

Environmental Quality Commission Meeting

Proposed Diesel Emissions Identification Program Rule

Agenda Item D, Action Item
July 20, 2023

Introduction



Cleaner construction means more
breathable air

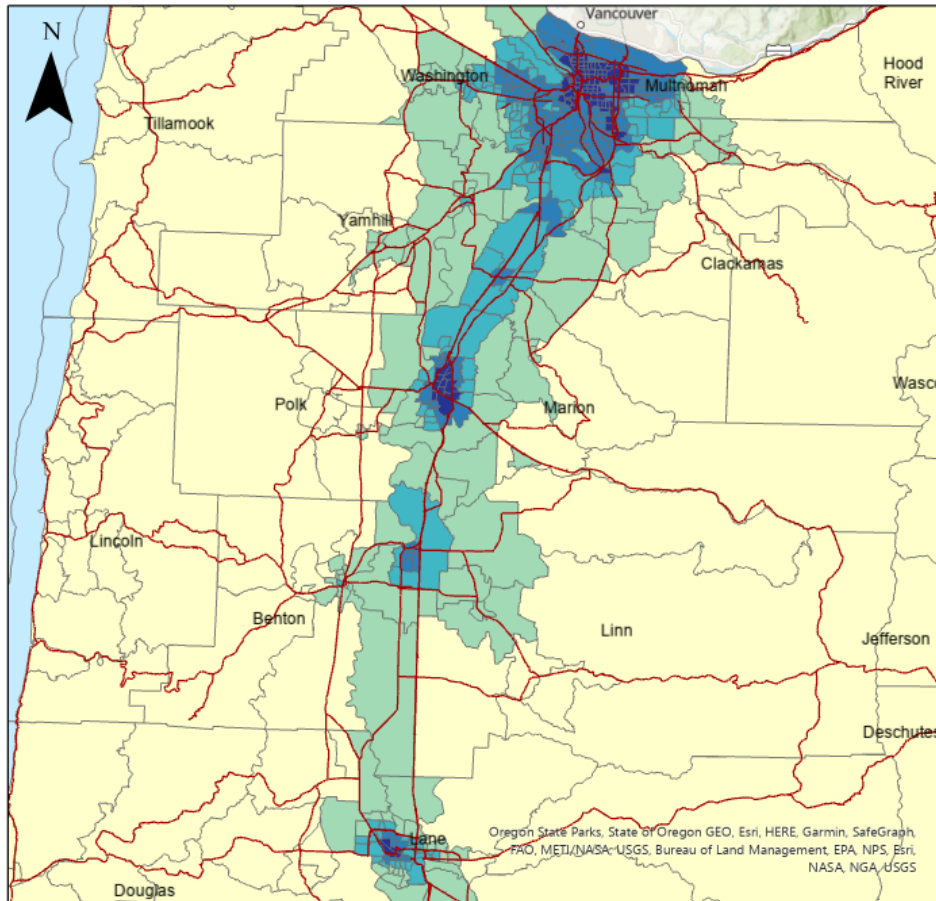
Background – Diesel Impacts



Willamette Valley 2019 ATS Cancer Risk- Diesel Particulate Matter

Cancer Risk By
Census Tract:
Lowest Risk Yellow
and Highest Dark
Blue

References:
EPA AirToxScreen (ATS) 2019
Ambient Concentration data for Diesel
PM; CAO Diesel PM Cancer Toxicity
Reference Value. Map made by AQ
Technical Services.



Date Map Created: 06/29/2023
Data Source: \\deqhq1\EI_Files\Area and Point Source Inventories\Ppresentations\EQC\DPM\Maps\2019
DPM\qry_OR_DPM_TotalAmbConc.xlsx

- Diesel PM causes cancer and other negative health effects
- Diesel exhaust is a major contributor to smog-forming pollution
- Diesel exhaust disproportionately impacts communities of color

Background – Diesel Strategy



Replace and retire the oldest diesel engines



Adopt new and cleaner technologies



Support owners and operators transitioning their fleets

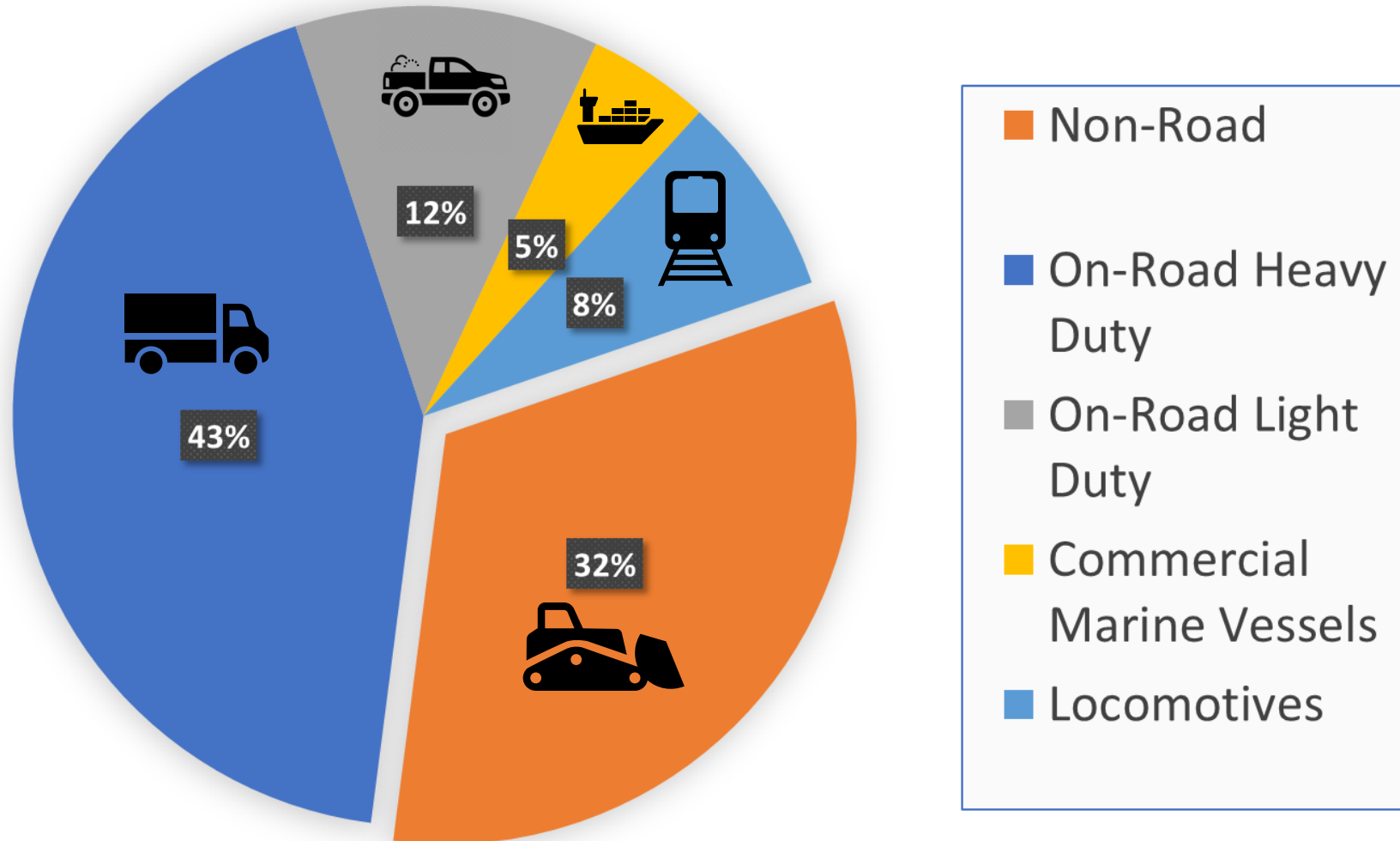
Background – Diesel Legislative Action

HB 2007 (2019) included:

- Diesel Emissions Mitigation Grant Program
- Truck titling and registration restrictions – Portland Metro
 - DEQ Retrofit Compliance Option
- Clean Diesel in Public Contracts
 - DEQ Public contracting specifications
- **Voluntary Emissions Control Label Program** (proposed action)

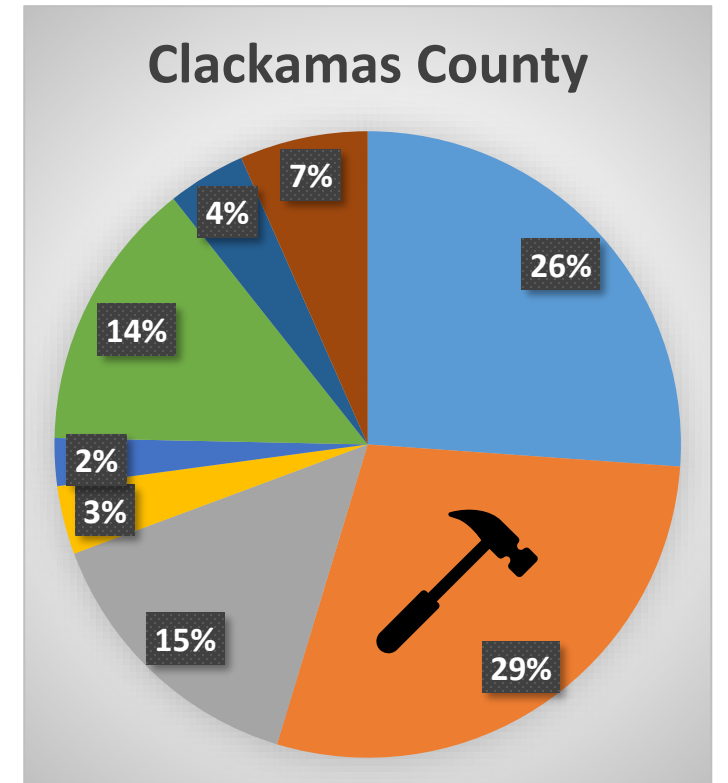
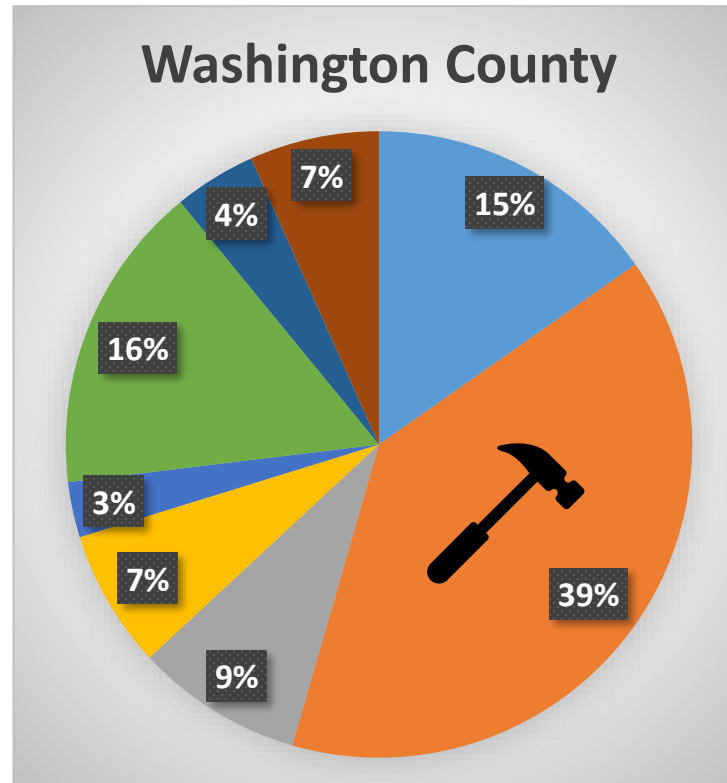
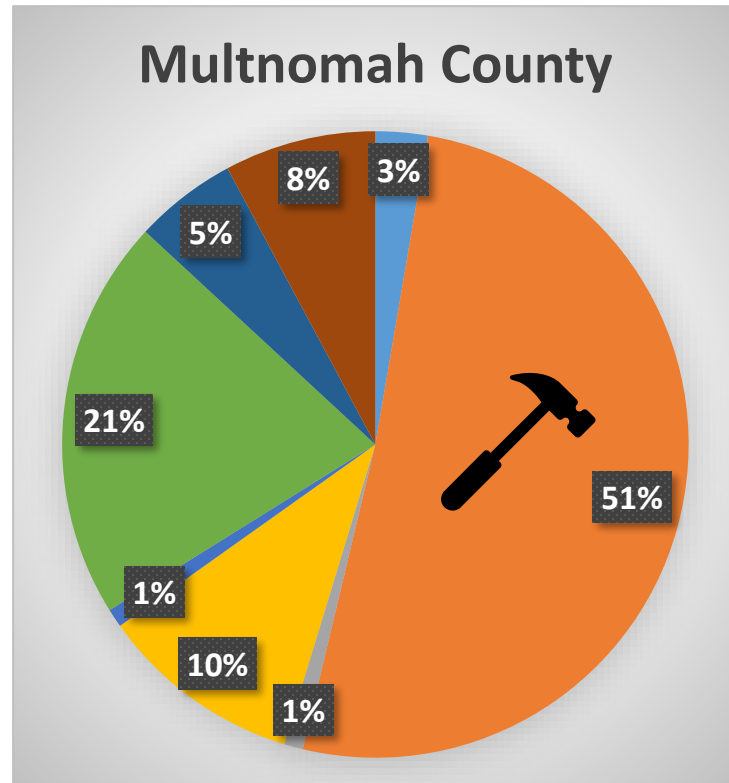
Background – Sources of Diesel Particulate

(2020 state level data)



Background – Nonroad Diesel PM

(selected county level data – 2017)

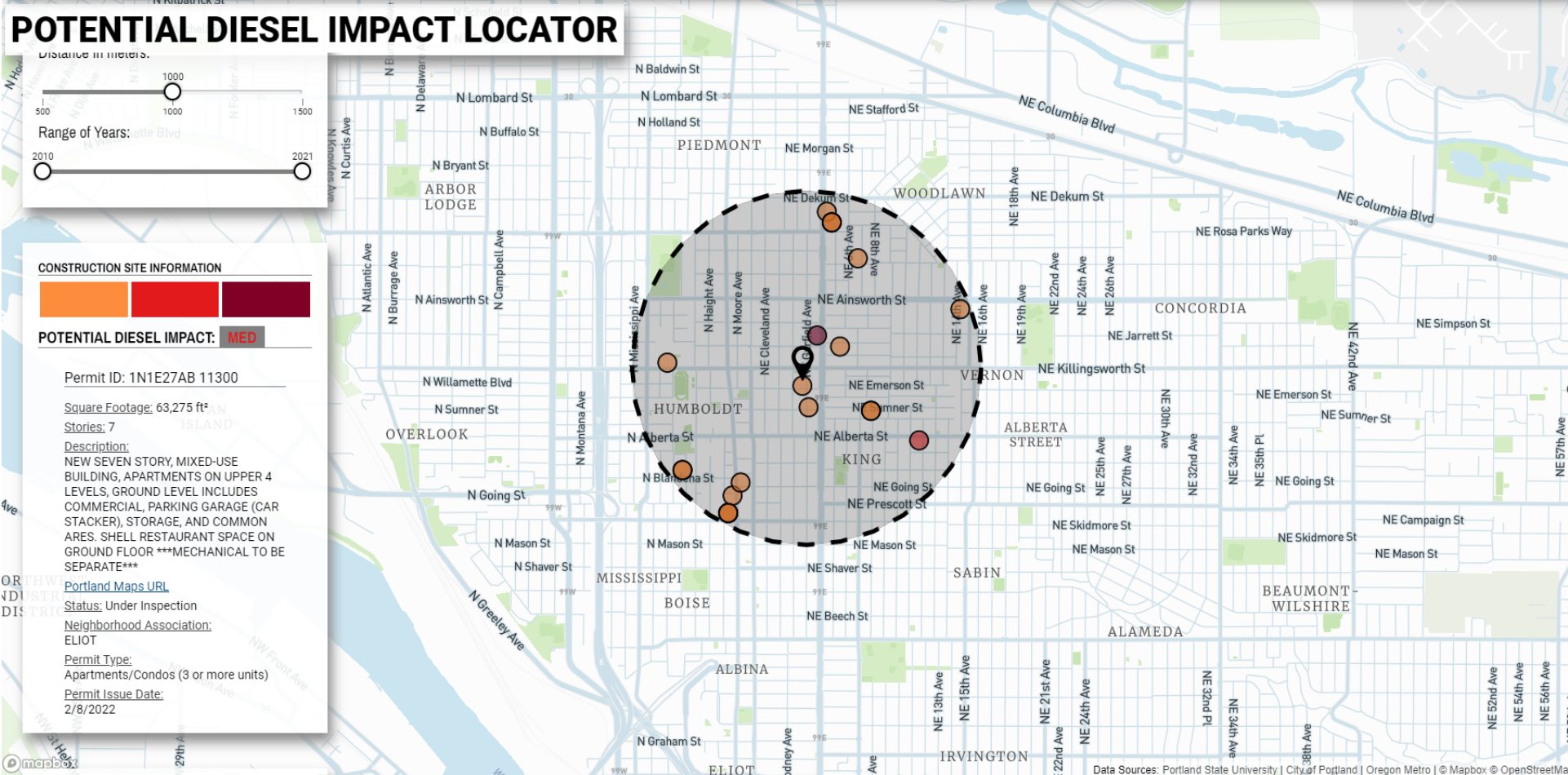


- Agriculture
- Construction
- Logging
- Public Fleets
- Surface Mining
- Commercial/Industrial
- TRUs
- Other

Background – Construction Project Density



The Issue **Mapping Tool** Join Us



Background – Environmental Justice

Racial Group	% of Group in Counties Along I-5
Black	91%
Asian	90%
Latino	75%
White	72%
Native American	61%

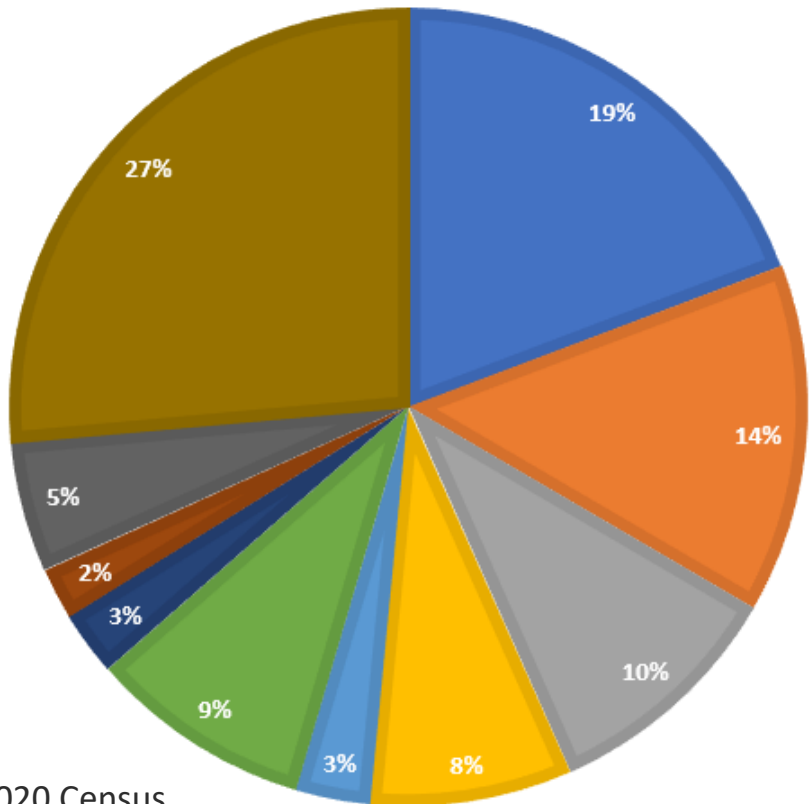
Source: 2020 Census

- Majority of each racial group is found along Interstate 5 where concentrations of the most harmful diesel particulate matter are found
- Construction in high traffic locations such as interstate highways, bridges, and densely populated metropolitan areas can add to already concentrated emissions

Background – Environmental Justice

COUNTY POPULATION TOTALS

Multnomah Washington Clackamas Marion Linn
Lane Douglas Josephine Jackson Other Counties



Source: 2020 Census

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

Proposed Rules – Introduction

- Program Overview
 - Voluntary program for emissions labeling
 - Includes nonroad equipment, dump trucks and concrete mixer trucks
 - DEQ-issued labels would make it easier to track engine certification and retrofit status
- Potential Uses
 - Compliance with clean diesel contracting standards
 - Compliance for LEED pilot credit
 - Promote environmentally conscious contractors



Proposed Rules – Voluntary Registration

Process Details:

- Submit completed voluntary registration form
 - Detailed engine information required
 - Authorized representative completes sworn statement
- Documentation required will include a picture of the manufacturer's engine label
- DEQ may accept forms already filled out for other programs to build efficiency



Proposed Rules – Labeling

- Labels must be affixed to equipment and vehicles within 30 days of issuance
- Owner/operator will receive 2 labels, each to be affixed on opposite sides of equipment in a way that is clear and easy to see
- Optional fleet designations and project worksite signage
- Cannot remove until deactivation process complete
- Labels are unique to each piece of equipment



Proposed Rules – Reporting & Deactivation

- Submit a quarterly report listing any changes to equipment or vehicles, or submit a form stating that there are no changes since last submitted report
- May submit reporting waiver form up to 3 consecutive quarters
- DEQ may accept forms already filled out for other programs to build efficiency
- Failure to meet programmatic criteria can result in suspension or deactivation
- Appeals process available

Fiscal & Economic Impact Findings

- No fiscal impact for compliance was found based on the voluntary nature of the proposed program
- Some concern over potential remote fleet management costs
- Small businesses are likely to need technical assistance to participate
- Offering economic incentives, such as rebates and vouchers, would help with retrofitting and replacements that can reduce emissions and provide additional help with clean construction contracts compliance

Public Engagement

- Stakeholder involvement
 - Meetings with key stakeholders
 - Advisory Committee Meeting
- Public comment period: April 27 – May 22, 2023
- Public Hearing: May 15, 2023
- One written comment received



Proposed Diesel Emission Identification Program Rules – Timeline

- Rules Advisory Committee Meeting – November 2022
- Notice of Proposed Rulemaking – April 2023
- Public Hearing – May 2023
- **Rule considered by EQC – July 2023**
- Preparation for implementation – July through December 2023
- Open Registration begins – January 2024

Requested EQC Action

“I move that the commission adopt the proposed rules, creating division 269, as seen on pages 34 through 40 in this report, as part of chapter 340 of the Oregon Administrative Rules.”