

1 engine emission standards that will reduce particulate matter emissions from engines model year
2 2007 and newer ninety percent (90%) below previous levels.

3 (e) The same technology that reduces emissions by up to ninety percent (90%) for new
4 engines can be retrofitted onto existing engines, which will continue to operate for years.

5 (f) As a first step in tackling the diesel pollution problem in Rhode Island, school buses
6 should be given high priority.

7 **31-47.3-2. Definitions . --** When used in this chapter:

8 (1) "Best available retrofit technology" means technology, verified by the United States
9 Environmental Protection Agency or California Air Resources Board (CARB) for achieving
10 reductions in particulate matter emissions at the highest classification level for diesel emission
11 control strategies that is applicable to the particular engine and application. Such technology shall
12 not result in a net increase in nitrogen oxides.

13 (2) "Heavy duty vehicle" or "vehicle" means any on-road or nonroad vehicle powered by
14 diesel fuel and having a gross vehicle weight of greater than fourteen thousand (14,000) pounds.

15 (3) "Director" refers to the director of the department of environmental management
16 (DEM).

17 (4) "Level 1 control" means a verified diesel emission control device that achieves a
18 particulate matter (PM) reduction of twenty-five percent (25%) or more compared to uncontrolle d
19 engine emissions levels.

20 (5) "Level 2 control" means a verified diesel emission control device that achieves a
21 particulate matter (PM) emission reduction of fifty percent (50%) or more compared to
22 uncontrolled engine emission levels.

23 (6) "Level 3 control" means a verified diesel emission control device that achieves a
24 particulate matter (PM) emission reduction of eighty-five (85%) or more compared to
25 uncontrolled engine emissions levels, or that reduces emissions to less than or equal to one one-
26 hundredth (0.01) grams of (PM) per brake horsepower-hour. Level 3 control includes repowering
27 or replacing the existing diesel engine with an engine meeting the US EPA's 2007 Heavy-duty
28 Highway Diesel Standards, or in the case of a nonroad engine, an engine meeting the US EPA's
29 Tier 4 Nonroad Diesel Standards.

30 (7) "Closed crankcase ventilation system (CCV)" means a system that separates oil and
31 other contaminant from the blow-by gases and routes the blow-by gases into a diesel engine's
32 intake system downstream of air filter.

33 (8) "Full-sized school bus" means a school bus, as defined in Rhode Island general law
34 section 31-1-3, which is a type 1 diesel school bus, including spare buses operated by or under

1 contract to a school district, but not including emergency contingency vehicles or low usage
2 vehicles.

3 (9) “Model year 2007 emission standards” means engine standards promulgated by the
4 federal Environmental Protection Agency in 40 CFR Parts 69, 80 and 86.

5 (10) “Verified emissions control device” means a device that has been verified by the
6 federal Environmental Protection Agency or the California Air Resources Board to reduce
7 particulate matter emissions by a given amount.

8 **31-47.3-3. Reducing emissions from school buses. --** (a) Purpose. To reduce health
9 risks from diesel particulate matter (DPM) to Rhode Island school children by significantly
10 reducing tailpipe emissions from school buses, and preventing engine emissions from entering the
11 passenger cabin of the buses.

12 (b) Requirements for Rhode Island school buses:

13 (i) By September 1, 2010, no full-size school bus with an engine model year 1993 or
14 older may be used to transport school children in Rhode Island;

15 (ii) and, providing there is sufficient federal or state monies, by September 1, 2010, all
16 full-sized school buses transporting children in Rhode Island must be retrofitted with a closed
17 crankcase ventilation system and either: (A) be equipped with a level 1, level 2, or level 3 device
18 verified by the US Environmental Protection Agency or the California Air Resources Board; or
19 (B) be equipped with an engine of model year 2007 or newer; or (C) achieve the same or higher
20 diesel PM reductions through the use of an alternative fuel such as compressed natural gas
21 verified by CARB/EPA to reduce DPM emissions at a level equivalent to or higher than
22 subsection (B) above.

23 (c) Financial assistance to defray costs of pollution reductions called for in (b)(ii):

24 (i) DEM shall work with the Rhode Island department of transportation or other
25 authorized transit agencies to maximize the allocation of federal congestion mitigation and air
26 quality (CMAQ) money for Rhode Island for diesel emissions reductions in federal FY 2008 and
27 thereafter until the retrofit goals in this act are met. The (CMAQ) program is jointly administered
28 by the federal highway administration (FHWA) and the federal transit administration (FTA), and
29 was reauthorized by congress in 2005 under the safe, accountable, flexible, and efficient
30 transportation equity act: A legacy for users (SAFETEA-LU). The (SAFETEA-LU) requires
31 states and MOPs to give priority in distributing CMAQ funds to diesel engine retrofits, and other
32 cost-effective emission reduction and congestion mitigation activities that benefit air quality.

33 (ii) Drawing upon any available federal or state monies, the director shall establish and
34 implement a system of providing incentives consistent with this section to municipalities,

1 vendors, or school bus owners for the purchase and installation of any CARB/EPA-verified
2 emission control retrofit device together with the purchase and installation of closed crankcase
3 ventilation system (CCV) retrofit device. In 2007, the per-unit incentive shall not exceed one
4 thousand two hundred fifty dollars (\$1,250) for a level 1 device plus a CCV, or two thousand five
5 hundred dollars (\$2,500) for a level 2 device plus a CCV, or for model years 2003-2006 five
6 thousand dollars (\$5,000) for a level 3 device plus a CCV. Incentive levels may be reevaluated
7 annually, with the goal of maintaining competition in the market for retrofit devices. To the
8 extent practicable, in kind services will also be utilized to offset some of the costs. Incentive
9 recipients must also certify that newly purchased or retrofitted buses with a level 3 technology
10 will operate in the state of Rhode Island for a minimum of four (4) years.

11 (d) Priority community provision:

12 (i) When penalty funds, state SEP funds, federal funds, or funds from other state or non-
13 state sources become available, these should first be allocated toward further offsetting costs of
14 achieving "best available" emissions control in "priority communities";

15 (ii) The "best available" standard is attained by all new buses (MY2007 and newer) and
16 by diesel buses model year 2003 to 2006, inclusive that has been retrofitted with level 3-verified
17 diesel particulate filters and closed crankcase ventilation systems, by diesel buses model year
18 1994 to 2002, inclusive that has been retrofitted with at least level 2-verified diesel particulate
19 filters and closed crankcase ventilation systems or could be achieved with a natural gas bus that
20 achieves the same or better standards of cleanliness as a 2007 diesel bus standard; and

21 (iii) "Priority communities" (to be identified by the Rhode Island DEM) are Rhode Island
22 communities that have high levels of ambient air pollution and high incidence of childhood
23 respiratory impacts.

24 SECTION 2. To achieve the pressing public health and environmental goals of this act,
25 DEM shall identify opportunities to achieve maximize PM reductions from diesel powered heavy
26 duty vehicle or equipment that is owned by, operated by, or on behalf of, or leased by, or
27 operating under a contract to a state agency or state or regional public authority (except vehicles
28 that are specifically equipped for emergency response) and diesel powered waste collection and
29 recycling vehicles that are owned, leased, or contracted to perform the removal or transfer or
30 municipal, commercial or residential waste, or recycling services. No later than January 1, 2008,
31 DEM shall present a report to the general assembly, governor, house committee on environment
32 and natural resources, and the senate committee on environment and agriculture on such
33 opportunities to maximum PM reductions from the aforementioned fleets including legislative
34 changes, regulatory changes, funding sources, contract requirements, procurement requirements,

1 and other mechanisms that will bring about maximum PM reductions from these two priority
2 fleets. This report shall explore funding sources beyond CMAQ, including but not limited to
3 Diesel Reductions Emissions Reduction Act (DERA) funds under the Federal Energy Act.

4 SECTION 3. Severability. If any clause, sentence, paragraph, section or part of this act
5 shall be adjudged by any court of competent jurisdiction to be invalid and after exhaustion of all
6 further judicial review, the judgment shall not affect, impair or invalidate the remainder thereof,
7 but shall be confined in its operation to the clause, sentence, paragraph, section or part of this act
8 directly involved in the controversy in which the judgment shall have been rendered.

9 SECTION 4. This act shall take effect upon passage.

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LC01556/SUB A/2
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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO MOTOR AND OTHER VEHICLES -- DIESEL EMISSIONS REDUCTION

1 This act would create the diesel emission reduction act. It would also establish
2 requirements pertaining to reducing diesel emissions generated from school bus engines.

3 This act would take effect upon passage

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LC01556/SUB A/2
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