

PUBLIC UTILITIES COMMISSION

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SAN FRANCISCO, CA 94102-3298



June 27, 2011

Susan J. Nelson, AIA
Regulatory Affairs
Southern California Edison
2244 Walnut Grove Avenue, Quad 3D, GO1
Rosemead, CA 91770

RE: Tehachapi Renewable Transmission Project (TRTP), Segments 4-11: Variance Request (VR) #69 Denial

Dear Ms. Nelson,

On June 14, 2011, Southern Californian Edison (SCE) submitted a variance requesting that they not need to comply with the requirements of Mitigation Measure AQ-1d, Heavy Duty Diesel Haul Vehicle On-Road Equipment Standards, Segments 4-11 of the Tehachapi Renewable Transmission Project (TRTP), in Kern, Los Angeles, San Bernardino and Orange Counties, California. **Variance Request #69 is denied by the CPUC based on the following factors:**

- **Mitigation Measure AQ-1d**, Heavy Duty Diesel Haul Vehicle On-Road Equipment Standards, states the following:

Require the use of 2006 engines or pre-2006 engines with CARB certified Level 3 diesel emission controls for all on-road heavy duty diesel haul vehicles that are contracted on a continuing basis for use to haul equipment and waste for the Project.

- SCE submitted the following information:

Mitigation Measure (MM) AQ-1d pertains to on-road heavy duty diesel haul vehicles that are used on a routine basis on TRTP. The MM requires the use of 2006 or newer engines, or Level 3 emission controls (i.e., particulate matter filter) for pre-2006 engines.

The conditions of MM AQ-1d are more restrictive than the current California Air Resources Control Board (CARB) requirements, which provide a phase-in period for emissions controls for on-road heavy duty diesel haul vehicles (refer to attached CARB documentation).

SCE has received feedback from Project construction contractors that they and/or their subcontractors currently have heavy duty diesel haul vehicles that meet CARB requirements but not MM AQ-1d conditions. To require businesses to comply with these air emissions conditions that are more stringent than a current State requirement is considered an undue hardship.

Therefore, the purpose of this variance request is to allow on-road heavy duty diesel haul vehicles utilized on the Project to comply with the current CARB requirements and emissions control phase-in period in lieu of MM AQ-1d conditions. Project vehicles would comply with the CARB phase-in requirements for heavy duty diesel haul vehicles, which begin in 2015 for lighter trucks (Gross Vehicle Weight Rating [GVWR] of 14,001 to 26,000 pounds) and in 2012 for heavier trucks (GVWR greater than 26,000 pounds). Specific information on these CARB phase-in requirements are provided in the attached documentation.

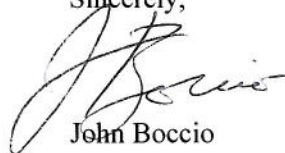
- **Air Quality Specialist's Review:** Mitigation Measure AQ-1d is based on the regulations that were approved at the time of the assessment. The CPUC is not going to measure compliance based on the new regulation that SCE is citing. That regulation is an in-use vehicle requirement for retrofitting existing engines, which is beyond the model year requirements that were already in force and that serve as the basis for the mitigation measure. The CPUC is not looking to require anything beyond the model year engine specifications that existed at the time the analysis was performed.

The regulation the CPUC used/is using as a basis for Mitigation Measure AQ-1d is **13 CCR Section 1956.8** (not Section 2025) that has specified g/bhp emission limit requirements by model year for on-road HHD vehicle engines. The CPUC is only asking that SCE and their contractors use vehicles with engines that meet those model year engine emission limit requirements, or as noted in Mitigation Measure AQ-1d the engines can be retrofitted with CARB certified Level 3 diesel emission controls to have equivalent emissions. Quite a few years have passed since 2006, so meeting this mitigation measure should not be difficult unless there has been an ongoing inability for engine manufacturers to comply with this regulation over the past five years.

The variance request does not actually relate to the compliance requirements of the condition. Specifically, as is seen in the "action requested" part of the Request for Variance, SCE is requesting a variance from having to meet 13 CCR 2025 requirements. The CPUC is only requiring that SCE use HHD vehicles with 2006 or newer model year engines that comply with the emissions standards shown in 13 CCR 1956.8.

CPUC denies Variance Request #69 based on the factors described above.

Sincerely,



John Boccio
CPUC Environmental Project Manager

cc: V. Strong, Aspen