

JOHN R. MCGINLEY, JR., ESQ., CHAIRMAN
ALVIN C. BUSH, VICE CHAIRMAN
ARTHUR COCCODRILLI
ROBERT J. HARBISON, III
JOHN F. MIZNER, ESQ.
ROBERT E. NYCE, EXECUTIVE DIRECTOR
MARY S. WYATTE, CHIEF COUNSEL



PHONE: (717) 783-5417
FAX: (717) 783-2664
irrc@irrc.state.pa.us
<http://www.irrc.state.pa.us>

INDEPENDENT REGULATORY REVIEW COMMISSION
333 MARKET STREET, 14TH FLOOR, HARRISBURG, PA 17101

April 19, 2002

Honorable David E. Hess, Chairman
Environmental Quality Board
Rachel Carson State Office Building
400 Market Street, 16th Floor
Harrisburg, PA 17101

Re: Regulation #7-365 (IRRC #2211)
Environmental Quality Board
Heavy-Duty Diesel Emissions Control Program

Dear Chairman Hess:

The Independent Regulatory Review Commission approved your regulation on April 19, 2002. Our Order is enclosed and is available on our website at www.irrc.state.pa.us.

We appreciate the joint effort that went into producing a regulation that meets the criteria and intent of the Regulatory Review Act.

Sincerely,

A handwritten signature in cursive script, appearing to read "Al Bush".

Alvin C. Bush
Vice Chairman
evp
Enclosure

cc: Honorable Arthur D. Hershey, Majority Chairman, House Environmental Resources and Energy Committee
Honorable Camille George, Democratic Chairman, House Environmental Resources and Energy Committee
Honorable Mary Jo White, Chairman, Senate Environmental Resources and Energy Committee
Honorable Raphael J. Musto, Minority Chairman, Senate Environmental Resources and Energy Committee

**INDEPENDENT REGULATORY REVIEW COMMISSION
APPROVAL ORDER**

Commissioners Voting:

Public Meeting Held April 19, 2002

John R. McGinley, Jr., Chairman, by Phone
Alvin C. Bush, Vice Chairman
Arthur Coccodrilli
Robert J. Harbison, III
John F. Mizner

Regulation No. 7-365
Environmental Quality Board
Heavy-Duty Diesel Emissions Control Program

On August 21, 2001, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Environmental Quality Board (Board). This rulemaking amends 25 Pa. Code, Chapters 121 and 126. The proposed regulation was published in the September 1, 2001, *Pennsylvania Bulletin* with a 69-day public comment period. The final-form regulation was submitted to the Commission on March 26, 2002.

This final-form regulation adopts and incorporates by reference the heavy-duty diesel emission standards of the California Air Resource Board for vehicles greater than 14,000 lbs. Under the new standards, heavy-duty diesel engine manufacturers will be required to certify their engines using the Not-To-Exceed and Euro III European Stationary Cycle tests. These regulations will affect part of model year 2005 and each model year after that.

We have determined this regulation is consistent with the statutory authority of the Environmental Quality Board (35 P.S. § 4005) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

BY ORDER OF THE COMMISSION:

This regulation is approved.





Alvin C. Bush, Vice Chairman