

**State and Territorial Air Pollution Program Administrators
Association of Local Air Pollution Control Officials
Northeast States for Coordinated Air Use Management**

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Dear John and Glenn:

We understand that the Nonroad Workgroup of the Clean Air Act Advisory Committee's Mobile Sources Technical Review Subcommittee is currently compiling the products of its work effort to date and is seeking to outline the array of options under discussion by the workgroup and to summarize the positions of the various workgroup participants. On behalf of the State and Territorial Air Pollution Program Administrators (STAPPA), the Association of Local Air Pollution Control Officials (ALAPCO) and the Northeast States for Coordinated Air Use Management (NESCAUM), we would like to reaffirm our organizations' perspectives regarding the regulation of nonroad heavy-duty diesel engines and fuel.

As STAPPA, ALAPCO and NESCAUM have consistently advocated over the past several years (and as is the underpinning of the attached *STAPPA/ALAPCO Resolution on Sulfur in Diesel Fuel*, adopted in May 1999), it is the recommendation of our organizations that a future EPA rulemaking on nonroad heavy-duty diesel engines establish parity between nonroad and onroad heavy-duty diesel standards. Now that the onroad rule has been finalized, such parity should be possible.

In our November 1997 comments on the *Notice of Proposed Rulemaking for the Control of Emissions of Air Pollution from Nonroad Diesel Engines* (62 FR 50152), we

stated that EPA should seriously consider the viability of even more stringent nonroad diesel engine standards in the context of the technical feasibility review scheduled for 2001. “Compared to highway vehicles, emissions from nonroad equipment are relatively undercontrolled. Given the current inequity in emission control requirements and the availability of known control technologies and strategies, reducing emissions from this source sector could represent one of the more cost-effective available control options.... Once final, the nonroad diesel engine standards proposed by EPA will dictate the stringency of the controls for this sector well into the next millennium.” Now, with the advances in fuel quality, engine technology and health research that have occurred over the past few years, EPA is compelled to take action to bring parity to nonroad and onroad standards.

Specifically, future standards for nonroad heavy-duty diesel engines and fuel should be based on the following principles:

- 1) Availability of 15-ppm low-sulfur nonroad diesel fuel beginning in June 2006, subject to the same flexibilities and schedules provided under the onroad low-sulfur diesel fuel program;
- 2) Promulgation of Tier 3 nonroad heavy-duty diesel engine standards for PM (for all horsepower engines covered by the rule), based on emission reductions of 90+ percent (similar to the PM reductions achieved by the onroad heavy-duty diesel rule) to be fully applicable in 2007;
- 3) Promulgation of Tier 4 nonroad heavy-duty diesel engine standards for NO_x (for 50 to 750 hp engines), based on emission reductions of 90+ percent (similar to the reductions achieved by the onroad heavy-duty diesel rule), to be phased in between 2007 and 2010; and
- 4) Numerous areas across the country, particularly those with 2007 and 2010 attainment dates, are relying on the reductions from implementation of nonroad diesel NO_x standards beginning in 2006 (including the consent decree pull-ahead to 2005 for 300 to 750 hp engines). To the extent that implementation of the aforementioned principles would result in any reduction in these anticipated NO_x emission benefits in any year from 2006 through 2010, EPA should include a mechanism to ensure the achievement of these reductions on schedule.

STAPPA, ALAPCO and NESCAUM believe that 15-ppm low-sulfur nonroad diesel fuel will not only yield substantial reductions in sulfates from the entire nonroad diesel fleet, it will also allow the technological advances that occur in order to comply with the onroad heavy-duty diesel engine standards – including aftertreatment devices – to carry over to nonroad equipment. Significantly, although nonroad diesel fuel represents only a modest segment of all diesel fuel by volume, we can achieve tremendous benefits by extending the 15-ppm sulfur cap to the nonroad segment. The emission reductions that will result from this approach will be integral to a variety of critical air pollution control efforts – both current and future – including those related to the one-hour and eight-hour ozone standards, the PM_{2.5} standard, toxic air pollution and regional haze, and the resulting public health benefits will be enormous. The availability of low-sulfur fuel will specifically enhance the prospects for diesel particulate retrofit in many nonroad applications.

We look forward to the inclusion of this regulatory approach in the summary compiled by the Nonroad Workgroup. If you have any questions or if we can provide further information, please do not hesitate to contact us.

Sincerely,

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