

SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT

(Adopted June 16, 2000)
(Amended June 7, 2002)(Amended June 6, 2003)
(Amended July 9, 2010)

RULE 1193. CLEAN ON-ROAD RESIDENTIAL AND COMMERCIAL REFUSE COLLECTION VEHICLES

(a) Purpose

For solid waste collection fleets operating in the South Coast Air Quality Management District (District), this rule requires public and private solid waste collection fleet operators to acquire alternative-fuel refuse collection heavy-duty vehicles when procuring or leasing these vehicles for use by or for governmental agencies in the South Coast Air Quality Management District (District) to reduce air toxic and criteria pollutant emissions.

(b) Applicability

This rule applies to government agencies that operate solid waste collection fleets with 15 or more solid waste collection vehicles and private fleet operators that provide solid waste collection services to governmental agencies. This rule shall not apply to:

- (1) solid waste collection vehicles where the combined total of government operated solid waste collection vehicles and private fleet operated solid waste collection vehicles providing solid waste collection services to the government agency is fewer than 15 vehicles,
- (2) vehicles used by a private solid waste collection fleet operator that provide services to a governmental agency not requiring a contract or franchise agreement,
- (3) transfer vehicles owned by, and operated at, a privately-operated transfer station, and
- (4) vehicles or services pursuant to subdivision (g).

(c) Definitions

For purposes of this rule, the following definitions shall apply:

- (1) **ALTERNATIVE-FUEL HEAVY-DUTY VEHICLE** means a heavy-duty vehicle or engine that uses compressed or liquefied natural gas, liquefied petroleum gas,

methanol, electricity, fuel cells, or other advanced technologies that do not rely on diesel fuel.

- (2) **APPROVED CONTROL DEVICE(s)** is an exhaust control device(s) that is verified or certified by CARB to reduce particulate matter and possibly other precursor emissions. For the purposes of this rule, a new heavy-duty vehicle equipped with approved control devices means that the engine family has been certified by CARB. A pre-owned heavy-duty vehicle equipped with approved control devices means that the device has been verified or certified by CARB. To be considered fitted with an approved control device(s), all diesel exhaust from the vehicle must be vented through such a device(s) that has been fitted at the time of vehicle purchase or fitted by a certified device installer at the time the device is delivered to the operator.
- (3) **BACKUP VEHICLE** means a solid waste collection vehicle, rolloff vehicle, or transfer vehicle that is not an alternative-fuel, dual-fuel, or pilot ignition heavy-duty vehicle, and is driven fewer than 1,000 miles annually.
- (4) **CONTRACT** means an agreement between a private solid waste collection fleet operator and a governmental agency to perform residential or commercial solid waste collection services, in which the contractor's compensation for providing services, or a formula for determining compensation, is specified. Any option to renew the contract or automatic renewal that extends the contract performance period shall be considered a new contract and shall meet the requirements in subdivision (d).
- (5) **DUAL-FUEL HEAVY-DUTY VEHICLE** means a heavy-duty vehicle equipped with a diesel engine that uses an alternative fuel (such as compressed or liquefied natural gas, liquefied petroleum gas, methanol, or other advanced technologies) in combination with diesel fuel to enable compression ignition. A dual-fuel engine typically uses the alternative fuel to supply 85 percent of the total engine fuel requirement on a BTU basis. A dual-fuel engine must be certified by CARB to meet an applicable optional nitrogen oxide or combined nitrogen oxide plus non-methane hydrocarbons exhaust emission standard and be fitted with an approved control device that achieves a particulate matter emissions reduction level no less stringent than the particulate matter emissions reduction level achieved by the latest CARB verified or certified particulate matter control device for the applicable engine family operating entirely on diesel fuel.

- (6) **EQUIPMENT BREAKDOWN** means any malfunction to an alternative fuel solid waste collection vehicle subject to this rule, including a traffic accident, which causes the vehicle to operate in an unsafe or unusable manner.
- (7) **FRANCHISE AGREEMENT** is considered a contract as defined in paragraph (c)(4), regardless of any provision that specifies a rate structure, provided that the franchise agreement sets a limit on the number of private waste collection fleet operators that can provide waste collection services or the governmental agency limits the number of franchise agreements issued to private waste collection fleet operators.
- (8) **GOVERNMENTAL AGENCY** includes any state, regional, county, city, or governmental department or agency, and any special district, such as, but not limited to water, air, sanitation, transit, and school districts.
- (9) **HEAVY-DUTY VEHICLE** means any vehicle having a gross vehicle weight of at least 14,000 pounds.
- (10) **PILOT IGNITION HEAVY-DUTY VEHICLE** means a heavy-duty vehicle equipped with an engine designed to operate using an alternative fuel as defined in paragraph (c)(1), except that diesel fuel is used for pilot ignition at an average ratio of no more than one part diesel fuel to ten parts total fuel on an energy equivalent basis. The engine shall not operate or idle solely on diesel fuel at any time.
- (11) **PRIVATE SOLID WASTE COLLECTION FLEET OPERATOR** is a person that owns, leases, or operates substantially in the District, solid waste collection, rolloff, or transfer vehicles. A person is an individual firm; limited liability company; association; partnership; or corporation or any other non-governmental agency that collects, transports, or transfers solid waste, yard waste, or recyclable materials.
- (12) **PUBLIC SOLID WASTE COLLECTION FLEET OPERATOR** is a governmental agency that owns, leases, or operates substantially in the District, solid waste collection, rolloff, or transfer vehicles.
- (13) **ROLLOFF VEHICLE** means any heavy-duty vehicle used for the express purpose of transporting waste containers such as open boxes or compactors.
- (14) **SOLID WASTE** means all putrescible and nonputrescible solid, and semisolid wastes, including garbage, trash, refuse, paper, rubbish, ashes, industrial wastes, demolition and construction wastes, abandoned vehicles and parts thereof, discarded home and industrial appliances, manure, vegetable or animal solid and

semisolid wastes, and other discarded solid and semisolid wastes. Solid waste does not include hazardous waste, radioactive waste, or medical waste as defined in Section 40191(b) of the Public Resources Code.

- (15) **SOLID WASTE COLLECTION VEHICLE** means any heavy-duty vehicle used for the express purpose of collecting solid waste, yard waste, or recyclable materials from residential or commercial establishments. A solid waste collection vehicle is a vehicle having the capability to collect solid waste using, either manual or automated, front, side or rear loaders and generally operates on fixed routes.
 - (16) **TRANSFER VEHICLE** means any heavy-duty vehicle used for the express purpose of transferring solid waste. A transfer vehicle is usually a tractor/trailer combination where the trailer is loaded at a processing or transfer station.
 - (17) **VEHICLE** means any self-propelled, motorized device that is permitted to operate on public roads through Department of Motor Vehicle registration or the federal government.
- (d) **Fleet Requirements**
- (1) Beginning July 9, 2010, all additions to an existing fleet, or formation of a new fleet of solid waste collection vehicles shall be by purchase or lease of alternative-fuel or pilot ignition heavy-duty vehicles, for public solid waste collection fleet operators and private solid waste collection fleet operators providing collection services subject to paragraphs (d)(3) or (d)(4) who have 15 or more solid waste collection vehicles or a combined total of 15 or more rolloff, transfer, or solid waste collection vehicles.
 - (2) Beginning July 9, 2010, all additions to an existing fleet, or formation of a new fleet, of transfer or rolloff vehicles shall be by purchase or lease of alternative-fuel, pilot ignition, or dual-fuel heavy-duty vehicles when adding or replacing transfer or rolloff vehicles, for public solid waste collection fleet operators and private solid waste collection fleet operators providing collection services subject to paragraphs (d)(3) or (d)(4) who have a combined total of 15 or more transfer or rolloff vehicles.

- (3) Any governmental agency that obtains new residential solid waste collection services from private fleet operator(s) shall contract for 100 percent use of alternative-fuel or pilot ignition solid waste collection vehicles, rolloff vehicles, or transfer vehicles.
- (4) Prior to January 1, 2020, any governmental agency that obtains new commercial or renewed residential or commercial solid waste collection services from private fleet operator(s) shall contract for:
 - (A) 100 percent use of alternative-fuel or pilot ignition solid waste collection vehicles, rolloff vehicles, or transfer vehicles:
 - (i) no later than five (5) years from the date of contract service, and
 - (ii) placing a minimum number of alternative fuel vehicles into service in accordance to the following schedule:

| Minimum Percentage | Deadline |
|--------------------|-------------------------------|
| 20% | 1 year after initial service |
| 40% | 2 years after initial service |
| 60% | 3 years after initial service |
| 80% | 4 years after initial service |
| 100% | 5 years after initial service |

OR

- (B) alternative-fuel, pilot ignition, or diesel solid waste collection, roll-off, or transfer vehicles. All replacement vehicles shall meet the provisions of Paragraphs (d)(1) or (d)(2). Existing diesel powered vehicles shall be:
 - (i) twelve (12) model years or newer, for each year from the date of contract renewal or start date of new contract services, and
 - (ii) equipped with approved control devices.
- (5) Vehicles that are removed from service in compliance with subparagraphs (d)(4)(A) or (d)(4)(B) shall not be used in any other refuse collection service contracts, but would be allowed in any other refuse service if the vehicles are replacing older vehicles.
- (6) Notwithstanding subparagraphs (d)(4)(A) or (d)(4)(B), all vehicles used for refuse services subject to subdivision (d) shall be alternative-fueled or pilot ignition beginning January 1, 2020.

- (7) Within 30 days upon execution of a new contract or renewed contract, the governmental agency and private fleet operator under contract shall submit a compliance report to the Executive Officer that provides the following information, at a minimum:
 - (A) Private Fleet Service Provider Contact Information, including
 - (i) name of private fleet operator,
 - (ii) street address,
 - (iii) contact person, and
 - (iv) telephone number.
 - (B) Description of service contract, including
 - (i) start of service date,
 - (ii) general description of services to be provided, and
 - (iii) contract timeframe for base year, option years, and renewal provisions if applicable.
 - (C) Inventory of refuse vehicles to begin service under a new or renewed contract, identified by:
 - (i) application (solid waste collection, rolloff, or transfer),
 - (ii) vehicle identification number,
 - (iii) license plate number,
 - (iv) engine model year,
 - (v) fuel type, and
 - (vi) domicile location.
 - (D) For renewed contracts, identification of rule provision, either subparagraphs (d)(4)(A) or (d)(4)(B), and planned purchases of alternative-fuel or pilot solid waste collection, rolloff, and transfer vehicles, to be used for rule compliance through January 1, 2020.
- (e) Equipment Breakdown
 - (1) A public or private solid waste collection fleet operator is permitted to substitute the use of a non-rule compliant backup solid waste collection, rolloff, or transfer vehicle if there is a breakdown of a rule compliant vehicle for a period lasting no longer than fourteen (14) calendar days provided that the following requirements are satisfied:
 - (A) a rule compliant solid waste collection vehicle, rolloff vehicle, or transfer vehicle is not available, and

- (B) except for traffic accidents, the breakdown was not caused by operator error, neglect, improper operation or maintenance procedures, as determined by the Executive Officer.
 - (2) If the vehicle breakdown will last for more than fourteen (14) calendar days, the public or private solid waste collection fleet operator shall submit a signed and dated Technical Infeasibility Certification Request (TICR) as required under Subdivision (f) to the Executive Officer for approval prior to the expiration of the fourteen (14) day period, pursuant to paragraph (f)(2).
- (f) Technical Infeasibility Certification Request
- (1) If non-rule compliant vehicles need to be temporarily used due to either:
 - (A) delayed delivery of rule compliant vehicles beyond the applicable compliance dates according to paragraphs (d)(3), (d)(4), and (d)(6), or
 - (B) the availability of an alternative fuel refueling infrastructure at the time of execution of a new contract or renewal of an existing contract,the government agency and private solid waste collection fleet operator shall submit a signed and dated Technical Infeasibility Certification Request (TICR) to the Executive Officer for approval at least thirty (30) days prior to the use of noncompliant vehicles. TICRs shall demonstrate:
 - (i) the unavailability of rule compliant vehicle(s), or
 - (ii) the unavailability of alternative-fuel refueling infrastructure within 5 miles from where the rule compliant vehicles are domiciled or that the existing alternative fuel refueling infrastructure is not capable of refueling the alternative fueled vehicles.This demonstration shall consist of vehicle purchase order(s), expected delivery timeframe(s), and vehicle manufacturer information that verifies delayed delivery of vehicles; or expected timeframe for the construction of an alternative-fueled refueling infrastructure, but no more than two (2) years from the date of approval of a TICR.
 - (2) TICRs submitted pursuant to paragraph (e)(2) shall demonstrate the length of time necessary to repair the vehicle breakdown, or if the vehicle is rendered completely inoperable, the time to order a new rule-compliant vehicle or the time needed to place a rule-compliant vehicle into service, beyond the initial fourteen (14) calendar day breakdown period. At a minimum the demonstration shall identify the vehicle undergoing repair by type and VIN, vehicle repair location, specific repairs being performed, and justification for period of time necessary for repair.

- (3) Pursuant to requirements contained in paragraphs (d)(1) or (d)(2), a TICR may be submitted to the Executive Officer to obtain approval for the purchase and use of non-rule compliant solid waste collection vehicle(s), rolloff vehicle(s), or transfer vehicle(s) where:
 - (A) no rule compliant engine and chassis configuration is available commercially or could be used, or
 - (B) dedicated vehicles are used to routinely transport solid waste into and out of the District.
- (4) If a private solid waste collection fleet operator complying with the provisions of subparagraph (d)(4)(A) demonstrates that within the fleet's total refuse vehicle count as provided in subparagraph (d)(4)(A), there is a sufficient number of alternative-fueled or pilot ignition refuse vehicles that meet or exceeds the minimum requirements in each year of the phase-in, the private solid waste collection fleet operator may request a TICR to extend compliance of the phase-in by one year.
 - (A) Up to two (2) one-year extensions may be granted under this request. The second request for a one-year extension shall be based on the requirements of the applicable year from the date of execution of the new contract or contract renewal.
 - (B) All vehicle purchases shall meet the provisions of paragraphs (d)(1) or (d)(2).
 - (C) The fleet must demonstrate full compliance by the end of the extended phase-in period by submitting a new or revised compliance report as required under subparagraph (d)(7).
- (5) A private fleet operator with a combined total of less than 50 solid waste collection vehicles, rolloff vehicles, or transfer vehicles may obtain up to two (2) one-year extensions to extend compliance under paragraph (d)(4), if the private fleet operator demonstrates to the Executive Officer that the operator does not have the financial resources to purchase a sufficient number of rule compliance vehicles as required under paragraph (d)(4).
- (6) Within seven (7) calendar days of receipt of a completed TICR submitted pursuant to paragraphs (f)(1) and (f)(2), and within forty-five (45) calendar days of receipt of a completed TICR submitted pursuant to paragraph (f)(3), the Executive Officer will either approve or disapprove the TICR in writing, indicating the reasons for disapproval. The Executive Officer shall disapprove a

TICR if it does not meet the demonstration requirements of paragraphs (f)(1), (f)(2), or (f)(3). If a TICR is disapproved by the Executive Officer:

- (A) The reasons for disapproval shall be given to the applicant in writing.
- (B) Upon receipt of a notice of a disapproved TICR, the fleet operator shall use rule compliant vehicles pursuant to subdivision (d).
- (C) The fleet operator may resubmit a TICR at any time after receiving a disapproval notification, but must still use rule compliant vehicles pursuant to subdivision (d) until such time as the Executive Officer approves a TICR.

(7) A TICR is subject to plan filing and evaluation fees as described in Rule 306.

(g) Exemptions

The provisions of this rule shall not apply to the following:

- (1) No more than ten evaluation/test vehicles per fleet, provided by or operated by vehicle manufacturer for testing or evaluation, exclusively.
- (2) Heavy-duty vehicles not used for the express purpose of collecting solid waste from residential or commercial establishments or transferring of solid waste from a waste transfer station to a landfill.
- (3) Any vehicle added to or replacing a vehicle in an existing fleet after the applicable implementation date of this rule, as specified in subdivision (d), as long as the purchase contract for acquisition of such vehicle is signed before the date of adoption of this rule. This exemption does not apply to the execution of options to acquire vehicles where the option is executed after the date of adoption of this rule and where vehicle delivery does not occur until after the applicable implementation date as specified in subdivision (d).
- (4) Notwithstanding the provisions of paragraph (d)(3) and prior to January 1, 2020, if a private solid waste collection fleet operator acquires the entire collection fleet vehicles for one or more service segments (such as residential recycling, residential garbage, commercial recycling or commercial garbage) from a public solid waste collection fleet operator and contracts with that public solid waste collection fleet operator for those collection services, the private solid waste collection fleet operator may elect to comply with the provisions of paragraph (d)(4).
- (5) Vehicles contracted for solid waste collection services provided that the solicitation to obtain new or renewed solid waste collection services from private solid waste collection fleet operators was opened prior to June 1, 2010.

- (6) Private fleets with a combined total number of fifteen (15) or fewer vehicles operating under a franchise agreement may elect to comply with the provisions of paragraphs (d)(1) and (d)(2) in place of paragraphs (d)(3) and (d)(4), provided that all non-alternative fueled vehicles are equipped with approved control devices as defined in paragraph (c)(2).
- (7) When the remainder of the fleet subject to subdivision (d) consists of alternative-fuel or pilot ignition heavy-duty vehicles,
 - (A) for public or private fleets with greater than 15 but less than or equal to 50 solid waste collection, rolloff, and transfer vehicles, no more than three (3) heavy-duty vehicles that do not meet the requirements of subdivision (d) may be part of the fleet at any given time, and
 - (B) for public or private fleets with greater than 50 solid waste collection, rolloff, and transfer vehicles:
 - (i) no more than three (3) percent of the solid waste collection vehicles subject to Subdivision (d) that do not meet the requirements of subdivision (d) may be part of the fleet at any given time; and
 - (ii) no more than twenty (20) percent of the rolloff and transfer vehicles subject to Subdivision (d) that do not meet the requirements of subdivision (d) and meet 2010 or cleaner exhaust emission standards may be part of the fleet at any given time.
 - (C) Any vehicles subject to the provisions of this section shall be equipped with approved control devices if the engines do not meet 2010 exhaust emission standards.
- (h) Compliance Auditing and Enforcement
 - (1) The fleet operator shall provide at the request of the District any files and/or records created to comply with subdivisions (d) and (e) including fleet-specific information, such as a list of official DMV registrations, manufacturer, model-year, model, engine family number, fuel type, fuel usage of each fleet vehicle, and backup vehicle annual mileage. The fleet operator shall keep all required records for a minimum of two years.
 - (2) Any fleet operator seeking an exemption under subdivision (g) shall supply proof that their vehicle or fleet is exempted from this rule when requested by the District.

- (3) No later than December 31, 2011, any fleet operator with 15 or more, but fewer than 50 vehicles subject to subdivision (d) shall submit a letter to the Executive Officer outlining the intended source of alternative fuel to be used for compliance purposes.
- (4) Any violation by a government agency of any provision of this rule or by a fleet operator of a contract or franchise agreement requirement for the use of alternative-fuel, pilot ignition, or dual-fuel vehicles, or the use of vehicles that are not authorized by this rule, is a violation of this rule.

(i) **Severability**

If any provision of this rule is held by judicial order to be invalid, or invalid or inapplicable to any person or circumstance, such order shall not affect the validity of the remainder of this rule, or the validity or applicability of such provision to other persons or circumstances. In the event any of the exceptions to this rule is held by judicial order to be invalid, the persons or circumstances covered by the exception shall instead be required to comply with the remainder of this rule.