

State of California  
AIR RESOURCES BOARD

**Notice of Public Availability of Modified Text**

PUBLIC HEARING TO CONSIDER THE ADOPTION OF AMENDMENTS TO THE  
REGULATIONS TO REDUCE EMISSIONS FROM DIESEL ENGINES ON  
COMMERCIAL HARBOR CRAFT OPERATED WITHIN CALIFORNIA WATERS AND  
24 NAUTICAL MILES OF THE CALIFORNIA BASELINE

Public Hearing Date: June 24, 2010  
Public Availability Date: October 1, 2010  
Deadline for Public Comment: October 18, 2010

At its June 24, 2010 public hearing, the Air Resources Board (ARB or Board) approved the adoption of amendments to title 17, California Code of Regulations (CCR) section 93118.5 (the Commercial Harbor Craft (CHC) Regulation), and to title 13, CCR section 2299.5. These amendments will further reduce emissions of diesel particulate matter (PM) and oxides of nitrogen (NO<sub>x</sub>) from diesel engines on commercial harbor craft operating within any of the Regulated California Waters. Regulated California Waters include all California inland waters, all California estuarine waters, and all waters within a zone 24 nautical miles seaward of the California coastline, except for specified areas along the Southern California coastline.

At the hearing, the Board adopted Resolution 10-26, in which it approved the originally proposed amendments with modifications. These modifications had been suggested by staff in a document entitled "Staff's Suggested Modifications to the Original Proposal" that was distributed at the hearing and that was Attachment B to the Resolution.

The regulatory documents for this rulemaking, including Resolution 10-26, and Attachment B are available online at the following ARB website:

<http://www.arb.ca.gov/regact/2010/chc10/chc10.htm>.

In accordance with section 11346.8 of the Government Code, the Board directed the Executive Officer to adopt amendments to title 13, CCR section 2299.5 and title 17, CCR section 93118.5, with the modifications to title 17, CCR section 93118.5 shown in Attachment B to Resolution 10-26, after making the modified text available to the public for comment for a period of at least 15 days. The Board further provided that the Executive Officer shall consider such written comments as may be submitted during this period, shall make such modifications as may be appropriate in light of the comments received, and shall present the regulations to the Board for further consideration if warranted.

## Summary of Proposed Modifications

Attachment 1 to this notice contains the text of title 17, CCR section 93118.5 that shows the proposed 15-day modifications to the originally proposed amendments to the Commercial Harbor Craft Regulation. There are no proposed 15-day modifications to title 13, CCR section 2299.5.

The rationale for the modifications to the originally proposed regulatory amendments to the Commercial Harbor Craft Regulation is set forth below.

### **I. Modifications to Regulatory Text of title 17, CCR section 93118.5 Being Made Available for Comment**

#### **A. Allowing the Use of ARB or U.S. EPA Certified Off-Road (Nonroad) Engines to Comply with the In-use Standard Requirements for Propulsion Engines [17 CCR Section 93118.5(e)(3)]**

The CHC regulation presently provides that new or in-use diesel propulsion or auxiliary engines for in-use harbor craft may not be sold, offered for sale, leased, rented, or acquired unless those engines are certified to at least federal Tier 2 or Tier 3 marine emission standards for a new engine of the same power rating and displacement in effect at the time, depending on the specified compliance dates. The proposed amendments would allow CHC owners or operators to comply with these requirements by allowing them to also use currently available ARB or U.S. EPA Tier 2 or higher certified off-road engines to meet the in-use requirements for *auxiliary engines*.

ARB staff is proposing modifications that would provide CHC owners or operators additional compliance flexibility by allowing them to also use currently available ARB or U.S. EPA Tier 2 or higher certified off-road engines to meet the in-use requirements for *propulsion engines*. The use of off-road engines is allowed only if the engine or vessel manufacturer has complied with 40 CFR 1042.605, which sets requirements for marinized land-based engines.

Staff proposed the amendments to allow ARB or U.S. EPA certified off-road engines to be used as harbor craft auxiliary engines because, as discussed in Section 4.B of the Staff Report: Initial Statement of Reasons "*Amendments to the Regulations to Reduce Emissions from Diesel Engines on Commercial Harbor Craft Operated Within California Waters and 24 Nautical Miles of the California Baseline*" (hereinafter "Staff Report") for this rulemaking action, barge and dredge vessels generally utilize off-road engines in auxiliary engine applications, such as to power pumps, winches, and cranes, and because no emissions increases would result since the off-road engine emission standards are generally more stringent than their equivalent federal marine engine emission standards. Table 15 from the Staff Report is reproduced below, which compares the ARB and U.S. EPA off-road emission standards for diesel PM and NO<sub>x</sub> to the respective U.S. EPA marine engine emission standards for diesel PM and NO<sub>x</sub>.

In addition, some commercial harbor craft owners and operators utilize certified off-road engines as propulsion engines. To provide CHC owners and operators additional compliance flexibility, staff is therefore proposing 15-day modifications to allow ARB or U.S. EPA certified off-road engines to be used as harbor craft propulsion engines. As discussed above, staff does not anticipate any adverse emissions consequences from this modification, since the off-road engine emission standards are generally more stringent than their equivalent federal marine engine emission standards. Staff has accordingly proposed modifications to 17 CCR sections 93118.5(e)(3)(A), (e)(6)(A), and (e)(6)(C)1-3.

**Table 15: ARB and U.S. EPA Diesel PM and NOx Emission Standards for New Off-Road Engines (300 – 600 hp)**

Engine Tier	Off-Road Engines			Marine Engines		
	PM Standard*	NOx+HC Standard*	Effective Date	PM Standard*	NOx+HC Standard*	Effective Date
Tier 0	NA	NA		NA	NA	
Tier 1	0.40	7.90	1996	NA	7.3	2004
Tier 2	0.15	4.80	2000	0.15	5.4	2007
Tier 3	0.15	3.00	2006	0.08	4.2	2013
Tier 4 interim	0.01	1.64	2011	NA	NA	NA
Tier 4 final	0.01	0.44	2014	0.03	1.3	2016-2017

\*Emission rates expressed in grams per brake horsepower-hour (g/bhp-hr)

**B. Allowing the Use of ARB or U.S. EPA Certified Off-Road (Nonroad) Propulsion Engines to Comply with the Requirements for New Harbor Craft [17 CCR Section 93118.5(e)(4)]**

Currently, the CHC regulation requires newly acquired harbor craft vessels to use propulsion engines certified to meet U.S. EPA’s marine engine standards. ARB staff is proposing an amendment to allow the use of ARB or U.S. EPA certified off-road engines to comply with the requirements in section 93118.5 (e)(4) for newly acquired vessels. The same justifications described above in section I.A for in-use harbor craft , also apply to newly acquired vessels. This proposed amendment will provide owners or operators of new commercial harbor craft vessels additional compliance flexibility by allowing them to use either ARB or U.S. EPA Tier 2 or higher certified off-road engines or engines certified to meet Tier 2 or higher U.S. EPA marine engine standards to meet the requirements for propulsion engines.

**II. Other Minor Changes**

ARB staff is also proposing the following minor changes.

ARB staff is proposing to modify section 93118.5(d)(17) to clarify that “certified nonroad engine” includes nonroad engines certified by U.S. EPA as meeting the requirements applicable to both new and in-use compression ignition engines both before and after the 2014 model year.

Modify section 93118.5(d)(62) to clarify that the definition of “Pre-Tier 1 Engine” also includes an engine built before the effective date of U.S. EPA’s Tier 1 emission standards for nonroad compression ignition engines as set forth in 40 CFR Part 89.

Add new section 93118.5(d)(84), a definition for the term “Tier 1 Off-Road or Nonroad Emission Standards.”

Modify section 93118.5(d)(87) to substitute “Final Tier 4 Off-Road or Nonroad Emission Standards” for “Tier 4 Off-Road or Nonroad Emission Standards (final Tier 4 off-road standards),” to improve clarity.

Modify section 93118.5(d)(88) to substitute “Interim Tier 4 Off-Road or Nonroad Emission Standards” for “Tier 4 Off-Road or Nonroad Emission Standards (interim Tier 4 off-road standards)” to improve clarity.

In addition, modifications are being proposed in section 93118.5(e)(6)(E)2 to clarify that the extension is also available if the applicant demonstrates there is no suitable Tier 2 or Tier 3 certified off-road replacement engine available anywhere that can be used in the applicant’s specific vessel.

Written comments will only be accepted on the modifications described in this notice and may be submitted by postal mail or electronic mail submittal as follows:

Postal Mail: Clerk of the Board  
Air Resources Board  
1001 “I” Street, 23<sup>rd</sup> Floor  
Sacramento, California 95814

Electronic submittal: <http://www.arb.ca.gov/lispub/comm/bclist.php>

Please note that under the California Public Records Act (Gov. Code § 6250 et seq.), your written and oral comments, attachments, and associated contact information (e.g., your address, phone, email, etc.) become part of the public record and can be released to the public upon request. Additionally, this information may become available via Google, Yahoo, and any other search engines.

In order to be considered by the Executive Officer, comments must be directed to the ARB in one of the two forms described above and received by the ARB by 5:00 p.m. on the deadline date for public comment listed at the beginning of this notice. Only comments relating to the above-described modifications to the text of the regulations shall be considered by the Executive Officer.

If you need this document in an alternate format (i.e., Braille, large print, etc.) or another language, please contact the Clerk of the Board at (916) 322-5594 or by facsimile at (916) 322-3928 no later than five (5) business days from the release date of this notice. TTY/TDD/Speech to Speech users may dial 711 for the California Relay Service.

Si necesita este documento en un formato alterno (por decir, sistema Braille, o en impresión grande) u otro idioma, por favor llame a la oficina del Secretario del Consejo de Recursos Atmosféricos al (916) 322-5594 o envíe un fax al (916) 322-3928 no menos de cinco (5) días laborales a partir de la fecha del lanzamiento de este aviso. Para el Servicio Telefónico de California para Personas con Problemas Auditivos, ó de teléfonos TDD pueden marcar al 711.

Attachment