



# Air Resources Board



**Matthew Rodriguez**  
Secretary for  
Environmental Protection

**Mary D. Nichols, Chairman**  
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**Edmund G. Brown Jr.**  
Governor

March 2, 2012

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

RE: REQUEST FOR AUTHORIZATION DETERMINATION PURSUANT TO CLEAN AIR ACT SECTION 209(e) FOR CALIFORNIA'S REGULATION TO REDUCE EMISSIONS OF DIESEL PARTICULATE MATTER, OXIDES OF NITROGEN AND OTHER CRITERIA POLLUTANTS FROM IN-USE HEAVY-DUTY DIESEL-FUELED VEHICLES AS IT APPLIES TO YARD TRUCKS POWERED BY OFF-ROAD ENGINES AND TWO-ENGINE SWEEPERS

Dear Administrator Jackson:

I am writing to request that pursuant to Clean Air Act (CAA) section 209(e)(2) the United States Environmental Protection Agency (EPA) authorize California to enforce its recently amended "Regulation to Reduce Emissions of Diesel Particulate Matter, Oxides of Nitrogen and Other Criteria Pollutants from In-Use Heavy-Duty Diesel-Fueled Vehicles" (commonly referred to as the "Truck and Bus Regulation") as it applies to yard trucks powered by off-road engines and the auxiliary engine on two-engine sweepers.<sup>1</sup> With the exception of the two above-described types of vehicles, the regulation applies to in-use (non-new) on-road motor vehicles that are not subject to preemption under CAA section 209(a) and therefore do not require a waiver under section 209(b).

The Truck and Bus Regulation was approved for adoption by the Air Resources Board (CARB or the Board) on December 11, 2008, and formally adopted on October 19, 2009. The regulation is codified at title 13, California Code of Regulations (Cal. Code Regs.), section 2025. The Board subsequently amended the regulation on September

<sup>1</sup> 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. The Truck and Bus Regulation does not apply to yard trucks used at ports and intermodal rail yard facilities, which are subject to California's mobile cargo handling regulation, title 13 California Code of Regulations., section 2479, and covered by a separate authorization request.

*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

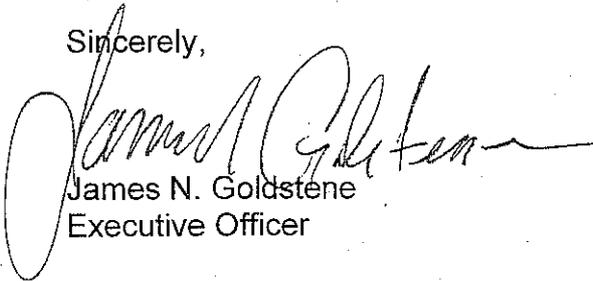
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19, 2011, which was approved by the Office of Administrative Law on December 14, 2011, and became operative under California law on the same date. CARB adopted the Truck and Bus Regulation to reduce emissions of diesel particulate matter (PM) and oxides of nitrogen from nearly one million in-use heavy-duty diesel trucks and buses (vehicles with a gross vehicle weight rating (GVWR) greater than 14,000 pounds) that operate in California. The reductions were adopted to meet State and federal air quality standards. The regulation, as adopted, supported the Risk Reduction Plan to Reduce Particulate Matter Emissions from Diesel-Fueled Engines and Vehicles, which the Board adopted on September 30, 2000. The amended Regulation, when implemented, will require the installation of PM filters<sup>2</sup> on nearly all heavy-duty diesel vehicles with a GVWR greater than 26,000 pounds by January 1, 2014, and that nearly all heavy-duty diesel vehicles with a GVWR greater than 14,000 pounds be equipped with engines meeting 2010 or later model-year engine emission standards by 2023.

Enclosed for your review is CARB's analysis supporting its requested authorization. The analysis includes a summary of the regulatory changes, a review of the criteria governing EPA's evaluation of a California authorization request, and the legal arguments that compel EPA to grant the request. The analysis incorporates enclosures from the rulemaking and is formatted on a CD-ROM for your convenience.

If you need additional technical information on this item, please contact Mr. Tony Brasil, Chief of Heavy-Duty Diesel Implementation Branch, Mobile Source Control Division, at (916) 322-1017 or [abrasil@arb.ca.gov](mailto:abrasil@arb.ca.gov). You may address legal questions to Mr. Michael L. Terris, Senior Staff Counsel, at (916) 445-9815 or [mterris@arb.ca.gov](mailto:mterris@arb.ca.gov).

Sincerely,



James N. Goldstone  
Executive Officer

Enclosures with Attachments

cc: (see next page)

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<sup>2</sup> The PM filter must be either a retrofit device that meets the highest level verified diesel emission control strategy approved by ARB or be an original equipment filter installed on a heavy-duty engine certified by the ARB or EPA.

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