



Enforcement Division

Advisory

To: Commercial Harbor Craft
Owners and Operators

Number 436

April 2012

ENFORCEMENT OF THE COMMERCIAL HARBOR CRAFT REGULATION

On December 5, 2011 the United States Environmental Protection Agency (U.S. EPA) authorized the California Air Resources Board (ARB) to enforce all provisions of the Commercial Harbor Craft Regulation that was adopted November 2007.¹ In 2010, ARB amended this regulation by extending its applicability to crew and supply vessels, barges, and dredges. This advisory informs harbor craft owners and operators as to how ARB staff will proceed with the enforcement of the Commercial Harbor Craft Regulation.

Enforcement Schedule:

Vessels Operating as Ferry, Excursion, Tugboat, Towboat, or Pushboat

- On **August 1, 2012**, ARB staff will begin enforcing the provisions of the Commercial Harbor Craft Regulation listed below. Operators subject to any of the requirements for which the compliance date was before August 1, 2012 must be in compliance with the requirements no later than August 1, 2012:
 - Emission requirements [section 93118.5(e)(6)].
 - Engines installed on in-use vessels [section 93118.5(e)(3)].
 - Engines installed on new vessels [section 93118.5(e)(4)].
 - Best Available Control Technology (BACT) requirement for propulsion engines on newly-built ferries [section 93118.5(e)(5)].
- ARB began enforcing the following requirements on November 19, 2008:
 - Fuel use [section 93118.5(e)(1)].
 - Initial and Compliance plan reporting [section 93118.5(h)(1)].
 - Annual recordkeeping of engine operation and maintenance [section 93118.5(g)].

Vessels Operating as Crew and Supply Vessels, Barges, or Dredges

- ARB will defer enforcing the emission requirements for in-use engines installed on crew and supply vessels, barges, and dredges until it receives an authorization for enforcement of these additional requirements from the U.S. EPA pursuant to section 209(e)(2) of the federal Clean Air Act.

Background

On November 15, 2007, the ARB approved a regulation to reduce emissions from diesel engines on commercial harbor craft vessels. ARB was required to request authorization from the U.S. EPA to enforce

¹ California Code of Regulations, title 17, section 93118.5: Airborne Toxic Control Measure for Diesel Engines on Commercial Harbor Craft Operated Within California Waters and 24 Nautical Miles of the California Baseline

certain provisions of this regulation. Under CAA section 209(e)(2), California may adopt and enforce emission standards and other requirements for off-road engines and equipment not conclusively preempted by section 209(e)(1), so long as California applies for and receives an authorization from the Administrator of U.S. EPA. To obtain an authorization, the Board must make a finding that the California adopted standards will be, in the aggregate, at least as protective of public health and welfare as applicable federal standards. On December 5, 2011, the Administrator of U.S. EPA granted authorization to ARB for the regulation provisions adopted in 2007.

ARB amended the regulation in 2010, adding in-use engine emission limits for engines on crew and supply vessels, barges, and dredges. ARB is currently seeking authorization for these added provisions and will not enforce the associated emission limits until authorization is received.

For information regarding this advisory or technical questions concerning the regulation, please visit our web site at <http://www.arb.ca.gov/ports/marinevess/harborcraft.htm> or contact Mr. Todd Sterling at 916-445-1034 or via e-mail at tsterlin@arb.ca.gov. If you would like additional information regarding the enforcement of commercial harbor craft regulation, please contact Mr. Tim Gergen at 916-445-0292 or via e-mail at tgergen@arb.ca.gov.