



Air Resources Board



Linda S. Adams
Secretary for
Environmental Protection

Mary D. Nichols, Chairman
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Sacramento, California 95812 • www.arb.ca.gov

Arnold Schwarzenegger
Governor

September 27, 2010

Administrator Lisa P. Jackson
United States Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

RE: REQUEST FOR WAIVER DETERMINATION PURSUANT TO CLEAN AIR ACT
SECTION 209(b) FOR CALIFORNIA'S ON-BOARD DIAGNOSTIC
REGULATIONS FOR 2010 AND SUBSEQUENT MODEL YEAR HEAVY-DUTY
ENGINES

Dear Administrator Jackson:

I am writing on behalf of the California Air Resources Board (CARB) to request that the United States Environmental Protection Agency (EPA) take appropriate waiver action on California's amendments to its on-board diagnostic regulation for 2010 and subsequent model year heavy-duty engines (HD OBD). The HD OBD requirements were initially adopted in 2006 and CARB subsequently requested and received a waiver from EPA on August 13, 2008.¹

At a public hearing on May 28, 2009, CARB, by Resolution 09-38 (enclosed herewith), approved amendments to the HD OBD regulation. The monitoring requirements, certification test procedures, and production compliance testing (HD OBD requirements) are set forth at title 13, California Code of Regulations, section 1971.1. The in-use compliance enforcement provisions (HD OBD enforcement provisions) are codified at title 13, CCR, section 1975.5. The Board formally adopted the regulatory changes on April 5, 2010, and the California Office of Administrative Law approved the regulations on May 18, 2010. The regulations became operative under California law on June 17, 2010.

Enclosed for your review is CARB's analysis supporting its request for appropriate waiver action. The analysis includes a summary of the regulatory changes, a review of the criteria governing EPA's evaluation of a California waiver request, and the legal

¹ 73 Fed.Reg. 52042 (September 13, 2009)

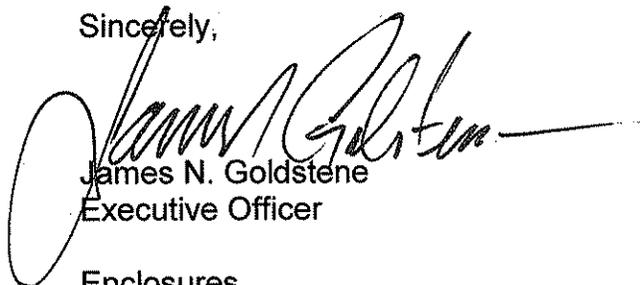
The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our website: <http://www.arb.ca.gov>.

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arguments that compel EPA to grant the request. The analysis incorporates enclosures from the rulemaking and are formatted on a CD-ROM for your convenience.

If you need additional technical information, please contact Mr. Mike McCarthy, Manager, Advanced Engineering Section, Engineering Studies Branch, Mobile Source Control Division, at (626) 771-3614, or by email at mmccarth@arb.ca.gov. Please address legal questions to Mr. Michael Terris, Senior Staff Counsel, at (916) 445-9815, or by email at mterris@arb.ca.gov.

Sincerely,



James N. Goldstene
Executive Officer

Enclosures

cc: *(Via email only)*

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