II-96-01
III-A-30

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
New York State—TSP —Continued				
Expressway, north of the Southern Parkway, north of Conduit Blvd., north of Linden Blvd., north of Caton Ave., north of the FL Hamilton Parkway, and north of 39th Street).				
The Borough of Staten Island (south of I-278; west of Richmond Ave., and north of Arthur Kill Road as far west as Roberts Ave.).		X		
Remainder of AQCR				X
New York State—SO$_2$				
Niagara Frontier AQCR:				
The City of Buffalo (an area bounded on the north by Tift Street, on the east by Hopkins Street, on the south by the City of Lackawanna and on the west by Lake Erie).	X			
The City of Lackawanna (west of South Park Avenue)	X			
Remainder of AQCR				X
Genesee-Finger Lakes AQCR				X
Southern Tier West AQCR				X
Southern Tier East AQCR				X
Central AQCR				X
Northern (Champlain Valley) AQCR				X
Hudson Valley AQCR				X
New Jersey-New York-Connecticut Interstate AQCR:				
The Borough of Manhattan (except between 59th and 125th Sts.).		X		
The Boroughs of Brooklyn and Queens (south of the Queensborough Bridge and Queens Blvd., west of 44th St., west of I-278, and north of the Brooklyn Bridge).			X	
The Borough of the Bronx (south of I-95 and west of I-278)			X	
Remainder of AQCR				X

[EPA designation replaces State designation.

[FR Doc. 81-2833 Filed 1-26-81; 8:45 am]

BILLING CODE 6560-38-M

40 CFR Part 205

[NH-FRL 1736-7]

Noise Emission Standards; Medium and Heavy Trucks and Truck-Mounted Solid Waste Compactors

AGENCY: U.S. Environmental Protection Agency.

ACTION: Deferral of Effective Dates; Final rule.

SUMMARY: The U.S. Environmental Protection Agency, (EPA) hereby defers the effective date for the 1982 noise emission standard of 80 decibels (dB) for medium and heavy trucks from January 1, 1982, to January 1, 1983. This action is taken in response to petitions for reconsideration of that standard which were submitted by International Harvester Company and Mack Trucks, Incorporated. The purpose of this action is to provide temporary relief to the truck manufacturing industry from expenditures otherwise needed to bring their medium and heavy trucks into compliance with the 1982, 80 dB standard. The basis for this action is the recent downturn in the economic condition of the truck manufacturing industry and an unforeseen increase in the demand for medium diesel trucks, which are the most costly to quiet.

Because the 76 dB noise emission standard for truck-mounted solid waste compactors is related to the 80 dB level for truck chassis, the effective date for the 76 dB compactor standard is also deferred, from July 1, 1982, to July 1, 1983.

DATES: All medium and heavy trucks manufactured after January 1, 1983, must not emit a noise level (A-weighted) in excess of 80 dB when measured as prescribed in 40 CFR Part 205, Subpart B, Noise Emission Standards for Medium and Heavy Trucks (41 FR 15538).

All truck-mounted solid waste compactors manufactured after July 1, 1983 must not emit a noise level (A-weighted) in excess of 76 dB when measured as prescribed in 40 CFR Part 205, Subpart F, Noise Emission Standards for Truck-Mounted Solid Waste Compactors (44 FR 56524).

These amendments take effect on ~~(30 days from date of Federal Register publication)~~. EPA will consider any comments on this action, and on whether or not a further deferral of the 80 dB standard for medium and heavy trucks would be appropriate, which are submitted before 4:30 p.m., April 24, 1981, and will respond to any comments as appropriate.

February 2, 1981
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pg 9950

ADDRESSES: Written comments to the docket should be mailed to: Director, Standards and Regulations Division, Attention: ONAC Docket 81-02 (Medium and Heavy Trucks), ANR-490, U.S. Environmental Protection Agency, Washington, D.C 20460.

Copies of the International Harvester and Mack Trucks petitions can be obtained from Mr. Charles Mooney, U.S. Environmental Protection Agency, EPA Public Information Center (PM-215), Room 2104D—Waterside Mall, Washington, D.C 20460. Copies of those documents, related correspondence, and other supporting documents are available for public inspection between the hours of 8:00 a.m. and 4:00 p.m. at the Central Docket Section of the Environmental Protection Agency, West Tower, Gallery 1, 401 M Street, SW., Washington, D.C 20460. As provided in 40 CFR Part 2, a reasonable fee may be charged for copying services.

FOR FURTHER INFORMATION CONTACT: Dr. Timothy Barry, Project Officer, Standards and Regulations Division, (ANR-490), U.S. Environmental Protection Agency, Washington, D.C 20460; or phone (202) 557-7210.

SUPPLEMENTARY INFORMATION:

1.0 Introduction

EPA published noise emission regulations for newly-manufactured medium and heavy trucks on April 13, 1976 (41 FR 15538). Those regulations require, in part, that vehicles subject to the regulations manufactured after January 1, 1978, meet a not-to-exceed noise level of 83 dB, and that vehicles manufactured after January 1, 1982, meet a not-to-exceed noise level of 80 dB when measured in accordance with a specified test procedure.

On September 2, 1980, International Harvester (IH) submitted a petition for reconsideration of the regulation which proposed that the 1982 medium and heavy truck noise emission standard of 80 dB be withdrawn. IH promised in its initial petition to submit an analysis supporting the issues raised by their petition within 30 days, and to submit an analysis of the community noise impact of the 1982 standard within 60 days. Those documents were forwarded to the Agency on October 2, and November 18, 1980, respectively.

In these submittals, IH contended that the 1982 standard will impose an

...e deferred and would defeat ... of this action. However, ...h this is a final action by the ... Agency will accept ... from the public on this action ... p.m. on April 24, 1981. ... respect to amendment of the ... mounted solid waste compactor ...tion, the Agency finds further, that ...nd-comment procedures are ...essary and contrary to the public ...rest because compliance with the 70 ... standard of this regulation is ...ntended upon the availability of truck ...assis meeting an 80 dB standard.

EPA has determined that this action is ...t a "significant" regulation, and therefore, does not require a Regulatory Analysis in accordance with Executive Order 12044.

This amendment is issued under the authority of Section 6 of the Noise Control Act, 42 U.S.C. 4905.

Dated: January 19, 1981.

Douglas M. Costle,
Administrator.

§§ 205.52, 205.202 [Amended]

40 CFR Part 205 is amended by removing the word "1982" and inserting, in its place, the word "1983" in paragraph 205.52(a) of Subpart B, and in paragraph 205.202(a) of Subpart F.

(Sec. 6, Pub. L. 92-574, 86 Stat. 1237 (42 U.S.C. 4905))

Editorial Note.—This appendix is printed for information purposes only and will not be reprinted in the CFR.

Appendix to Preamble-Revised Economic Analysis of the Medium and Heavy Truck Noise Emission Regulation

Review of the baseline production and market share trend data submitted by two major truck manufacturers in their petitions to EPA indicated: (1) Significant shifts in truck class purchases, (2) a general decline in total sales and (3) reduced rate of fleet growth since 1975 when the EPA original economic analysis supporting the medium and heavy truck noise emission regulation was completed. Subsequent analysis by EPA of historical truck sales data and available projections for future sales tended to support the petitions' claims. These changes, which could not have been anticipated in 1975, have been taken into consideration in this revised EPA analysis. Projections of costs, sales, and market shares, have been updated to assess the potential economic effects on the industry. A principal element in this revised analysis is the categorization of trucks.

The industry categorizes trucks by three different schemes. The first of these is to classify a truck according to its intended use or "duty." This is usually a combination of load rating, engine power and torque, and truck configuration (i.e., fixed body, van, etc.). The second scheme is the gross vehicle weight rating or GVWR (Table A-1) which rates a truck purely on the load carrying capacity of the vehicle. The third scheme is a further division of the GVW Rating into medium trucks as those in GVWR 3–6 and heavy trucks as those in GVWR 7 and 8.

Most truck manufacturers elect to use the medium/heavy split in classifying their vehicles as does the EPA. There is one manufacturer who elects to follow their own scheme. For this reason market share data from this source does not exhibit the same distribution of chassis, engine, and GVW Rating as the majority of the industry.

Market Analysis

Analysis of historical sales and market share data published by the Motor Vehicle Manufacturers Association (MVMA) in their statistical annual reports, show (Figure A-1) that, even in a fluctuating sales market:

(1) GVWR category 8 is steadily capturing an increasing share of the truck market.

(2) Taken separately, categories 3, 4, and 5 show similar market share trends and, when combined, their market share has generally declined.

(3) After a 5-year period of sustained growth, the market share of category 6 vehicles appears to dramatically decline between 1979 and 1980.

(4) For a 10-year period, category 7 represented a fairly constant share of the truck market. Beginning in 1978, however, the market share for category 7 shows a dramatic increase that continued through 1980. This dramatic growth in category 7 is in direct contrast to the decline of the market share of category 6.

The markedly diverse market behavior in 1979 and 1980 of categories 6 and 7 trucks raises questions as to the cause of the apparently inverse growth patterns. A review of the variations on basic medium truck models offered within the medium class indicate a consistent skewing toward those intended for heavy duty use rather than the lighter 3, 4, and 5 categories.

This skewing may be interpreted as an attempt of certain manufacturers to offer purchasers of medium truck chassis higher load-carrying capabilities at costs below the heavy duty truck category. The market share data in Figure A-1 shows that purchasers of category 6 trucks are apparently shifting to those of GVWR 7 and 8 which are basically medium truck chassis with greater horsepower engines and an additional axle to increase their load carrying capability. This shift could be the result of a desire to carry greater payloads to offset increased fuel and capital costs. EPA believes there will be insignificant downgrading of category 8 heavy trucks to category 7 medium trucks due to the normally high initial cost differential between the two categories; marginal needs for increased load carrying capability would not justify the added cost.

From a noise quieting perspective, medium trucks are more costly to quiet than heavy trucks since medium trucks offer less potential for chassis and engine compartment redesign. The "upgrading" of category 6 medium trucks produces in essence a heavy truck but at the higher quieting costs of a medium truck.

Thus, it now seems appropriate to include a percentage of GVWR category 7 trucks in the medium duty category for the purpose of determining noise quieting costs. For this analysis EPA elected to combine the total market shares of GVWR categories 6 and (Figure A-3). This conservative approach removes the dramatic market fluctuation the period 1978–1980, as shown in Figure and more correctly applies the true quiet costs associated with GVWR 7 trucks.

The prediction of future market shares (Figure A-3) was developed from data prepared by Chase Econometrics and supplied to EPA by International Harvest The dotted lines and circled points on Fig A-3 represent Chase Econometric predict for future market shares and align very w with the historical trends. The boxed poin in Figure A-3 represent EPA's estimate of market share for the combination of categories, 3, 4, and 5. The industry did n provide data for these categories.

Dieselization of the truck fleet, shown i Figure A-4, was estimated from historical data obtained from MVMA (3) and a combination of industry and government forecasts for the future. (4) EPA's Mobile Source Air Programs Office estimated (5) f conversion to diesel engines in GVWR category 8 by 1984 and 20 percent diesel penetration for categories 3, 4, and 5 by 19 Commercial Car Journal (6) claims that GVWR category 6 will be 80 percent diesel by 1990. Using this latter estimate for both categories 6 and 7, and the EPA Air Progra estimates for categories 3, 4, 5, and 8, straight line projections from current (1980) diesel penetration to 1990 were made. Beyond 19 diesel penetration was assumed to hold constant.

To estimate the future growth of the total medium and heavy truck market, EPA consulted MVMA, the Engine Manufacture Association (EMA), the Truck Manufacture Association (TMA), Federal Highway Administration (FHWA), National Highway Traffic Safety Administration (NHTSA), Office of the Secretary of Transportation, Transportation Systems Center (DOT/TSC) the Department of Commerce Bureau of Industrial Economics (BIE), Office of Management and Budget (OMB), and the President's Automobile Industry Council. O these sources, only BIE and TSC were prepared to provide growth forecasts. The BIE projection is a short term projection to the mid-1980's. TSC provided long-term projections made by Data Resources Incorporated (DRI). The DRI forecasts are generated by a national econometric model that incorporates both trend analysis and business cycle considerations. The DRI forecasts were made in the Fall of 1980 and therefore include data reflecting current economic conditions and the present state the trucking industry. EPA has used the DR projections because they appear to represe the best available forecasts.

Cost Comparison

A comparison of the estimated costs associated with the 80 dB regulation (given that the 83 dB regulation is already in place is presented below. Tables A-2 thru A-4 present EPA's estimates of unit base prices incremental noise abatement costs and operating costs. The 1975 estimates are fro the Background Document supporting the

...ect is the benefit to people ...uld be 100 percent removed from ...rse impact due to noise, which ...imately 9 million people. The ...ze of 9 million people benefiting ...m the 80 dB standard represents the ...ference between the Battelle estimate ...104 million people living in areas with ...cessive levels of noise with an 83 dB ...ulation, and the Battelle estimate of ...3 million people not 100% removed ...m impact after an 80 dB regulation. This contention fails to acknowledge ...at the remaining 95 million persons, although not totally removed from impact, will realize varying levels of reduced impact, and thus would experience a quieter, more livable environment. In fact, those persons who are presently exposed to the highest levels of traffic noise will receive the greatest degree of relief, a fact not acknowleged in the contention. Therefore, the population potentially benefited is considerably greater than the "mere 4 percent" claimed. EPA's method of evaluating benefits has the endorsement of the National Academy of Sciences expert committee on bioacoustics.

The contention also fails to recognize an anticipated growth in the U.S. population and associated increases in ...lume. Considering both p...n and traffic growth, EPA ...timates that 130 million persons will be adversely impacted to some degree ...y traffic noise in the year 2001 with trucks regulated to 83 dB.

2. The contention that a benefit of 0.6 dB reduction in average daily noise level cannot be perceived, indicates a confusion of the concept of noise level with that of noise exposure. While noise level differences on the order of 0.6 dB between two successive truck pass-bys may be imperceptible, such differences in average community noise exposure over long periods of time are quantifiable and are quite meaningful in terms of overall community response. Further, the analysis is in error with respect to the time period over which ...sts will be incurred. The costs of the ...ulation will not accrue in one lump ...m, they will be spread over the entire ...e period required for total truck ...t turnover to 80 dB vehicles.

3. The analysis is in error in stating ...at its estimates of benefits are ...conservative since EPA's identified ...f 55 dB to protect public health ...ion includes a built-in margin of ...2 below a level of significant ...ly complaint reaction. The EPA ...l level was agreed upon by ...tionally recognized experts as a ...el below which the U.S. population would not be at risk from noise exposure. If anything, recent community survey data suggest the identified level of 55 dB may be too high.

4. EPA analysis has never assumed that the "effect" of this regulation would be immediate. The rate of vehicle turnover in the fleet was considered and the full benefits and full costs of the regulations were not expected to accrue until the truck fleet has been fully replaced by quieted trucks in the year 2000.

5. The statements about minimal detectable changes in sound level are valid when considering a single-exposure to noise. However, as stated previously, the manufacturer has confused noise level changes with noise exposure changes. Even small changes in noise exposure are significant.

6. The argument that it makes little sense to go to an 80 dB truck regulation since most of the benefits would be gained with an 83 dB level, erroneously assumes that no significant benefits would be gained below an 83 dB level. EPA projects that in the year 2001, an 83 dB regulation would reduce impacts by 19.0 percent, while the 80 dB regulation would provide a benefit of approximately 27.3 percent, an additive 8.3 percent reduction. A more stringent limit of, say, 75 dB would yield benefits of about 35 percent. The benefits therefore, of going from an 83 dB to an 80 dB regulation, are significant.

3.16 Issue

The question has been raised as to the compatibility of the medium and heavy truck noise emission regulation with the noise emission regulation for truck-mounted solid waste compactors.

Response

The truck-mounted solid waste compactor (compactor) regulation was developed to be compatible with the existing truck regulation. The noise emission levels established for compactors are predicated, in large part, on the noise emission of the truck chassis. Therefore, the 83 dB and 80 dB truck noise regulations and their attendant effective dates served as the basis for the 79 and 76 dB compactor regulations and their respective effective dates.

The relationship between the different noise emission measurement schemes and levels for the truck and compactor regulations was carefully assessed. Under the truck emission regulation, a truck accelerating to, or away from, a pick-up site is permitted to generate a higher peak noise level than is permitted during compaction. The contention that the regulations are not compatible, based on a simple comparison of a distance-adjusted peak emission level during acceleration with a stationary compaction cycle level, is erroneous.

To properly compare the truck emission level and compactor level, the peak emission level during acceleration must be converted to an average or equivalent level by properly considering the acceleration noise level as a function of time and distance and then adjusting for the relative duration of acceleration as compared to compaction. When this is done, the comparison becomes 79 dB for the compactor and 78.1 dB for the 83 dB truck, not 79 vs. 83 as contended. For the 76 dB compactor and 80 dB truck, the proper comparison is 76 dB for the compactor and 75.1 dB for the truck. Thus the compactor and truck emission levels are quite compatible, and the compactor regulation is not overly stringent in comparison with the truck regulation.

In response to an assertion that the engine in some vehicles is still a major noise source, even at low speeds, without specific data it is impossible to evaluate this claim. Data from other manufacturers show the expected lower noise levels at lower engine speeds.

As presented in the Regulatory Analysis (Reference 2) for the compactor regulation, the compactor standard is easily met. Recent data indicate that the noise abatement costs for quieted compactors are actually less than the EPA original estimates. EPA has received no data or information which contradicts this analysis.

4.0 Conclusion

Therefore, for the reasons discussed above, the Agency has concluded that the 80 dB standard for medium and heavy trucks should not be withdrawn but should be deferred for one year.

Pursuant to the Administrative Procedure Act (5 U.S.C. 553b), EPA finds that the normal procedure of publishing a notice of proposed rulemaking and receiving public comment before establishing final amendments would be impracticable and contrary to the public interest with respect to this amendment of the truck regulation. The mandatory dates for manufacturers to make ordering commitments to suppliers for production of components for their 1982 trucks are imminent, and would be significantly passed if notice-and-comment procedures were followed. The basic purpose of this action is to allow the industry to defer those costs associated with the 80 dB standard for one year. Any further delay in effecting this deferral would substantially reduce the amount of expenditures that could

otherwise be deferred and would defeat the purpose of this action. However, even though this is a final action by the Agency, the Agency will accept comments from the public on this action until 4:30 p.m. on April 24, 1981.

With respect to amendment of the truck-mounted solid waste compactor regulation, the Agency finds further, that notice-and-comment procedures are unnecessary and contrary to the public interest because compliance with the 70 dB standard of this regulation is predicated upon the availability of truck chassis meeting an 80 dB standard.

EPA has determined that this action is not a "significant" regulation, and therefore, does not require a Regulatory Analysis in accordance with Executive Order 12044.

This amendment is issued under the authority of Section 6 of the Noise Control Act, 42 U.S.C. 4905.

Dated: January 19, 1981.

Douglas M. Costle,

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