

September 28, 2018

The Honorable Mary D. Nichols, Chair
Air Resources Board
1001 I Street
Sacramento, CA 95812

Re: Proposed Amendments to the Low-Emission Vehicle III Greenhouse Gas Rule

Dear Chair Nichols:

On behalf of the State of Connecticut and Governor Dannel P. Malloy, the Department of Energy and Environmental Protection (DEEP) fully supports the amendments proposed by the Air Resources Board (CARB) to the Low-Emission Vehicle III Greenhouse Gas Emission Regulation (LEV III).

As one of several states authorized under section 177 of the federal Clean Air Act (CAA) to implement the CARB LEV III program, DEEP respectfully offers the following comments.

First, CARB's proposal should have no effect on California's current waiver under section 209 of the Clean Air Act. EPA had previously granted California a waiver for its greenhouse gas emissions standards beginning with the 2009 model year. When it granted California a waiver for its LEV III program, it did not premise the decision on the "deemed to comply" provision. The proposed revision to the "deemed to comply" provision will have no effect on the current waiver.

Second, the CARB's proposal is not linked to lead time requirements in section 177 of the Clean Air Act. The "deemed to comply" provision is a compliance flexibility mechanism intended to grant equivalence in California and the section 177 states with equally stringent federal standards. This provision implicitly is predicated on the foundation that both California and the federal government maintain the agreed upon standards.

Furthermore, the underlying greenhouse gas standards in the California rule were previously adopted and all lead time requirements have been met. Amending a compliance flexibility provision, which would only be triggered by future federal action, is not the same as adopting new standards subject to the lead time requirement in section 177 of the Clean Air Act because there is no new regulatory requirement being imposed by California for which automobile manufacturers were not already provided the required advanced notice.

Third, CARB's proposal is not in any way linked to federal fuel economy rules. For the same reason specified above – namely that CARB's proposal will only limit a compliance flexibility mechanism within a duly adopted and federally approved regulation in the event of certain future federal actions – CARB's proposal has no bearing on existing numeric fuel economy standards.

Thank you for the opportunity to provide these comments. Again, Connecticut fully supports CARB's proposal to amend the LEV III Greenhouse-Gas Emission Regulation and we will continue to support efforts to blunt EPA's misguided efforts to revise corresponding federal standards and protect California's waiver under CAA section 209.

Sincerely,



Robert J. Klee
Commissioner