



Air Resources Board



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Secretary for
Environmental Protection

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Arnold Schwarzenegger
Governor

July 18, 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 AMENDMENTS TO CALIFORNIA'S OFF-ROAD EMISSIONS REGULATION FOR COMPRESSION-IGNITION ENGINES AND EQUIPMENT

Dear Administrator Johnson:

I am writing to request that the United States Environmental Protection Agency (EPA) take several but related actions concerning California's program to regulate emissions from new off-road compression-ignition (CI) engines.¹ The Air Resources Board (CARB or Board) requests that this submittal replace CARB's authorization request, dated July 16, 2004, that addressed amendments adopted by CARB in 2000 to its off-road CI engine regulations.² This submittal consolidates both this earlier request and a request that EPA consider similar authorization issues regarding amendments to its CI engine regulations subsequently adopted by CARB in December 2004. Both CARB and EPA staffs have agreed that consolidating these similar authorization requests would be the most efficient and expeditious way to address these outstanding authorization questions.

Within this consolidated request, CARB respectfully requests that the Administrator confirm that CARB's 2000 and 2004-5 amendments fall within the scope of previous authorizations granted by the Administrator for regulations adopted by CARB for new

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

² Catherine Witherspoon, Executive Officer, to Hon. Michael Leavitt, Administrator, "Request for Authorization Determination Pursuant to Clean Air Act Section 209(e) for Amendments to California's Emission Standards and Test Procedures for New 1996 and Later Off-Road Compression-Ignition Engines," July 16, 2004.

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our website: <http://www.arb.ca.gov>.

California Environmental Protection Agency

Administrator Stephen L. Johnson

July 18, 2008

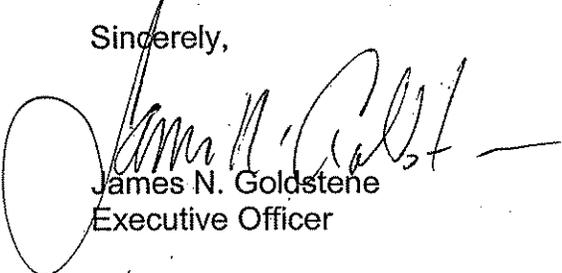
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off-road CI engines less than 19 kilowatt (kW) and new off-road CI engines greater than or equal to 130 kW. The underlying rationale for the request is that the amended regulations harmonize and align with previously promulgated federal regulations for the same engine categories.³

CARB further requests that the Administrator develop a new authorization construct that would allow CARB to enforce regulations that it has adopted that harmonize and align with previously promulgated federal regulations for the same engine categories. Specifically, this construct would apply to regulations adopted by CARB in 2000 and 2004 for new off-road CI engines between 19 kW and 130 kW (>25 horsepower (hp) and <175 hp) that are not otherwise preempted by the federal Clean Air Act (CAA). The adopted regulations closely harmonize and align with emission standards and test procedures adopted by EPA in 1998 and 2004.⁴

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 U.S. 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. If you need additional technical information on this item, please contact Mr. Michael Carter, Chief of the Emission Research and Regulatory Development Branch of the Mobile Source Control Division, at (626) 575-6632. You may address legal questions to Mr. Michael L. Terris, Senior Staff Counsel, at (916) 445-9815.

Sincerely,



James N. Goldstene
Executive Officer

Attachment

Enclosures

cc: See next page.

³ See authorizations granted for Small Off-Road Engine less than 19 kW ("SORE," formerly referred to as Utility Lawn and Garden Engine, "ULGE") regulation, 60 Fed.Reg. 37440 (July 20, 1995) and 68 FR 65702 (November 20, 2000); see also authorization granted for 1996 and later new heavy-duty off-road diesel-cycle engines 175 horsepower (hp) (>130 kW), 60 Fed.Reg. 48981 (September 21, 1995).

⁴ 63 Fed.Reg. 56968 (October 23, 1998) and 69 Fed.Reg. 38958 (June 29, 2004).

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cc: Robert Doyle, Attorney/Advisor
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Michael Carter, Chief (w/o attachments and disclosures)
Emission Research and Regulatory Development Branch
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Michael L. Terris
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bcc: (w/o attachments and disclosures)

James Goldstene, EO

Ellen M. Peter, EO

Scott Rowland, MSCD

Legal Chron ✓

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