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Assembly California Legislature



TOM BERRYHILL
ASSEMBLYMEMBER, TWENTY-FIFTH DISTRICT

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WATER, PARKS AND WILDLIFE

June 20, 2007

Dr. Robert Sawyer, Chairman
California Air Resources Board
1001 I Street
PO Box 2815
Sacramento, CA 95812

RE: Proposed Regulations for In-Use Off-Road Diesel Vehicles

Dear Dr. Sawyer:

The off-road diesel equipment regulations currently being considered by the Air Resources Board (ARB) are extremely important and will achieve major reductions emissions from this category of engines. However, I have significant concerns as to the economic impacts on local business operating within our rural counties.

Some of the smaller, rural districts remain concerned about the challenges faced by small fleets, both public and private, in meeting the requirements of this regulation. I therefore urge support of the provisions that consider public and municipal fleets in low population counties as "small fleets," as well as, the concept that "Captive Attainment Areas" should be expanded to include rural counties such as Tuolumne County, which are currently classified nonattainment solely as the result of transported air pollution.

I agree with CAPCOA's comments that the local contribution to nonattainment in these areas is so small that the local emission reductions are not needed to show attainment. What is needed for these rural counties are greater reductions from the adjacent counties that are the source of the transported emissions.

Blue Mountain Minerals operates a small limestone and dolomite mine located in Tuolumne County. They are an example of a locally based company operating entirely within a single rural county, with a low population that should be considered a "Captive Attainment Area." Tuolumne County is currently classified as nonattainment for ozone as a result of air transport. This county should be one of the counties included in the broader definition of "Captive Attainment Area" discussed above, and supported by CAPCOA.

Blue Mountain Minerals makes an important economic contribution in Tuolumne County and my district, as farmers and manufacturers throughout the region use their products. Concerns have also arisen that the proposed rule will not accurately reflect the type of fleet they must use in their mining operation. As a result, the costs of complying with the rule are far greater for such companies than assumed by ARB. Companies, like Blue Mountain Minerals, with special sized fleets specific to their industry, are in fact being penalized by the ARB's general assumptions of the costs to comply with the proposed rule.

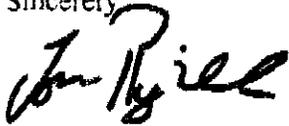
I urge you to consider extending these concepts by supporting CAPCOA's suggested amendment and adopt the following

Proposed Amendment (in bold).

(C) Small Fleet - A fleet with total maximum power of less than or equal to 1,500 hp that is owned by a small business or less than or equal to 1,500 hp that is owned by a local municipality, or a local municipality fleet in a low population county irrespective of total maximum power, **and fleets with total maximum power less than or equal to 9,000 hp that are operated entirely within a single, low population, Captive Attainment Area county.**

Thank you for the opportunity to provide these comments. I am looking forward to your incorporation of these proposed amendments and your continued cooperation to address the very serious economic implications of the proposed rule on local business in our rural counties.

Sincerely,



TOM BERRYHILL
Assemblyman, 25th District