

July 15, 2013

U.S. Environmental Protection Agency
Air and Radiation Docket and Information Center
Attention Docket ID No. EPA-HQ-OAR-2012-0102
Air Docket, Mail Code 28221T
1200 Pennsylvania Avenue, NW
Washington, DC 20460

RE: Heavy-Duty Engine and Vehicle, and Nonroad Technical Amendments
Notice of Proposed Rulemaking and Direct Final Rule

To Whom It May Concern:

The Northeast States for Coordinated Air Use Management (NESCAUM) provides these comments in response to two U.S. Environmental Protection Agency (EPA) notices concerning heavy-duty engines and vehicles.¹ NESCAUM is a non-profit association of the state air pollution control agencies in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, and Vermont. These comments apply solely to the impending revisions to 40 CFR § 1068.240 and § 1042.615 which exempt replacement engines from the prohibitions in 40 CFR §1068.101(a)(1). None of the following comments should be construed as an *adverse comment*² as this terminology is used in the Notices.

The proposed revisions to 40 CFR § 1068.240 and § 1042.615 will enable engine repowering to continue as an important tool in the overall strategy to reduce emissions from unregulated engines in the legacy diesel fleet, and at the same time ensuring the cleanest possible engines are selected as approved replacements. Further, the 25-year age limit on equipment eligibility will ensure that equipment owners don't misuse the proposed provision to extend the life of older dirtier equipment beyond its normal lifetime.

More than 11 million diesel engines are deployed in the U.S. to power highway vehicles, non-road equipment, marine vessels, and locomotives. These engines typically are very durable and efficient and consequently remain in service for many years or even decades. This is especially true for the non-highway engine categories. Prior to 1996, there were no emission standards in effect for land-based non-road engines. Emission standards for marine engines did not begin to take effect until 2004. A large number of the engines that were placed into service before the effective dates of these standards will remain in service well into the future. It is estimated that by 2030 through normal attrition, there will still be more than 1.5 million unregulated diesel engines in service in the U.S. in all categories.³

¹ 78 FR 36135 and 78 FR 36370, June 17, 2013.

² 78 FR 36370-71, June 17, 2013

³ U.S. EPA, *Second Report to Congress: Highlights of the Diesel Emissions Reduction Program*, December 2012.

The EPA's Diesel Emissions Reduction Program (Program) has helped to accelerate turnover of these legacy fleet engines. From 2008 through 2010, grants awarded through the Program have created incentives to deploy almost 1500 replacement engines into service in place of an equal number of unregulated engines. Collectively, all of the Program's clean diesel strategies implemented over this period are projected to reduce emissions by almost 204,000 tons of NO_x and more than 12,000 tons of PM.⁴

More recently, it has become increasingly challenging to repower older equipment as Tier 4 emission standards⁵ have begun to take effect. An engine configured to meet Tier 4 standards typically has very different physical characteristics compared to its unregulated and lower-tier counterparts. Consequently, because 40 CFR § 1068.240(g) now prohibits the sale and installation of a lower-tier replacement engine except in the circumstance where an existing engine has failed prematurely, repowering has become a less viable option for replacing older equipment with cleaner engines. The revisions as proposed will preserve this important option.

If you have any questions, please contact Eric Skelton of my staff at eskelton@nescaum.org or at (617) 259-2028.

Regards,



Arthur N. Marin
Executive Director

⁴ Ibid.

⁵ Tier 4 non-road engine standards are in 40 CFR § 1039.101 & 102. Tier 4 engine standards for Category 1 & 2 marine engines are in 40 CFR § 1042.101.