

November 7, 2023

The Honorable Michael S. Regan  
Administrator  
United States Environmental Protection Agency  
1200 Pennsylvania Avenue, N.W.  
Washington, D.C. 20460  
[Regan.Michael@epa.gov](mailto:Regan.Michael@epa.gov)

RE: Request for Authorization Action Pursuant to Clean Air Act Section 209(e)(2) California's Non-Road Program, including the In-Use Locomotive Regulation.

Dear Administrator Regan:

I am writing to request that the United States Environmental Protection Agency (EPA) grant California an authorization, pursuant to section 209(e)(2) of the federal Clean Air Act (CAA), for California's Non-Road Program in light of the recent addition of In-Use Locomotive Regulation (Locomotive Regulation).

Section 39516 of the California Health and Safety Code and Board Resolution 78-10 authorizes me to make the findings specified in section 209(e)(2)(A) of the federal CAA on behalf of the California Air Resources Board (Board). Pursuant to that authority, I have determined that California's Non-Road Program, including the requirements related to the control of emissions associated with the Locomotive Regulation, are at least as protective of public health and welfare as applicable federal standards. As explained in the accompanying authorization support document, CARB has adopted regulations as allowed by the CAA to address the contribution of air pollutant emissions to the State's air quality issues.

The Locomotive Regulation requires operators of locomotives operating in California to deposit funds into a spending account based on the California emissions of the operator's locomotives in the preceding year. Funds held in the spending account can be used in various ways to reduce locomotive emissions. Beginning in 2030, only locomotives less than 23 years of age will be allowed to operate in California (unless they meet the cleanest EPA locomotive exhaust emission standard) to remove the operations of the oldest and highest polluting locomotives. The Locomotive Regulation also requires operators to follow a 30-minute idling limit on locomotives operating within California, with exceptions that parallel those in the Code of Regulations 1033.115(g). The Locomotive Regulation includes annual reporting requirements to support compliance monitoring and enforcement. The Locomotive Regulation also provides several alternative compliance options that locomotive operators may choose to use.

The Locomotive Regulation requires that, in 2030, switch, industrial and passenger locomotives with engine build dates of 2030 or newer must be operated in a zero-emission configuration in California. (California Code of Regulation, title 13, § 2478.5(b).) Then in

2035, freight line haul locomotives with engine build dates of 2035 or newer will need to be operated in a zero-emission configuration in California. (California Code of Regulation, title 13, § 2478.5(c).) In 2027 (for switch) and 2032 (for line haul), the regulation requires CARB to assess commercial zero-emission locomotive technologies and adjust these requirements if necessary. (California Code of Regulation, title 13, § 2478.5(b)(1) and (c)(1).)

The Locomotive Regulation is projected to reduce emissions of oxides of nitrogen, fine particulate matter, and greenhouse gases in California by approximately 386,300 tons, 7,400 tons, and 21.6 million metric tons, respectively, by 2050. By requiring the gradual reduction of total in-use emissions from locomotives operating in California, the Locomotive Regulation will not alter California's (or EPA's) prior conclusions that the State's Non-Road Program is, in the aggregate, at least as protective as the applicable federal requirements.

I am also enclosing our authorization analysis, which includes a description of California's rulemaking action, a review of the criteria governing EPA's evaluation of California's request for authorization action, our analysis and rationale supporting our request, and supporting documents.

If you need additional technical information on this item, please contact Heather Arias, Division Chief of CARB's Transportation and Toxics Division, at [Heather.Arias@arb.ca.gov](mailto:Heather.Arias@arb.ca.gov). You may address legal questions to Rhead Enion, Senior Attorney, at [Rhead.Enion@arb.ca.gov](mailto:Rhead.Enion@arb.ca.gov), or Alex Wang, Senior Attorney, at [Alex.Wang@arb.ca.gov](mailto:Alex.Wang@arb.ca.gov).

Sincerely,



Steven S. Cliff, Ph.D., Executive Officer

Enclosures

cc: See next page.

The Honorable Michael Regan

November 7, 2023

Page 3

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