

RULE 1193 IMPLEMENTATION GUIDANCE

July 2011

South Coast Air Quality Management District

TABLE OF CONTENTS

SUMMARY OF APPLICABILITY	1
SUMMARY OF COMPLIANCE REQUIREMENTS	10
SUMMARY OF TECHNICAL INFEASIBILITY CERTIFICATION REQUEST PROVISION	15
SUMMARY OF COMPLIANCE REPORTING AND RECORDKEEPING REQUIREMENTS	18
ENFORCEMENT GUIDELINE.....	20

ATTACHMENTS

I. SUMMARY OF APPLICABILITY

A. Background

Rule 1193 – Clean On-Road Residential and Commercial Refuse Collection Vehicles, is designed to reduce criteria and air toxic emissions associated with older diesel powered refuse collection vehicles. Rule 1193 was adopted by the South Coast Air Quality Management District (AQMD) Governing Board in June 2000. As originally adopted, affected refuse collection fleets are required to purchase alternative-fueled vehicles as they add refuse vehicles to their fleets. A Rule 1193 Implementation Guidance Document was prepared to assist affected fleets in complying with the rule requirements. In addition, Rule 1193 has undergone several minor amendments. However, in July 2010, the AQMD Governing Board adopted significant amendments to Rule 1193 based on court decisions related to the applicability of the AQMD fleet rules. A copy of Rule 1193 as adopted by the AQMD Governing Board on July 9, 2010 is provided in Attachment 1.

This document has been prepared to assist refuse collection fleets in understanding the provisions of Rule 1193 as amended in July 2010 and how fleets can comply with Rule 1193. AQMD staff is available to answer questions and to provide assistance to affected refuse fleet operators regarding Rule 1193 implementation. The entire guidance document should be read in order to fully understand the program requirements. Direct any questions concerning these guidelines to the Fleet Rules Hotline at (909) 396-3044.

B. Summary of Rule Provisions

1. Applicability

Rule 1193 applies to governmental agencies with 15 or more refuse collection vehicles. In addition, if a governmental agency contracts for refuse collection services, and the total combined number of public and private vehicles providing refuse collection services consists of 15 or more vehicles, the governmental agency must contract for rule compliant refuse vehicles to provide the refuse collection service. Private fleet operators providing refuse services to a public entity would be subject to Rule 1193 depending on the types of contracts entered with governmental agencies and the number of refuse collection vehicles needed for the service. In addition, Rule 1193 does not apply to certain operations and fleets as discussed in Section B.2 below.

Under Rule 1193, a “governmental agency” is 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. [Rule 1193(c)(8)].

There are also definitions of private and public refuse fleet operators:

- **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. [Rule 1193(c)(11)]
- **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. [Rule 1193(c)(12)]

For Rule 1193 purposes, solid waste is defined as 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). [Rule 1193(c)(14)]

Three types of refuse collection vehicles are defined in Rule 1193:

- **Rolloff Vehicle** – heavy-duty vehicle used for the express purpose of transporting waste containers such as open boxes or compactors. [Rule 1193(c)(13)]
- **Solid Waste Collection Vehicle** – heavy-duty vehicle (14,000 lbs. GVW or higher) used to collect solid waste, yard waste, or recyclable materials from residential or commercial establishments, equipped with either manual or automated front, side, or rear loaders. [Rule 1193(c)(15)]
- **Transfer Vehicle** – heavy-duty vehicle, usually a tractor/trailer combination, where the trailer is loaded at a transfer or processing station. [Rule 1193(c)(16)]

A rule compliant refuse vehicle can be an alternative-fuel, pilot ignition, or dual-fuel vehicle as defined below.

- **Alternative-Fuel Heavy-Duty Vehicle** – 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. [Rule 1193(c)(1)]

- **Pilot Ignition Heavy-Duty Vehicle** – heavy-duty vehicle equipped with an engine designed to operate using an alternative fuel, 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. In addition, these engines cannot have the capability to operate or idle solely on diesel fuel. [Rule 1193(c)(10)]
- **Dual-Fuel Heavy-Duty Vehicle** – 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. [Rule 1193(c)(5)]

Since Rule 1193 affects public and private refuse fleet operators differently depending on whether the governmental agency provides refuse services directly with its own fleet of refuse vehicles and/or contracts or allows private refuse fleet operators to provide refuse collection services, Rule 1193 provides a set of definitions for contracts and franchise agreements.

In recognition that private refuse fleet operators have a variety of contractual arrangements with various governmental agencies, Rule 1193 provides broad definitions for contracts and franchise agreements. For Rule 1193 purposes, a “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 would be considered a new contract. [Rule 1193(c)(4)]. Whereas, a “Franchise Agreement” is considered a contract as defined above, 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 [Rule 1193(c)(7)].

Contract renewals are considered time extensions of existing solid waste collection service contracts. There are two basic types of contracts that are considered contract renewal. The first type of contract renewal occurs when an existing contract contains options for time extensions after expiration of a base contract time period. Base year time periods are typically seven to ten years, and options to extend the existing contracts typically are in the form of multiple one to two year extensions.

The second type of contract renewal is related to evergreen contracts (sometimes called “rollover” contracts). These contracts also have base contract time periods and renewal provisions; however, the renewal provisions are automatically exercised without any action by the governmental agency or the private fleet operator under contract. Automatic renewals of existing solid waste collection service contracts would require meeting Rule 1193 requirements in the same manner as a contract extension. It should also be noted that annual renewal or issuance of solid waste collection services provided under a business permit would also trigger Rule 1193 requirements, where an affected governmental agency limits the total number of private solid waste collection service providers.

Given the variety of contractual arrangements that are used to permit solid waste collection services within the governmental jurisdictions, AQMD staff should be contacted if there are any questions regarding the applicability of Rule 1193 acquisition requirements.

Specific fleet requirements are discussed in Section II of this document. Table 1 provides a summary of the applicability of Rule 1193 to governmental agencies and private fleet operators.

Table 1. Rule 1193 Applicability to Government Agencies and Private Refuse Vehicle Operators

Number of Vehicles	Government Agencies	Private Operators
0 – 14	<ul style="list-style-type: none"> • No Requirements if not contracting or combined total of public and private vehicles less than 15 • If contracting and combined total is 15 or greater (see below) 	<ul style="list-style-type: none"> • No Requirements if not under contract with governmental agency • If under contract and combined total (including governmental agency and private operators) is 15 or greater (see below)
15 or More	<ul style="list-style-type: none"> • Purchase rule compliant vehicles at time of replacement or addition • If contracting for services, require rule compliant vehicles for service 	<ul style="list-style-type: none"> • No additional requirements if refuse service to governmental agency is not under contract • If under contract, provide rule compliant refuse vehicles according to Rule schedule. Also, vehicle replacements or additions must be rule compliant. • Small fleets consisting of 15 or fewer vehicles not subject to rule schedule; however, rule compliant vehicles must be purchased at time of replacement or addition

2. Exemptions

Rule 1193 does not apply to certain public and private refuse collection fleets depending on fleet size and operations. In addition, Rule 1193 contains several exemption provisions to allow for the use of non-rule compliant refuse vehicles when rule compliant vehicles are not available, certain criteria are met, or not technically feasible for certain types of refuse collection operations. The exemption provisions can be divided into two parts: 1) explicit exemptions and 2) exemptions requiring a technical infeasibility certification request (TICR). The applicability of exemptions and explicit exemptions are

discussed below. Exemptions requiring a TICR approval is discussed in Section IV below.

1. Applicability of Exemptions

Rule 1193 contains several overarching exemptions for public and private fleet operators. Under state law, the South Coast AQMD authority to implement fleet rules applies to individual fleets and combination of fleets that total 15 or more. As such, Rule 1193 contains an overall applicability exemption for the use of rule compliant 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 governmental agency is fewer than 15 vehicles [Rule 1193(b)(1)].

In general, Rule 1193 applies to private fleet operators that are under contract with governmental agencies. Contractual arrangements are defined in Section B.1. As such, Rule 1193 does not apply to private refuse fleets that have contractual arrangements with private entities such as commercial establishments or multi-family unit residential housing if the governmental agency does not require private operators to contract with the governmental agencies for these services. For example, a city or county may allow private refuse operators to collect refuse with a simple permit rather than a franchise contract. Similarly, a governmental agency may have franchise contracts with multiple private refuse operators. If the number of private refuse operators is limited by the governmental agency and the number of refuse vehicles needed to service the governmental agency is 15 or more, the private operators are subject to Rule 1193. However, Rule 1193 would not apply if the governmental agency does not limit the number of private refuse operators regardless of the contractual arrangement and the number of refuse vehicles needed. Rule 1193 contains an exemption for refuse vehicles used by a private solid waste collection fleet operator that provide services to a governmental agency not requiring a contract or franchise agreement [Rule 1193(b)(2)]. Similarly, Rule 1193 contains an applicability exemption for transfer vehicles owned by, and operated at, a privately-operated transfer station [Rule 1193(b)(3)]. Lastly, certain refuse vehicles may be exempt from the primary compliance requirements of Rule 1193 as discussed in the following sections.

Private refuse fleets with less than 15 vehicles may elect to follow the primary compliance requirements or decide to add or replace vehicles to their fleet at the time the operator is ready to add or replace vehicles [Rule 1193(g)(6)]. To document the use of this exemption, small fleet operators should maintain information for each vehicle in their overall fleet with regard to vehicle identification (e.g., license plate and/or VIN), service area, applicable contracts/agreements specifying services to be performed, and documentation that fleet vehicles are equipped with approved control devices.

2. *Explicit Exemptions*

Fleet operators are not required to obtain prior approval from AQMD to use these exemption provisions. However, fleet operators must maintain information that demonstrates their proper use. This information must be provided to AQMD staff upon request. Fleet operators are encouraged to contact AQMD staff for any clarifications regarding the use of exemption provisions in specific situations where there may be some uncertainty regarding their application and/or needed documentation to demonstrate their proper use.

The following categories of vehicles may qualify for an exemption:

- Evaluation/Test Vehicles [Rule 1193(g)(1)]
A fleet operator may acquire a non-rule compliant vehicle if (1) the engine powering the vehicle has been experimentally permitted by the California Air Resources Board (CARB) without certification approval at the time of vehicle delivery and (2) the total number of vehicles under this exemption in the vehicle fleet does not exceed ten. Vehicle operators utilizing this exemption must maintain information on all evaluation/test vehicles in the fleet, including the vehicle identification (VIN and/or license plate number), application, acquisition date, domicile location, assigned areas of operation, copy of CARB experimental permit, and evaluation test procedures. Fleet operators will not be allowed to operate vehicle if the experimental permit has expired.
- Heavy-Duty Vehicle not Collecting or Transferring Solid Waste to a Transfer Station or Landfill [Rule 1193(g)(2)]
Rule 1193 applies to refuse vehicles that provide curbside residential or commercial solid waste collection services. In addition, Rule 1193 applies only to refuse vehicles that drop off solid waste at a transfer station or landfill or transport waste from a transfer station to a landfill (other exemptions may apply in these situations). As such, refuse vehicles used solely to transfer waste between commercial establishments are not subject to the rule. Meat rendering transport and the transfer of hazardous materials to a disposal facility are two examples of refuse operations where waste is not taken to a transfer station or landfill. In addition, refuse vehicles used solely to transport waste that does not meet the rule definition are exempt from the rule.

A fleet operator utilizing this exemption would be expected to maintain vehicle identification and application information, service area, description of cargo, and any pertinent contracts/agreements that would permit or require the use of the vehicle(s), and verify the type of cargo being transported by the vehicle.

- Vehicles Acquired from a Government Agency by a Private Fleet Operator [Rule 1193(g)(4)]

Under some circumstances a private fleet operator may take over refuse services provided by a governmental agency and the private fleet operator may be required to acquire the governmental agency's refuse vehicles, which may not be rule compliant. As such, Rule 1193 would require these vehicles to be subject to the vehicle acquisition phase-in requirements as specified in paragraph (d)(4). To qualify for this provision, all vehicles servicing a specific service segment must be acquired at the same time. Examples of service segments include residential collection, residential recycling, commercial collection, and commercial recycling. Fleet operators utilizing this exemption must maintain information documenting the purchase, use, and transfer of ownership of affected vehicles as well as contracts and any other documents that specify their use, pre- and post acquisition by the private fleet.

- Solicitation for Services Opened Prior to June 1, 2010 [Rule 1193(g)(5)]

Rule 1193 recognizes that prior to the AQMD Governing Board's adoption of the amendments to Rule 1193 in July 2010, there may have been open refuse collection service solicitations. As such, any non-rule compliant vehicles acquired by private refuse fleets for providing the services resulting from a governmental agency solicitation occurring prior to June 1, 2010 and contractual arrangements were executed after July 9, 2010, would not be subject to Rule 1193. To document the use of this exemption, fleets should maintain information regarding the affected vehicles, in terms of service areas, purchase orders, copies of any contracts/agreements specifying services to be performed for these vehicles, and the corresponding solicitation for contracted services.

- Allowance for Diesel Fueled Vehicles When the Rest of the Fleet Consists of Rule Compliant Vehicles [Rule 1193(g)(7)]

This exemption provision allows for refuse fleets to have non-rule compliant vehicles where the remaining vehicles in that fleet are rule compliant. Such vehicles must be equipped with approved control devices if the engines do not meet 2010 exhaust emission standards. The exemption provision can apply in three different situations.

- For public or private fleets with greater than 15 but less than or equal to 50 solid waste collection vehicles, rolloff vehicles and transfer

vehicles, *the remaining* three vehicles would not have to comply with Rule 1193 requirements. For example, for a fleet of 50 vehicles, after 47 vehicles comply with the Rule, the remaining three vehicles in the fleet can be diesel powered.

- For public or private fleets with greater than 50 solid waste collection vehicles, rolloff vehicles, and transfer vehicles, no more than 3 percent of the solid waste collection vehicles do not have to comply with the rule. (Note, for rounding purposes, the number of allowable non-rule compliant vehicles will be determined by rounding up to the nearest whole number when the decimal fraction of a number is equal to or greater than 0.5, and down if the decimal fraction of a number is less than 0.5.) For example, for a fleet of 150 vehicles, after 145 vehicles meet the requirements of subdivision (d), the remaining 5 vehicles in the fleet can be diesel powered.
- For public or private fleets with greater than 50 solid waste collection vehicles, rolloff vehicles, and transfer vehicles, no more than 20 percent of rolloff and transfer vehicles do not have to comply with the requirements of the rule. Note that the same roundoff rules would apply as in the previous example for the purposes of quantifying the number of vehicles. To evaluate the exemption application, information needed includes the number of vehicles seeking exemption, and list of fleet-owned vehicles including identifying information with fuel type.

Vehicle operators using this exemption should maintain vehicle identification records for all affected vehicles in their fleet, documenting vehicle type, fuel type, and acquisition date.

II. SUMMARY OF COMPLIANCE REQUIREMENTS

A. General Requirements

The compliance requirements of Rule 1193 are provided in Subdivision (d) of the Rule. There are general requirements for public and private refuse fleets with 15 or more refuse vehicles to purchase or lease rule compliant vehicles. In addition, there are various compliance requirements for public and private refuse fleets depending on contractual arrangements for refuse services provided by private refuse fleet operators. The following sections discuss the general compliance requirements that apply to public or private refuse fleets separately.

1. *Public Refuse Fleet/Governmental Agency Requirements*

a. *Governmental Agencies Owned/Operated Refuse Collection Vehicles*

For government fleets with 15 or more solid waste collection vehicles, rolloff vehicles, or transfer vehicles, all additions to an existing fleet or the formation of a new fleet must be through the purchase or lease of rule compliant vehicles (i.e., alternative-fuel or pilot ignition vehicles). Government fleets with fewer than 15 refuse vehicles must follow this requirement, if the combined total of government fleet vehicles and private fleet vehicles providing refuse collection services to the governmental agency totals 15 or more vehicles.

b. *Governmental Agency Contracting for Private Refuse Collection Services*

When a governmental agency solicits for new residential or commercial refuse collection services, the governmental agency must request that all refuse collection vehicles provided for the service be rule compliant. In addition, when a governmental agency renews existing residential or commercial contracts for refuse collection services, all refuse vehicles provided for such services must be rule compliant. The number of rule compliant refuse vehicles to be deployed depends on the type of service (residential or commercial). For example, new contracts for residential refuse collection will require the private fleet operator to use all rule compliant vehicles at the beginning of the service. Whereas new commercial or renewal of existing contracts will require the private fleet operator to phase-in rule compliant vehicles such that by 2020 all refuse vehicles servicing the governmental agency would be rule compliant. Regardless, a governmental agency may specify the number of rule compliant vehicles to service the governmental agency needs, but no less than required by Rule 1193.

Upon execution of a new contract or renewal of an existing contract, the governmental agency and the refuse fleet operator(s) must submit a Compliance Report as discussed in Section II.A.3 below.

2. *Private Refuse Fleet Operator Requirements*

a. Private Fleet Operator Owned/Operated Refuse Collection Vehicles

For private refuse fleets providing refuse collection services to governmental agencies that have 15 or more solid waste collection vehicles, rolloff vehicles, or transfer vehicles in their respective fleets, all additions to an existing fleet or the formation of a new fleet must be through the purchase or lease of rule compliant vehicles (i.e., alternative-fuel or pilot ignition vehicles). Private refuse fleets with fewer than 15 refuse vehicles must follow this requirement, for specific vehicles providing services to government agencies where the combined total of government fleet vehicles and private fleet vehicles providing refuse collection services to the governmental agency totals 15 or more vehicles. [Rule 1193 (b)(1)]

b. Private Refuse Fleet Operator Requirements When Contracted by a Governmental Agency

Private refuse fleet operators have different compliance requirements depending on the type of contract (commercial or residential), new or renewal of existing contract, and the fleet size. In addition, whenever the private refuse fleet operator enters into a new contract or renews a contract, the private refuse fleet operator must provide a Compliance Report as discussed in Section II.A.3 below. The following sections discuss the various compliance requirements. Note that the following requirements apply only if the combined total refuse vehicles servicing a governmental agency's refuse collection needs is 15 or more vehicles (includes refuse vehicles operated by the governmental agency and all private refuse fleet operators under contract to the governmental agency).

i. Rule Compliant Vehicles for New Residential Collection Services to a Governmental Agency

When a governmental agency issues a new contract for new residential solid waste collection services, the private refuse operator must use 100 percent alternative-fuel or pilot ignition solid waste collection vehicles for these services. [Rule 1193(d)(3)] Depending on the circumstances at the start of the contract services, the private refuse operator may apply for temporary exemptions as discussed in Section IV below.

ii. Rule Compliant Vehicles for New Commercial Collection Services to a Governmental Agency, or Contract Renewals for Existing Residential and Commercial Refuse Collection Services

Rule 1193 provides two compliance options for private refuse fleets providing commercial refuse collection services or renewing existing contracts. These compliance options include either a scheduled five year phase-in of rule compliant vehicles or a phase-in of rule compliant vehicles through a rolling replacement of diesel vehicles greater than 12 years old. [Rule 1193(d)(4)]

Once a compliance option is chosen, the private fleet operator must follow the schedule of compliance for the remaining life of the contract. Changes to the compliance option will not be allowed after the first contract renewal. It should also be noted that no matter which compliance option is chosen, all affected contractual services must be provided with alternative-fuel or pilot ignition vehicles by January 1, 2020 (Rule 1193 paragraph (d)(6)). The two rule compliance options triggered by new commercial contracts and contract renewals are further discussed below.

1. Five-Year Phase-In Compliance Option

Under this compliance option, private refuse fleets must place a minimum number of alternative fuel or pilot ignition vehicles into service according with the following schedule, ending with 100 percent use of rule compliant vehicles after five years from date of contract service. [Rule 1193(d)(4)(A)(i) and (d)(4)(A)(ii)] There are alternatives to the five-year phase-in option as discussed in the exemption section and Section IV – Technical Infeasibility Certification Request (TICR).

Minimum Percentage ¹	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

1. Minimum percentage increases to 100% by January 1, 2020, in accordance with Rule 1193(d)(6).

2. 12 Model Year Rolling Phase-In Compliance Option

Private refuse fleets choosing this compliance option may use a combination of alternative fuel vehicles, pilot ignition vehicles, or 12 year old and newer diesel vehicles (based on engine age) to establish the service. Diesel vehicles must be equipped with approved control devices as defined in Rule 1193(c)(2). Note that heavy-duty vehicles equipped with 2007 and later model year diesel engines are typically equipped by the manufacturer with these devices. Based on the initial vehicle fleet at the start of new contractual service, to be identified in the Compliance Report, diesel vehicles increasing in age beyond 12 years old during the life of the contract must be replaced with alternative fuel or pilot ignition vehicles.

The 12 model year rolling phase-in requirements apply to new contracts. The phase-in requirements apply to contract renewals except that the existing vehicle fleet providing solid waste collection services prior to contract renewal would be used as the basis for rule compliance, with necessary vehicle replacements implemented subsequent to the start of the contract renewal period to comply with the allowable use of a combination of 12 year old and newer diesel vehicles, alternative-fuel, or pilot-ignition vehicles. As

mentioned previously, all solid waste collection services provided under this compliance option must use alternative-fuel or pilot ignition vehicles by January 1, 2020, in accordance with Rule 1193 paragraph (d)(6).

Diesel vehicles removed from service as a result of meeting either of the two phase-in requirements may be used to replace other diesel vehicles in any other service, provided that these services are provided to a governmental agency not affected by Rule 1193, or a Rule 1193 affected governmental agency that allows private refuse collection services without a contract (i.e., business permit). An additional limitation is that the diesel vehicle removed from service is only allowed to replace an older diesel vehicle, based on engine age. [Rule 1193(d)(5)] Some examples follow:

Example 1. City X has a combined fleet of 20 vehicles under contracts with private fleet operators A & B. City X renewed its residential contract with Operator A under the 12 Model Year Rolling Phase-In Compliance Option. Operator A uses ten vehicles in this contract, all of which are diesel. Five vehicles are 10 years old, three are 8 years old and two are 12 years old. Before the first anniversary of the contract (one year from the initial date of service), Operator A needs to replace the two 12 year old diesel vehicles to comply and to maintain the level of service to City X. Therefore, Operator A must remove the two 12 year old diesel vehicles and replaces them with two alternative-fuel vehicles under contract with City X before the first anniversary of the contract.

Operator B (who is providing ten vehicles to service City X) decides to follow the Five-Year Phase-In Compliance Option. For the first year, Operator B will provide at a minimum two rule compliant vehicles. In each subsequent year, Operator B would provide two additional rule compliant vehicles such that by the end of the fifth year, Operator B will have ten rule compliant vehicles servicing City X.

Also, another city, City Y, has a combined fleet of 10 vehicles under contract with Operator A. City Y is not affected by Rule 1193 because the combined fleet is less than 15 vehicles. Operator A uses 10 vehicles in this contract, all of which are diesel. Five vehicles are 15 years old, three are 10 years old and two are 12 years old. Under Rule 1193(d)(5) Operator A can replace two of the 15 year old diesels in City Y's residential contract with the two 12 year old vehicles removed from City X's contract.

3. Equipment Breakdown

In recognition that vehicle breakdowns occur as part of normal fleet operations, Rule 1193 provides flexibility for the temporary use of non-rule compliant backup vehicles when a rule compliant vehicle is rendered inoperable. An allowable backup vehicle is 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 (Rule 1193 paragraph (c)(3)). Use of backup vehicles is allowed without notifying AQMD if the following conditions are satisfied: (1) the vehicle breakdown lasts no longer than 14 days, (2) a rule compliant vehicle is unavailable for use as a substitute for the broken down vehicle, and (3) the breakdown was not caused by operator error, neglect, improper operation or maintenance procedures. It should be noted that vehicle breakdowns due to traffic accidents regardless of fault do not disqualify the temporary use of backup vehicles. The fleet operator should keep records of vehicles experiencing breakdowns and corresponding backup vehicles including vehicle identification (e.g., VIN or license plate number), domicile locations, breakdown cause and repairs performed, and repair duration. Records should be kept for at least two years.

4. Notification Requirements for Fleets with Less Than 50 Vehicles

To ensure that sufficient alternative fuel refueling infrastructure will be in place as refuse fleet comply with Rule 1193, Rule 1193 requires that any fleet operator affected by Rule 1193 and has between 15 to 49 refuse vehicles to submit a letter to the AQMD Executive Officer outlining the intended source of alternative fuel to be used for compliance purposes. The letter should be addressed to:

SCAQMD
Mobile Source Division – On Road Section
Science and Technology Advancement
21865 Copley Drive
Diamond Bar, CA 91765

III. SUMMARY OF TECHNICAL INFEASIBILITY CERTIFICATION REQUEST PROVISION

A. Overview

Besides the vehicle exemptions discussed in Section I of this document, Rule 1193 provides for the acquisition and use of non-rule compliant vehicles and additional compliance flexibility through the extension of the five-year phase-in period given the specific situation of each refuse operator. As such, Rule 1193 establishes a Technical Infeasibility Certification Request (TICR) process. Under the TICR process, individual refuse fleets can work with AQMD staff to demonstrate the need for an exemption. As part of the TICR process, a TICR application form has been developed (see Attachment 3). The refuse fleet operator would submit the form and any necessary backup information to the AQMD for approval prior to any actions on fleet operator's part.

The TICR application identifies specific instructions for the submittal of information to document and obtain approval for vehicle acquisition and use. An approval determination will be made within 45 calendar days of submission of a completed TICR request. However, because of the expedited nature of TICR submittal due to equipment breakdown, the response timeframe is reduced to seven calendar days for this situation. It should be noted that additional documentation may be requested as needed as part of the TICR review.

The following sections discuss the various circumstances for which a TICR could be given.

1. Delay in Vehicle Delivery

It is expected that governmental agencies and solid waste collection service providers will incorporate sufficient lead time when ordering rule compliant vehicles. There is a general recognition that vehicle assembly and delivery typically takes six to eight months from the time an order is placed, but that unforeseen circumstances beyond the control of the fleet operator may delay vehicle delivery, which may necessitate the temporary use of non-rule compliant vehicles. To obtain approval under these circumstances, it is essential that documentation from the vehicle manufacturer specifying the cause for delayed vehicle delivery, the original delivery timeframe at the time of vehicle purchase, the current expected vehicle delivery timeframe, as well as documentation from the entity submitting the application demonstrating that proper industry practices were followed that incorporated the expected delivery timeframe of rule compliant vehicles so that these vehicles would be available as required by the rule. [Rule 1193 (f)(1)(A)]

2. New Refueling Infrastructure Construction

Refueling infrastructure could take up to a year or longer to construct, but circumstances beyond the control of the fleet operator may impede infrastructure construction due to problems such as unanticipated delayed equipment acquisition or lack of timely regulatory approvals authorizing infrastructure construction. To obtain TICR approval based on delayed infrastructure construction, it is essential that documentation be obtained that demonstrates proper infrastructure construction timeframes were utilized, and that unanticipated problems were encountered that hindered the availability of vehicle refueling. Required information to be

submitted as part of this exemption request includes the original bid solicitation for infrastructure, infrastructure description and location, number of vehicles to be served, expected construction timeframe for infrastructure, and documentation supporting the unanticipated circumstances that resulted in delayed infrastructure construction. Existing refueling infrastructure that could service rule compliant vehicles will be taken into account as part of the TICR evaluation process. [Rule 1193(f)(1)(B)]

3. Extended Vehicle Breakdown Time Period

Rule 1193 allows the temporary use of backup vehicles for up to 14 days as a result of equipment breakdown, without notifying AQMD. If the equipment breakdown lasts longer than 14 days, a TICR application needs to be submitted, to substantiate the length of time necessary to remedy the vehicle breakdown. A response will be provided to the completed application within seven calendar days. Besides justification for the timeframe necessary to operate the backup vehicle, additional information as part of this submittal is required relative to the vehicle being repaired, including vehicle identification, location, and repair description. [Rule 1193(f)(2)]

4. Model Unavailability

Rule 1193 would allow a fleet operator to acquire diesel-fueled refuse vehicles, if an alternative-fueled, pilot ignition, or dual-fuel refuse vehicle cannot be manufactured. To utilize this rule provision, it is expected that the fleet operator demonstrate model unavailability by soliciting rule compliant vehicles from known dealers/suppliers of these vehicles. The TICR application specifies documentation that should be submitted to demonstrate model unavailability, including vehicle description information, services to be performed, bid or other solicitation document, bid responses, and vehicle specifications. If the vehicle is replacing an existing vehicle, performance specifications for the existing vehicle may also be requested. [Rule 1193(f)(3)(A)]

5. Routine Transport of Solid Waste Into and Out of District

Solid waste materials are routinely transported into and out of the District. In addition, it is recognized that alternative-fuel vehicle range in conjunction with the availability of alternative-fuel refueling infrastructure may make the use of alternative-fuel, pilot ignition, or dual fuel vehicles impractical for routes that significantly exceed District boundaries, in areas of the State that have insufficient alternative-fuel refueling infrastructure to support rule compliant vehicle operation. To obtain TICR approval, documentation that identifies source and destination of solid waste, any contracts or agreements that arrange for the solid waste transport, days in calendar year when affected vehicles will be outside the District, and affected vehicles identified by VIN and license plate number should be submitted. Specific route information may also be requested as part of the TICR approval process. [Rule 1193(f)(3)(B)]

6. One Year Compliance Extensions

Rule 1193 provides flexibility with regard to the five-year phase-in compliance option discussed earlier. Rule 1193 would allow a private refuse fleet to extend the phase-in period up to two years (in one-year increments) if the fleet operator demonstrates that the total number of rule compliant vehicles in the fleet exceeds the minimum requirements of the phase-in schedule for the specific year under consideration. [Rule 1193(f)(4)]

Affected fleet operators can submit TICRs at two separate times during the phase-in period to take advantage of this rule provision, with each TICR applying for a one year extension of the phase-in schedule. Approvals for up to two one-year extensions in combination with the five year phase-in timeframe contained in subparagraph (d)(4)(A) would allow for up to a seven year phase-in of rule compliant vehicles. To obtain TICR approval, fleet operators must demonstrate that their overall fleet penetration of alternative-fuel (or other Rule 1193 rule compliant vehicles) operating in the AQMD meets or exceeds the required penetration level of rule compliant vehicles pursuant to subparagraph (d)(4)(A). To make this demonstration, fleet operators must submit copies of contracts/agreements as well as a listing, identification, and description of rule compliant vehicles for the affected governmental agencies where rule compliant vehicles are being phased-in, and the corresponding required number of refuse vehicles for each government agency where the use of rule compliant vehicles have exceeded Rule 1193 requirements, to justify exemption approval under this rule provision. In addition, the fleet operator should specify whether the TICR application pertains to the first one-year extension or the second one-year extension.

7. Small Fleet Economic Hardship Compliance Extension

A small private fleet operator defined as a fleet with 50 or fewer refuse vehicles may experience potential economic hardships in complying with Rule 1193. As such, a small private fleet operator can receive up to two one-year extensions to acquire rule compliant vehicles. To obtain approval for this TICR provision, the fleet operator must document the need for purchasing rule compliant vehicles along with infrastructure costs (where justified). This can be accomplished through submission of governmental agency contracts/agreements along with information as necessary that would substantiate the number of rule compliant vehicles to support contractual agreements or anticipated demand for solid waste collection services where the contractual agreements allow a private fleet to openly solicit for its services from commercial establishments. Fleets applying for this TICR provision would provide documentation demonstrating financial hardship, to be determined on a case by case basis, including such items as one year of financial data, a written statement from a certified accountant, a written statement from a bank representative, or inability to receive public funding assistance or loan assistance guarantees. [Rule 1193(f)(5)]

IV. SUMMARY OF COMPLIANCE REPORTING AND RECORDKEEPING REQUIREMENTS

A. General Requirements

In order to confirm compliance with Rule 1193, affected fleets and governmental agencies must at a minimum, keep records of refuse vehicles in their fleets and refuse vehicles used to provide refuse collection services to governmental agencies. Any records kept by fleet operators must be provided to the AQMD upon request. The following sections discuss the various reporting and recordkeeping requirements.

1. *Compliance Reporting Requirements for Governmental Agencies and Private Fleet Operators Under Contract to Governmental Agencies*

Rule 1193 requires the submission of a Compliance Report by the governmental agency and the private fleet operator within 30 days of the execution of a new or renewed solid waste collection services contract, including automatic contract renewal. The purpose of the Compliance Report is to provide necessary information related to governmental agency and private fleet contracts, including contract type, vehicle fleet inventory, and plans for Rule 1193 compliance over the term of the contract.

To reduce the burden of providing compliance report information for contract renewals (pertaining to contracts that contain automatic renewal provisions or contracts that have multiple optional contract term extensions), a letter may be submitted after the initial contract renewal and Compliance Report submission if there are no changes to the Compliance Report from the initial submission. A copy of the Compliance Report Form is included as Attachment 2.

2. *Vehicle Specific Recordkeeping*

Rule 1193 requires vehicle specific records to be kept by fleet operators for a minimum of two years. These records include the following:

- ⇒ **Official DMV Vehicle Registration Documentation**
- ⇒ **Manufacturer Name**
- ⇒ **Model and Model year**
- ⇒ **Engine Family Number**
- ⇒ **Fuel type(s)**
- ⇒ **Fuel usage (year to date, up to the nearest month)**
- ⇒ **Backup Vehicle Annual Mileage**

[Rule 1193(h)(1)]

3. *TICR and Exemption Recordkeeping*

Records associated with any vehicle acquired through an exemption or approved TICR must be kept by the fleet operator. This documentation would consist of a copy of the TICR Request Application or exemption approval letter where applicable, supporting

documentation, and corresponding vehicle identification information. The fleet operator should maintain this documentation while the vehicle is being utilized. [Rule 1193(h)(2)]

ENFORCEMENT GUIDELINE

I. Purpose and Applicability

A. Purpose

This enforcement guideline establishes a penalty policy of general application to fleet vehicle operators. It does not prevent the exercise of prosecutorial discretion in unusual cases that may warrant a lesser or greater penalty.

B. Applicability

Rule 1193 – Clean On-Road Residential and Commercial Waste Collection Vehicles.

II. Emission Source Background

Rule 1193 provides for the reduction of fleet vehicle emissions to reduce public exposure to motor vehicle pollution, including toxics, particulate, and ozone precursor emissions. It is intended that these benefits be surplus to existing state and federal regulations governing emission levels from on-road motor vehicles.

A. Rule Requirements

Rule 1193 applies to governmental agencies where the combined number of publicly or privately owned solid waste collection vehicles, rolloff vehicles, or transfer vehicles that are used for refuse collection services to a specific governmental agency totals 15 or more vehicles. Rule 1193 requires the use of alternative-fuel, dual-fuel, or pilot-ignition vehicles when: (1) governmental agencies issue contracts for new or renewed solid waste collection vehicles for both commercial and residential services, and (2) affected public or private fleets add or replace vehicles to their fleet. See “Summary of Requirements” section for a more detailed description of Rule 1193 requirements.

B. Compliance Strategy

The District will audit fleet purchases by requesting purchase records and other records identifying the type of vehicles in the fleet and by inspecting facilities and vehicles. The fleet operators must provide “any files and/or records created to comply” with the applicable fleet rule.

III. Evidence

A. Inspection and Documentation

Any addition or replacement of vehicles in affected government or private fleets, or vehicles used by private fleets as a result of newly issued or renewed contracts for residential or commercial solid waste collection services to affected governmental agencies must be alternative-fueled, dual-fueled, or pilot ignition in accordance with vehicle acquisition requirements, unless exempt. In addition, purchase records, supplier records, budget materials, and the like will be relied upon to demonstrate compliance or noncompliance.

B. Variance Relief

Persons subject to this rule who are unable to comply may apply for a variance with SCAQMD Hearing Board. Also, SCAQMD Regulation V and California Health and Safety Code Sections 42350 through 42372 may be consulted for information regarding variances. Any variance granted by the Hearing Board must be limited to the time necessary to procure refueling infrastructure. It is unlikely that the Hearing Board would find that a variance is warranted if it would have the effect of delaying compliance with the rule on a long-term basis.

IV. Implementation

A. Effective Date

This Enforcement Guideline shall take effect February, 2011.

ATTACHMENTS

1. Rule Language
2. Compliance Report Form
3. Technical Infeasibility Certification Request (TICR) Form

ATTACHMENT 1
RULE LANGUAGE

(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 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.

ATTACHMENT 2
COMPLIANCE REPORTING FORM



SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT
21865 Copley Drive, Diamond Bar, CA 91765
ON-ROAD SECTION, MOBILE SOURCE DIVISION
OFFICE OF SCIENCE AND TECHNOLOGY ADVANCEMENT
909-396-2409

Rule 1193 Compliance Report Form

Instructions

**Submit Within 30 Days of New or Renewed Contract, or Use of 1 Year Compliance Extension.
Use One Form per Contract.**

Section I – Public Agency Information

Name of Public Agency to be Serviced by Fleet Operator

Public Agency Address

Public Agency Contact Name

Telephone #

Section II – Private Fleet Information

Company Name

Company Address (local if available)

Contact Name

Telephone #

Section III – Contract Information

Reason for Compliance Report Submittal:

- New Contract Contract Renewal 1 Year Compliance Extension per subparagraph (f)(4)(C)

Contract Type:

- Exclusive Franchise (rate regulated, limited number of haulers, specified contract term, renewal options require agency approval)
 Evergreen or Rollover (same as Exclusive Franchise, except that renewals extending contract term are automatic, not requiring any agency action)
 Open Franchise (multiple haulers allowed to compete for customers, must sign contract, not rate regulated, requires franchise fee)
 Permit or License (limited number of haulers may provide service, must obtain license or permit, no rate regulation, must pay license or permit fee)
 Other, please describe _____

Contract Start Date

Contract Term

Describe Renewal Provisions such as Option Years and/or Automatic Renewals. If additional space is needed, please attach.

Identify Services, such as Residential, Commercial, Transfer, or other (please describe). If additional space is needed, please attach.

Identify Service Area(s). If additional space is needed, please attach.

Section IV – Rule 1193 Vehicle Acquisition Compliance Information

Rule Provision for Compliance (Note: compliance method may not change during contract or renewal term)

- Subparagraph (d)(4)(A) – 5 year phase-in, OR
- Subparagraph (d)(4)(B) – 12 model year or newer refuse vehicle phase-in, OR
- Subparagraph (g)(6) – Exemption for fleets with less than 15 solid waste collection vehicles. Provide a list of all vehicles

Include as Attachments:

- (1) Briefly describe number and types of refuse vehicles planned to be acquired over contract or renewal term, incorporating any application of TICR provision(s) [(f)(1)(A), (f)(1)(B)(i), (f)(1)(B)(ii), (f)(3)(A), (f)(3)(B), (f)(4), and (f)(5)] affecting 5 year phase-in or use of 12 model year or newer phase-in.
- (2) List of vehicles that will provide refuse pick-up services. For each vehicle, include VIN, License Plate Number, engine model, fuel type, and application. Also specify where vehicles will be domiciled, and location of alternative-fuel station(s) to be used (if applicable) – see example listing on last page of form.
- (3) Attach New or Renewed Contract, or existing contract if one year compliance extension is used by fleet.

Section V – Responsible Official Signature Statement – Public Agency

I HEREBY CERTIFY THAT ALL INFORMATION CONTAINED HEREIN AND INFORMATION SUBMITTED WITH THIS FORM/ATTACHMENT(S) ARE TRUE AND CORRECT.

SIGNATURE OF RESPONSIBLE OFFICIAL: _____ DATE: __/_____/__

PRINT NAME: _____ TITLE: _____ TELEPHONE # _____

Section VI – Responsible Official Signature Statement – Private Fleet Operator

I HEREBY CERTIFY THAT ALL INFORMATION CONTAINED HEREIN AND INFORMATION SUBMITTED WITH THIS FORM/ATTACHMENT(S) ARE TRUE AND CORRECT.

SIGNATURE OF RESPONSIBLE OFFICIAL: _____ DATE: __/_____/__

PRINT NAME: _____ TITLE: _____ TELEPHONE # _____

Example Vehicle Information Form

VIN	LIC. PLATE	ENGINE MODEL YEAR	FUEL ¹	DPF	DOMICILE ADDRESS	APPLICATION ²	ALT. FUEL STATION LOCATION

This form may be duplicated for additional vehicle information.

¹ Fuel Codes: D = Diesel, CNG = Compressed Natural Gas, LNG = Liquefied Natural Gas, DF = Dual Fuel, G = Gasoline, LPG = Liquefied Petroleum Gas

² Application Codes: C = Commercial, R = Residential

ATTACHMENT 3

**TECHNICAL INFEASIBILITY
CERTIFICATION REQUEST (TICR)**



RULE 1193
TECHNICAL INFEASIBILITY CERTIFICATION REQUEST
(USE ONE FORM PER VEHICLE MODEL)

1. ENTITY NAME:	AQMD ID# (IF KNOWN)
2. MAILING ADDRESS:	
3. CONTACT PERSON, TITLE, TELEPHONE:	
4. APPLICABLE GOVERNMENT AGENCY NAME, CONTACT PERSON, TELEPHONE, IF FORM IS SUBMITTED BY PRIVATE FLEET OPERATOR	
<p>5. JUSTIFICATION FOR TECHNICAL INFEASIBILITY CERTIFICATION REQUEST, IF APPLICABLE:</p> <ul style="list-style-type: none"> ➤ SELECT ONE OF THE FOLLOWING, A, B, C, D, E, F, OR G AND <u>PROVIDE REQUIRED DOCUMENTATION AS AN ATTACHMENT</u> ➤ NOTE: IF MORE THAN ONE OPTION APPLIES, AND YOU WOULD LIKE TO INCLUDE DOCUMENTATION FOR MORE THAN ONE OPTION, CHECK FIRST WITH AQMD FLEET RULE STAFF AT 909-396-3044. <p>A. <input type="checkbox"/> Subparagraph (f)(1)(A) – Delayed Vehicle Delivery</p> <ul style="list-style-type: none"> I) VEHICLE PURCHASE ORDER(S). II) VEHICLE DESCRIPTION INCLUDING APPLICATION, MANUFACTURER, MODEL, AND MODEL YEAR OF CHASSIS AND ENGINE (IF NOT INCLUDED ON PURCHASE ORDER(S)). III) MANUFACTURER DOCUMENTATION THAT SPECIFIES THE EXPECTED DELIVERY TIMEFRAME AT TIME OF PURCHASE, CURRENT EXPECTED DELIVERY TIMEFRAME, AND REASON FOR DELAYED VEHICLE DELIVERY. INCLUDE MANUFACTURER CONTACT NAME AND TELEPHONE NUMBER. <p>B. <input type="checkbox"/> Subparagraph (f)(1)(B) – Delayed Refueling Infrastructure Construction</p> <ul style="list-style-type: none"> I) REQUEST FOR BID OR OTHER SOLICITATION DOCUMENT FOR REFUSE PICKUP SERVICES AND CORRESPONDING AWARD LETTER. II) NUMBER OF ALTERNATIVE-FUEL VEHICLES PROVIDING REFUSE PICKUP SERVICES AND VEHICLE DOMICILE LOCATION. III) LOCATION OF AND DESCRIPTION OF INFRASTRUCTURE TO BE CONSTRUCTED TO SUPPORT REFUELING OF ALTERNATIVE-FUEL REFUSE VEHICLES. IV) EXPECTED TIMEFRAME FOR CONSTRUCTION OF INFRASTRUCTURE. V) EXPLANATION AND DOCUMENTATION SUPPORTING UNFORESEEN CIRCUMSTANCES CAUSING DELAYED REFUELING INFRASTRUCTURE CONSTRUCTION. <p>C. <input type="checkbox"/> Paragraph (f)(2) – Extended Vehicle Breakdown Time Period</p> <ul style="list-style-type: none"> I) IDENTIFY VEHICLE UNDERGOING REPAIR BY TYPE AND VIN. II) VEHICLE REPAIR LOCATION. III) SPECIFIC REPAIRS BEING PERFORMED. IV) JUSTIFICATION FOR PERIOD OF TIME NECESSARY FOR REPAIR. <p>D. <input type="checkbox"/> Subparagraph (f)(3)(A) – Model Unavailability</p> <ul style="list-style-type: none"> I) VEHICLE TYPE/APPLICATION TO BE EXEMPTED AND <u>HOW MANY</u>. INCLUDE DESCRIPTION AND SPECIFICATIONS/PERFORMANCE REQUIREMENTS DEMONSTRATING COMMERCIAL UNAVAILABILITY II) DESCRIPTION OF SERVICES TO BE PERFORMED BY REFUSE VEHICLES THAT SUPPORT VEHICLE SPECIFICATIONS/PERFORMANCE REQUIREMENTS. III) REQUEST FOR BID OR OTHER SOLICITATION DOCUMENT FOR ALTERNATIVE-FUEL AND DIESEL VEHICLES. AT MINIMUM, INCLUDE BASIC SPECIFICATIONS THAT PERTAIN TO HORSEPOWER, TORQUE, GVWR, GCWR, ANY CAPACITIES, WHEELBASE, OVERALL LENGTH, CAB CONFIGURATION, AND ALL FUEL OPTIONS. IV) WRITTEN DOCUMENTS FROM ALL VENDORS RESPONDING TO THE ABOVE REQUEST. V) VENDOR NAMES, ADDRESSES, CONTACT NAMES, AND TELEPHONE NUMBERS. VI) DESCRIPTION AND BASIC SPECIFICATIONS (HP, TORQUE, GVWR, GCWR) OF DIESEL VEHICLE CURRENTLY USED TO PERFORM REFUSE COLLECTION SERVICES. 	

- E. **Subparagraph (f)(3)(B) – Routine Transport of Solid Waste Into and Out of District**
 - I) LOCATION AND DESTINATION OF SOLID WASTE TO BE TRANSPORTED.
 - II) COPY OF CONTRACTS/AGREEMENTS.
 - III) NUMBER OF DAYS PER CALENDAR YEAR AFFECTED VEHICLE(S) ARE USED TO TRANSPORT SOLID WASTE, AND ANY SUPPORT DOCUMENTATION.
 - IV) LISTING OF RULE 1193 AFFECTED VEHICLES BY VIN AND LICENSE PLATE NUMBER

- F. **Paragraph (f)(4) – One Year Compliance Extensions**
 - I) COPY OF CONTRACTS/AGREEMENTS FOR AFFECTED PUBLIC AGENCY.
 - II) LIST OF RULE 1193 AFFECTED VEHICLES BY VIN, LICENSE PLATE NUMBER, APPLICATION, ACQUISITION DATE, AND FUEL TYPE FOR AFFECTED PUBLIC AGENCY.
 - III) LIST OF ALTERNATIVE-FUEL VEHICLES PROVIDING REFUSE PICKUP SERVICES TO PUBLIC AGENCIES UNAFFECTED BY RULE 1193, IDENTIFIED BY VIN, LIC PLATE NUMBER, FUEL TYPE, AND ASSIGNED PUBLIC AGENCY.
 - IV) INCLUSION OF STATEMENT SPECIFYING TICR SUBMITTAL IS INTENDED FOR FIRST ONE-YEAR EXTENSION OR SECOND ONE-YEAR EXTENSION

- G. **Paragraph (f)(5) – Small Fleet Economic Hardship Compliance Extension**
 - I) COPY OF CONTRACTS/AGREEMENTS FOR AFFECTED PUBLIC AGENCY.
 - II) LIST OF RULE 1193 AFFECTED VEHICLES BY VIN, LICENSE PLATE NUMBER, APPLICATION, ACQUISITION DATE, AND FUEL TYPE FOR AFFECTED PUBLIC AGENCY.
 - III) FINANCIAL DOCUMENTATION DEMONSTRATING INABILITY TO PURCHASE RULE COMPLIANT VEHICLES. TYPE(S) OF DOCUMENTATION THAT COULD MAKE THIS DEMONSTRATION UPON CONCURRENCE BY DISTRICT STAFF INCLUDE ONE YEAR OF FINANCIAL DATA, A WRITTEN STATEMENT FROM A CERTIFIED ACCOUNTANT, A WRITTEN STATEMENT FROM A BANK REPRESENTATIVE, OR INABILITY TO RECEIVE PUBLIC FUNDING ASSISTANCE OR LOAN ASSISTANCE GUARANTEES

RESPONSIBLE OFFICIAL SIGNATURE STATEMENT

I HEREBY CERTIFY THAT ALL INFORMATION CONTAINED HEREIN AND INFORMATION SUBMITTED WITH THIS FORM/ATTACHMENT(S) ARE TRUE AND CORRECT.

SIGNATURE OF RESPONSIBLE OFFICIAL: _____ DATE: ____ / ____ / ____

PRINT NAME: _____

TITLE: _____ TELEPHONE # _____

Send completed form to:

South Coast AQMD
On-Road Section
Mobile Source Division
21865 Copley Drive
Diamond Bar, CA
91765-4182

If you need assistance in completing this form, please call On-Road Section at (909) 396-2409.