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December 3, 2010

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*melz@capcoa.org*

Mary Nichols, Chairman  
California Air Resources Board  
1001 I Street  
Sacramento, CA 95812

**RE: Proposed Amendments to the Regulations to Reduce Emissions of Diesel Particulate Matter, Oxides of Nitrogen and Other Criteria Pollutants from In-Use On-Road Diesel Fueled Vehicles and Off-Road Diesel Fueled Fleets**

Dear Chairman Nichols:

The California Air Pollution Control Officers Association (CAPCOA) represents the air pollution control officers from all 35 local and regional air districts throughout California. CAPCOA is providing comments in regard to ARB's proposed regulatory actions affecting emissions of diesel particulate matter (DPM) and oxides of nitrogen (NOx) from heavy duty on and off-road fleets and the potential unforeseen impacts they may cause on timely implementation and distribution of various incentive emission reduction programs funding. CAPCOA supports ARB's efforts to reduce public exposure to these air pollutants, and also recognizes the importance of basing control requirements on accurate emissions inventories and addressing the economic impacts on the regulated community. We have several concerns that we request ARB consider as part of undertaking these rulemakings.

First, CAPCOA members rely on the emission reductions from ARB's mobile source program as part of the State Implementation Plan (SIP) for attainment of the National Ambient Air Quality Standards (NAAQS), and several air districts are facing near-term attainment deadlines. Since mobile source emission inventories are vital to air quality improvement planning efforts throughout California, CAPCOA would like to see a firm commitment of resources by ARB to improve the mobile source emission inventories on both a regional and statewide basis. It is also critically important that ARB clearly identify shortfalls in the SIP, and alternative emission reduction strategies to cover any shortfalls. Further, ARB should take responsibility for addressing any concerns raised by USEPA (EPA) regarding the impact of these rulemaking efforts on the SIP and associated attainment demonstrations. We also request that affected districts be included in discussions with EPA regarding impacts on their SIPs.

Second, CAPCOA is very concerned that the effects of this rulemaking be assessed in regards to the various grant programs for heavy-duty diesel engines. This is essential since CARB will be taking this rulemaking action prior to coming out with both revised program language and guidance for several of the incentive programs (e.g., Carl Moyer, Prop. 1B, VIP). Coordination and consistency between the different grant programs and the diesel emission reduction rules are essential for effective and efficient use of the funds, and for the expedited protection of public health. The CAPCOA Grants Committee is prepared to assist ARB staff in completing a review of the packages and identifying areas where appropriate changes may be warranted. We urge ARB to implement the needed changes at the same time the diesel rulemaking occurs in order to ensure that no gaps or conflicts are created.

Finally, CAPCOA supports ARB's efforts to ensure that the underlying scientific, technical, and economic data for the rulemaking include the best available information. We appreciate the opportunity to comment on the proposed rulemaking, and stand ready to assist in their implementation. Please feel free to contact me with any questions.

Sincerely,

A handwritten signature in black ink, reading "Thomas J. Christofk". The signature is written in a cursive style with a large, stylized initial "T".

Thomas Christofk  
President