

APPENDIX 1

Proposed Amendments to CHC Regulation Amendments

Section 93118.5. Airborne Toxic Control Measure for Commercial Harbor Craft.

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(d) Definitions.

“Articulated Tug Barge (ATB)” means a ~~petrochemical~~-tank barge that is mechanically linked with a paired tug that functions as ~~a tug-barge combination~~ one vessel.

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(f) Alternative Control of Emissions (ACE).

The purpose of this subsection is to allow a person (“person” or “applicant”) the option of applying alternative strategies to achieve equivalent or additional emission reductions relative to requirements of subsection (e)(7), (e)(10), (e)(12), or (e)(13). Where specified, parts of this subsection apply only to harbor craft and other parts apply only to ATBs; unless so specified, this subsection applies to harbor craft and ATBs.”

(1) Requirements for ACE.

(A) An applicant must establish that the ACE achieves equivalent or greater emissions reductions than if the applicant were to directly comply with subsection (e)(10), (e)(12), and (e)(13), which is considered the Nominal Compliance Baseline. The ACE can include an alternative emission control strategy(ies) (AECS) approved by the E.O., ~~as set forth in subsection (f)(1)(E) below~~. For the purpose of demonstrating equivalent or greater emission reductions

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(B) An applicant wishing to participate in an ACE may include one or more harbor craft or ATB in the ACE, but the applicant may only include harbor craft or ATB that the person owns or operates under the person’s direct control.

(C) No harbor craft or ATB may be included in more than one ACE plan.

(D) Harbor craft or ATBs included in an ACE must continue to be included in and operated pursuant to the approved ACE for the duration of the ACE.

(E) This Section (f)(1)(E) shall apply to harbor craft only: AECS may only apply to emissions from harbor craft subject to this section, and may not apply to other mobile or stationary source categories. AECS may include any combination of the following:

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(F) With respect to ATBs only, AECS may include any of the following, individually or in combination:

1. engine modifications;
2. exhaust treatment control;
3. engine repower or rebuild;
4. shore power;
5. fleet averaging, including within the definition of "fleet" for this purpose: (a) all vessels within the definition of "harbor craft" in this section and all ATBs; and (b) all vessels owned or operated by any affiliate of the owner or operator of the ATB;
6. performance standards and emissions reductions measured with respect to every California air basin in which the ATB is operating;
7. full compliance by the ATB with section 93130, irrespective of whether section 93130 is made applicable to ATBs;
8. funding of accelerated conversion of cargo handling equipment used at marine terminals in California;
9. funding of accelerated conversion of drayage trucks operating out of California ports from diesel to alternative energies that have demonstrated emissions benefits;
10. funding the expansion of shore-side port infrastructure for cold ironing and other electric vehicle uses, including the investing in roll-on-dock containerized clean power solutions;
11. funding measures designed to reduce cancer risks from stationary sources in and around California port communities;
12. Co-investing with the State of California on the development of zero emissions alternative assets to the ATBs that are the subject of this section;
13. measures to achieve reductions from sources other than harbor craft in and around the marine terminal at which the ATB is loading or discharging, within adjacent communities or overwater within three nautical miles of the marine terminal; and
14. any other measures that sufficiently reduce emissions.

(F)(G) A person complying with this provision must obtain E.O. approval

(G)(H) For each ACE, the emission reductions ...

(H)(I) A person subject to an approved ACE ...

(H)(J) Emission reductions included in an ACE ...

(H)(K) A person subject to an approved ACE may not operate ...

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APPENDIX 2

Proposed Amendments to At-Berth Rule

Section 93130 – Control Measure for Ocean-Going Vessels at Berth

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Section 93130.2. Definitions.

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(b) Definitions.

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(7) "Articulated tug barge" means a tanker barge that is mechanically linked with a paired tug that functions as one vessel. ~~For the purposes of this Control Measure, articulated tug barges are not considered ocean-going vessels.~~

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(50) "Ocean-going vessel" means a commercial, government, or military vessel; ~~excluding articulated tug barges,~~ meeting any of these criteria:
(A) A vessel greater than or equal to 400 feet in length overall as defined in 50 CFR § 679.2, as adopted June 19, 1996;
(B) A vessel greater than or equal to 10,000 gross tons under the convention measurement (international system) as defined in 46 CFR § 69.51-.61, as adopted September 12, 1989; or
(C) A vessel propelled by a marine compression ignition engine with a per-cylinder displacement of greater than or equal to 30 liters.

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(72) "Shore power" refers to electrical power being provided by either the local utility or by distributed generation to a vessel at berth.

(73) "Tank Barge" means a non-self-propelled vessel constructed or adapted primarily to carry, or that carries, oil, petrochemicals, sewage, or other noxious liquid substances. Tank barges also include both petrochemical tank barges and barges carrying gaseous or liquid fuels such as those performing fuel bunkering services.

~~(734)~~ "Tanker auxiliary boiler" means a steam generator on a tanker vessel used to offload liquid product.