

December 8, 2008

Chairwoman Mary Nichols and Members of the Board
California Air Resources Board
1001 I Street
Sacramento, CA 95812

RE: Proposed Statewide Truck and Bus Regulation

Dear Chairwoman Nichols and Board Members:

On behalf of Association of Irrigated Residents, Center on Race, Poverty & the Environment, and [other organizations listed here], we write to encourage the Air Resources Board (Board) to adopt a strong On-Road In-Use Truck and Bus Rule that protects the public health and meets the Board's previous commitments to regulate diesel truck emissions in the South Coast air basin. Many of the undersigned organizations are a part of a larger coalition that submitted a letter in support of the On-Road In-Use Truck and Bus Rule and the Greenhouse Gas Truck Regulation, but we have additional concerns regarding the Board's previous commitments to achieve reductions in diesel truck emissions and the ability to meet the 1-hour ozone standard by 2010.

Specifically, we draw the Board's attention to Resolution 03-22, which the Board adopted in 2003.¹ The resolution directed ARB staff to adopt rules to achieve major reductions from diesel trucks by 2010. The resolution requires reductions in the South Coast air basin of 49 tons per day (tpd) of VOC and 37 tpd of NOx reductions through 2006 and approximately 97 tons per day of NOx and VOC by 2010. It also included reductions between 118 and 233 tpd of VOC and up to 159 tpd of NOx in long-term commitments by 2010.² Unfortunately, the proposed rule does not effectuate the commitments made by the Board, as it does not deliver reductions until well after 2010, forcing the public to bear this extra pollution for longer. The Board must ensure that these targets are met in order to protect public health in the South Coast and the San Joaquin Valley air basins and assure attainment of the 1-hour ozone standard by 2010.

Even though EPA revoked the 1-hour standard in 2005, EPA policy, which has been upheld by the courts, requires that mandatory control measures to attain the 1-hour standard remain in place to attain the eight-hour standard.³ Further, the South Coast and the San Joaquin Valley are

¹ See Resolution 03-22, Attachments A-3 and A-7 attached; October 23, 2003.

² While staff has withdrawn Resolution 03-22 from EPA consideration without Board approval (as it relates to the South Coast Air Basin), the Board has not rescinded or otherwise amended Resolution 03-22.

³ 69 Fed. Reg. 23951, 23954 (Apr. 15, 2004). Discretionary control measures must remain in place unless a State can show "removal or modification will not interfere with attainment of or progress toward the 8-hour ozone NAAQS (or any other applicable requirement of the CAA)." The D.C. Circuit Court of Appeals affirmed this EPA policy and held that EPA's decision to remove "one hour penalties, rate-of-progress milestones, contingency plans, and motor vehicle emissions budgets" and New Source Review violated the CAA. See *South Coast Air Quality Management District v. United States Environmental*

unlikely to achieve the critically needed relief from air pollution that would result from attaining the 1-hour ozone standard by 2010.⁴ Failure to attain that standard by 2010 will impose harsh penalties, including a fee on major stationary sources (\$5,000 per ton in 1990 dollars for emissions greater than 80% of a source's 2010 baseline). We would like to see specific documentation of the annual reductions expected from implementation of the On-Road In-Use Truck and Bus Rule in comparison to the reduction of PM, NO_x, and VOC committed to in the SIP and Resolution 03-22, including both attainment and reasonable further progress (RFP) commitments.

It is imperative that the On-Road In-Use Truck and Bus Rule meet and preferably exceed the commitments made in Resolution 03-22 and in the 2007 Ozone Plan or exacerbated health effects and millions of dollars in fees on businesses will result. We hope that the Board takes this opportunity to strengthen the On-Road In-Use Truck and Bus Rule to protect the public's health and honor its previous commitments to reduce diesel emissions in the South Coast air basin.

Sincerely,

Tom Frantz
Association of Irrigated Residents

Sofia Sarabia
Center on Race, Poverty & the Environment

Angelo Logan
East Yard Communities for Environmental Justice

Ryan Wiggins
EndOil

Jesse N. Marquez
Coalition For A Safe Environment

Renee Nelson
Clean Water and Air Matter

Martha Guzman Aceves
California Rural Legal Assistance Foundation

Protection Agency, 472 F.3d 882, 900 (D.C. Cir. 2006).

⁴ See, e.g., Proposed Modifications to the Draft 2007 AQMP ("By 2010, this plan shows that the Basin will still exceed the federal 1-hour ozone standard by more than 30 percent despite implementation of the 2007 AQMP control measures.")