



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

SEP 24 2008

OFFICE OF
AIR AND RADIATION

Dear Manufacturer or other Interested Party:

Subject: Implementing Nitrogen Dioxide Limits for Retrofit Technologies

This letter addresses the implementation of nitrogen dioxide (NO₂) limits for diesel retrofit technologies verified under the US Environmental Protection Agency's (EPA's) National Clean Diesel Campaign (NCDC). As described in the December 20, 2007 notice EPA420-B-08-005 (<http://www.epa.gov/otaq/retrofit/documents/420b08005.pdf>), the NCDC will implement a requirement that limits the increase in NO₂ emissions associated with some types of retrofit technologies to levels no greater than 20 percent above baseline engine levels. This requirement takes effect on January 1, 2009.

In order to demonstrate that technologies do not exceed this emission limit, all manufacturers of EPA-verified retrofit technologies must provide emission test data to EPA by November 1, 2008 or those technologies will be removed from the NCDC Verified Technology List as of January 1, 2009. As EPA is working to harmonize with the similar California Air Resources Board (ARB) requirement also effective January 1, 2009, we expect manufacturers should provide the same data and information to EPA and ARB regarding the increase in NO₂ emissions from these technologies. Verified technologies for which EPA does not have NO₂ data and which utilize catalytic reduction to reduce emissions and/or aid in the combustion of particulates will be removed from EPA's Verified Technology List on January 1, 2009.

As manufacturers and fleets prepare for changes in available verified technologies, there have been some questions about when products may be sold or installed if they face removal from the Verified Technology List as of January 1, 2009. Verified products that do not meet the NO₂ emission limit may remain in service, provided they are installed prior to January 1, 2009. However, as of January 1, 2009, technologies that do not meet the NO₂ emission limit may not be installed or sold as EPA verified technologies, except as described below.

EPA recognizes that completion of a contract or grant project to install verified technologies may require a significant amount of time and experience unforeseen delays. To facilitate the completion of contracts and grants executed in advance of the January 1, 2009 deadline, EPA is instituting a grace period. Installation of technologies that do not meet the NO₂ emissions limit may continue through March 31, 2009, provided the sales contract to the final purchaser was executed no later than December 31, 2008.

EPA recommends fleets and manufacturers prepare for the implementation of this emission limit. Contracts and competitive bids for retrofit technologies should specify that devices meet this NO₂ limit if the sales agreement and installation may not occur within the dates described above. Additionally, manufacturers of verified technologies are responsible for meeting this requirement. As of January 1, 2009, manufacturers may not represent or sell technologies as verified when responding to bids or contracts unless the product has been evaluated and verified by EPA or ARB as meeting this emission limit.

If you have questions regarding this new emission limit, please contact Dennis Johnson of my staff at 202-343-9278 or by e-mail at johnson.dennis@epa.gov.

Sincerely,

A handwritten signature in cursive script that reads "Jim Blubaugh".

Jim Blubaugh, Manager
Innovative Strategies Group
Office of Transportation and Air Quality