Air Resources Board

Mary D. Nichols, Chairman
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Linda S. Adams
Secretary for Environmental Protection

Arnold Schwarzenegger
Governor

August 12, 2008

Administrator Stephen L. Johnson
United States Environmental Protection Agency
Ariel Rios Building
200 Pennsylvania Avenue, N.W.
Washington, DC 20460

RE: REQUEST FOR AUTHORIZATION DETERMINATION PURSUANT TO CLEAN AIR ACT SECTION 209(e) FOR CALIFORNIA'S IN-USE OFF-ROAD DIESEL-FUELED FLEETS REGULATION

Dear Administrator Johnson:

I am writing to request that the United States Environmental Protection Agency (EPA) authorize California to enforce its recently adopted In-Use Off-Road Diesel-Fueled Fleets Regulation.[1] The regulation requires fleets that operate off-road, diesel-fueled equipment with engines 25 horsepower (hp) and greater to meet fleet average emission standards for oxides of nitrogen and particulate matter or, alternatively, to comply with best available control technology requirements for the vehicles in the fleets. Compliance is required for the largest fleets (fleets with a total maximum power greater than 5000 hp) beginning March 1, 2010, for medium-sized fleets (greater than 2500 hp through 5000 hp) beginning March 1, 2013, and for small fleets (up to 2500 hp) beginning March 1, 2015.

An analysis setting forth California's basis for making the authorization request is attached for your review. The analysis sets forth a summary of the adopted regulations and amendments thereto, a review of the criteria governing EPA's evaluation of a California authorization request, and the legal arguments for why California's request must be granted. The analysis in turn includes attachments, which are included in the enclosed CD-ROM for your convenience.

[1] The federal Clean Air Act refers to these engines as "non-road". For purposes of this request the terms "off-road" and "nonroad" are used interchangeably.

If you need additional technical information on this item, please contact Erik White, Chief, Heavy-Duty Diesel In-Use Strategies Branch, Mobile Source Control Division, at (916) 322-1017, or Kim Heroy-Rogalski, Manager, Off-Road Implementation Section, at (916) 327-2200. You may address legal questions to Michael L. Terris, Senior Staff Counsel, at (916) 445-9815.

Sincerely,

James N. Goldstene
Executive Officer

Attachment

Enclosures

cc: Robert Doyle,
Attorney/Advisor
United States Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Mail Code 6405J
Washington, DC 20460

Erik White, Chief (without attachments or enclosures)
Heavy-Duty Diesel In-Use Strategies Branch,
Mobile Source Control Division

Kim Heroy-Rogalski, Manager
Off-Road Implementation Section,
Mobile Source Control Division

Michael L. Terris
Senior Staff Counsel
Office of Legal Affairs

bcc: (without attachments or enclosures)

James N. Goldstene, EO

Ellen M. Peter, EO

Scott Rowland, MSCD

EO Chron

Legal Chron