

## NOW IS THE TIME TO ACT! (Hard Hat News)

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by Jon M. Casey

For truck owners who plan to operate their equipment in New York State on State Agency or Public Authority projects, after Jan. 1, 2011, now is the time to upgrade truck engine emission controls to meet the new standard that will go into effect on that date. Take this advice from an independent owner who knows. Raishon "Ray" Artis, owner of CLA & Sons Trucking of Schenectady, NY tells *Hard Hat News* that he is making the changes so that he is prepared to operate in 2011, immediately.

He said that the companies that he regularly hauls for require all of their contract haulers to be NYDOT/NYDEC compliant as though every job were to be a NYDOT job.

"I have to be ready to go for next season, and if I wait, I might be out of luck," he said. "We primarily haul blacktop, sand and road repair materials with our two trucks. The contractors that I work for told me that if my truck is not retrofitted (to meet the new standards), then, 'don't send in your paperwork.' They are considering all their work, state work. They want everybody they hire to be retrofitted so that they don't have any problems."

"We have been in business six years and we are required to make the changes. It is going to cost us about \$13,200 per truck. I'm in the process of raising the funds to do the job."

Artis said that he needs to do the preliminary baseline testing while he is still operating so that he knows what sort of system changes he will need to be compliant. He said that he went to Tracey Road Equipment because they have a facility close to his home, and that they are known for their service. They have accurate information and will do the testing for free.

"When you get your truck initially tested, you have to run it for four days as you would use the truck under normal conditions," he said. "My year effectively ends at about Thanksgiving. If I don't get this done now, I won't have a way to do the testing in the off season."

Artis said that this situation has been compounded by the fact that New York did not pass a state budget on time, so state work was halted and contractors like him did not have work for approximately two months this summer, during their peak earning months. He said that he has contacted his state representatives, who have responded with mixed thoughts on the matter. "This has really put a hardship on the trucking industry, especially the independent truckers like me," he said, noting that larger, interstate fleets can make the changes because they have more revenue from which to make the upgrades.

### What is at stake?

The Diesel Emission Reduction Act of 2006, or DERA as it is known, came into existence on a federal level in 2006. Within that regulation, Heavy Duty Vehicles (HDVs) with an engine year of 2006 or earlier, with a gross vehicle weight of 8,500 pounds or more, that performs work or supply materials to state agencies or public authorities must comply with the new standards. These changes were to be implemented by states at their own discretion.

New York State did not adopt a regulation to deal with this issue until mid 2009, when the Department of Environmental Conservation (DEC) approved Emissions Regulation Part 248, which requires contractors, subcontractors and material suppliers to retrofit all applicable HDVs with "Best Available Retrofit Technology (BART)," as a way of decreasing emissions. This regulation, which was approved June 17, 2009, will be enforced by Dec. 31, 2010, with all vehicles in this group requiring the needed changes. Compliance for New York equipment owners is heading for problems because the only recent change to this regulation is that there is now a "Useful Life Waiver." That means that the owner will retire the truck from service in New York State by the end of 2013. There is very little time remaining to complete all the necessary steps of this law. The Useful Life waiver form is on the NYDEC Web site along with the DEC spreadsheet that is required as well.



"The law calls for 100 percent compliancy by contractors by the end of the year," said Pam Delaplane, president of Environmental Fuel Combustion Solutions, Inc. (EFCS). "The annual reporting is due to DEC from regulated entities, on or before Nov. 1, 2010, which does not give owners much time to report to these State Agencies or Public Authorities."

"This regulation requires that vehicles that fall into this category, those over 8,500 pounds gross vehicle weight and/or that are powered by 50 hp or larger diesel engines, must use ultra-low sulfur diesel fuel, and must install "Best Available Retrofit Technology," and a Low NOX rebuild kit on the vehicles to meet those requirements," she said. While all three changes are required, Delaplane said that EFCS only fulfills the BART portion of the regulation. This portion of the modifications is the most complicated and technically challenging. Delaplane noted that engines manufactured after Jan. 1, 2007, with OEM DPF's are already compliant with these regulations and will not need any BART modifications. We have found many 2007 Vehicles that really have 2006 engines, which will need to be retrofitted. Some come with factory DOC's, which are not considered BART and will have to be removed and replaced by a DPF.

Delaplane said that her firm recommends equipment from Engine Control Systems as a way to remedy the BART products portion of their overall consulting scheme. This is because they offer a full line of products to meet the needs of 98 percent of vehicles between 1993-2006 needing retrofiting. They also have products for vehicles with EGR (Exhaust Gas Recirculation). There have been numerous rumors that if you own a vehicle that does not make temperature or has EGR, that you can retrofit with a DOC. This is not correct, as we have products that work for both and the DEC is aware of this. Their product line includes three kinds of diesel particulate filters: Active, passive and hybrid. Because of the way that these filters operate, it is important for owners to consult with experts to determine the correct type of filter. "You don't want to install the wrong style filter," she said. "If owners choose the wrong one and it doesn't stay clean, this will add maintenance costs, downtime and loss of revenue. The size and price of the filter will also vary based upon the type of engine, displacement, horsepower, engine family number (EFN) and data logging results."

The state regulation and most manufacturers require that owners do a data logging test on their system to determine the correct BART. Once the exhaust temperatures have been monitored over a reasonable period, suppliers can recommend a correct filter type. "That is normally the first step," she said.

"These filters need to be installed," she said, "by someone who is skilled at this kind of technology. This can usually be done in one day. At one day per vehicle, if owners wait until the end of the work season to install these units, there may not be enough trained installers across the state of New York, to do the work by year's end."

Tracey Road Equipment, our distributor, offers data logging (free), installation, maintenance, spare parts and cleaning services and is currently trained to do the work now. They also provide the necessary Opacity testing, required for both the Reg. as well as warranty and maintenance of the filters. Other services include: regeneration panels, annual de-ashing, and best practice recommendation, such as using low ash oil."

Delaplane said that most companies are waiting for the very last moment to order BART products, as the technology is an added cost in an economy that has been brutal. However, if an owner misses the deadline, the fines can be more than the cost of the retrofit system," she said. "With product lead times, if you were waiting for the very last moment, it is now. The regulation has not gone away and the choices are limited: retrofit, waivers, new(er) equipment, or risk fines, if you perform state work."

For more information on how to meet the BART requirements and recommendations, contact EFCS at [www.efcsinc.com](http://www.efcsinc.com) or at 518-435-8067 or Tracey Road Equipment (Albany, Syracuse, Rochester, Watertown or Binghamton).