



Pennsylvania Department of Environmental Protection

Rachel Carson State Office Building

P.O. Box 2063

Harrisburg, PA 17105-2063

April 5, 2006

Original: 2523

Secretary

The Honorable Mary Jo White
 Senate of Pennsylvania
 Senate Post Office Box 203010
 Harrisburg, PA 17120

Dear Senator White:



717-787-2814

INDEPENDENT REGULATORY
 REVIEW COMMISSION

2006 APR 11 PM 1:4

RECEIVED

I have received a copy of your letter to the Honorable John R. McGinley, Jr., Chairman of the Independent Regulatory Review Commission, and your comments submitted to the Environmental Quality Board (EQB) regarding the EQB's proposed Pennsylvania Clean Vehicles Program rulemaking. While the Department anticipates responding in a more detailed fashion to your comments and to similar comments submitted by the Alliance of Automobile Manufacturers during the final rulemaking process, I feel a few of your points need to be addressed now.

The Commonwealth's existing regulations, duly approved by the EQB and adopted in 1998, adopted most provisions of the California Low Emission Vehicle (CA LEV) program. The 1998 regulations specifically incorporate the California regulations by reference and require, among other things, that vehicles sold in this Commonwealth be certified by the California Air Resources Board. The 1998 regulations provided a compliance alternative until model year 2006; the compliance alternative was the national low emission vehicle (NLEV) program.

In his December 2, 2005, letter to Representative Richard A. Goist, the U.S. Environmental Protection Agency (EPA) Regional Administrator Donald S. Welsh wrote that the CA LEV program "is the legally effective program for Pennsylvania." As you noted, Mr. Welsh also acknowledged that the program is part of the Commonwealth's federally enforceable State Implementation Plan (SIP).

The 1998 preamble stated that the Department would analyze the air quality needs and emission reduction potential of the California and Tier 2 standards well in advance of the end of the Commonwealth's commitment to the NLEV program. We were aware of the 2004 letter from EPA to the North East States Coordinated Air Use Management (NESCAUM) before we began that analysis. It should not be suggested that EPA's critique of NESCAUM's work amounts to a critique of Pennsylvania's program. It does not. To the contrary, Pennsylvania benefited from the insights EPA offered NESCAUM. EPA Regional Administrator Welsh affirmed this point in his December 2, 2005 letter, by underscoring that EPA has not yet performed an emission benefits analysis of the Pennsylvania Clean Vehicles Program.

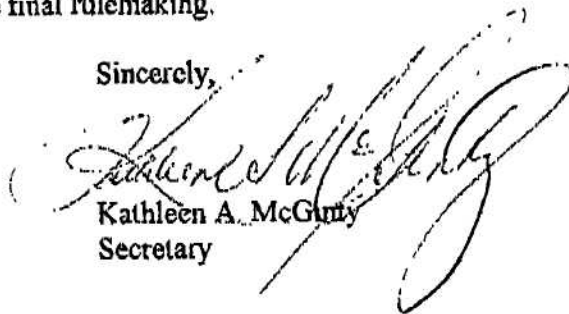


The Department's analysis used Pennsylvania-specific data, as EPA requires, and employed EPA's modeling methodology. The analysis indicates that by 2025 over 6,300 to 9,700 additional tons per year of ozone forming pollution will be removed from Pennsylvania's air compared to the Tier 2 program if implementation begins with model year 2008, as set forth in the proposed rulemaking.

While there will be immediate benefits for achieving the standard, the benefits of any "new vehicle" program become larger as the vehicle fleet turns over. The Pennsylvania Clean Vehicles program is therefore valuable in contributing to attainment and long-term maintenance of clean air. SIPs will indeed take credit for the Pennsylvania Clean Vehicles program as well as for many other measures the Department has put in place to reduce emissions. Maintenance plans for areas that meet the current ozone standard will also take credit for the program. Every ton of smog-producing emissions that we can eliminate with the Pennsylvania Clean Vehicles program means one less ton from measures that will cost businesses money to implement.

Please feel free to contact me if you have any further questions. As stated above, the Department will respond more fully to your comments in the official Comment and Response document that will be prepared as part of the final rulemaking.

Sincerely,



Kathleen A. McGinty
Secretary

cc: Chairman John R. McGinley