



# TUOLUMNE COUNTY CHAMBER OF COMMERCE

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May 21, 2007

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

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

Dear Dr. Sawyer:

On behalf of the Tuolumne County Chamber of Commerce, please accept our comments on the proposed in-use off-road diesel vehicle rulemaking. Our mission is to provide leadership for a healthy and vibrant business environment and to encourage responsible economic growth, which respects Tuolumne County's quality of life. We have been the "business voice" in Tuolumne County for over ninety-nine years.

The County of Tuolumne with a population of about 57,000 was incorporated in 1850 as one of the original 27 counties in the State of California. Stretching from the foothills to the crest of the Sierra Nevada Mountains, Tuolumne County is both a recreation paradise and a wonderful place to live.

All Californians are interested in protecting and improving air quality. Our Chamber, in general, supports the proposed regulations. The rule as drafted, however, would have serious negative economic impacts on local resources business in our County. We request that the rulemaking be delayed until the Air Resources Board (ARB) can revisit and revise its calculation of the economic impacts of the proposed rule.

Although the mining and timber industries of Tuolumne County have declined relative to their historic levels, these resource-based businesses are vital to our local economy, providing good jobs, taxes and roll-over revenue in the County. Our locally based resource industries will suffer under the proposed rule, as they will be required to replace much of their off-road diesel equipment at great expense. ARB's estimate for the cost of compliance per horsepower is not representative of the true cost to the locally based companies in our County. We fear that the additional cost could drive them out of business with significant negative economic repercussions for our rural economy.

We understand that the California Air Pollution Control Officers Association (CAPCOA), among others, supports the concept of "Captive Attainment Areas" that exempts all fleets from the NOx standards in County's that are in attainment for ozone. As recommended by CAPCOA, we hope that you will extend this concept to include our County. It is our understanding that Tuolumne County is classified as nonattainment for ozone. This is not due to local emission contributions, however, which are small because of our small population and small industrial base. This classification is due to emissions blown into the County from other places, such as the San Joaquin Valley.

We support CAPCOA's recommendation that this provision be amended to include downwind counties that are classified nonattainment due to transported pollution. Their reasonable proposal is based on the fact that the local contribution to nonattainment status in these ozone nonattainment areas is so small that local NOx reductions are not needed to show attainment. Clearly, what is needed is more reductions from the areas with the worst air, which will fix our problem. Please note that the added cost to our local businesses of achieving additional NOx reductions as required by the draft rule, however, would be significant. This small change in the regulations would greatly help our businesses meet the other significant additional costs of the proposed rule without compromising ARB's overall reduction targets for the State.

We also support a proposed amendment to the definition of "small fleet" submitted by one of our members, Blue Mountain Minerals. They operate a small but very important limestone and dolomite mine located in Tuolumne County. They are an important part of our local and regional economy, providing good family wage jobs and revenues, and they are good community citizens.

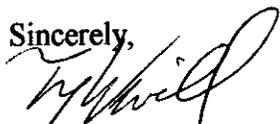
The proposed rule does not accurately model the replacement costs of the compliance for companies like Blue Mountain Minerals. It therefore underestimates the cost of compliance. These resource companies, due to the nature of their activities, use higher horsepower engines than the "typical" construction fleets assumed by the proposed rule. Companies like Blue Mountain Minerals, with special large engine fleets specific to their resource industry and operating entirely within Tuolumne County -- a county with no air quality problems except those caused by emissions transported from other counties -- are penalized by the ARB's generalized construction costs. We strongly support Blue Mountain Minerals's proposed amendment to address these concerns:

**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.**

This amendment is carefully drafted to apply to a limited number of situations where local emission reductions will not be necessary to show attainment. If adopted, it will allow a few critical additional years for these local and important businesses to prepare for compliance with the rule. We thank you for considering these amendments and for your commitment to address the very serious economic implications of the draft rule on our local businesses.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ty Wivell', written in a cursive style.

Ty Wivell  
Chairman