



February 25, 2010

The Honorable Barbara Boxer
Chairman
Committee on Environment and Public Works
United States Senate
Washington, DC 20510

The Honorable Henry Waxman
Chairman
Committee on Energy and Commerce
United States House of Representatives
Washington, DC 20515

The Honorable Dianne Feinstein
Chairman
Subcommittee on Interior, Environment and
Related Agencies
Committee on Appropriations
United States Senate
Washington, DC 20510

Dear Senator Boxer, Senator Feinstein and Representative Waxman,

We are aware of the interest in your respective committees in the implementation and application of Clean Air Act regulations to greenhouse gas pollution. We are strongly supportive of the application of this most successful of federal environmental laws to the clear danger to Californian's health and prosperity from the impacts of climate change.

We were therefore pleased by Administrator Jackson's recent comments both in her the February 22nd letter to Senator Rockefeller and in her comments to the Senate Environment and Public Works Committee. These comments about the structure of a final rule for the "tailoring" of requirements for Prevention of Significant Deterioration permitting showed that EPA is preparing a clear path to a strong, effective, and workable regulatory framework for regulating greenhouse gases under the Clean Air Act .

We believe that EPA is proceeding in deliberate and legally defensible fashion to meet the demands of administrative necessity and to avoid the absurd results that some critics fear.

We support EPA's suggestion that stationary emission sources will not be "subject to regulation" before 2011. Further, we believe the agency is acting properly to implement a "step-wise" application of permitting requirements, beginning with facilities otherwise subject to regulation and promulgating successively lower emission thresholds.

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We look forward to continuing to work closely with EPA as the agency defines further their final regulations and guidance regarding emission thresholds, Best Available Control Technologies, and incorporation of permitting activities in State Implementation Plans. We are certain that working in partnership with EPA will produce rules that conform as readily and feasibly as possible with our current regulatory structures to address emissions, while at the same time considering industry needs for ongoing growth and innovation

The California Air Resources Board, working with our partners in the California Energy Commission, Public Utilities Commission and the regional Air Quality Management Districts, is confident that we will be able to implement the Clean Air Act to reduce greenhouse gas pollution and protect our environment while continuing to meet our goals of modernizing our electricity generation and transmission, providing robust economic growth opportunities, and protecting human and environmental health.

Of course, we continue to urge you to work to pass a comprehensive, overarching federal framework for climate change. In closing we respectfully thank you for your attention to this matter and your ongoing work in the oversight of EPA's implementation of the Clean Air Act.

Yours sincerely,



Mary D. Nichols, Chair
Air Resources Board



Karen Douglas, Commissioner
California Energy Commission



Michael R. Peevey, President
California Public Utilities Commission