



Terry Tamminen
Agency Secretary

Air Resources Board

Alan C. Lloyd, Ph.D.
Chairman
1001 I Street • P.O. Box 2815
Sacramento, California 95812 • www.arb.ca.gov



Arnold Schwarzenegger
Governor

August 10, 2004

Mr. Robert E. Shannon
City Attorney
City of Long Beach
333 West Ocean Boulevard, Eleventh Floor
Long Beach, California 90802-4664

Dear Mr. Shannon:

Thank you for your recent correspondence regarding the regulation of yard equipment at the Port of Long Beach (Port). We understand that the Board of Harbor Commissioners has approved a tariff (Ordinance No. HD-1916) to promote air emission reductions from diesel-fueled mobile cargo handling equipment and that you are requesting the Air Resources Board (ARB or Board) submit this measure to United States Environmental Protection Agency (U.S. EPA) as a California standard pursuant to Section 209(e)(2) of the Clean Air Act.

As you know, we are in the initial stages of developing a statewide regulation for diesel-fueled mobile cargo handling equipment at ports and intermodal railyards. At our first public workshop held on July 7 and 8, 2004, we presented several possible approaches for the proposed regulation. It is our expectation that we will be successful in developing a regulatory proposal over the upcoming year that will significantly reduce diesel particulate matter and oxides of nitrogen emissions from cargo handling equipment statewide. Because this work is underway, and the fact that the Port does not have the legal authority to adopt standards under the Section 209(e) of the Clean Air Act, we do not believe it is appropriate to forward the Port's Ordinance No. HD-1916 to U.S. EPA. As an alternative, we encourage the Port to actively participate in the regulatory development process so that your emission reduction goals for the Port are met through the existing regulatory framework that we have in California for addressing off-road equipment.

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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We appreciate the Port's initiative and share the same concerns regarding health impacts from exposure to diesel exhaust. We look forward to working with you as we continue with our regulatory development on a measure for cargo-handling equipment. If you have any questions, please call me at (916) 323-9606.

Sincerely,



Diane Moritz Johnston
General Counsel

cc: Robert Kanter, Ph.D.
Director of Planning
Long Beach Harbor Department
925 Harbor Plaza
P.O. Box 570
Long Beach, California 90801