



Alan C. Lloyd, Ph.D.
Agency Secretary

Air Resources Board

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Arnold Schwarzenegger
Governor

December 7, 2005

Stephen L. Johnson, Administrator
U.S. Environmental Protection Agency Headquarters
Ariel Roos Building
1200 Pennsylvania Avenue, N.W.
Mail Code 1101A
Washington, D.C. 20460

Re: Amendments to the California Exhaust Emission Standards and Test Procedures for 1987 through 2003 Model Heavy-Duty Otto-Cycle Engines and Vehicles and California Exhaust Emission Standards and Test Procedures for 2004 and Subsequent Model Heavy-Duty Otto-Cycle Engines relating to Standards Beginning with the 2005 and the 2008 Model Years, Respectively; Request for Confirmation that Amendments Are Within the Scope of Previous Waivers of Preemption Under Clean Air Act Section 209(b)

Dear Mr. Johnson:

Following hearings on December 7, 2000, and December 12, 2002, the California Air Resources Board (ARB or Board) adopted amendments to the respective California heavy-duty Otto-cycle regulations for the 2004, 2005, and subsequent model years (2004/5 standards) and for the 2008 and subsequent model years (2008 standards). I am writing to request that you confirm that both sets of amendments are within the scope of previously granted waivers of preemption under Clean Air Act (CAA) section 209(b).

I have enclosed our waiver analysis, which includes a description of the 2004/5 and 2008 standards and test procedures, a review of the criteria governing the United States Environmental Protection Agency (U.S. EPA) evaluation of California's waiver request, and our reasoning supporting the granting of the waiver. The analysis includes various supporting documents, included on the enclosed digital videodisc (DVD).

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

Stephen L. Johnson, Administrator

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If you need additional technical information for the request, please contact Paul Hughes in the Mobile Source Control Division by telephone at (626) 575-6977 or by electronic mail at phughes@arb.ca.gov. You may address legal questions to Diane Moritz Johnston, Senior Staff Counsel, at (916) 323-9609 or at djohnsto@arb.ca.gov.

Sincerely,


Catherine Witherspoon
Executive Officer

Enclosures

cc: David J. Dickinson, Esq.
Vehicle Programs & Compliance Division
U.S. Environmental Protection Agency
401 M Street S.W. (6405J)
Washington, D.C. 20460
(with Attachment and DVD)

Paul Hughes
Mobile Source Control Division

Diane Moritz Johnston
Senior Staff Counsel