

Summary of New Jersey Diesel Legislation

Assembly Bill No. 3182 (ACS); S1759

Signed into Law September 7, 2005

Referendum approved Nov 8, 2005

Background

The Bill establishes requirements for specific types of vehicles and off-road equipment powered by diesel engines that will reduce significantly the amount of fine particle diesel emissions from these diesel vehicles and equipment and will diminish the exposure of school children to these harmful emissions. The bill also provides for stricter enforcement of idling standards for all motor vehicles, and imposes stricter requirements and stricter enforcement for school bus idling. The bill establishes the Diesel Risk Mitigation Fund for the reimbursement of the cost of retrofits required pursuant to the bill. This fund would receive constitutionally dedicated moneys for this purpose. The DEP will prescribe the level of fine particle emissions reduction for each type of regulated vehicle or piece of regulated equipment.

Requirements

School Buses

The bill requires retrofitting of all diesel school buses used to transport children in primary and secondary schools in the State with closed crankcase technology designed to reduce fine particle diesel emissions in the cabin of the school bus.

Other Diesel Equipment

The bill requires the use of best available retrofit technologies, including retrofitting, on publicly owned diesel solid waste vehicles, privately owned diesel solid waste vehicles under public contract, publicly owned on-road diesel vehicles and off-road diesel equipment, and all diesel commercial buses.

Verified Technology

The bill requires that the United States Environmental Protection Agency or the California Air Resources Board must have designated the technology as a verified technology. The bill defines "best available retrofit technology" to include particle filters, diesel oxidation catalysts, flow through filters, and other retrofit devices, modified diesel fuel and other special fuels; "best available retrofit technology" cannot include repowering of a vehicle or equipment.

Recordkeeping and Reporting

The bill requires each owner of a regulated vehicle or regulated equipment to submit an inventory of all diesel vehicles and equipment owned, operated, or leased by the owner, and either a notice of intent to follow the requirements prescribed by DEP regulation or a fleet retrofit plan, combined fleet retrofit plan, or fleet averaging plan. A combined fleet retrofit plan allows several owners to coordinate compliance together, and a fleet averaging plan allows an owner to attain reductions by implementing alternative measures and retrofitting vehicles and equipment that may not be designated to get a certain amount of reduction from across the owner's fleet.

After the submittals are made and any plans receive final approval, the owners of regulated vehicles or regulated equipment would receive compliance forms for each vehicle or piece of equipment required to use best available retrofit technologies. After any required installations were made, the compliance form will be completed, a copy of it will remain with the vehicle or piece of equipment at all times thereafter, and copies will be submitted to the DEP and the State Treasurer. The installation of any required retrofit devices as part of this use of best available retrofit technologies will be confirmed at an inspection of the regulated vehicle under New Jersey Motor Vehicle inspection programs currently in effect under current law, or, for regulated off-road equipment, through the submittal of a compliance form issued by the DEP.

Reimbursements

Under the bill the State Treasurer, in consultation with DEP, will administer reimbursements for the cost of complying with these requirements in accordance with the procedures and requirements established by the State Treasurer and the DEP pursuant to the bill. However, the bill provides for 100% of retrofit device and installation costs be covered.

Idling

The bill requires the adoption of rules and regulations by the DEP, no less stringent than the restrictions on idling under DEP rules and regulations in effect on the effective date of the bill, concerning the idling of school buses and the development of policies and procedures by the DEP, in consultation with the Department of Education, school districts and school administrators, to achieve compliance with those rules and regulations. The bill also requires enforcement of school bus idling violations against the school district serviced by the school bus operated in violation of the idling restrictions;

Penalties

The bill establishes increased penalties of \$250 to \$1,000 per day, per vehicle for violations of any motor vehicle idling restrictions, except that no penalties may be assessed against the driver of a school bus who is not the owner of the school bus.

Schedule

The timing of these submittals are to be as follows:

- (1) for regulated solid waste vehicles, no later than 180 days after the effective date of the rules and regulations adopted by the DEP pursuant to section 3 of the bill;
- (2) for regulated commercial buses owned and operated by the New Jersey Transit Corporation, no later than one year after the effective date of the rules and regulations;
- (3) for private regulated commercial buses, no later than one year and 180 days after the effective date of the rules and regulations; and
- (4) for publicly owned regulated vehicles and regulated equipment other than regulated solid waste vehicles or regulated commercial buses, no later than two years after the effective date of the rules and regulations.