.

Background

The provision in Rule 1186.1 that contains requirements for contracted street sweeping services affects a large number of government agencies in the District. This provision is basically divided into two parts. The first part pertains to government agencies that directly contract for street sweeping services without issuing an RFP or similar document. This provision of Rule 1186.1 subparagraph (d)(2)(A) requires that these services be provided with alternative-fuel street sweepers. The second part is contained in Rule 1186.1 subparagraph (d)(2)(B) which requires the solicitation of street sweeping services using alternative-fuel street sweepers, for those government agencies that use an RFP or similar document to solicit these services. In the situation where no bids are received from this solicitation, the government agency may use non-alternative fuel sweepers.

In the course of monitoring implementation of Rule 1186.1, it has come to SCAQMD staff’s attention that in some instances sweeping services are being provided by non-rule compliant street sweepers instead of alternative-fuel street sweepers, as otherwise required by the contract between the government agency and the street sweeping entity. In this situation, the government agency must take enforcement actions to require the use of alternative-fuel sweepers since the contract requiring the use of alternative-fuel sweepers was executed in compliance with Rule 1186.1.

Proposed Amendments to Rules 1186.1

Since a significant number of government agencies contract out for street sweeping services, the enforcement of contractual terms specifying the use of alternative-fueled street sweepers between the government agency and the street sweeping service provider is an important implementation issue. To address this situation, staff is proposing a new addition to the rule [subparagraph (d)(2)(C)] to require government agencies specifically enforce compliance with the terms of these contracts including the use of alternative-fueled street sweepers. Non-enforcement of these contracts would be a violation of Rule 1186.1 for every day street sweeping services are provided. Also, additional language is proposed for subdivision (a) and paragraph (c)(1) to clarify the purpose of the rule and the definition of “affected government agency,” respectively. Lastly, language is proposed to address the period of time during which alternative-fuel sweepers are ordered but have not been delivered by the start of the contract service.

CEQA Analysis

Pursuant to State California Environmental Quality Act (CEQA) Guidelines, the SCAQMD is the Lead Agency and will prepare a Notice of Exemption for proposed amended Rule 1186.1. The SCAQMD staff has reviewed the proposed project pursuant to state CEQA Guidelines §15002(k)(1), the first step of a three-step process for deciding which document to prepare for a project subject to CEQA. Amendments to Rule 1186.1 are administrative in nature that clarify and enhance compliance and do not relax the existing rule requirements. In addition, the proposed amendments will not worsen or cause any change to the current physical environment. Therefore, it can be seen with certainty that the proposed project has no potential to effect the environment and, as a result, it is exempt from CEQA pursuant to state CEQA Guidelines §15061(b)(3) – Review for Exemption. A Notice of Exemption will be prepared pursuant to state CEQA Guidelines §15062 – Notice of Exemption. The Notice of Exemption will be filed with the county clerks of Los Angeles, Orange, Riverside and San Bernardino counties immediately following the adoption of the proposed project.

Socioeconomic Analysis

These amendments do not have a significant effect on air quality or on air emissions limitations. Thus, no socioeconomic analysis is required. Health and Safety Code Section 40440.5(c).

Summary and Draft Findings

Summary

These findings are being made in compliance with state law requirements.

Draft Findings Required by the California Health and Safety Code

Health and Safety Code Section 40727 requires the SCAQMD to adopt written findings of necessity, authority, clarity, consistency, non-duplication and reference.

Necessity - The emission reductions associated with Proposed Amended Rule 1186.1 are needed for the following reasons:

- a) State and federal health-based ambient air quality standards for particulate matter and ozone are regularly and significantly violated in the South Coast Air Basin. The reduction of particulate matter and nitrogen dioxide emissions from diesel powered vehicles from Proposed Amended Rule 1186.1 is needed to meet federal and state air quality standards.
- b) By exceeding state and federal air quality standards, the health of people within the South Coast Air Basin is impaired.
- c) By exceeding state and federal air quality standards, the quality of life is reduced in the South Coast Air Basin in numerous respects.
- d) The California Clean Air Act (CH&SC Section 40910 et seq.) requires that the air districts make every effort to attain federal and state ambient air quality standards as soon as practicable. Proposed Amended Rule 1186.1 makes progress toward that goal.
- e) About 71 percent of cancer risk from air toxics is attributed to diesel particulate emissions, which would be reduced by the proposed rule.

Authority - The SCAQMD Board obtains its authority to adopt, amend, or repeal rules and regulations from Health & Safety Code Sections 40000, 40001, 40440, 40441, 40463, 40702, 40725 through 40728, and 40910 through 40920.

Clarity - The SCAQMD Board determines that Proposed Amended Rule 1186.1 is written or displayed so that its meaning can be easily understood by persons directly affected by it.

Consistency - The SCAQMD Board determines that Proposed Amended Rule 1186.1 is in harmony with, and not in conflict with or contradictory to, existing federal or state statutes, court decisions, or regulations.

Non-Duplication - Proposed Amended Rule 1186.1 does not impose the same requirements as any existing state or federal regulation and is necessary and proper to execute the powers and duties granted to, and imposed upon, the SCAQMD.

Reference - In adopting Proposed Amended Rule 1186.1, the Board references the following statutes which the SCAQMD hereby implements, interprets or makes specific: H&S Code Sections 40001 (rules to achieve ambient air quality standards), 40440(a) (rules to carry out AQMP), and 40447.5(a) (rules to require fleets of 15 or

more vehicles operating substantially in the SCAQMD to purchase vehicles powered by methanol or other equivalently clean burning alternative fuel when adding or replacing vehicles), and 40919(a)(4).