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December 9, 2008

Mary Nichols, Chair
California Air Resources Board
PO Box 2815
Sacramento, CA 95812-2815

RE: Proposed Rule for In-Use On-Road Diesel Vehicles

Dear Chair Nichols:

On behalf of our thirty-one member counties, the Regional Council of Rural Counties (RCRC) appreciates the opportunity to address the proposed regulation for In-Use On-Road Diesel Vehicles. We appreciate ARB staff's efforts to understand and address the small fleet owner constraints and rural attainment areas of the state, and recognize that provisions have been incorporated into the regulation to provide economic relief in these areas. However, many fleet owners will still have financial distress complying with the proposed regulation, especially in rural areas. We ask the Board consider the following additional provisions:

- Increase the "low-use" vehicle exemption hours for fleets in low-population counties to 3,000 miles.
- Apply the requirements provided to low-mileage agricultural vehicles to small fleets.
- Extend the "NOx exempt areas" to the rural counties that are classified as nonattainment strictly due to transport.
- Add a provision to review this rule annually for a determination of the overall economic well being of the state and possible annual delay of implementation of the rule.

Our rural counties have a higher percentage of the older vehicles, and thus will bare a disproportionate economic impact implementing this rule. We request ARB consider increasing the threshold for low-use vehicles in low-population counties to 3,000, the same as provided to public fleets and utilities. In addition, we request that the small fleets in low-population counties be provided the same extended deadlines afforded the "limited-mileage agricultural vehicles" and the "low-mileage agricultural vehicles". Providing the additional time for compliance for the small fleet owner would provide them the necessary time for the financial planning to implement the rule.

Meeting NOx reductions is a considerable financial impact to fleets, which again will have a disproportionate negative economic impact in our rural counties. The proposed

rule now exempts fleets located in Federal 8-hour ozone and Particulate Matter attainment areas from the NOx requirements, if the vehicles are used in only attainment areas. Private fleets in a number of our rural counties will benefit from this provision. RCRC would ask ARB to consider that those counties in nonattainment strictly due to intrastate transport of air pollution also be exempt, (i.e., western Nevada, Amador, Calaveras, Tuolumne, Mariposa). Compliance with the NOx requirements of the proposed regulations in those counties would not significantly reduce the emissions and would never bring those counties into attainment. However, emission reductions from the contributing upwind districts will lead to the downwind area attainment.

In light of the current and projected economic depression of our country, RCRC recommends that a provision be added to the regulation to require the ARB hold a public review and evaluation of the economic status of the state beginning in January 2010 and annually thereafter. The purpose of the review would be to determine if it is in the best interest of the state to extend all compliance deadlines by one year. This would allow the Board to go forward with this rule now, while providing the flexibility to adjust compliance dates if the state economy justifies doing so.

Again, RCRC would like to express our gratitude to you and all the ARB staff for your continued outreach efforts to understand the rural county constraints. You may call me at (916) 447-4806 if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Mary Pitto". The signature is written in a cursive style with a large, looped "P" for the last name.

Mary Pitto
Regulatory Program Director

cc: Air Resources Board Members
RCRC Board Members
James Goldstene, ARB Executive Officer
Erik White, Chief, Heavy-Duty Diesel In-Use Strategies Branch