

PUBLIC MEETING TO CONSIDER ADOPTING THE PROPOSED REGULATION FOR COMMERCIAL HARBOR CRAFT

Staff's Suggested Modifications to the Original Proposal

TO BE PRESENTED AT THE OCTOBER 26, 2007 HEARING OF THE AIR RESOURCES BOARD

Shown below are the staff's suggested modifications to the originally proposed regulatory text set forth in Appendix A to the Staff Report: Initial Statement of Reasons released SEPTEMBER 7, 2007. Only those portions containing the suggested modifications are included. All proposed modifications will be made available to the public for a fifteen-day comment period prior to final adoption.

Vessel Owners or Operators Compliance Reporting

The original proposal contains language requiring each owner or operator subject to the requirements of subsection(e)(6)(C) and (D) to submit a Compliance Plan to the Executive Officer by February 28, 2009, that describes in detail the engine replacements, rebuilds, upgrades, use of diesel emission control strategies (DECS), and any other measures the owner or operator plans to use to meet the requirements of this subsection of the regulation. Staff proposes that this Compliance Plan submittal be required by February 28 of the compliance year. Requiring this reporting within a year of required compliance rather than at the time of the initial reporting, possibly many years prior to compliance, allows the owner or operator to develop a plan based on current technology available and their current economic status. Requiring this report at the beginning of the compliance year will also alert ARB staff to contact those owners and operators who do not submit the plan as required, prior to the engine compliance date. (section 93118.5(h)(2), title 17, chapter 1, subchapter 7.5, California Code of Regulations (CCR) and section 2299.5(h)(2), title 13, chapter 5.1, CCR).

"Engine's Model Year + 5" Method of Determining Engine's Model Year

The original proposal provides for three methods of determining an engine's effective model year to be used to establish the compliance date for the engine. One of these three methods allows an effective model year calculated as the engine's actual model year of manufacture plus five year if a DECS is used with the existing in-use engine. This extends the engine compliance date by one to five years, depending on the engine model year. The DECS must reduce either diesel PM or NOx by a minimum of 25 percent and must not increase either pollutant by more than 10 percent, relative to the emissions of those pollutants without the use of the emission control strategy. This method was included in the original proposal to encourage the development and demonstration of DECS for harbor craft. It has been suggested that vessels ported in the South Coast Air Quality Management District (SCAQMD) be excluded from using this method. It was expressed that SCAQMD cannot afford the risk of delayed emission reductions due to the imminent 2014 deadline for demonstrating attainment of the

federal PM2.5 standard. ARB staff agrees and proposes to restrict the use of this method of determining the engine model year in the original proposal to vessels not ported in the SCAQMD. (section 93118.5(e)(C)2, title 17, chapter 1, subchapter 7.5, CCR and section 2299.5(e)(C)2, title 13, chapter 5.1, CCR)