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Air Resources Board

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Arnold Schwarzenegger
Governor

February 28, 2005

Mail-Out #MSC 05-07

TO: Rule 1186.1 Implementation Working Group

SUBJECT: MEETING TO DISCUSS LESS POLLUTING SWEEPERS

As you may know, last year the United States Supreme Court ruled that it appears likely that at least certain aspects of the fleet rules adopted by the South Coast Air Quality Management District (SCAQMD) were federally preempted. In response to this decision, the SCAQMD requested that the Air Resources Board (ARB) submit the District's rules to the United States Environmental Protection Agency (U.S. EPA) for a waiver of preemption pursuant to section 209(b) of the Clean Air Act. Following review of the comments received and consultation with U.S. EPA, we have concluded that these fleet rules, as written and adopted by the SCAQMD, might not receive a Section 209 waiver because they have not been adopted by the ARB as state regulations (applicable in the South Coast). We have accordingly decided to initiate a state rulemaking covering some of the fleets. This process will require a new public record that includes updated information on the effectiveness and costs of these rules.

As part of this process, the ARB has scheduled a meeting for March 9, 2005 starting at 9:30 a.m. to discuss SCAQMD's Rule 1186.1, "Less Polluting Sweepers". The meeting will be held at ARB, Annex 4 Auditorium, 9528 Telstar Avenue, El Monte, California 91731. During the meeting, a questionnaire will be distributed in an effort to update relevant information on the effectiveness and costs of Rule 1186.1. Information submitted will assist staff's development of the proposed regulation.

Your participation in this important meeting is encouraged. If you have questions about this meeting or matters pertaining to ARB's review of Rule 1186.1, please contact Ms. Sharon Lemieux, Staff Engineer, by email at slemieu@arb.ca.gov, or by mail to Ms. Sharon Lemieux, ARB, 9528 Telstar Avenue, Annex II, El Monte, California 91731. For special accommodation or language needs, please contact Ms. Neidy Pinuelas at (626) 350-6454.

Sincerely,

/s/

Robert H. Cross, Chief
Mobile Source Control Division

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