

May 1, 2007

H 1912. SCHOOL BUS RETROFITS IN NONATTAINMENT AREAS. Filed 5/1/07. *TO REDUCE DIESEL EMISSIONS FROM CERTAIN DIESEL SCHOOL BUSES REGISTERED IN COUNTIES LOCATED IN AREAS DESIGNATED AS NONATTAINMENT OR MAINTENANCE FOR OZONE THROUGH THE USE OF RETROFIT TECHNOLOGY.*

Enacts new GS 143-215.107E to require the retrofit of any diesel school bus that: (1) has a model year 1994 through model year 2006 engine, (2) is registered in a county that is located in an area that the US Environmental Protection Agency has designated as nonattainment or maintenance for ozone, and (3) is used for the transportation of public school students. Requires the Secretary of Environment and Natural Resources to adopt rules for compliance according to the following schedule: (1) no less than 50% of the school buses affected must have Level 3 Control (as defined) installed and operational by December 31, 2009; and (2) all school buses affected must have Level 3 Control installed and operational by December 31, 2010. Provides for exceptions for buses that cannot be retrofitted with Level 3 Control. Also extends the Level 3 Control deadline for buses that have Level 1 or 2 controls installed and operational before July 1, 2007. Requires the prohibition of venting of crankcase emissions from any school bus by December 31, 2009. Prohibits school buses from operating in the state with tampered, nonconforming, or defective emission control components and requires the secretary, in consultation with the Department of Transportation, to implement an inspection program. Requires the secretary to coordinate with several departments to determine if the implementation of the statute requires any of the departments to have a role, and to adopt any necessary rules. Enacts new GS 143-215.107G providing that any local school administrative unit failing to comply with GS 143-215.107E must immediately bring each non-compliant bus into compliance at its own expense and may have the registration of each non-compliant bus revoked. Enacts new GS 143-215.107H requiring the Secretary to report to the General Assembly, the Environmental Management Commission, and the Environmental Review Commission on the use of retrofit technology to retrofit school buses, including information on listed issues, by January 1, 2008, and annually through January 1, 2012. Enacts new GS 143-215.107F establishing the non-reverting School Bus Diesel Emissions Reduction Account to make grants to local administrative units to reimburse local school administrative units for costs incurred in retrofitting a school bus. Effective July 1, 2007, appropriates \$3.42 million for 2007-08 and \$3.42 million for 2008-09 from the General Fund to the School Bus Diesel Emissions Reduction Account to reimburse local school administrative units for the costs of retrofitting school buses as required by GS 143-217.107E. Effective July 1, 2007, requires the Department of Transportation to transfer \$13.7 million for 2007-08 and \$13.7 million for 2008-09 from the federal congestion mitigation and air quality improvement program funds appropriated to the state by the US to the School Bus Diesel Emissions Reduction Account. Includes a severability clause.

Intro. by Samuelson, J. Harrell, Martin, GS 143, APPROP
Barnhart.

July 11, 2007

H 1912. SCHOOL BUS RETROFITS IN NONATTAINMENT AREAS. Filed 5/1/07. House committee substitute deletes the provisions of the 1st edition and replaces it with *AN ACT TO ESTABLISH A PILOT PROGRAM TO PROVIDE FUNDS FOR LOCAL SCHOOL ADMINISTRATIVE UNITS TO RETROFIT SCHOOL BUSES IN ORDER TO REDUCE DIESEL EMISSIONS FROM CERTAIN DIESEL SCHOOL BUSES REGISTERED IN COUNTIES LOCATED IN AREAS DESIGNATED AS NONATTAINMENT OR MAINTENANCE FOR OZONE OR PARTICULATE MATTER.* Requires the Department of Environment and Natural Resources (DENR) to develop a pilot program in consultation with the Department of Public Instruction (DPI), Department of Transportation (DOT), and stakeholders to award grants to local school administrative units in order to retrofit school buses to reduce diesel emissions. In order to be eligible for a diesel retrofit, a school bus must (1) have a model year 1994 through 2006 engine, (2) be registered in a county that is located in an area designated by the US Environmental Protection Agency (EPA) as nonattainment or maintenance for ozone or particulate matter, (3) be capable of operating on diesel fuel, and (4) be used to transport public school students.

Establishes criteria that may be used in selecting grant recipients and establishes criteria upon which priority may be given. Allows the Secretary of DENR, in consultation with DPI, to make a written finding, within one year of when the act becomes law, (1) that a category of a school bus that is eligible for a grant cannot be retrofitted with a level 3 control, achieving at least an 85% reduction in particulate matter emissions, and allowing that category of school buses to use grant money to be retrofitted with a level 2 control, meeting a lower emission control standard; (2) that a category of a school bus that is eligible for a grant cannot be retrofitted with a level 2 control, and allowing that category of school buses to use grant money to be retrofitted with a level 1 control, meeting a lower emission control standard, upon which the Secretary may require additional emission controls to be used; and (3) concerning the impacts, benefits, and feasibility of using the different control levels, and other information. Authorizes DOT to amend its Transportation Improvement Program and satisfy other federal requirements so that retrofits under the program qualify for reimbursement of federal-aid funds.

Establishes the School Bus Diesel Emission Reduction Account, consisting of funds from the General Assembly and other contributions from public or private sources. Funds must be distributed as grants to local school administrative units for school bus retrofits in an amount equal to 20% of the cost of purchasing a diesel retrofit for each bus selected for retrofitting, and the funds must be used to match the federal-aid funds. Effective July 1, 2007, appropriates \$500,000 for 2007-08 and 2008-09 from the General Fund to the School Bus Diesel Emissions Reduction Account.

Requires DPI to submit information concerning the total number of eligible school buses, and the number of school buses that have an engine certified to the applicable US EPA standard for particulate matter, to DENR by August 1, 2008. Requires DENR to report on the pilot program to DPI, DOT, and the Environmental Review Commission by September 1, 2008, and September 1, 2009. Requires DENR to work with federal, state, and local agencies to determine how emissions reductions achieved through the program may be credited to objectives in the State Implementation Plan or Transportation Conformity determinations. Effective July 1, 2007, allows DOT to reimburse up to \$2 million for 2007-08 and 2008-09 from the federal congestion mitigation and air quality improvement program funds to DENR for the costs of purchasing diesel retrofits.

July 19, 2007

H 1912. SCHOOL BUS RETROFITS IN NONATTAINMENT AREAS. Filed 5/1/07. House committee substitute makes the following changes to 2nd edition. Removes the \$500,000 appropriations to the School Bus Diesel Emissions Reduction Account for 2007-08 and 2008-09 and provides that the act becomes effective only if the General Assembly appropriate funds for the 2007-09 biennium to the School Bus Diesel Emissions Reduction Account for grants to local school administrative units. Makes technical and conforming changes.

July 23, 2007

H 1912. SCHOOL BUS RETROFITS IN NONATTAINMENT AREAS. Filed 5/1/07. House amendment makes the following changes to 3rd edition. Provides that any funds remaining in the School Bus Diesel Emissions Reduction Account as of July 1, 2008 (was, 2009) may be used to make grants to local school administrative units for the costs of purchasing a diesel retrofit for a school bus. Makes a conforming change to the requirement that funds be appropriated to the account in order for the act to become effective. Removes the provision allowing the Department of Transportation to reimburse up to \$2 million for 2008-09 from the federal congestion mitigation and air quality improvement program funds for the costs of purchasing diesel retrofits under the pilot program.

September 4, 2007

SL 2007-465 (H 1912). SCHOOL BUS RETROFITS IN NONATTAINMENT AREAS. *AN ACT TO ESTABLISH A PILOT PROGRAM TO PROVIDE FUNDS FOR LOCAL SCHOOL ADMINISTRATIVE UNITS TO RETROFIT SCHOOL BUSES IN ORDER TO REDUCE DIESEL EMISSIONS FROM CERTAIN DIESEL SCHOOL BUSES REGISTERED IN COUNTIES*

LOCATED IN AREAS DESIGNATED AS NONATTAINMENT OR MAINTENANCE FOR OZONE OR PARTICULATE MATTER. Summarized in *Daily Bulletin* 5/1/07, 7/11/07, 7/19/07, and 7/23/07. Enacted August 29, 2007. Section 6 is effective July 1, 2007. The remainder is effective August 29, 2007, but Sections 1–6 are effective only if funds are appropriated for the 2007–08 school year to the School Bus Diesel Emissions Reduction Account established by this act.