



GOVERNOR ARNOLD SCHWARZENEGGER

April 25, 2007

The Honorable Stephen L. Johnson
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue
Washington, DC 20460

RE: Regulations to Control Greenhouse Gas Emissions from Motor Vehicles; Request for Waiver of Preemption Under Clean Air Act Section 209(b),
DOCKET ID EPA-HQ-OAR-2006-0173

Dear Mr. Administrator,

Thank you for speaking with me today regarding our request for a federal preemption waiver for California's motor vehicle greenhouse gas emissions standards.

While I support the timing of the hearing and comment deadline you have announced, your agency's schedule for action must take into account that our waiver request was submitted more than 16 months ago. Failure to take action by the end of October would mean that more than 22 months have passed with no decision. This is clearly an unreasonable delay under the Clean Air Act, and I ask that the EPA issue its decision on California's request within the next 180 days in order to avoid legal action by CARB.

This letter also provides you with notice of our intent to commence an action, if necessary, under Clean Air Act Sections 304(a) and 307(b) (42 U.S.C. §§ 7604(a), 7607(b), and Administrative Procedure Act Section 706 (5 U.S.C. § 706), to compel this unreasonably delayed agency action. If this action by CARB is required, we will seek declaratory and injunctive relief, and other relief as the court may deem appropriate.



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I applaud you for taking this long overdue and important step toward addressing California's waiver request. We hope that your announcement reflects not only a response to the Supreme Court's decision in *Massachusetts et al. v. EPA* ((2007) ___ U.S. ___ [127 S.Ct. 1438, 75 U.S.L.W. 4149]), but also a recognition of the importance of acting expeditiously to address the critical climate change issues that we are facing.

Please enter this letter in the subject docket. Thank you for your prompt attention to this important issue.

Sincerely,



Arnold Schwarzenegger

cc: Linda S. Adams, Secretary for Environmental Protection

Via U.S. Mail addressed to:

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