

HOUSE BILL 189

P2, J1, F1

EMERGENCY BILL

9lr1039
CF SB 319

By: Delegates Morhaim, Cardin, ~~and Hubbard~~ Hubbard, Tarrant, Reznik, Pendergrass, Nathan-Pulliam, Pena-Melnyk, Montgomery, Kipke, and V. Turner

Introduced and read first time: January 26, 2009

Assigned to: Health and Government Operations and Ways and Means

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 27, 2009

CHAPTER _____

1 AN ACT concerning

2 **Respiratory Illness Prevention Act**

3 FOR the purpose of ~~prohibiting the operation of a public school bus on or after a~~
4 ~~certain date if the bus does not have certain diesel emission control equipment;~~
5 ~~requiring a certain percentage of public school buses in a fleet to have certain~~
6 ~~diesel emission control equipment before a certain date; requiring a county to~~
7 ~~include a certain contract clause in public school bus transportation contracts;~~
8 ~~providing for an extension of the deadline for public school buses to have the~~
9 ~~required equipment under certain circumstances; prohibiting the application of~~
10 ~~a certain equipment requirement if the Department of the Environment makes~~
11 ~~certain findings; prohibiting the venting of crankcase emissions from a public~~
12 ~~school bus after a certain date; authorizing compliance of the prohibition on~~
13 ~~venting of crankcase emissions to be accomplished by certain means; requiring~~
14 ~~the Department of the Environment to adopt certain regulations regarding the~~
15 ~~venting of crankcase emissions; requiring the Director of the Asthma Control~~
16 ~~Program to include installation of diesel emissions control equipment on public~~
17 ~~school buses in the statewide asthma control plan; requiring the Asthma~~
18 ~~Control Program to identify and promote certain educational programs for~~
19 ~~students; requiring the Asthma Control Program to set up a certain grant~~
20 ~~program; requiring the grants to be used for the installation of diesel emission~~
21 ~~control equipment on public school buses; requiring the grants to be funded by~~
22 ~~certain federal and State funds; requiring a unit to require that certain~~
23 ~~information regarding diesel emissions control equipment be included in a bid~~
24 ~~for a certain State contract; requiring certain State procurement contracts to~~

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 ~~include certain clauses regarding diesel emissions control equipment; requiring~~
 2 ~~the State to reimburse a certain contractor a certain percentage of the cost of~~
 3 ~~installing certain diesel emissions control equipment on certain construction~~
 4 ~~equipment and vehicles; requiring that the reimbursement be paid from certain~~
 5 ~~federal and State funds; requiring the Department to receive certain funds that~~
 6 ~~are awarded to the State or appropriated by the State for certain purposes;~~
 7 ~~requiring the Department to establish and award diesel emissions control~~
 8 ~~grants; requiring the Department to oversee the use of funds awarded through~~
 9 ~~the grants; requiring the Department to work with certain entities to secure~~
 10 ~~certain funding; requiring the diesel emissions control grants to be funded by~~
 11 ~~certain funds, used to install certain devices on certain covered fleets, and~~
 12 ~~consistent with certain requirements and conditions; requiring the Department~~
 13 ~~to provide a reasonable opportunity for certain entities to be awarded certain~~
 14 ~~grants; establishing a certain exception to a certain reporting requirement;~~
 15 ~~making this Act an emergency measure; providing for the termination of this~~
 16 ~~Act; defining certain terms; and generally relating to the installation of diesel~~
 17 ~~emissions control equipment.~~

18 ~~BY adding to~~
 19 ~~Article — Education~~
 20 ~~Section 7-808~~
 21 ~~Annotated Code of Maryland~~
 22 ~~(2008 Replacement Volume)~~

23 BY repealing and reenacting, with without amendments,
 24 Article – Environment
 25 Section 2-301
 26 Annotated Code of Maryland
 27 (2007 Replacement Volume and 2008 Supplement)

28 BY adding to
 29 Article – Environment
 30 Section 2-1201 through 2-1203 to be under the new subtitle “Subtitle 12. Diesel
 31 Emissions Control Devices”
 32 Annotated Code of Maryland
 33 (2007 Replacement Volume and 2008 Supplement)

34 ~~BY repealing and reenacting, without amendments,~~
 35 ~~Article — Health — General~~
 36 ~~Section 13-1701, 13-1702, 13-1703, and 13-1706~~
 37 ~~Annotated Code of Maryland~~
 38 ~~(2005 Replacement Volume and 2008 Supplement)~~

39 ~~BY repealing and reenacting, with amendments,~~
 40 ~~Article — Health — General~~
 41 ~~Section 13-1704 and 13-1705~~
 42 ~~Annotated Code of Maryland~~
 43 ~~(2005 Replacement Volume and 2008 Supplement)~~

1 ~~BY repealing and reenacting, with amendments,~~
 2 ~~Article—State Finance and Procurement~~
 3 ~~Section 13-205~~
 4 ~~Annotated Code of Maryland~~
 5 ~~(2006 Replacement Volume and 2008 Supplement)~~

6 ~~BY adding to~~
 7 ~~Article—State Finance and Procurement~~
 8 ~~Section 13-218.2~~
 9 ~~Annotated Code of Maryland~~
 10 ~~(2006 Replacement Volume and 2008 Supplement)~~

11 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
 12 MARYLAND, That the Laws of Maryland read as follows:

13 ~~Article—Education~~

14 ~~7-808.~~

15 ~~(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE~~
 16 ~~MEANINGS INDICATED.~~

17 ~~(2) “CLOSED CRANKCASE VENTILATION SYSTEM” MEANS~~
 18 ~~EQUIPMENT THAT COMPLETELY CLOSES THE CRANKCASE OF A DIESEL ENGINE~~
 19 ~~TO THE ATMOSPHERE AND ROUTES THE CRANKCASE VAPOR TO THE ENGINE~~
 20 ~~INTAKE AIR SYSTEM OR THE EXHAUST SYSTEM.~~

21 ~~(3) “FLEET” MEANS ONE OR MORE PUBLIC SCHOOL BUSES~~
 22 ~~OWNED, CONTROLLED, OR OPERATED BY THE SAME COUNTY.~~

23 ~~(4) “LEVEL 1 CONTROL” MEANS A VERIFIED DIESEL EMISSION~~
 24 ~~CONTROL DEVICE THAT ACHIEVES A PARTICULATE MATTER EMISSION~~
 25 ~~REDUCTION OF 25% OR MORE FROM UNCONTROLLED ENGINE EMISSION~~
 26 ~~LEVELS.~~

27 ~~(5) “LEVEL 2 CONTROL” MEANS A VERIFIED DIESEL EMISSION~~
 28 ~~CONTROL DEVICE THAT ACHIEVES A PARTICULATE MATTER EMISSION~~
 29 ~~REDUCTION OF 50% OR MORE FROM UNCONTROLLED ENGINE EMISSION~~
 30 ~~LEVELS.~~

31 ~~(6) “LEVEL 3 CONTROL” MEANS A VERIFIED DIESEL EMISSION~~
 32 ~~CONTROL DEVICE THAT:~~

1 ~~(I) ACHIEVES A PARTICULATE MATTER EMISSION~~
2 ~~REDUCTION OF 85% OR MORE FROM UNCONTROLLED ENGINE EMISSION~~
3 ~~LEVELS; OR~~

4 ~~(II) REDUCES EMISSIONS TO LESS THAN OR EQUAL TO 0.01~~
5 ~~GRAMS OF PARTICULATE MATTER PER BRAKE HORSEPOWER HOUR.~~

6 ~~(7) "PUBLIC SCHOOL BUS" MEANS A TYPE I SCHOOL VEHICLE AS~~
7 ~~DEFINED IN § 11-173 OF THE TRANSPORTATION ARTICLE THAT IS OWNED,~~
8 ~~OPERATED, OR CONTROLLED BY A COUNTY.~~

9 ~~(8) "VERIFIED DIESEL EMISSION CONTROL DEVICE" MEANS:~~

10 ~~(I) AN EMISSION CONTROL DEVICE OR STRATEGY THAT~~
11 ~~HAS BEEN VERIFIED TO ACHIEVE A SPECIFIED DIESEL PARTICULATE MATTER~~
12 ~~REDUCTION BY THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY~~
13 ~~OR THE CALIFORNIA AIR RESOURCES BOARD; OR~~

14 ~~(II) REPLACEMENT OR REPOWERING WITH AN ENGINE THAT~~
15 ~~IS CERTIFIED TO SPECIFIC PARTICULATE MATTER EMISSIONS PERFORMANCE~~
16 ~~BY THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY OR THE~~
17 ~~CALIFORNIA AIR RESOURCES BOARD.~~

18 ~~(B) (1) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, ON OR~~
19 ~~BEFORE JANUARY 1, 2012, A PUBLIC SCHOOL BUS MAY NOT BE OPERATED IN~~
20 ~~THE STATE UNLESS:~~

21 ~~(I) THE BUS HAS LEVEL 3 CONTROLS; AND~~

22 ~~(II) THE LEVEL 3 CONTROLS ARE PROPERLY MAINTAINED~~
23 ~~AND FUNCTIONING.~~

24 ~~(2) AT LEAST 50% OF THE PUBLIC SCHOOL BUSES IN EACH FLEET~~
25 ~~SHALL HAVE LEVEL 3 CONTROLS ON OR BEFORE JULY 1, 2011.~~

26 ~~(3) EACH COUNTY SHALL REQUIRE ALL PUBLIC SCHOOL BUS~~
27 ~~TRANSPORTATION CONTRACTS TO INCLUDE A CLAUSE REQUIRING THAT PUBLIC~~
28 ~~SCHOOL BUSES MEET THE REQUIREMENTS OF THIS SECTION ON OR BEFORE~~
29 ~~JANUARY 1, 2011.~~

30 ~~(C) (1) A PUBLIC SCHOOL BUS THAT HAS OPERATIONAL LEVEL 1~~
31 ~~CONTROLS INSTALLED ON OR BEFORE OCTOBER 1, 2009, SHALL HAVE AN~~
32 ~~ADDITIONAL 2 YEARS TO MEET THE REQUIREMENTS OF SUBSECTION (B) OF~~
33 ~~THIS SECTION.~~

~~(2) A PUBLIC SCHOOL VEHICLE THAT HAS LEVEL 2 CONTROLS INSTALLED ON OR BEFORE OCTOBER 1, 2009, SHALL HAVE AN ADDITIONAL 4 YEARS TO MEET THE REQUIREMENTS OF SUBSECTION (B) OF THIS SECTION.~~

~~(D) A FLEET CONSISTING OF FIVE OR FEWER PUBLIC SCHOOL BUSES SHALL HAVE AN ADDITIONAL 2 YEARS TO COMPLY WITH THE REQUIREMENTS OF SUBSECTIONS (B), (C), AND (E)(1) OF THIS SECTION.~~

~~(E) (1) SUBSECTION (B) OF THIS SECTION DOES NOT APPLY TO A PUBLIC SCHOOL BUS IF THE DEPARTMENT OF THE ENVIRONMENT MAKES A WRITTEN FINDING THAT NO VERIFIED DIESEL EMISSIONS CONTROL DEVICE WITH LEVEL 3 CONTROLS EXISTS FOR THE BUS.~~

~~(2) IF A WRITTEN FINDING IS MADE UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE PUBLIC SCHOOL BUS SHALL HAVE THE HIGHEST LEVEL CONTROLS THAT ARE AVAILABLE AND APPROPRIATE FOR THE VEHICLE AS DETERMINED BY THE DEPARTMENT OF THE ENVIRONMENT INSTALLED.~~

~~(F) (1) BEGINNING JULY 1, 2011, IT IS UNLAWFUL TO VENT CRANKCASE EMISSIONS FROM ANY PUBLIC SCHOOL BUS.~~

~~(2) COMPLIANCE WITH PARAGRAPH (1) OF THIS SUBSECTION MAY BE ACCOMPLISHED BY INSTALLING A CRANKCASE VENTILATION SYSTEM OR BY ANY OTHER EQUALLY EFFECTIVE MEANS AUTHORIZED BY REGULATIONS ADOPTED BY THE DEPARTMENT OF THE ENVIRONMENT.~~

Article - Environment

2-301.

(a) The Department:

(1) May adopt rules and regulations for the control of air pollution in this State, including testing, monitoring, record keeping, and reporting requirements; ~~{and}~~

(2) Shall adopt rules and regulations that establish standards and procedures to be followed whenever pollution of the air reaches an emergency condition; ~~AND~~

~~(3) SHALL ADOPT REGULATIONS THAT ESTABLISH THE TYPE OF MEANS THAT MAY BE USED TO PREVENT THE VENTING OF CRANKCASE EMISSIONS FROM A PUBLIC SCHOOL BUS.~~

1 (b) In adopting any rule or regulation under this title, the Department shall
2 consider, among other things:

3 (1) The residential, commercial, or industrial nature of the area
4 affected;

5 (2) Zoning;

6 (3) The nature and source of various kinds of air pollution;

7 (4) The problems of any commercial or industrial establishment that
8 may be affected by the rule or regulation; and

9 (5) The environmental conditions, population density, and topography
10 of any area that may be affected by the rule or regulation.

11 (c) Any rule or regulation adopted under this title that relates to grain
12 drying operations shall be adopted with the advice and consent of the State
13 Department of Agriculture.

14 **SUBTITLE 12. DIESEL EMISSIONS CONTROL DEVICES.**

15 **2-1201.**

16 **(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS**
17 **INDICATED.**

18 **(B) "COVERED FLEET" MEANS ONE OR MORE HEAVY-DUTY DIESEL**
19 **VEHICLES OWNED, OPERATED, CONTROLLED, OR LEASED BY THE SAME**
20 **ELIGIBLE ENTITY.**

21 **(C) "ELIGIBLE ENTITY" MEANS:**

22 **(1) A GOVERNMENTAL UNIT;**

23 **(2) A POLITICAL SUBDIVISION;**

24 **(3) THE STATE; OR**

25 **(4) ANY OTHER ENTITY IDENTIFIED BY THE DEPARTMENT.**

26 **(D) "EPA" MEANS THE UNITED STATES ENVIRONMENTAL PROTECTION**
27 **AGENCY.**

28 **(E) "HEAVY DUTY DIESEL VEHICLE" MEANS:**

1 **(1) AN ON-ROAD VEHICLE IS A MOTOR VEHICLE THAT IS**
2 **POWERED BY DIESEL FUEL AND HAS A GROSS VEHICLE WEIGHT GREATER THAN**
3 **14,000 POUNDS; OR**

4 **(2) A NONROAD VEHICLE THAT IS POWERED BY DIESEL FUEL AND**
5 **HAS AN ENGINE WITH A RATING OF AT LEAST 75 HORSEPOWER.**

6 **(F) "MOTOR VEHICLE" MEANS A SELF-PROPELLED VEHICLE DESIGNED**
7 **FOR TRANSPORTING AN INDIVIDUAL OR PERSONAL PROPERTY ON A STREET OR**
8 **HIGHWAY.**

9 **(G) (1) "NONROAD VEHICLE" INCLUDES:**

- 10 **(I) A BACKHOE;**
- 11 **(II) A BULLDOZER;**
- 12 **(III) A COMPRESSOR;**
- 13 **(IV) A CRANE;**
- 14 **(V) AN EXCAVATOR; OR**
- 15 **(VI) A GENERATOR.**

16 **(2) "NONROAD VEHICLE" DOES NOT INCLUDE:**

- 17 **(I) A MOTOR VEHICLE;**
- 18 **(II) A VEHICLE USED SOLELY FOR COMPETITION;**
- 19 **(III) A LOCOMOTIVE; OR**
- 20 **(IV) A MARINE VESSEL.**

21 **(H) "VERIFIED DIESEL EMISSIONS CONTROL DEVICE" MEANS AN**
22 **EMISSIONS CONTROL DEVICE OR STRATEGY THAT:**

23 **(1) HAS BEEN VERIFIED TO ACHIEVE A SPECIFIED DIESEL**
24 **PARTICULATE MATTER REDUCTION BY THE EPA; OR**

25 **(2) (I) IS DESIGNED FOR A HEAVY-DUTY DIESEL VEHICLE FOR**
26 **WHICH AN EPA-VERIFIED DEVICE OR STRATEGY IS UNAVAILABLE;**

1 (II) IS INTENDED TO REDUCE THE DIESEL EMISSIONS OF A
2 HEAVY-DUTY DIESEL VEHICLE; AND

3 (III) IS APPROVED BY THE DEPARTMENT.

4 2-1202.

5 THE DEPARTMENT SHALL:

6 (1) RECEIVE ANY FEDERAL FUNDS AWARDED TO THE STATE TO
7 INSTALL DIESEL EMISSIONS CONTROL EQUIPMENT AND ANY STATE FUNDS THAT
8 ARE APPROPRIATED FOR THE PURPOSE OF INSTALLING DIESEL EMISSIONS
9 CONTROL EQUIPMENT;

10 (2) ESTABLISH AND AWARD DIESEL EMISSIONS CONTROL
11 GRANTS;

12 (3) OVERSEE THE USE OF FUNDS AWARDED TO AN ELIGIBLE
13 ENTITY THROUGH A DIESEL EMISSIONS CONTROL GRANT; AND

14 (4) WORK WITH ELIGIBLE ENTITIES TO SECURE FEDERAL DIESEL
15 EMISSIONS REDUCTION FUNDS.

16 2-1203.

17 (A) DIESEL EMISSIONS CONTROL GRANTS AWARDED BY THE
18 DEPARTMENT SHALL BE:

19 (1) FUNDED BY FEDERAL DIESEL EMISSIONS FUNDS AWARDED TO
20 THE STATE FOR THE REDUCTION OF DIESEL EMISSIONS FROM COVERED FLEETS
21 AND ANY STATE FUNDS THAT ARE APPROPRIATED FOR DIESEL EMISSIONS
22 REDUCTION;

23 (2) USED TO INSTALL VERIFIED DIESEL EMISSIONS CONTROL
24 DEVICES ON COVERED FLEETS; AND

25 (3) CONSISTENT WITH ANY REQUIREMENTS OR CONDITIONS
26 RELATED TO THE RECEIPT OF FEDERAL FUNDS BY THE DEPARTMENT UNDER §
27 2-1202 OF THIS SUBTITLE.

28 (B) THE DEPARTMENT SHALL PROVIDE A REASONABLE OPPORTUNITY
29 FOR ALL ELIGIBLE ENTITIES TO BE AWARDED A DIESEL EMISSIONS CONTROL
30 GRANT.

1 ~~13-1701.~~

2 ~~In this subtitle, "Program" means the Asthma Control Program.~~

3 ~~13-1702.~~

4 ~~There is an Asthma Control Program in the Department.~~

5 ~~13-1703.~~

6 (a) ~~The Secretary shall appoint a director for the Program.~~

7 (b) ~~The director may establish advisory councils, task forces, committees,~~
8 ~~and work groups to the extent necessary to implement the Program.~~

9 ~~13-1704.~~

10 (a) ~~The Director shall:~~

11 (1) ~~Establish a statewide asthma coalition composed of individuals~~
12 ~~and organizations with an interest in asthma;~~

13 (2) ~~Develop and finalize a comprehensive statewide asthma plan THAT~~
14 ~~SHALL INCLUDE THE INSTALLATION OF DIESEL EMISSIONS CONTROL~~
15 ~~EQUIPMENT ON PUBLIC SCHOOL BUSES;~~

16 (3) ~~After finalization of the development of the statewide asthma plan,~~
17 ~~implement a statewide asthma intervention program;~~

18 (4) ~~Develop and organize collaborative relationships with asthma~~
19 ~~control and stakeholders within other State and local agencies and in the private~~
20 ~~sector;~~

21 (5) ~~Develop and implement an asthma surveillance system;~~

22 (6) ~~Upon completion of the asthma surveillance system in paragraph~~
23 ~~(5) of this subsection, identify mechanisms for the utilization of surveillance data in~~
24 ~~identifying interventions to control asthma;~~

25 (7) ~~Identify and promote educational programs for providers, parents,~~
26 ~~guardians, caregivers, STUDENTS, and asthma patients that include information on~~
27 ~~identifying symptoms of asthma, effective treatment for asthma, and methods of~~
28 ~~preventing asthma; and~~

29 (8) ~~Identify sources of grant funding for the Asthma Control Program.~~

1 ~~(b) The Program may:~~

2 ~~(1) Provide funding for local asthma intervention initiatives; and~~

3 ~~(2) Provide training for school personnel, or other appropriate~~
4 ~~personnel, on asthma education in conjunction with the Department of Education and~~
5 ~~local health departments.~~

6 ~~(c) THE PROGRAM SHALL ESTABLISH DIESEL EMISSIONS CONTROL~~
7 ~~EQUIPMENT GRANTS THAT SHALL BE AWARDED TO COUNTIES TO INSTALL~~
8 ~~DIESEL EMISSIONS CONTROLS ON PUBLIC SCHOOL BUSES.~~

9 ~~13-1705.~~

10 ~~(a) The Program shall be funded as provided in the State budget.~~

11 ~~(b) The funding provided in the State budget for the Program is intended to~~
12 ~~complement funding received:~~

13 ~~(1) By the Department from the Centers for Disease Control and~~
14 ~~Prevention for the Program for enhancing the State's capacity to address asthma from~~
15 ~~a public health perspective; and~~

16 ~~(2) From any other lawful source.~~

17 ~~(c) THE PROGRAM SHALL FUND THE DIESEL EMISSIONS CONTROL~~
18 ~~EQUIPMENT GRANTS UNDER § 13-1704(C) OF THIS SUBTITLE USING:~~

19 ~~(1) FEDERAL CONGESTION MITIGATION AND AIR QUALITY~~
20 ~~FUNDS;~~

21 ~~(2) FEDERAL DIESEL EMISSIONS REDUCTION ACT OF 2005~~
22 ~~FUNDS;~~

23 ~~(3) ANY OTHER AVAILABLE FEDERAL FUNDS; AND~~

24 ~~(4) ANY APPROPRIATED STATE FUNDS.~~

25 ~~13-1706.~~

26 ~~The Secretary shall, in consultation with the director, adopt rules and~~
27 ~~regulations necessary to implement the Program.~~

28 ~~Article State Finance and Procurement~~

29 ~~13-205.~~

1 (a) ~~A unit:~~

2 (1) ~~shall draft specifications to encourage maximum practicable~~
3 ~~competition without modifying the requirements of the State; and~~

4 (2) ~~may not draft specifications to favor a single prospective bidder or~~
5 ~~offeror.~~

6 (b) ~~A unit shall require a prospective bidder or offeror of supplies or~~
7 ~~construction to state in the bid or offer:~~

8 (1) ~~whether the procurement will or may include recycled materials;~~
9 ~~and~~

10 (2) ~~the types, amounts, and application of recycled materials that the~~
11 ~~bidder or offeror intends to include in the procurement.~~

12 (c) ~~(1) (i) IN THIS SUBSECTION THE FOLLOWING WORDS HAVE~~
13 ~~THE MEANINGS INDICATED.~~

14 (H) ~~“LEVEL 1 CONTROL” HAS THE MEANING STATED IN §~~
15 ~~13-218.2 OF THIS SUBTITLE.~~

16 (HH) ~~“LEVEL 2 CONTROL” HAS THE MEANING STATED IN §~~
17 ~~13-218.2 OF THIS SUBTITLE.~~

18 (IV) ~~“LEVEL 3 CONTROL” HAS THE MEANING STATED IN §~~
19 ~~13-218.2 OF THIS SUBTITLE.~~

20 (2) ~~A UNIT SHALL REQUIRE A PROSPECTIVE BIDDER ON A~~
21 ~~PROCUREMENT CONTRACT FOR CONSTRUCTION OVER \$2 MILLION TO STATE IN~~
22 ~~THE BID:~~

23 (i) ~~THAT THE BIDDER RECOGNIZES THAT DIESEL NONROAD~~
24 ~~VEHICLES ON SITE MORE THAN 3 DAYS DURING THE PROJECT ARE REQUIRED~~
25 ~~TO BE EQUIPPED WITH:~~

26 1. ~~LEVEL 1 CONTROLS FOR PROJECTS TO BEGIN ON~~
27 ~~OR AFTER JANUARY 1, 2011;~~

28 2. ~~FOR ENGINES WITH A RATING OF BETWEEN 25~~
29 ~~AND 75 HORSEPOWER, LEVEL 2 CONTROLS FOR PROJECTS TO BEGIN ON OR~~
30 ~~AFTER JULY 1, 2014; AND~~

1 ~~3. FOR ENGINES WITH A RATING OF AT LEAST 75~~
2 ~~HORSEPOWER, LEVEL 3 CONTROLS FOR PROJECTS TO BEGIN ON OR AFTER~~
3 ~~JULY 1, 2014;~~

4 ~~(H) THAT THE BIDDER RECOGNIZES THAT HEAVY DUTY~~
5 ~~DIESEL VEHICLES AND DIESEL GENERATORS ON-SITE MORE THAN 3 DAYS~~
6 ~~DURING THE PROJECT ARE REQUIRED TO BE EQUIPPED WITH:~~

7 ~~1. A MINIMUM OF LEVEL 1 CONTROLS FOR~~
8 ~~PROJECTS TO BEGIN ON OR AFTER JANUARY 1, 2011; AND~~

9 ~~2. LEVEL 3 CONTROLS FOR PROJECTS TO BEGIN ON~~
10 ~~OR AFTER JULY 1, 2011;~~

11 ~~(H) WHETHER THE VEHICLES ARE CURRENTLY EQUIPPED~~
12 ~~WITH THE REQUIRED CONTROLS; AND~~

13 ~~(IV) IF THE VEHICLES ARE NOT CURRENTLY EQUIPPED WITH~~
14 ~~THE REQUIRED CONTROLS, THE COST OF INSTALLING THE REQUIRED~~
15 ~~CONTROLS.~~

16 ~~13-218.2.~~

17 ~~(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE~~
18 ~~MEANINGS INDICATED.~~

19 ~~(2) "LEVEL 1 CONTROL" MEANS A VERIFIED DIESEL EMISSION~~
20 ~~CONTROL DEVICE THAT ACHIEVES A PARTICULATE MATTER EMISSION~~
21 ~~REDUCTION OF 25% OR MORE FROM UNCONTROLLED ENGINE EMISSION~~
22 ~~LEVELS.~~

23 ~~(3) "LEVEL 2 CONTROL" MEANS A VERIFIED DIESEL EMISSION~~
24 ~~CONTROL DEVICE THAT ACHIEVES A PARTICULATE MATTER EMISSION~~
25 ~~REDUCTION OF 50% OR MORE FROM UNCONTROLLED ENGINE EMISSION~~
26 ~~LEVELS.~~

27 ~~(4) "LEVEL 3 CONTROL" MEANS A VERIFIED DIESEL EMISSION~~
28 ~~CONTROL DEVICE THAT:~~

29 ~~(I) ACHIEVES A PARTICULATE MATTER EMISSION~~
30 ~~REDUCTION OF 85% OR MORE FROM UNCONTROLLED ENGINE EMISSION~~
31 ~~LEVELS; OR~~

32 ~~(H) REDUCES EMISSIONS TO LESS THAN OR EQUAL TO 0.01~~
33 ~~GRAMS OF PARTICULATE MATTER PER BRAKE HORSEPOWER HOUR.~~

1 ~~(5) "VERIFIED DIESEL EMISSION CONTROL DEVICE" MEANS:~~

2 ~~(I) AN EMISSION CONTROL DEVICE OR STRATEGY THAT HAS~~
3 ~~BEEN VERIFIED TO ACHIEVE A SPECIFIED DIESEL PARTICULATE MATTER~~
4 ~~REDUCTION BY THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY~~
5 ~~OR THE CALIFORNIA AIR RESOURCES BOARD; OR~~

6 ~~(II) REPLACEMENT OR REPOWERING WITH AN ENGINE THAT~~
7 ~~IS CERTIFIED TO SPECIFIC PARTICULATE MATTER EMISSIONS PERFORMANCE~~
8 ~~BY THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY OR THE~~
9 ~~CALIFORNIA AIR RESOURCES BOARD.~~

10 ~~(B) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, EACH~~
11 ~~PROCUREMENT CONTRACT FOR CONSTRUCTION OVER \$2 MILLION SHALL~~
12 ~~INCLUDE CLAUSES THAT:~~

13 ~~(1) REQUIRE:~~

14 ~~(I) DIESEL NONROAD VEHICLES ON SITE MORE THAN 3~~
15 ~~DAYS DURING THE PROJECT TO BE EQUIPPED WITH:~~

16 ~~1. LEVEL 1 CONTROLS FOR PROJECTS TO BEGIN ON~~
17 ~~OR AFTER JANUARY 1, 2011;~~

18 ~~2. LEVEL 2 CONTROLS FOR PROJECTS TO BEGIN ON~~
19 ~~OR AFTER JULY 1, 2014 FOR ENGINES WITH A RATING OF BETWEEN 25 AND 75~~
20 ~~HORSEPOWER; AND~~

21 ~~3. LEVEL 3 CONTROLS FOR PROJECTS TO BEGIN ON~~
22 ~~OR AFTER JULY 1, 2014, FOR ENGINES WITH A RATING OF AT LEAST 75~~
23 ~~HORSEPOWER;~~

24 ~~(II) HEAVY DUTY DIESEL VEHICLES AND DIESEL~~
25 ~~GENERATORS ON SITE MORE THAN 3 DAYS DURING THE PROJECT TO BE~~
26 ~~EQUIPPED WITH:~~

27 ~~1. A MINIMUM OF LEVEL 1 CONTROLS FOR~~
28 ~~PROJECTS TO BEGIN ON OR AFTER JANUARY 1, 2011; AND~~

29 ~~2. LEVEL 3 CONTROLS FOR PROJECTS TO BEGIN ON~~
30 ~~OR AFTER JULY 1, 2011; AND~~

31 ~~(III) THE CONTRACTOR TO HAVE THE HIGHEST LEVEL OF~~
32 ~~CONTROLS AVAILABLE IF THE DEPARTMENT OF THE ENVIRONMENT MAKES A~~

1 ~~WRITTEN FINDING THAT THE REQUIRED LEVEL OF CONTROL IS NOT AVAILABLE;~~
2 ~~AND~~

3 ~~(2) PROHIBIT:~~

4 ~~(I) THE VENTING OF CRANKCASE EMISSIONS FROM DIESEL~~
5 ~~NONROAD VEHICLES AND HEAVY DUTY DIESEL VEHICLES; AND~~

6 ~~(H) THE NONESSENTIAL IDLING OF DIESEL NONROAD AND~~
7 ~~HEAVY DUTY DIESEL VEHICLES; AND~~

8 ~~(3) PROVIDE FOR REIMBURSEMENT BY THE STATE OF 50% OF~~
9 ~~THE COST OF INSTALLING THE CONTROLS REQUIRED BY ITEM (1) OF THIS~~
10 ~~SUBSECTION IF THE CONTRACTOR HAS NOT RECEIVED THE 50%~~
11 ~~REIMBURSEMENT FOR INSTALLATION OF CONTROLS ON THE PIECE OF~~
12 ~~EQUIPMENT ON A PRIOR CONTRACT.~~

13 ~~(C) TO PROVIDE THE REIMBURSEMENT REQUIRED UNDER SUBSECTION~~
14 ~~(B)(3) OF THIS SECTION, THE STATE SHALL USE:~~

15 ~~(1) FEDERAL CONGESTION MITIGATION AND AIR QUALITY~~
16 ~~FUNDS;~~

17 ~~(2) FEDERAL DIESEL EMISSIONS REDUCTION ACT OF 2005~~
18 ~~FUNDS;~~

19 ~~(3) ANY OTHER AVAILABLE FEDERAL FUNDS; AND~~

20 ~~(4) ANY APPROPRIATED STATE FUNDS.~~

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act ~~shall take effect~~
22 ~~October 1, 2009~~ is an emergency measure, is necessary for the immediate preservation
23 of the public health or safety, has been passed by a ye and nay vote supported by
24 three-fifths of all the members elected to each of the two Houses of the General
25 Assembly, and shall take effect from the date it is enacted. It shall remain effective for
26 a period of 10 years from the date it is enacted and, at the end of the 10-year period,
27 with no further action required by the General Assembly, this Act shall be abrogated
28 and of no further force and effect.