



CONSTRUCTION INDUSTRY  
AIR QUALITY COALITION

Coalition Members



Associated General Contractors  
America-San Diego Chapter, Inc.



Building Industry Association  
of Southern California



California Dump Truck Owners  
Association



Engineering  
Contractors Association



Engineering & General  
Contractors Association



Engineering & Utility  
Contractors Association



Southern California  
Contractors Association

January 26, 2010

Ms. Mary Nichols, Chairman  
California Air Resources Board  
1001 I Street  
Sacramento, California 95814

**RE: Recommended Changes to the Portable Equipment  
Registration Program (PERP)**

Dear Chairman Nichols and Members of the Board:

The Construction Industry Air Quality Coalition (CIAQC) appreciates that the California Air Resources Board (CARB) recognizes the economic hardship California residents and businesses are experiencing, including the construction industry, by proposing changes to the regulations for portable equipment and engines. CIAQC supports attempts by CARB to provide relief to portable equipment owners. However, two modifications to the proposal would make the portable regulations more equitable and provide much needed relief across the board.

**Proposed Modifications Should Be Available to All Companies with  
Portable Engines**

The proposed changes to the PERP and the Portable Engine Air Toxic Measure are designed to help ‘small businesses’ by providing the ability to operate a limited number of non-certified engines an additional year. CIAQC supports this concept, but believes the extension should not be limited to only companies that staff has decided are small businesses (those with 25 portable engines or less) and all Tier 0 engines should receive an extension.

The construction industry as a whole has been severely impacted by the recession (for the construction industry, many consider it a depression). Since February 2006, 326,000 California construction workers have lost their jobs. Between 2007 and 2009, the value of heavy construction projects in California has dropped by 50%. These losses are not only felt by ‘small companies’. Companies with more than 25 portable engines have also experienced a significant decline in revenue and are also experiencing a decreased ability to replace equipment. CIAQC recommends that the single year extension should apply all Tier 0 engines, thus providing all companies very much needed relief. CIAQC also believes the one-year extension clock should begin once CARB has received a wavier from US EPA to regulate these engines.

Chairman Nichols and Members of the Board  
January 26, 2010  
Page Two

### **Proposed Requirement for Rental Companies to Log Monthly Locations of Equipment is Unreasonable**

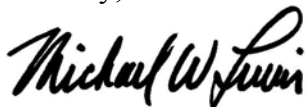
CIAQC believes the new reporting requirements for rental fleets to gather monthly information on the location of engines operated by renters establishes an unreasonable burden by creating a compliance scenario for which they have no practical ability to control. The requirement to record the location of an engine on a monthly basis is intended to ensure that portable equipment does not reside at a single location for more than 12 months. Rental contracts that last less than 12 months would demonstrate that this is not occurring.

Some rental companies can have several hundred pieces of equipment out on rent at any given time. The proposed record-keeping provision could require the creation of more than a full time position to try and track down location information from renters on a monthly basis. This is unreasonable and creates an unnecessary burden in this economy. Field inspections performed by the air districts will determine where the equipment has operated each month when the renter's records are reviewed.

For rental agreements that last more than 12 months, the regulation should include clarifying language that the renter could voluntarily provide a record such as log entries, maintenance records or fuel delivery records that demonstrates that an engine has not operated more than 12 months at a single location to the rental company. In many instances, renters are reluctant to provide where the equipment has operated to the rental company for proprietary reasons. It is also common practice for an engine renter to re-rent the equipment to another company. Providing information about the location of the third-party rental could place that company in a competitive disadvantage. These considerations demonstrate that it is the responsibility of the end-user (renter) to maintain records that demonstrate compliance and not the rental company that merely owns the equipment.

CIAQC believes the two changes described above would go further to help the construction industry during these especially difficult times. CIAQC appreciates your consideration and is available to answer any questions you might have or provide further details if you wish. We appreciate the opportunity to comment on this subject at this time.

Sincerely,



Michael W. Lewis  
Senior Vice-President