Bill as Introduced

HCR 30 – AS AMENDED BY THE HOUSE

23march00.....3695h

2000 SESSION

00-2544
03/09

HOUSE CONCURRENT RESOLUTION *30*

A RESOLUTION urging the United States Environmental Protection Agency to adopt recently proposed new emission standards for heavy-duty vehicles, at least as stringent as originally proposed, and to adopt a second phase of emission standards for heavy-duty vehicles and reductions in the sulfur content of highway diesel fuel.

SPONSORS: Rep. Norelli, Rock 31; Rep. Keans, Straf 16; Rep. Lynde, Hills 24; Rep. Maxfield, Merr 9; Sen. Below, Dist 5; Sen. Cohen, Dist 24; Sen. Russman, Dist 19

COMMITTEE: Science, Technology and Energy

AMENDED ANALYSIS

This house concurrent resolution urges the United States Environmental Protection Agency to adopt recently proposed new emission standards for heavy-duty vehicles, at least as stringent as originally proposed, and to adopt a second phase of emission standards for heavy-duty vehicles and reductions in the sulfur content of highway diesel fuel.

23march00.....3695h

00-2544
03/09

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand

A RESOLUTION urging the United States Environmental Protection Agency to adopt recently proposed new emission standards for heavy-duty vehicles, at least as stringent as originally proposed, and to adopt a second phase of emission standards for heavy-duty vehicles and reductions in the sulfur content of highway diesel fuel.

Whereas, the state of New Hampshire has made significant efforts to improve the state's air quality and reduce air pollutant emissions from many source categories in accordance with the Clean Air Act Amendments of 1990; and

Whereas, emissions from mobile sources now contribute a majority of anthropogenic air pollutant emissions within the state and nationwide; and

Whereas, the United States Environmental Protection Agency has recently adopted the so-called Tier 2/Gasoline Sulfur Rule which will require significantly reduced emissions from light-duty vehicles such as common passenger vehicles and from sport utility vehicles, will require sport utility vehicle emissions to be reduced to not more than those allowed for common passenger vehicles, and will require significantly decreased levels of sulfur in gasoline during the next few years; and

Whereas, the United States Environmental Protection Agency has shown the reductions to be achieved by this adopted Tier 2/Gasoline Sulfur Rule to be cost-effective; and

Whereas, the United States Environmental Protection Agency in October, 1999 proposed a strategy to significantly reduce emissions from on-highway heavy-duty vehicles (vehicles of gross vehicle weight over 8,500 pounds), including diesel and gasoline engines used in large commercial trucks, large full-size pickup trucks, passenger vans, and the largest sport utility vehicles; and

Whereas, this proposed strategy includes both a first phase of new emission standards for heavy-duty vehicles, and a second phase to be proposed soon which will treat vehicles and fuels as a combined system and introduce both significant additional emission reduction requirements for heavy-duty vehicles and, in order to enable new emissions-control technology on heavy trucks, requirements that the sulfur content of highway diesel fuel be reduced by approximately 90 percent from its current level of 500 parts per million (ppm); and

Whereas, diesel vehicle emissions control technology has advanced sufficiently that diesel vehicles can cost-effectively achieve similar emission reductions to requirements recently adopted for gasoline vehicles; and

Whereas, non-highway gasoline and diesel vehicles, including construction and farm vehicles and off-road recreational vehicles, as well as other diesel engines, can often achieve emission controls at a similar cost and with similar cost-effectiveness as highway vehicles; and

Whereas, reductions in the sulfur content of highway diesel fuel are cost-effective and necessary to enable the use of new diesel vehicle emissions-control technology; and

Whereas, changes in fuel formulation are most efficiently and equitably implemented on a nationwide or regionwide basis; and

Whereas, in the absence of appropriately stringent nationally applicable standards for heavy-duty vehicle emissions and diesel fuel sulfur, many states may adopt their own standards, resulting in a complex and inefficient regulatory system for vehicles and fuels, with negative financial effects on consumers, manufacturers, and refiners; and

Whereas, the estimated cost per ton of emissions reduced in the first phase of the United States Environmental Protection Agency's proposed strategy is less than 1/2 of the cost per ton of the recent Tier 2/Gasoline Sulfur Rule, and less than the cost of many emission reductions currently being required for electricity generation plants; and

Whereas, additional financial incentives for vehicle users and fuel suppliers to provide emission reductions beyond those mandated by these rules are likely to produce additional cost-effective emission reductions at minimal cost; and

Whereas, Governor Shaheen has written a letter dated February 2, 2000 supporting this concurrent resolution; now, therefore be it

Resolved by the House of Representatives, the Senate concurring:

That the United States Environmental Protection Agency is hereby commended for adopting its so-called Tier 2/Gasoline Sulfur Rule; and

That the United States Environmental Protection Agency should adopt the new emissions standards for on-highway heavy-duty vehicles proposed in the first phase of its proposed heavy-duty vehicle strategy, without any significant amendment that would weaken the proposed standards; and

That the United States Environmental Protection Agency should propose and adopt a second phase of integrated vehicle standards and diesel fuel sulfur rules similar to those outlined in its descriptions to date of its heavy-duty vehicle strategy, provided that they are at least as cost-effective as the reductions contained in the Tier 2/Gasoline Sulfur Rule; and

That the United States Environmental Protection Agency should propose and adopt similar additional integrated vehicle standards and diesel fuel sulfur rules for non-highway gasoline and diesel vehicles, in addition to those for highway vehicles, provided that they are also at least as cost-effective as the reductions contained in the Tier 2/Gasoline Sulfur Rule; and

That the United States Environmental Protection Agency should propose and adopt similar standards for other diesel engines, provided that they are also at least as cost-effective as the reductions contained in the Tier 2/Gasoline Sulfur rule; and

That the United States Environmental Protection Agency should investigate options for providing financial incentives for vehicle users and fuel suppliers that produce additional emission

reductions beyond those mandated by these rules in order to obtain additional cost-effective emission reductions at minimal cost; and

That copies of this resolution be sent by the house clerk to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, the chairpersons of committees of the United States Congress having jurisdiction over the Clean Air Act, the Administrator of the United States Environmental Protection Agency, and each member of the New Hampshire congressional delegation.

Committee Minutes

Date: April 25,2000
Time: 11:25am
Room: LOB104

The Senate Committee on Environment held a hearing on the following:

HCR30 (New Title) urging the United States Environmental Protection Agency to adopt recently proposed new emission standards for heavy-duty vehicles, at least as stringent as originally proposed, and to adopt a second phase of emission standards for heavy-duty vehicles and reductions in the sulfur content of highway diesel fuel.

Members of Committee present: Senator Russman
Senator Krueger
Senator Pignatelli

The Chair, Senator Richard Russman, opened the hearing.

Senator Richard L. Russman, D. 19: We'll start the hearing on HJR30 and we'll recognize Jeff MacGillivray.

Jeff MacGillivray: For the record. I am Representative Jeff MacGillivray, and I served on the Committee that brings to you HCR30, a resolution urging US EPA to adopt recently proposed new emissions standards for heavy duty vehicles, at least as stringent as originally proposed, and to adopt a second phase of emissions standards for heavy duty vehicles and reductions in sulfur content of highway diesel fuel.

I was one of the prime authors of the amendment that replaced the entire original resolution. The original resolution is now contained in effect on line 6-10 of page one. It was originally a resolution urging US EPA to adopt the so called tier 2 gasoline sulfur rule which was patterned on an NCSL resolution and it was very nicely done. However, it came to our attention that EPA had already done that in December between the time the resolution was drafted and the time that the House Hearing took place and it was one of the good people in air resources who when asked well what can we do with this, said

well, maybe we can say something about the truck tier 2 diesel which is on the way through the pipeline, at which point we rewrote the resolution, and we have what you see in front of you here which change took place with the blessing of the sponsors and the air resources division.

US EPA in October of 1999, proposed a strategy to significantly reduce emissions from on highway heavy duty vehicles, that's those over 8500 pounds, see lines 13-16 including diesel and gasoline engines used in large commercial trucks, large full sized pick up trucks, passenger vans, and the largest sport utility vehicles, those that are over 8500 pounds and not covered by their earlier work.

This strategy had in it a first phase of emissions standards for heavy duty vehicles and a second to be proposed soon. Now this word soon has an interesting meaning. In December we thought it meant maybe January. In January we were hearing maybe it would be February, and it is now three quarters past April and we're still waiting. Apparently, there is a holdup between EPA and OMP on getting this out. We had originally hoped that EPA would have those proposed standards out and they could be amended into this resolution but in light of the delay in EPA getting them out at all, that increases the need for this resolution. It now says please we need this from the heavy duty vehicles. We need you to do something along the lines of what you originally put forward. We need you to make sure that these heavy duty vehicles do their share of reducing emissions, provided that it is as cost effective as what was done for gasoline engines.

The tier 2 gasoline sulfur rule did go up to levels of expenditure that had not been seen before in national rules. This was a very pleasing sign that EPA was finally taking nitrogen oxide emissions seriously and that it was starting to understand what we have been saying in resolutions and verbally for the last several years along with the national research council and others.

The solution to ozone is nitrogen oxides. Their new tier 2 sulfur, their tier 2 gasoline sulfur rule is the first major effort by EPA that goes in this direction and this urges them to move in this direction with the heavy duty vehicle rules as well.

They have given some idea of what they are doing but they have not made details clear because when a rule is in the process of getting signed off in EPA all murmurs get quieted and we don't hear what's going on. Thus, we don't have cost effective numbers. We can't specifically comment on the exact rule because they haven't put it out for people to see. But we do still hope that they will get it out soon and preferably sooner than later and in addition to the fact that this is something that's necessary here, this resolution which started as something out of NCSL may be fortunate enough to be copied by NCSL in some form or in principal, urging that they go forward and take what they've done for gasoline onto diesel fuel as well.

The committee wanted to make sure that a few additional words got said in here to make sure that we picked up all of the diesel fuel that involves

vehicles moving around and wanted to make sure that we picked up non-highway gasoline and diesel vehicles, lines 26-28, we wanted to point out that diesel vehicle emissions control technology has advanced, lines twenty three though twenty-five on page one, and we again emphasize the point that on page two lines three and four that changes in fuel formulation are most effective if efficiently and equitably implemented on a nationwide or region wide basis and we are trying to avoid the state by state efforts as outlined in lines 5-8 on page two.

What we are trying to do is make sure that reasonable efforts are made to go forward and make this happen and eliminate as much of the heavy duty vehicle emissions as they have just achieved with their recently adopted tier 2 gasoline sulfur emissions.

Senator Patricia Krueger, D. 16: The only problem that I have with all of this is the fact that we pushed so hard to get, for example, MBTE added to improve emissions and now we find out that that causes more problems, maybe not more but certainly it's own set of problems. I just want to make sure that we are doing the right thing. Can you assure me that we are.

Representative Jeff MacGillivray: That is a good question. The two situations aren't really comparable. What we'll be doing here is taking the sulfur out of gasoline and not putting much of anything else in. It makes a big difference when you start talking about changing MTBE content form 1% to 11% of gasoline, that's a large number but what we are talking about doing with sulfur is changing it from 500 parts per million to something in the vicinity of 30-50 parts per million and the small amount of increased everything else that makes up for that, will be a very small change compared to what's already in the gasoline.

Furthermore, these changes in both how you build an engine, in order to make it less polluting, and how much sulfur is in the fuel in order that the emissions decrease, are aimed at reducing nitrogen oxides, and the evidence that nitrogen oxides were the solution to ozone was fairly convincing for the scientific community in the late eighties, even before congress chose to ignore it and pass the Clean Air Act in the form that they did, in 1990.

At this point, nine additional years of modeling have overwhelmingly reinforced the case for nitrogen oxide emissions and just as the tier 2 gasoline sulfur rules were very efficiently targeted at nitrogen oxide reductions, so it appears are these, and what we are doing this time is not prescribing that something be added that might have side effects. What we are doing here is saying build your engines less polluting and take a small amount of the total amount of gasoline that is the sulfur and reduce that sulfur by a considerable amount, so yes, I am convinced that this time there is very little likelihood that we are doing anything wrong.

Senator Richard L. Russman, D. 19: Thank you. Thank you very much for your testimony. The Chair would note that Susan Slack from the Society for the Protection of New Hampshire Forests was in favor of the bill, does not wish to speak and also Ken Colburn is here from DES not wishing to speak but is in favor of the bill anybody else want to speak on HCR30? If not we'll close the hearing on HCR30.

HEARING CLOSED

Respectfully Submitted,

Anna-Maria Tsorvas
Committee Secretary

Attach A

State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES
6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-1370 FAX (603) 271-1381

April 25, 2000

The Honorable Richard L. Russman, Chairman
Senate Environment Committee
Legislative Office Building, Room 104
Concord, New Hampshire 03301

Re: HCR 30 – A resolution urging the United States Environmental Protection Agency (EPA) to adopt recently proposed new emission standards for heavy-duty vehicles, at least as stringent as originally proposed, and to adopt a second phase of emission standards for heavy-duty vehicles and reductions in the sulfur content of on-highway diesel fuel.

Dear Chairman Russman and Committee Members:

Thank you for this opportunity to provide testimony on HCR 30, which urges EPA to: adopt its proposed new standards for heavy-duty vehicles and reductions in the sulfur content of on-highway diesel fuel, and propose and adopt similar additional integrated vehicle standards and diesel fuel rules for non-highway gasoline and diesel vehicles. As you know, EPA recently adopted the Tier 2/Gasoline Sulfur Rule. DES supported EPA's efforts to establish these aggressive new vehicle and fuel standards, and we have been vocal in applauding the concept of treating vehicles and fuels as one system from a regulatory perspective. Most importantly, by finalizing this rule prior to the end of 1999, EPA met federal statutory requirements for the provision of adequate lead time for the automobile and fuel industries. DES has consistently encouraged EPA to move forward with similar rulemaking for heavier duty vehicles and diesel fuel. EPA's proposals for new standards for heavy duty vehicles and diesel fuel will result in vehicles that are estimated to be 80-90% cleaner than today's, reducing emissions of NOx and particulate matter by tens of thousands of tons per year nationwide.

As a result, DES is in full support of the spirit of HCR 30, and of continuing to improve standards on a national level for all categories of vehicles and equipment. As with light duty vehicles, it is essential that heavy duty vehicles and fuels are treated as one system to provide the maximum environmental benefit possible from control technologies that are presently available, and those that are in development. EPA has near and long term plans for this category of vehicles that merit the State's support. DES looks forward to working with the Legislature in any way we can to encourage EPA to continue making progress in reducing emissions from the mobile source sector.

Thank you again for the opportunity to offer testimony on HCR 30. Please contact me at 271-3503, or Air Resources Division Director Ken Colburn at 271-1380, with any questions you may have.

Sincerely,

Robert W. Varney
Commissioner

cc: Rep. Sandra B. Keans
Rep. Harold V. Lynde
Rep. Jeffrey C. MacGillivray
Rep. Roy D. Maxfield
Rep. Terie T. Norelli
Sen. Clifton C. Below
Sen. Burton J. Cohen

Speakers

SENATE ENVIRONMENT. COMMITTEE

Date April 25, 2000 Time 11:25am Public Hearing On HCR30

Appearing in FAVOR: (Please print) **Please check box at left to speak.**

Speaking?	Name	Address	Representing
☐	Susan Slack	54 Portsmouth St Concord	SPNHF
☐	Ken Colburn	NH DES	271-1380
☑	Jeff McCarthy	N.H.S 21	
☐			
☐			
☐			
☐			
☐			
☐			
☐			

Appearing in OPPOSITION (Please Print) **Please check box at left to speak.**

☐			
☐			
☐			
☐			
☐			
☐			
☐			
☐			
☐			
☐			

Testimony

State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES
6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-1370 FAX (603) 271-1381

April 25, 2000

The Honorable Richard L. Russman, Chairman
Senate Environment Committee
Legislative Office Building, Room 104
Concord, New Hampshire 03301

Re: HCR 30 – A resolution urging the United States Environmental Protection Agency (EPA) to adopt recently proposed new emission standards for heavy-duty vehicles, at least as stringent as originally proposed, and to adopt a second phase of emission standards for heavy-duty vehicles and reductions in the sulfur content of on-highway diesel fuel.

Dear Chairman Russman and Committee Members:

Thank you for this opportunity to provide testimony on HCR 30, which urges EPA to: adopt its proposed new standards for heavy-duty vehicles and reductions in the sulfur content of on-highway diesel fuel, and propose and adopt similar additional integrated vehicle standards and diesel fuel rules for non-highway gasoline and diesel vehicles. As you know, EPA recently adopted the Tier 2/Gasoline Sulfur Rule. DES supported EPA's efforts to establish these aggressive new vehicle and fuel standards, and we have been vocal in applauding the concept of treating vehicles and fuels as one system from a regulatory perspective. Most importantly, by finalizing this rule prior to the end of 1999, EPA met federal statutory requirements for the provision of adequate lead time for the automobile and fuel industries. DES has consistently encouraged EPA to move forward with similar rulemaking for heavier duty vehicles and diesel fuel. EPA's proposals for new standards for heavy duty vehicles and diesel fuel will result in vehicles that are estimated to be 80-90% cleaner than today's, reducing emissions of NOx and particulate matter by tens of thousands of tons per year nationwide.

As a result, DES is in full support of the spirit of HCR 30, and of continuing to improve standards on a national level for all categories of vehicles and equipment. As with light duty vehicles, it is essential that heavy duty vehicles and fuels are treated as one system to provide the maximum environmental benefit possible from control technologies that are presently available, and those that are in development. EPA has near and long term plans for this category of vehicles that merit the State's support. DES looks forward to working with the Legislature in any way we can to encourage EPA to continue making progress in reducing emissions from the mobile source sector.

Thank you again for the opportunity to offer testimony on HCR 30. Please contact me at 271-3503, or Air Resources Division Director Ken Colburn at 271-1380, with any questions you may have.

Sincerely,

Robert W. Varney
Commissioner

cc: Rep. Sandra B. Keans
Rep. Harold V. Lynde
Rep. Jeffrey C. MacGillivray
Rep. Roy D. Maxfield
Rep. Terie T. Norelli
Sen. Clifton C. Below
Sen. Burton J. Cohen

Committee Report

Date: April 25,2000 Time: 11:25am

The Senate Committee on Environment held its hearing in Room LOB104, Concord, New Hampshire.

BILL NO.: HCR30 TITLE: (New Title) urging the United States Environmental Protection Agency to adopt recently proposed new emission standards for heavy-duty vehicles, at least as stringent as originally proposed, and to adopt a second phase of emission standards for heavy-duty vehicles and reductions in the sulfur content of highway diesel fuel.

Members of the Committee present: Senator Russman
Senator Krueger
Senator Pignatelli

Those appearing in favor:

Name and Address	Representing
See Attached.	

Those appearing in opposition:

Name and Address	Representing
See Attached.	

REPORT OF THE COMMITTEE:

☒ Ought to Pass ☐ Interim Study

☐ Ought to Pass w/ Amendment ☐ Continued Hearing

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE

Date: April 25,2000}

THE COMMITTEE ON Environment

to which was referred House Concurrent Resolution 30

AN ACT (New Title) urging the United States Environmental Protection Agency to adopt recently proposed new emission standards for heavy-duty vehicles, at least as stringent as originally proposed, and to adopt a second phase of emission standards for heavy-duty vehicles and reductions in the sulfur content of highway diesel fuel.

VOTE: 3-0

Having considered the same, report the same without amendment and recommend that the bill: **OUGHT TO PASS.**

Senator Richard Russman
For the Committee