

TITLES 13 and 17. CALIFORNIA AIR RESOURCES BOARD

**NOTICE OF PUBLIC HEARING TO CONSIDER REGULATORY AMENDMENTS
EXTENDING THE CALIFORNIA STANDARDS FOR MOTOR VEHICLE DIESEL FUEL
TO DIESEL FUEL USED IN HARBORCRAFT AND INTRASTATE LOCOMOTIVES**

The Air Resources Board (ARB or Board) will conduct a public hearing at the time and place noted below to consider the proposed adoption of a fuels regulation and an airborne toxics control measure (ATCM) that would extend the applicability of the California standards for motor vehicle diesel fuel regulations to diesel fuel used in commercial and recreational harborcraft and intrastate diesel-electric locomotives. The proposed fuels regulation and ATCM would apply to diesel fuel sold for use in commercial and recreational harborcraft within the boundaries of the South Coast Air Quality Management District (SCAQMD) beginning January 1, 2006. They would apply statewide to diesel fuel sold for use in commercial and recreational harborcraft and intrastate diesel-electric locomotives beginning January 1, 2007. Operators of intrastate diesel-electric locomotives would be permitted to use an Alternative Emission Control Plan if approved by the ARB's Executive Officer.

DATE: November 18, 2004

T I M E : 9:00 a.m.

PLACE: California Environmental Protection Agency
Central Valley Auditorium
Air Resources Board
1001 I Street
Sacramento, California 95814

This item will be considered at a two-day meeting of the Board, which will commence at 9:00 a.m. on Thursday, November 18, 2004, and may continue at 8:30 a.m. on Friday, November 19, 2004. This item may not be considered until Friday, November 19, 2004. Please consult the agenda for the meeting, which will be available at least ten days before November 18, 2004, to determine the day on which this item will be considered.

If you have a disability-related accommodation need, please go to <http://www.arb.ca.gov/html/ada/ada.htm> for assistance or contact the ADA Coordinator at (916) 323-4916. If you are a person who needs assistance in a language other than English, please contact the Bilingual Coordinator at (916) 324-5049. TTY/TDD/Speech-to-Speech users may dial 7-1-1 for the California Relay Service.

INFORMATIVE DIGEST OF PROPOSED ACTION AND POLICY STATEMENT OVERVIEW

Sections Affected: Proposed adoption of section 2299, and amendments to sections 2281, 2282, and 2284, title 13, California Code of Regulations (CCR); proposed adoption of section 93116, title 17, CCR.

Background

ARB administers regulations that since 1993 have limited statewide the allowable sulfur content of motor vehicle diesel fuel to 500 parts per million by weight (ppmw) and the aromatic hydrocarbon content to 10 percent with a 20 percent limit for small refiners. The regulation limiting aromatic hydrocarbon content allows refiners to comply by selling a certified alternative formulation that has an aromatic hydrocarbon content greater than the basic limits. Most refiners have taken advantage of the regulation's flexibility to produce alternative diesel formulations that provide the required air quality benefits at a lower cost. Diesel fuel meeting the ARB's standards is often referred to as "CARB diesel."

The California diesel fuel regulations are a necessary part of the state's strategy to reduce air pollution through the use of clean fuels and lower emitting motor vehicles and off-road equipment. The use of ultra-low sulfur diesel fuels reduces emissions for in-use engines and enables the use of sophisticated after-treatment devices necessary to reduce the public exposure to diesel particulate matter. The most recent proposed and adopted standards for diesel engines will require the use of ultra-low sulfur diesel fuel to be effective.

In July 2003, the Board approved amendments – now in effect-which lowered the allowable sulfur content of motor vehicle diesel fuel to 15 ppmw starting June 2006 and retained the existing aromatic hydrocarbon content limit for motor vehicle diesel fuel. California's motor vehicle diesel fuel regulations were already applicable to on-road and off-road vehicular sources and, as part of the July 2003 regulatory amendments, a separate ATCM was adopted making diesel fuel used for most nonvehicular sources subject to the standards for motor vehicle diesel fuel. Further, provisions were included to ensure there were adequate standards for diesel fuel lubricity. However, diesel fuel for locomotives and marine vessels was specifically exempted from the July 2003 amendments. At the July 2003 public hearing, the Board directed staff to evaluate the feasibility, and if appropriate, develop recommendations to extend applicability of California's motor vehicle diesel fuel regulations to locomotives and marine vessels.

As discussed below, the U. S. Environmental Protection Agency (U.S. EPA) administers a 500 ppmw sulfur standard for on-road motor vehicle diesel fuel. In addition this fuel is to have a **cetane** index of at least 40 or have an aromatic hydrocarbon content of no greater than 35 percent by volume (vol. %). Starting June 2006, the federal sulfur standard for diesel fuel for on-road motor vehicles will be 15 ppmw. Diesel fuel meeting

U.S. EPA's sulfur standards for on-road motor vehicles but not ARB's low-aromatics standard is often referred to as "EPA diesel."

In August 1998, ARB identified particulate matter emitted from diesel engines (diesel PM) as a Toxic Air Contaminant (**TAC**) and in September 2001, approved the Diesel Risk Reduction Plan to reduce public exposure to diesel particulate matter. The plan identified air toxic control measures and regulations that will set more stringent emissions standards for new diesel-fueled engines and vehicles, establish retrofit requirements for existing engines and vehicles where determined to be technically feasible and cost-effective.

Although **ARB's** vehicular diesel fuel standards currently do not apply to diesel fuel used in intrastate diesel-electric locomotives and most marine diesel engines, most diesel fuel currently used in those engines has a sulfur content under 500 ppmw. Because of fuel availability and other factors, almost all of the diesel fuel used in intrastate diesel-electric locomotive engines in California is either CARB diesel or EPA diesel, with a majority of it being **CARB** diesel. Passenger-fleet (i.e., ferries and excursion marine vessels) marine diesel engines are required by statute to use CARB diesel fuel. However, harborcraft that generally operate within California coastal waters primarily use EPA diesel, with lesser amounts of CARB diesel.

The Proposed Amendments

The proposed amendments would apply to persons selling or supplying diesel fuel for use in intrastate diesel-electric locomotives and both commercial and recreational harborcraft. An intrastate diesel-electric locomotive would be defined as a **diesel**-electric locomotive that annually operates at least 90 percent of the time within the borders of the California, based on hours of operation, miles traveled, and fuel consumption. Harborcraft are marine vessels with characteristics that distinguish them from large oceangoing ships – they would be defined as marine vessels meeting all of the following criteria: (1) less than 400 feet in length; (2) less than 10,000 gross tons; (3) propelled by engines with a cylinder displacement less than 30 liters per cylinder; and (4) neither a foreign-flagged vessel, nor documented as a foreign trade vessel by the United States Coast Guard.

Diesel fuel sold, supplied, or offered for sale for use in commercial or recreational harborcraft within the SCAQMD be required to be CARB diesel beginning January 1, 2006. This earlier implementation date for the SCAQMD is proposed to satisfy emission reduction commitments for harborcraft in the 2003 Statewide Strategy of the California State Implementation Plan.

Diesel fuel sold, supplied, or offered for sale for use in intrastate diesel-electric locomotive and harborcraft operators throughout the state would be required to be CARB diesel beginning January 1, 2007. To provide flexibility to affected diesel-electric locomotive operators, staff is also proposing that operators of intrastate diesel-electric locomotives be permitted to participate in an Alternative Emission Control Plan. The

owner or operator of an intrastate diesel-electric locomotive could submit, for approval by the Executive Officer, a substitute fuel and/or emission control strategy that achieves equivalent or greater reductions than those achieved solely through the use of CARB diesel and that has adequate enforcement provisions. It is expected that operators could propose any combination of fuels, equipment, or operational changes at one or more of their rail facilities in the State. Any plan would have to contain adequate protections for individuals living in areas that have existing local air pollution or localized air toxic impacts.

Under the approach proposed by staff, the Board would adopt a regulation applicable to diesel fuel used in intrastate locomotives and harborcraft pursuant to its Health and Safety Code section 43013 authority to adopt standards and regulations for locomotives and marine vessels. The Board would also adopt identical provisions as an ATCM which would complement and enable the use of high-efficiency emission control devices for non-vehicular diesel engines to reduce emissions of diesel PM.

ARB staff has estimated that the proposed amendments, when fully implemented in 2007, will provide statewide emission reductions of about 2 tons per day (tpd) NO_x, about 1.7 tpd of oxides of sulfur (SO_x), and about 0.6 tpd of diesel PM (both directly and indirectly emitted). Staff has calculated that the cost-effectiveness of the proposed regulatory action ranges between \$1.10 and \$1.60 per pound of NO_x plus particulate matter reduced. This is in the range of other recent criteria pollutant control measures approved by the Board.

COMPARABLE FEDERAL REGULATIONS

Since 1993, a U.S. EPA regulation – 40 C.F.R. §§ 80.29 – has imposed a maximum sulfur content limit of 500 ppmw on diesel fuel sold or supplied for use in on-road motor vehicles. In addition, on-road motor vehicle diesel fuel is required to have either a cetane index of at least 40 or an aromatic hydrocarbon content of no greater than 35 percent by volume. In January 2001, U.S. EPA published a final rule requiring refiners to meet a maximum sulfur standard of 15 ppmw for highway diesel fuel beginning June 1, 2006. (66 F.R. 5002; 40 C.F.R. §§ 80.500 et seq.). All 2007 and later model year diesel fueled vehicles must be fueled with this new low sulfur diesel.

On June 29, 2004, U.S. EPA published a final rule imposing a 500 ppmw maximum sulfur standard for diesel fuel used in nonroad, locomotive, and marine engines, starting in June 2007 (69 F.R. 38958, 40 C.F.R. §§ 80.510 et seq.). The federal sulfur standard drops to 15 ppm starting June 2010 for diesel fuel used in most nonroad engines, and starting June 2010 for diesel fuel used in locomotives and marine vessels.

Under the proposed amendments, California would receive the benefits of five years of use of ultra-low sulfur (15 ppmw) diesel fuel before the U.S. EPA regulations become applicable to diesel fuel used in locomotives and marine vessels. In addition, the U.S. EPA diesel fuel programs do not achieve the NO_x and particulate matter emission reductions provided by the aromatic hydrocarbon requirements for CARB diesel.

AVAILABILITY OF DOCUMENTS AND AGENCY CONTACT PERSONS

The ARB staff has prepared a Staff Report: Initial Statement of Reasons (ISOR) for the proposed regulatory action, which includes a summary of the environmental and economic impacts of the proposal and supporting technical documentation. The report is entitled "Proposed Amendments to Extend the Applicability of the California Motor Vehicle Diesel Fuel Regulations to Commercial and Recreational Harbor Craft and Intrastate Locomotives."

Copies of the ISOR and the full text of the proposed regulatory language, in underline and strikeout format to allow for comparison with the existing regulations, may be accessed on the ARB's web site listed below, or may be obtained from the Public Information Office, Air Resources Board, 1001 I Street, Visitors and Environmental Services Center, First Floor, Sacramento, CA 95814, (916) 322-2990 at least 45 days prior to the scheduled hearing (November 18, 2004).

Upon its completion, the Final Statement of Reasons (FSOR) will also be available and copies may be requested from the agency contact persons in this notice, or may be accessed on the ARB's web site listed below.

Inquiries concerning the substance of the proposed regulations may be directed to the designated agency contact persons: Mr. Erik C. White, Manager, Engineering Evaluation Section, (916) 324-8029, or Mr. Dean C. Simeroth, Chief, Criteria Pollutants Branch, Stationary Source Division, at (916) 322-6020.

Further, the agency representative and designated back-up contact persons to whom nonsubstantive inquiries concerning the proposed administrative action may be directed are Artavia Edwards, Manager, Board Administration & Regulatory Coordination Unit, (916) 322-6070, or Amy Whiting, Regulations Coordinator, (916) 322-6533. The Board staff has compiled a record for this rulemaking action, which includes all the information upon which the proposal is based. This material is available for inspection upon request to the contact persons.

This notice, the ISOR and all subsequent regulatory documents, including the FSOR, when completed, are available on the ARB Internet site for this rulemaking at <http://www.arb.ca.gov/regact/carblohc/carblohc.htm>.

COSTS TO PUBLIC AGENCIES AND TO BUSINESSES AND PERSONS AFFECTED

The determinations of the Board's Executive Officer concerning the costs or savings necessarily incurred by public agencies, private persons and businesses in reasonable compliance with the proposed regulations are presented below.

Pursuant to Government Code sections 11346.5(a)(5) and 11346.5(a)(6), the Executive Officer has determined that the proposed regulatory action will not create costs or

savings to any state agency or in federal funding to the state, costs or mandate to any local agency or school district whether or not reimbursable by the state pursuant to Part 7 (commencing with section 17500), Division 4, Title 2 of the Government Code, or other nondiscretionary savings to state or local agencies.

In developing this regulatory proposal, the ARB staff evaluated the potential economic impacts on representative private persons or businesses. The ARB is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

The Executive Officer has made an initial determination that the proposed regulatory action will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states, or on representative private persons.

It is expected that the proposed amendments may have a small impact and modify existing diesel production and consumption patterns in California. In evaluating the potential costs of the proposed amendments, staff has considered the likely diesel fuels expected to be generally available in California in 2007. Based on the fact that diesel-electric intrastate locomotive and harborcraft operators would in any event likely use, at a minimum, EPA diesel meeting a 15 ppmw sulfur limit, staff has determined the costs of the proposed amendments based on the incremental cost in 2007 to produce CARB diesel relative to EPA diesel. Staff estimates that the incremental cost to produce CARB diesel relative to EPA diesel beginning in 2007 will be about 3 cents per gallon. This cost represents the incremental diesel fuel production cost to reduce the aromatic hydrocarbon content of U.S. EPA on-road diesel fuel from a limit of 35 volume percent to a limit of 10 volume percent (or an equivalent formulation limit). Staff expects that the total incremental cost increase will be \$2-3 million annually.

Staff has also identified several cost benefits to diesel fuel end users from the proposed amendments that have not been quantified in the above production cost estimates. These benefits will be felt both initially and over the course of the life of the program. Initially, diesel fuel users are expected to see a decrease in engine wear as a result of low sulfur diesel fuel. In addition, lower sulfur fuels should increase the life of diesel engine lubrication oil, as fuel sulfur tends to increase the acidification of engine lubricating oils resulting in loss of pH control. By reducing the diesel fuel sulfur content, it is expected that the interval between oil changes can be extended, leading to a cost saving to diesel engine operators.

The overall economic impacts on operators of intrastate diesel-electric locomotives and harborcraft were also evaluated. For large intrastate diesel-electric locomotive operators (Class I railroads), the use of CARB diesel could reduce operating income by less than 0.02 percent. For smaller (Class III railroads), the use of CARB diesel could reduce operating costs by up to one percent. For commercial fishing operations and tugboat operations, the use of CARB diesel fuel could reduce the average return on

owners' equity by less than one percent and four to seven percent, respectively. These are not expected to be significant adverse economic impacts.

In accordance with Government Code section 11346.3, the Executive Officer has determined that the proposed regulatory action will not affect the creation or elimination of jobs within the State of California, the creation of new businesses or elimination of existing businesses within the State of California, or the expansion of businesses currently doing business within the State of California. A detailed assessment of the economic impacts of the proposed regulatory action can be found in the Staff Report (ISOR).

The Executive Officer has also determined, pursuant to title 1, CCR, section 4, that the proposed regulatory action will affect small businesses. The proposed amendments are expected to result in an increase in the cost of producing diesel fuel for use in intrastate diesel-electric locomotives and harborcraft. This increase in diesel fuel production costs may translate into an increase in the price intrastate diesel-electric locomotives and harborcraft operators pay for diesel fuel. Smaller Class III railroad operators, commercial fishing operators and tugboat operators represent the small businesses affected by the proposed amendments. Staff's economic analysis showed that the proposed amendments are not expected to have a significant adverse economic impact on these operations.

Before taking final action on the proposed regulatory action, the Board must determine that no alternative considered by the agency or that has otherwise been identified and brought to the attention of the agency would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

SUBMITTAL OF COMMENTS

The public may present comments relating to this matter orally or in writing at the hearing, and in writing or by e-mail before the hearing. To be considered by the Board, written submissions not physically submitted at the hearing must be received **no later than 12:00 noon, November 17, 2004**, and addressed to the following:

Postal mail is to be sent to:

Clerk of the Board
Air Resources Board
1001 I Street, 23rd Floor
Sacramento, California 95814

Electronic mail is to be sent to: carblohc@listserv.arb.ca.gov and received at the ARB **no later than 12:00 noon, November 17, 2004**.

Facsimile transmissions are to be transmitted to the Clerk of the Board at (916) 322-3928 and received at the ARB no later than 12:00 noon, November 17, 2004.

The Board requests, but does not require, that 30 copies of any written statement be submitted and that all written statements be filed at least 10 days prior to the hearing so that ARB staff and Board Members have time to fully consider each comment. The ARB encourages members of the public to bring to the attention of staff in advance of the hearing any suggestions for modification of the proposed regulatory action.

STATUTORY AUTHORITY AND REFERENCES

This regulatory action is proposed under that authority granted in sections 39600, 39601, 39650, 39658, 39659, 39666, 39667, 41511, 43013, 43018, 43101, Health and Safety Code, and *Western Oil and Gas Ass'n. v. Orange County Air Pollution Control District*, 14 Cal.3d 411, 121 Cal.Rptr. 249 (1975). This regulatory action is proposed to implement, interpret, and make specific sections 39000, 39001, 39002, 39003, 39500, 39515, 39516, 39650, 39658, 39659, 39666, 39667, 41511, 43000, 43013, 43016, 43018, and 43101, Health and Safety Code; title 17, CCR section 93000; and *Western Oil and Gas Ass'n. v. Orange County Air Pollution Control District*, 14 Cal.3d 411, 121 Cal.Rptr. 249 (1975).

HEARING PROCEDURES

The public hearing will be conducted in accordance with the California Administrative Procedure Act, Title 2, Division 3, Part 1, Chapter 3.5 (commencing with section 11340) of the Government Code.

Following the public hearing, the Board may adopt the regulatory language as originally proposed, or with non substantial or grammatical modifications. The Board may also adopt the proposed regulatory language with other modifications if the text as modified is sufficiently related to the originally proposed text that the public was adequately placed on notice that the regulatory language as modified could result from the proposed regulatory action; in such event the full regulatory text, with the modifications clearly indicated, will be made available to the public, for written comment, at least 15 days before it is adopted.

The public may request a copy of the modified regulatory text from the ARB's Public Information Office, Air Resources Board, 1001 I Street, Visitors and Environmental Services Center, 1st Floor, Sacramento, CA 95814, (916) 322-2990.

CALIFORNIA AIR RESOURCES BOARD



for Catherine Witherspoon
Executive Officer

Date: September 21, 2004

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs see our Web -site at www.arb.ca.gov.

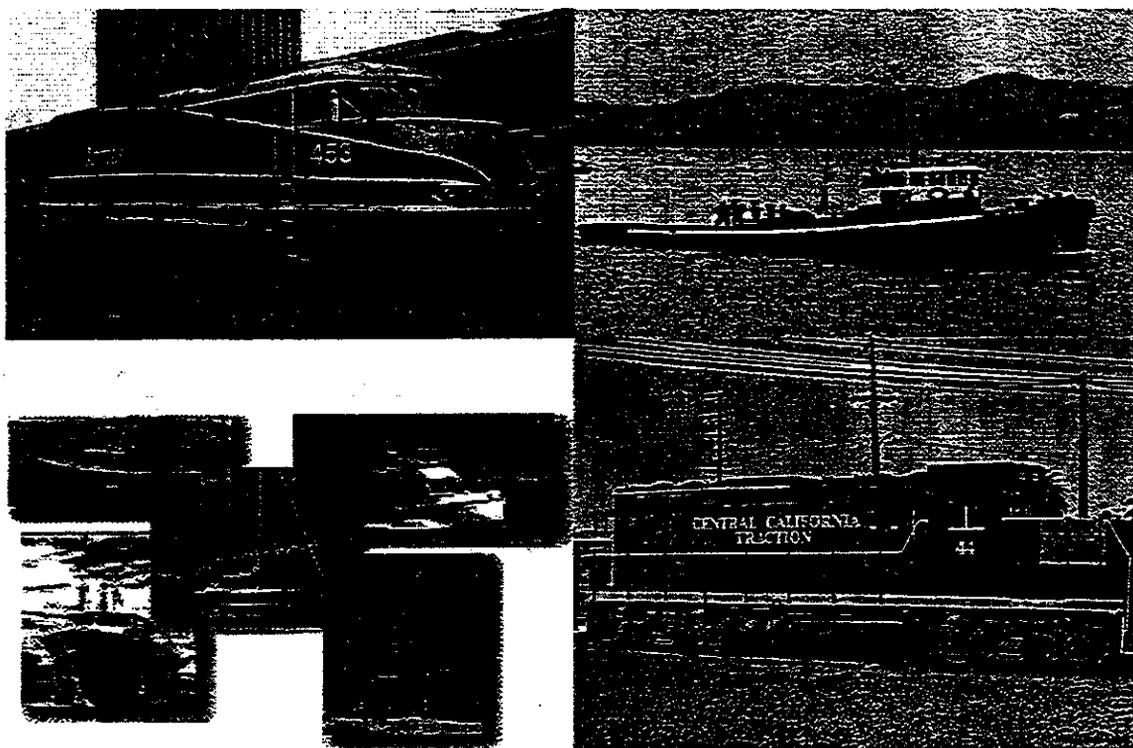
California Environmental Protection Agency



Air Resources Board

**STAFF REPORT: INITIAL STATEMENT OF REASONS FOR
PROPOSED RULEMAKING**

**Proposed Regulatory Amendments Extending the California Standards for
Motor Vehicle Diesel Fuel to Diesel Fuel Used in Harborcraft and Intrastate
Locomotives**



Release Date: October 1, 2004

**State of California
California Environmental Protection Agency
AIR RESOURCES BOARD
Stationary Source Division**

STAFF REPORT: INITIAL STATEMENT OF REASONS

**Public Hearing to Consider Proposed Regulatory Amendments
Extending the California Standards for Motor Vehicle Diesel Fuel
to Diesel Fuel Used in Harborcraft and Intrastate Locomotives**

**Date of Release: October 1, 2004
Scheduled for Consideration: November 18-19, 2004**

Location:

**California Air Resources Board
Central Valley Auditorium, Second Floor
1001 I Street
Sacramento, California 95814**

This report has been reviewed by the staff of the Air Resources Board and approved for publication. Approval does not signify that the contents necessarily reflect the views and policies of the Air Resources Board, nor does mention of trade names or commercial products constitute endorsement or recommendation for use. This report is available for viewing or downloading from the Air Resources Board's Internet site:

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

Acknowledgments

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I. INTRODUCTION AND SUMMARY

In this chapter, staff provides a summary and background for the proposed amendments.

A. Introduction

The California diesel fuel regulations, administered by the Air Resources Board (ARB or Board), have resulted in significant reductions in emissions from diesel-powered motor vehicles and equipment: greater than 80 percent for oxides of sulfur (SO_x), 25 percent for PM (PM) (a toxic air contaminant), and 7 percent for oxides of nitrogen (NO_x). Diesel fuel meeting ARB's requirements - often called CARB diesel - also results in reductions of emissions of several toxic substances other than diesel PM, including benzene and polynuclear aromatic hydrocarbons.

Diesel-electric locomotives and commercial and recreational harborcraft (harborcraft) are not currently required to use diesel fuel meeting the ARB's diesel fuel regulations. Currently, these regulations only apply to on- and off-road motor vehicles and, by December 12, 2004, non-vehicular sources other than locomotives and marine vessels.

This report is the initial statement of reasons to support the ARB staff's (staff) proposed amendments to extend the requirements to use CARB diesel fuel to intrastate diesel-electric locomotives and commercial and recreational harborcraft.

1. What are Intrastate Diesel-Electric Locomotives?

Diesel-electric locomotives (locomotives) are defined as those locomotives that use electric power provided by a diesel engine that drives a generator or alternator; the electrical power produced then drives the wheels using electric motors. For the purposes of this rulemaking, intrastate locomotives are defined as those locomotives that operate 90 percent or more of the time within the boundaries of the state of California which can be measured by fuel consumption, hours of operation, or annual rail miles travelled. This definition provides some flexibility for locomotives primarily headquartered and operating in California, but that may leave the state occasionally for business or maintenance - up to 36 days per year.

Intrastate locomotives include, but are not limited to, locomotives used in the following operations:

- passenger intercity and commuter,
- short haul,
- short line,
- switch, and
- industrial, port, and terminal operations.

These locomotives are typically operated by:

- National Class 1 freight railroads¹ (Union Pacific and Burlington Northern Santa Fe),
- Local, regional and switching & terminal shortline railroads (Class III) operating in California,
- national passenger rail companies under state contract (Amtrak), and
- local government transportation authorities (including CalTrain and MetroLink).

These four primary groups of railroads operate over 700 intrastate locomotives (see Table I-1 below). California's Class I freight railroads¹ (i.e., Union Pacific Railroad (UP) and Burlington Northern Santa Fe (BNSF)), have over 380 intrastate locomotives that operate as short haul, switcher, terminal, or manifest locomotives within different regions of California. California's passenger railroads provide inter-city passenger services within the state and have 111 intrastate passenger locomotives (e.g., Metrolink in Southern California and CalTrain on the San Francisco Peninsula) and two additional switcher locomotives. Currently, there are twenty Class III railroads² that are headquartered and operate within California and which operate 120 intrastate locomotives as either short haul operators (e.g., San Joaquin Valley Railroad and California Northern Railroad) or switcher-terminal operators (e.g., Pacific Harbor Lines at Los Angeles/Long Beach Harbors and Modesto Empire Traction in Modesto). Also, there are about 120 locomotives operated by individual companies and the military services. These locomotives are typically less than 1,000 horsepower diesel-electric engines and generally are limited to operating in small company yards or on military bases.

Table I-1: Number of California Intrastate Locomotives

Category	Number of Locomotives	Percentage
Class I - Freight	383	52%
Class III - Shortline	120	16%
Passenger	113	16%
Industrial-Military	117	16%
Total *	733	100%

* Based on May 2004 ARB Intrastate Locomotive Survey, and other sources.

2. What are Commercial and Recreational Harborcraft?

Commercial and recreational harborcraft (harborcraft) are marine vessels that operate primarily along California's coastline, and in inland waterways. They include a wide variety of vessels such as tug/tow boats, commercial fishing vessels, commercial passenger fishing vessels ("party boats"), pilot boats, work boats, crew/supply boats, ferries/excursion vessels, military vessels, and diesel powered recreational vessels.

¹ A Class I railroad is defined by the Surface Transportation Board as a railroad with annual operating revenues of \$250 million or more.

² A Class III railroad is defined by the Surface Transportation Board as a railroad with annual operating revenues of \$20 million or less.

Harborcraft are defined as all marine vessels except oceangoing ships. Oceangoing ships are distinct from harborcraft because they travel internationally, and would not have access to CARB diesel fuel at ports outside of California. However, these vessels are being addressed by other ARB rulemaking efforts currently under development.

Harborcraft are defined in the proposed amendments as any marine vessel that meets all of the following criteria:

- (1) The vessel does not carry a "registry" (foreign trade) endorsement on their United States Coast Guard certificate of documentation, and is not registered under the flag of a country other than the United States;
- (2) The vessel is less than 400 feet in length overall (LOA) as defined in 50 Code of Federal Regulations (CFR) § 679.2, as adopted June 19, 1996;
- (3) The vessel is less than 10,000 gross tons (GT ITC) per the convention measurement (international system) as defined in 46 CFR 69.51 - 61, as adopted September 12, 1998; and
- (4) The vessel is propelled by a marine diesel engine with a per-cylinder displacement of less than 30 liters.

Table I-2 below provides a breakdown by the number of vessels and percent of diesel fuel consumed for each sector of commercial harborcraft. As can be seen, commercial fishing vessels account for the largest number of vessels.

Table I-2: Number of California Commercial Harborcraft

Type of Vessel	Number of Vessels	Percent of Total
Commercial Fishing Boats	2,520	64%
Charter Fishing Boats	512	13%
Ferry/Excursion Boats	412	11%
Tug Boats	128	3%
Other	136	3%
Work Boats	87	2%
Crew Boats	70	2%
Tow Boats	35	1%
Pilot Boats	24	1%
Total *	3,924	100%

* Based on December 2002 ARB Commercial Harborcraft Survey, USCG, CDFG and other sources.

B. What are the Specifications for Diesel Fuel in California?

In this section, staff discusses the California Air Resources Board (CARB) diesel fuel specifications.

1. Sulfur and Aromatic Hydrocarbon Standards

California diesel fuel used in motor vehicles must meet specifications approved by the Board in 1988 limiting sulfur and aromatic contents. The requirements for "CARB diesel," which became applicable in October 1993, consists of two basic elements:

- A limit of 500 parts per million by weight (ppmw) on sulfur content to reduce emissions of both sulfur dioxide and directly emitted PM.
- A limit on aromatic hydrocarbon content of 10 volume percent for large refiners and 20 percent for small refiners to reduce emissions of both PM and NO_x.

At a July 2003 hearing, the Board approved changes to the California diesel fuel regulations that, among other things, lowered the maximum allowable sulfur levels in California diesel fuel to 15 ppmw beginning in June 2006. Thus, ARB's specifications for sulfur and aromatic hydrocarbons are shown in Table I-3.

Table I-3: California Diesel Fuel Standards

Implementation Date	Sulfur (ppmw)	Aromatic Hydrocarbon (Volume %)	Small Refiner (Volume %)
1993	500	10	N/A
2006	15	10	N/A

The regulation limiting aromatic hydrocarbons also includes a provision that enables producers and importers to comply with the regulation by qualifying a set of alternative specifications of their own choosing. The alternative formulation must be shown, through emissions testing, to provide emission benefits equivalent to that obtained with a 10 percent aromatic standard (or in the case of small refiners, the 20 percent standard). Most refiners have taken advantage of the regulation's flexibility to produce alternative diesel formulations that provide the required emission reduction benefits at a lower cost.

2. Lubricity Standard

At the July 2003 hearing, ARB also approved new requirements for minimum lubricity levels. The diesel fuel lubricity standard is designed to ensure that California diesel fuel provides adequate lubrication for fuel systems of existing and future diesel engines. Diesel fuel lubricity can be defined as the ability of diesel fuel to provide surface contact lubrication. The CARB diesel fuel first phase standard, a High Frequency Reciprocating Rig (HFRR) maximum scar diameter (WSD) of 520 microns, is appropriate for protecting existing hardware and is to be implemented on January 1, 2005. The American Society for Testing and Materials (ASTM) has approved an identical lubricity standard for the ASTM D-975 diesel fuel specifications that will

become effective January 1, 2005. When Division of Measurement and Standards (DMS) adopts and begins enforcing the ASTM standard, the CARB diesel fuel first-phase standard will no longer apply.

The Board further directed staff to return in 2005 with a proposed 2006 lubricity standard if a technology assessment determines that a HFRR WSD of 460 microns at 60 degrees Celsius, or a more appropriate standard, should be implemented on the same schedule as the proposed 15-ppmw sulfur limit for diesel fuel on June 1, 2006.

C. What are the Specifications for Diesel Fuel in the Rest of the Nation?

The United States Environmental Protection Agency (U.S. EPA) has established separate diesel fuel specifications for on-road diesel fuel and off-road (nonroad) diesel fuel.

1. On-Road Diesel Fuel

The current U.S. EPA diesel fuel standards have been applicable since October 1993. The U.S. EPA regulation prohibits the sale or supply of diesel fuel for use in on-road motor vehicles, unless the diesel fuel has a sulfur content no greater than 500 ppmw. In addition, the regulation requires on-road motor-vehicle diesel fuel to have a cetane index of at least 40 or have an aromatic hydrocarbon content of no greater than 35 percent by volume (vol. %). All on-road motor-vehicle diesel fuel sold or supplied in the United States, except in Alaska, must comply with these requirements. Diesel fuel, not intended for on-road motor-vehicle use, must contain dye solvent red 164.

On January 18, 2001, the U.S. EPA published a final rule which specifies that, beginning June 1, 2006, refiners must begin producing highway diesel fuel that meets a maximum sulfur standard of 15 ppmw. All 2007 and later model year diesel-fueled vehicles must be fueled with this new low sulfur diesel. Both the current and future U.S. EPA on-road diesel fuel standards are shown in Table I-4.

Table I-4: U.S. EPA Diesel Fuel Standards

Applicable	Implementation Date	Maximum Sulfur Level (ppmw)	Maximum Aromatic by Volume	Cetane Index Minimum
On-road	1993	500	35	40
On-Road	2006	15	35	40
Nonroad *	1993	5,000	35	40
Nonroad *	2007	500	35	40
Nonroad, <i>excluding loco/marine</i> *	2010	15	35	40
Nonroad, <i>loco/marine</i> *	2012	15	35	40

* Nonroad diesel fuels must comply with ASTM No. 2 diesel fuel specifications for aromatics and cetane.

2. *Nonroad Diesel Fuel*

On June 29, 2004, the U.S. EPA published a final rule for the control of emissions from nonroad diesel engines and fuel. The U.S. EPA rulemaking requires that sulfur levels for nonroad diesel fuel be reduced from current uncontrolled levels ultimately to 15 ppmw, though an interim cap of 500 ppmw is contained in the rule. Beginning June 1, 2007, refiners would be required to produce nonroad, locomotive, and marine diesel fuel that meets a maximum sulfur level of 500 ppmw. This does not include diesel fuel for stationary sources. In 2010, nonroad diesel fuel will be required to meet the 15 ppmw standard except for locomotives and marine vessels. In 2012, nonroad diesel fuel used in locomotives and marine applications must meet the 15 ppmw standard. The nonroad diesel fuel standards are shown above in Table I-4.

D. What are the Emission Benefits of California Diesel Fuel?

The NO_x emission benefits associated with the use of CARB diesel compared to U.S. EPA on-road and nonroad diesel fuels are due to the CARB aromatic hydrocarbon limit of 10 percent by volume or an emission equivalent alternative formulation limit. ARB staff estimates that use of CARB diesel provides a 6 percent reduction in NO_x and a 14 percent reduction in particulate emissions compared with the use of U.S. EPA on-road and nonroad diesel fuels. In addition, CARB diesel fuel will provide over a 95 percent reduction in fuel sulfur levels in 2007 compared to U.S. EPA nonroad diesel fuel. This reduction in diesel fuel sulfur levels will provide SO_x emission reductions, and additional PM emission reductions by reducing indirect (secondary formation) PM emissions formed from SO_x.

E. Are there Any Current Diesel Fuel Requirements for Intrastate Diesel-Electric Locomotives and Harborcraft?

Currently, intrastate locomotives and marine vessels use diesel fuel meeting the minimum specifications for Number 2 diesel fuel, as specified by ASTM D-975.

F. What are the Current Properties of In-Use Diesel Fuel?

Table I-5 shows average values for sulfur and four other properties for motor vehicle diesel fuel sold in California before and after the current diesel fuel regulation became effective in 1993. The corresponding national averages are shown for the same properties for on-road diesel fuel only since the U.S. EPA sulfur standard does not apply to off-road or nonvehicular diesel fuel.

Table I-5: Average 1999 Properties of Reformulated Diesel Fuel

Property	California	EPA
Sulfur, ppmw	140 ⁽²⁾	360
Aromatics, vol.%	19	35
Cetane No.	50	45
PNA, wt.%	3	NA
Nitrogen, ppmw	150	110

1 U.S. EPA, December 2000.

2 About 20 % of total California volume is less than 15 ppmw.

G. What Type of Diesel Fuel are Intrastate Diesel-Electric Locomotives and Harborcraft Currently Using?

California intrastate locomotives and harborcraft are currently using varying amounts of the three types of diesel fuel as discussed in this section.

1. Fuel Consumption by Fuel Type for Intrastate Locomotives

California's intrastate locomotives consumed an estimated 47 million gallons of diesel fuel in 2003 (as shown in Table I-6). Class I railroads consumed about 23.3 million gallons, or about 50 percent of California intrastate locomotive diesel fuel. California's passenger trains consumed an estimated 20.4 million gallons of diesel fuel, or 43 percent of the state's intrastate locomotive diesel fuel. Class III railroads in California consumed an estimated 3.3 million gallons, or 7 percent of the intrastate locomotive diesel fuel. CARB staff also estimates that 117 industrial and military intrastate locomotives may consume an additional 1 to 3 million gallons of diesel fuel.

Table I-6: Intrastate Locomotive Diesel Fuel Consumption by Type of Railroad (Millions of Gallons)

Type of Railroad	CARB		U.S. EPA		Total
	Low Sulfur	CARB	On-road	Nonroad	
Class I Freight	0	6.4	16.9	0	23.3
Passenger/Commuter	5.8	14.1	0.5	0	20.4
Class III	0	2.1	0.9	0.3	3.3
Total	5.8	22.6	18.3	0.3	47.0

Currently, of the diesel fuel consumed by intrastate locomotives, about 60 percent is either CARB diesel or low sulfur CARB diesel fuel (CARB diesel fuel already meeting the new 15 ppmw sulfur cap) and about 39 percent of the diesel fuel consumed is U.S. EPA on-road highway diesel fuel. Staff estimates that less than 1 percent of the diesel fuel now consumed by California's intrastate locomotives is U.S. EPA nonroad diesel fuel with in-use sulfur levels of 3,000 ppmw or higher.

As can be seen in Table I-7, the South Coast Air Quality Management District (SCAQMD) accounts for about 40 percent (19 million gallons) of the intrastate locomotive diesel fuel consumption. However, the SCAQMD's diesel fuel consumption is nearly split in half between CARB and low sulfur CARB diesel fuels, and U.S. EPA on-road diesel fuel. The other air districts with large proportions of the intrastate locomotive diesel fuel consumption are the Bay Area with 18 percent (8.5 million gallons), the San Joaquin Valley Unified Air Pollution Control District (SJVUAPCD) with 17 percent (8 million gallons), Mojave Desert with 8 percent (4 million gallons), and the Sacramento Area with 6 percent (2.9 million gallons). These five air districts combined account for about 90 percent of the intrastate locomotive diesel fuel consumption statewide.

**Table I-7: Intrastate Locomotives Diesel Fuel Consumption by Region
(Millions of Gallons)**

South Coast	5.0	3.9	10.1	0	19.0
Bay Area	0	8.1	0.4	0	8.5
San Joaquin	0	4.3	3.5	0.2	8.0
Mojave Desert	0	0.6	3.3	0	3.9
Sacramento Area	0	2.9	0	0	2.9
San Diego	0.8	0.1	0	0	0.9
Rest of State	0	2.7	1.0	0.1	3.8
Total *	5.8	22.6	18.3	0.3	47.0

* may not add due to rounding.

2. Fuel Consumption by Fuel Type for Harborcraft

Harborcraft are estimated to consume nearly 90 million gallons of diesel fuel annually, as shown in Table I-8. Ferries and excursion passenger boats account for the largest amount (36 percent) of the harborcraft statewide diesel fuel consumption, and an existing state law already requires ferries to use CARB diesel fuel. The next largest harborcraft category for diesel fuel consumption is commercial fishing (20 percent), followed by tugboats (14 percent), and charter fishing boats (11 percent). Combined, these four harborcraft categories are responsible for over 80 percent of the harborcraft diesel fuel consumed statewide.

**Table I-8: Harborcraft Fuel Consumption by Type of Vessel
(Millions of gallons)**

Type of Vessel	U.S. EPA		Total
	CARB	On-Road	
Commercial (CHC)*			
Ferry/Excursion	31.5	0	31.5
Commercial Fishing	4.5	12.9	17.4
Tugs	0.2	12.4	12.6
Charter Fishing	0.5	9.3	9.8
Tow Boats	0.0	4.7	4.7
Crew and Supply	0.3	3.4	3.7
Work Boats	0.1	1.4	1.5
Pilot	0	0.7	0.7
Other	0	0.5	0.4
Recreational Craft**	0.1	4.9	4.9
Total ***	37	50	87

* Commercial fuel consumption estimates based on 2002 ARB Commercial Harborcraft Survey.

** Recreational fuel consumption estimates based on 2003 ARB Emissions Inventory (See Appendix D)

*** Numbers may not add due to rounding.

As Table I-9 illustrates, most of the state's harborcraft diesel fuel occurs in the Bay Area (32 percent) and the SCAQMD (29 percent). Combined, these two air districts account for over 60 percent of the state's harborcraft diesel fuel consumption. Staff estimates that about 43 percent of the harborcraft diesel fuel consumption consists of CARB diesel, with the other 57 percent being U.S. EPA on-road diesel fuel.

**Table I-9: Harborcraft Fuel Consumption by Region
(Millions of gallons)**

	CARB	U.S. EPA On-Road	U.S. EPA Nonroad
Commercial Harborcraft (CHC)*			
S.F. Bay Area Air Basin	10.2	16.8	27.0
South Coast Air Basin	10.8	13	23.8
North Coast Air Basin	6.0	0	6.0
All Other Areas	<u>10.0</u>	<u>15.5</u>	<u>25.5</u>
Total CHC	37.0	45.3	82.3
Recreational Craft**			
S.F. Bay Area Air Basin	0	0.4	0.4
South Coast Air Basin	0	1.8	1.8
North Coast Air Basin	0.1	0	0.1
All Other Areas	<u>0</u>	<u>2.7</u>	<u>2.7</u>
Total Recreational Craft	0.1	4.9	5
Harborcraft Total***	37	50	87

* Commercial fuel consumption estimates based on 2002 ARB Commercial Harborcraft Survey.

** Recreational fuel consumption estimates based on 2003 ARB Emissions Inventory (See Appendix D).

*** Numbers may not add due to rounding.

3. Total Fuel Consumption and Fuel Type for Both Intrastate Locomotives and Harborcraft

As can be seen in Table I-10, intrastate locomotives and harborcraft combined consumed an estimated 134 million gallons of diesel fuel annually. Of the diesel fuel consumed by intrastate locomotives and harborcraft, an estimated 51 percent is U.S. EPA on-road diesel fuel, and nearly 49 percent is CARB or CARB low sulfur diesel fuel, and less than 1 percent is U.S. EPA nonroad diesel fuel. In 2003, the California Energy Commission (CEC) estimates that California consumed approximately 3 billion gallons of diesel fuel. The combined intrastate locomotive and harborcraft diesel fuel consumption represents about 4.5 percent of the total 2003 diesel fuel consumption in California.

**Table I-10: Fuel Consumption for Intrastate Locomotives and Harborcraft
(Millions of gallons)**

TYPE OF OPERATION	CARB	U.S. EPA On-Road	U.S. EPA Nonroad	Total
Intrastate Locomotives	28.4	18.3	0.3	47.0
Commercial and Recreational Harborcraft	37.0	50.0	0	87.0
Total*	65.4	68.3	0.3	134

* Numbers may not add due to rounding.

H. What are the Proposed Amendments?

ARB staff is proposing that, beginning January 1, 2007, diesel fuel sold, supplied, or offered for sale to California intrastate locomotive and harborcraft operators statewide be required to meet the specifications for vehicular diesel fuel, as specified in title 13, California Code of Regulations (CCR), sections 2281, 2282, and 2284.

Staff is also proposing that diesel fuel sold, supplied, or offered for sale to harborcraft operators within the South Coast Air Quality Management District (SCAQMD) be required to meet California motor vehicle diesel fuel standards beginning January 1, 2006. This control measure would satisfy commitments contained in the SCAQMD SIP.

For the proposed amendments, staff is proposing that California intrastate locomotives be defined as those locomotives that operate at least 90 percent of the time within the borders of the state, based on hours of operation, miles traveled, or fuel consumption. Staff is proposing to not include in the definition of California intrastate locomotives those line-haul locomotives meeting the U.S. EPA's "Tier II" locomotive emission standards (for both NO_x and PM) which primarily move freight into and out of the SCAQMD. In addition, staff is investigating means to encourage the early introduction of Tier II locomotives in the rest of the state and may propose additional recommendations to the Board at the hearing. Staff is also proposing that harborcraft be defined as those marine vessels that purchase diesel fuel in California and which do not meet prescribed "oceangoing vessel" definitions.

To provide additional flexibility to affected intrastate locomotive operators, operators of intrastate locomotives would have the option of participating in an alternative emission control plan (AECPP). The AECPP provisions would allow the owner or operator of an intrastate diesel-electric locomotive to submit for approval by the Executive Officer a substitute fuel and/or emission control strategy. The substitute fuel and/or emission control strategy must achieve equivalent or greater reductions than those achieved solely through compliance with California reformulated diesel fuel standards, and adequate enforcement provisions would be required. Further, there must be a detailed analysis to ensure adequate environmental protections have been provided for environmentally sensitive and impacted areas (e.g., Los Angeles Harbor area).

Staff is also presenting the proposed amendments to the Board for consideration as an airborne toxic control measure (ATCM) for applicability through the non-vehicular diesel fuel standards.

I. Why are These Regulations Being Proposed?

The proposed amendments to the California diesel fuel regulations are based on a number of actions, programs, and commitments undertaken by the Board and Governor Schwarzenegger.

1. *Need for Emission Reductions*

Over 90 percent of Californians breathe unhealthy air. California's mobile source and fuels programs, more than any other pollution control effort, have helped to move the state's nonattainment areas closer to meeting federal and state air quality standards. The combination of fuels and vehicle emissions regulations provide significant statewide reductions in emissions of

carbon monoxide (CO), fine particulates or PM₁₀, SO_x, and ozone precursors – NO_x and volatile organic compounds (VOCs). Nevertheless, significant additional reductions in mobile source emissions are essential if the state is to attain and maintain the state and national ambient air quality standards.

Diesel PM is a major contributor to potential ambient risk levels. In 2000, the average potential cancer risk associated with diesel PM emissions was estimated at over 500 potential cases per million. This diesel PM cancer risk accounted for approximately 70 percent of the ambient air toxics cancer risk.

The SCAQMD Multiple Air Toxics Exposure Study II (MATES II) estimated that the average potential cancer risk in the South Coast Air Basin from diesel PM was about 1,000 excess cancers per million people, or 71 percent of the average cancer risk from all air toxics in the South Coast Air Basin. Localized or near-source exposures to diesel exhaust, such as might occur near busy roads and intersections, will present much higher potential risks.

2. ARB Board Direction

The CARB diesel fuel regulations currently apply to all on-road and off-road diesel engines except stationary engines, locomotives, and marine vessels. In July 2003, the Board approved amendments to the CARB diesel fuel regulations lowering the allowable sulfur levels to a maximum of 15 ppmw effective June 1, 2006. Approval of the CARB low sulfur diesel fuel regulations included extending the existing CARB diesel (sulfur limit - 500 ppmw) requirements to nonvehicular (i.e., stationary) sources beginning December 12, 2004. In addition, the low sulfur (15 ppmw) CARB diesel fuel regulations will apply to all diesel engines (i.e., mobile and stationary) beginning on June 1, 2006. However, locomotives and marine vessels will continue to be exempted from the CARB diesel fuel regulations in 2006. Based on a number of public comments received at the July 2003 hearing, the Board directed staff to evaluate and report back on the feasibility of requiring the use of CARB diesel fuel in locomotives and marine vessels.

At the October 2003 hearing, staff reported to the Board that while interstate locomotives and oceangoing vessels consume much of the fuel dispensed into them from facilities outside of the country or in other states, intrastate locomotives and harborcraft are typically a captive fleet. As such, intrastate locomotives and harborcraft would be good candidates for the use of CARB diesel fuel, as the emission benefits derived from the fuel would be realized within the state. As a result of this hearing, the Board directed staff to develop a regulatory proposal targeting the use of CARB diesel fuel by intrastate locomotives and harborcraft.

3. Diesel Risk Reduction Plan

In August 1998, the ARB identified PM emitted from diesel engines (diesel PM) as a Toxic Air Contaminant (TAC). Because of the considerable potential health risks posed by exposure to diesel PM, ARB staff recommended a comprehensive plan, the Diesel Risk Reduction Plan (DRRP), to further reduce diesel PM emissions and the health risks associated with such emissions. This plan seeks to reduce Californians' exposure to diesel PM and associated cancer risks from baseline levels in 2000 by 85 percent by 2020.

In October 2000, the DRRP was approved by the ARB. The plan identified air toxic control measures and regulations that will set more stringent emissions standards for new diesel-fueled engines and vehicles, establish retrofit requirements for existing engines and vehicles where determined to be technically feasible and cost-effective, and require the sulfur content of diesel fuel to be reduced to no more than 15 ppmw. The proposed regulation is an important component towards meeting the diesel risk reduction goals set out in the DRRP.

The emission reductions obtained from the proposed amendments will result in lower ambient PM levels and significant reductions of exposure to primary and secondary diesel PM. Lower ambient PM levels and reduced exposure, in turn, would result in a reduction of the prevalence of the diseases attributed to PM and diesel PM, including hospitalizations for cardio-respiratory disease, and premature deaths. ARB staff estimates approximately 71 premature deaths would be avoided by 2010 and cumulatively 233 deaths by 2020 as a result of the emission reductions of primary and secondary PM obtained through the proposed regulations.

4. State Implementation Plan - 2003 State and Federal Strategy and 2003 South Coast State Implementation Plan

On October 23, 2003, ARB adopted *the Proposed 2003 State and Federal Strategy for the California State Implementation Plan* (Statewide Strategy). The Statewide Strategy identifies the Board's near-term regulatory agenda to reduce ozone and PM by establishing enforceable targets to develop and adopt new measures for each year from 2003 to 2006, including commitments for the Board to consider 19 specific measures. In addition to meeting federal requirements, the Statewide Strategy ensures continued progress towards California's own health-based standards.

ARB and local air districts are in the process of updating the California State Implementation Plan (SIP) to show how each region in the state will meet the federal air quality standards. The measures outlined in the adopted Statewide Strategy are being incorporated into these SIP revisions. The South Coast's 2003 Air Quality Management Plan was adopted by the SCAQMD Governing Board on August 1, 2003. ARB approved the local SIP element on October 23, 2003, and on January 9, 2004, ARB submitted to U.S. EPA both the Statewide Strategy and the 2003 SCAQMD SIP as revisions to the California SIP. As part of the Statewide Strategy, the ARB committed to:

- The use of cleaner fuels for harborcraft in *Measure Marine-1: Pursue Approaches to Clean Up the Existing Harborcraft Fleet – Cleaner Engines and Fuels*. One element of this SIP measure would require the use of cleaner diesel fuel in harborcraft operating in California.
- While no new defined controls for locomotives are included in the 2003 South Coast SIP, Board Resolution 03-22 directs staff to evaluate approaches to reduce emissions from in-use locomotives, passenger rail, and switcher and short haul locomotives.

5. Governor's Action Plan for California's Environment

As part of Governor Schwarzenegger's action plan for California's environment, he has committed to protecting and restoring California's air quality through an initiative to cut air pollution statewide by up to 50 percent. Through this initiative, the Governor has stated:

*"Breathing clean and healthy air is a right of all Californians, especially our children, whose health suffers disproportionately when our air is polluted. The future health of California's environment and economy depend on our taking action now."*³

One component of the Governor's action plan for California's environment includes expediting the use of clean fuel transportation in the state. This includes the early introduction of cleaner, low-sulfur diesel fuels. Staff's proposed amendments meet this commitment through the introduction of low-sulfur CARB diesel fuel for use by the California intrastate locomotive and harborcraft marketplace, nearly six years earlier than mandated by the U.S. EPA.

J. What Alternatives Were Considered?

Staff evaluated five alternatives to the proposed amendments for intrastate locomotives and commercial and recreational harborcraft that included:

- Not extending CARB diesel fuel requirements to diesel fuel for use by intrastate locomotives (in which case the fuel would still be subject to U.S. EPA nonroad diesel fuel standards).
- Not requiring any diesel fuel for use by Class III railroads locomotives to have to comply with the CARB diesel fuel requirements.
- Not requiring diesel fuel for use by certain rural Class III railroads locomotives, not operating in ozone non-attainment areas, to have to comply with the CARB diesel fuel requirements until June 1, 2012.
- Requiring diesel fuel for use by all intrastate locomotives in the SCAQMD to meet the CARB diesel fuel standards by January 1, 2006, with diesel fuel for use by intrastate locomotives and harborcraft in the rest of the state to be subject to the CARB diesel fuel standards by January 1, 2007.
- Making diesel fuel for use by all harborcraft and all interstate and intrastate locomotives subject to the CARB diesel fuel requirements.

In considering the alternatives identified above, staff concluded that the first three would not provide needed emission reductions, for both the SIP and overall improvements in air quality, above those that would be realized through implementation of only the U.S. EPA nonroad diesel fuel program.

Staff believes that the additional CARB diesel fuel demand created by the fourth alternative could put excessive strain on the diesel fuel supply in the SCAQMD in 2006, during the transition to 15 ppmw CARB and U.S. EPA on-road diesel fuels. The fifth alternative would not

³ <http://www.joinarnold.com/en/agenda/#D1>

assure emission reductions as interstate locomotives have the potential to change existing fuel patterns. This might increase the purchase of U.S. EPA nonroad diesel fuel prior to entering California, reducing the potential benefits of this option.

A discussion of the cost and emission impacts of these alternatives is provided in Chapter XIII.

K. Do the Proposed Amendments Satisfy Commitments in the State Implementation Plan?

In this section, staff examines the impacts of the proposed amendments on the SIPs for both the SCAQMD and SJVUAPCD.

ARB staff estimates that the proposed amendments would reduce NOx emissions by about 0.4 tons per day from harborcraft in the SCAQMD in 2010. The harborcraft NOx emission reductions would provide the first increment of progress toward fulfilling ARB's commitment for *Measure Marine-1: Pursue Approaches to Clean Up the Existing Harborcraft Fleet – Cleaner Engines and Fuels* in the 2003 SCAQMD SIP. Under measure Marine-1, ARB anticipates reducing 2010 South Coast harborcraft NOx emissions by a total of 2.7 tons per day. In addition to providing immediate NOx emission reductions, the low sulfur (15 ppmw) CARB diesel fuel will enable the use of exhaust treatment devices on harborcraft engines, another element of measure Marine-1.

ARB staff also estimates that the proposed amendments would reduce NOx emissions by about 0.3 tons per day from intrastate locomotives in the SCAQMD in 2010 and 0.2 tons per day in the San Joaquin Valley. However, these new NOx emission reductions, except for those from passenger trains and the Class III railroads, are not directly creditable towards ARB's commitments in the 2003 SCAQMD SIP due to commitments in the Memorandum of Understanding between the SCAQMD and railroads. However, in areas outside of the SCAQMD (e.g., San Joaquin Valley), these emission reductions would be creditable.

L. What Are the Emission Impacts of the Proposed Amendments?

As illustrated in Table I-11, intrastate locomotives and harborcraft combined generate over 57 tons per day of NOx emissions and about 2 tons per day each of PM and SOx emissions statewide.

Table I-11: 2003 Statewide NOx, SOx, and PM Emissions from Intrastate Locomotives and Commercial and Recreational Harborcraft (tons per day)

Source	NOx	SOx	PM
Intrastate Locomotives	38.4	0.3	0.9
Commercial and Recreational Harborcraft	19.8	1.9	1.1
Total *	58.2	2.2	2.0

* Numbers may not add due to rounding.

With staff's proposed amendments, the use of CARB diesel fuel will provide significant reductions in NO_x, PM (both directly emitted and secondary), and SO_x. The reduction of diesel PM will also provide a reduction in the risk associated with the general public's exposure to diesel PM. However, the net emission reduction benefits derived from the use of CARB diesel is somewhat reduced due to intrastate locomotives and harborcraft currently using a significant level (approximately half of their existing fuel consumption) of CARB diesel or CARB low sulfur diesel fuels.

Table I-12: 2007 Anticipated Statewide NO_x, SO_x, and PM Emissions Reductions from Intrastate Locomotives and Harborcraft (tons per day)

Source	NO _x	SO _x	PM	
			Direct	Indirect
Intrastate Locomotives	1.0	0.3	0.1	0.1
Commercial and Recreational Harborcraft	1.0	1.5	0.1	0.3
Total *	2.0	1.8	0.2	0.4

* numbers may not add due to rounding.

As can be seen in Table I-12, NO_x emissions would be reduced by about 3.5 percent, or about 2 tpd, for those sources not currently using CARB diesel fuel. Direct diesel PM emissions would be reduced by, on average, about 9 percent, or about 0.2 tpd in 2007. SO_x emissions will be reduced by nearly 1.8 tpd, or by about 95 percent. This reduction in SO_x will provide a corresponding reduction of about 0.4 tpd of indirectly emitted PM.

M. What are the Environmental Impacts of the Proposed Amendments?

1. Air Quality

Sulfur in diesel fuel contributes to ambient levels of fine PM through the formation of sulfates both in the exhaust stream of the diesel engine and later in the atmosphere. Therefore, reducing the sulfur limit of CARB diesel fuel from 500 ppmw to 15 ppmw will have a positive air quality impact by reducing ambient levels of PM. In addition, the aromatic hydrocarbon specification in the CARB diesel fuel regulations provides significant reductions in the emissions of NO_x and PM. As NO_x emissions are a precursor to ozone emissions, reduction of NO_x emissions will reduce ozone levels. In addition, reducing NO_x emissions will help to reduce secondary PM formation (i.e., nitrate aerosols). Reductions in emissions of diesel PM mean reduced ambient levels of the toxic air contaminants found in diesel exhaust and reduced public exposure to those TACs.

2. Greenhouse Gas Emissions

Implementation of the proposed amendments could have a small effect on global warming. The production of lower sulfur, lower aromatic diesel is expected to increase slightly emissions of greenhouse gases. To the extent that CARB diesel fuel will displace U.S. EPA on-road diesel fuel used in intrastate locomotives and harborcraft, emissions of CO₂ from refineries may increase slightly due to the increased demand for energy for additional hydrogen production and

additional processing to produce lower aromatic diesel fuel. Emissions from refineries of other greenhouse gases like methane and nitrous oxide will be very small compared to other carbon dioxide emissions.

3. Refinery Modifications

The proposed amendments are not expected to require any additional refinery modifications beyond those already anticipated by refiners to comply with the CARB low sulfur (15 ppmw) diesel fuel standards on June 1, 2006.

N. What are the Anticipated Impacts of the Proposed Amendments on California Diesel Fuel Supply?

The proposed regulations should not affect the ability of California refiners to supply sufficient quantities of diesel fuel to the California diesel fuel market. Based on recent refinery surveys by the ARB and CEC, as well as with conversations with California refiners, it appears that sufficient California diesel fuel refinery capacity already exists. In considering the impact of the proposed amendments on diesel fuel supply, it should be noted that a significant quantity of diesel fuel meeting the California diesel fuel standards is already being used. As such, the true impact of the proposed amendments will be a shift of the incremental demand of diesel fuel being used by intrastate locomotive and harborcraft operators that currently meets the U.S. EPA (either on-road or nonroad) diesel fuel standards to CARB diesel fuel. This incremental demand, estimated to be about 4.5 thousand barrels per day (68.6 million gallons per year), is within the existing California diesel fuel production capacity.

In addition, the implementation of the U.S. EPA on-road low sulfur (15 ppmw) diesel fuel regulations, adoption of the CARB diesel fuel regulations by the state of Texas for on-road and nonroad sources (including locomotives and marine vessels), and the ability of out-of-state refiners to produce diesel fuel meeting California standards should provide even greater assurance of diesel fuel availability to California. Therefore, the overall diesel fuel production system – consisting of California refineries and imports – should not be impacted after the implementation of the proposed regulations.

O. What are the Overall Costs of the Proposed Amendments?

In evaluating the potential costs of the proposed amendments, staff has considered the likely diesel fuels expected to be generally available in California in 2007. Based on the fact that intrastate locomotive and harborcraft operators will likely use, at a minimum, U.S. EPA on-road diesel fuel meeting a 15 ppmw sulfur limit, even without ARB requirements, staff has determined the costs of the proposed amendments based on the incremental cost in 2007 to produce CARB diesel fuel relative to U.S. EPA on-road diesel fuel.

Staff estimates that the incremental cost to produce CARB diesel fuel relative to U.S. EPA on-road diesel fuel will be about 3 cents per gallon. This is the incremental cost to reduce the aromatic hydrocarbon content of U.S. EPA on-road diesel fuel from a limit of 35 volume percent to a limit of 10 volume percent (or an equivalent formulation limit). Staff estimates that the overall statewide costs of the proposed amendments could be \$2 to \$3 million dollars annually.

Staff has also identified several cost benefits to diesel fuel end users from the proposed amendments that have not been quantified in the above production cost estimates. These benefits will be felt both initially, and over the course of the life of the program. Initially, diesel fuel users are expected to see a decrease in engine wear as a result of low sulfur diesel fuel. In addition, lower sulfur fuels should increase the life of diesel engine lubrication oil, as fuel sulfur tends to increase the acidification of engine lubricating oils resulting in loss of pH control. By reducing the diesel fuel sulfur content, it is expected that the interval between oil changes can be extended, leading to a cost saving to diesel engine operators.

P. Are the Proposed Regulations Cost-Effective?

The cost-effectiveness of the proposed amendments in 2006 in the SCAQMD ranges between \$0.80 and \$1.10 per pound of NO_x plus PM reduced. In 2007, when the proposed amendments are fully implemented statewide, the cost-effectiveness ranges between \$1.10 and \$1.60 per pound of NO_x plus PM reduced. This is in the range of other recent criteria pollutant control measures approved by the Board.

Q. What are the Economic Impacts of the Proposed Regulations?

The proposed regulations are not expected to have a significant impact on the overall California economy. Staff also evaluated the potential economic impact on intrastate locomotive and harborcraft operators. The analysis concluded that there would be very minor economic impacts on these operators. Staff also found that there should be no significant adverse effect on small businesses because of the cost impacts of the proposed amendments.

II. RECOMMENDATIONS

The staff recommends that the Board adopt the proposed amendments to the CARB diesel regulations and the airborne toxics control measure (ATCM) as contained in Appendix A. These amendments will do the following:

1. Beginning January 1, 2006, require that diesel fuel supplied, sold, or offered for sale for use in harborcraft in the SCAQMD meet the standards of vehicular diesel fuel, as set forth in title 13, CCR, sections 2281, 2282, and 2284.
2. Beginning January 1, 2007, require that diesel fuel supplied, sold, or offered for sale for use in any intrastate locomotive and harborcraft statewide meet the standards of vehicular diesel fuel, as set forth in title 13, CCR, sections 2281, 2282, and 2284.
3. Allow intrastate locomotive operators to enter into an agreement with the Executive Officer for an alternative emission control plan (AECP) which would provide equivalent or better emission reductions than through compliance with the supply and sale requirements for California diesel fuel.

III. EXISTING DIESEL FUEL REGULATIONS AND DIESEL FUEL QUALITY

This chapter presents a summary of state, federal, and local diesel fuel regulations that affect the quality of diesel fuel consumed in California.

A. California Diesel Fuel Regulations

“CARB diesel” is diesel fuel that meets the ARB’s regulations controlling the sulfur and aromatic contents of diesel fuels used in motor vehicles. CARB diesel fuel must also meet the requirements of the California Division of Measurement Standards (DMS), the ASTM D-975 diesel fuel specifications, and have a minimum cetane number of 40. About 90 percent of the diesel fuel sold or supplied in California meets the CARB diesel requirements. Beginning on December 12, 2004, CARB diesel fuel requirements will apply to nonvehicular sources except for locomotives and marine vessels. Beginning on June 1, 2006, CARB diesel low sulfur (15 ppmw) requirements will apply to vehicular and nonvehicular sources, except locomotives and marine vessels. The requirements of the CARB diesel fuel regulations are summarized in Table III-1.

Table III-1: CARB Diesel Fuel Standards

Implementation Date	Maximum Sulfur Level (ppmw)	Aromatics by Volume (%)	Cetane Index Number
1993	500	10 *	40
2006	15	10 *	40

* or meet alternative formulation that provides equivalent emission benefits to that obtained with a 10 percent aromatic standard.

1. Sulfur Standard

Section 2281 of Title 13, CCR regulates the sulfur content of vehicular diesel fuel sold or supplied in California. This standard was approved by the ARB in 1988 and was implemented in October 1993 statewide. All diesel fuel sold or supplied in California for motor-vehicle use must have a sulfur content no greater than 500 ppmw. At a July 2003 hearing, the Board approved changes to the CARB diesel fuel regulations that, among other things, lowered the maximum allowable sulfur levels in California motor vehicle diesel fuel to 15 ppmw beginning on June 1, 2006.

2. Aromatic Hydrocarbon Standard

Section 2282 of Title 13, CCR regulates the aromatic hydrocarbon content of vehicular diesel fuel sold or supplied in California. Like the specification for maximum sulfur levels in diesel fuel, the aromatic hydrocarbon standard was approved by the Board in 1988 and implemented in October 1993. The aromatic hydrocarbon content of vehicular diesel sold or supplied in California must not exceed 10 percent by volume for large refiners. Small refiners are allowed to meet a less stringent 20 percent limit on aromatic hydrocarbons.

The regulation limiting aromatic hydrocarbons also includes a provision that enables diesel fuel producers and importers to comply with the regulation by qualifying a set of alternative specifications of their own choosing. The alternative formulation must be shown, through emissions testing, to provide emission benefits equivalent to that obtained with a 10 percent aromatic standard (or in the case of small refiners, the 20 percent standard). Most refiners have taken advantage of the regulation's flexibility to produce alternative diesel formulations that provide the required emission reduction benefits at a lower cost.

3. *Lubricity Standard*

The Board approved a lubricity standard (Section 2284, Title 13, CCR) at a July 2003 public hearing, along with the CARB low sulfur (15 ppmw) diesel fuel regulations, in order to ensure that CARB diesel fuel provides adequate lubrication for fuel systems of existing and future diesel engines. The CARB diesel fuel first phase lubricity standard is appropriate for protecting existing hardware and is to be implemented January 1, 2005. The ASTM has approved a lubricity standard for the D-975 diesel fuel specifications that will become effective January 1, 2005. This ASTM standard is identical to the ARB first-phase standard. The ARB and ASTM approved standard is at least as protective as the current voluntary standard to protect current in-use engines. When DMS adopts and begins enforcing the ASTM standard, the ARB first-phase standard will no longer apply.

Diesel fuel lubricity can be defined as the ability of diesel fuel to provide surface contact lubrication. Adequate levels of fuel lubricity are necessary to protect the internal contact points in fuel pumps and injection systems to maintain reliable performance. The levels of natural lubricity agents in diesel fuel are expected to be reduced by the more severe hydrotreating needed to lower the sulfur content of diesel fuel to meet the CARB low sulfur (15-ppmw) limit in 2006. Lubricity additives are available to increase the lubricity of fuels that have had their natural lubricity agents depleted.

The Board's resolution approving the first phase lubricity standard directed staff to conduct a technical assessment, to be completed in 2005, to determine an appropriate 2006 lubricity standard. The Board's resolution further directed staff to return to the Board in 2005 with a proposed 2006 lubricity standard if the technology assessment determines that a High Frequency Reciprocating Rig (HFRR) maximum wear scar diameter (WSD) of 460 microns at 60 degrees C, or a more appropriate standard, should be implemented on the same schedule as the CARB diesel fuel low sulfur (15-ppmw) limit in 2006.

B. Federal Diesel Fuel Regulations

1. *Federal On-Road Diesel Fuel*

The current U.S. EPA diesel fuel standards have been applicable since October 1993. The U.S. EPA regulation – 40 Code of Federal Regulations (CFR) §80.29 – prohibits the sale or supply of diesel fuel for use in on-road motor vehicles, unless the diesel fuel has a sulfur content no greater than 500 ppmw. In addition, the regulation requires on-road motor-vehicle diesel fuel to have a cetane index of at least 40 or have an aromatic hydrocarbon content of no greater than 35 percent by volume (vol. %). All federal on-road motor-vehicle diesel fuel sold or supplied in

the United States, except in Alaska, must comply with these requirements. Diesel fuel, not intended for on-road motor-vehicle use, must contain dye solvent red 164.

On January 18, 2001, the U.S. EPA published a final rule which specifies that, beginning June 1, 2006, refiners must begin producing on-road highway diesel fuel that meets a maximum sulfur standard of 15 ppmw. The requirements are contained in 40 CFR §§80.500 et seq. The specifications for U.S. EPA on-road diesel fuel are shown in Table III-2 below.

Table III-2: U.S. EPA Diesel Fuel Standards

Applicable	Implementation Date	Maximum Sulfur Level (ppmw)	Maximum Aromatic Hydrocarbon (ppmw)	Color (ASTM D155)
On-road	1993	500	35	40
On-Road	2006	15	35	40
Nonroad *	1993	5,000	35	40
Nonroad *	2007	500	35	40
Nonroad, <i>excluding loco/marine</i> *	2010	15	35	40
Nonroad, <i>loco/marine</i> *	2012	15	35	40

* Nonroad diesel fuels must comply with ASTM No. 2 diesel specifications for aromatics and cetane.

2. Federal Nonroad Diesel Fuel

On June 29, 2004, the U.S. EPA published a final rulemaking for the control of emissions from nonroad diesel engines and fuel. The U.S. EPA rulemaking requires that sulfur levels for nonroad diesel fuel be reduced from current uncontrolled levels ultimately to 15 ppmw, though an interim cap of 500 ppmw is contained in the rule. Beginning June 1, 2007, refiners would be required to produce nonroad, locomotive, and marine diesel fuel that meets a maximum sulfur level of 500 ppmw. The federal nonroad diesel fuel rule does not apply to stationary sources. Beginning June 1, 2010, the maximum sulfur level is 15 ppmw for diesel fuel used by nonroad sources, excluding locomotives and marine vessels. In 2012, nonroad diesel fuel used in locomotives and marine applications must meet the low sulfur (15 ppmw) standard. The nonroad diesel fuel standards are shown above in Table III-2.

It is important to note that for both the federal on-road and nonroad diesel fuel regulations, U.S. EPA has not established an aromatic hydrocarbon content (or equivalent property) specification. Accordingly, neither the federal on-road or nonroad diesel fuels provide the same level of emission reductions (for both NO_x and PM) achieved through the use of CARB diesel fuel.

C. SCAQMD Rule 431.2

Health and Safety Code Section 40447.6 authorizes the SCAQMD to adopt regulations that specify the composition of diesel fuel manufactured for sale in the SCAQMD, subject to ARB approval. In September 2000, the SCAQMD amended Rule 431.2 to define low sulfur diesel

fuel as having a sulfur content no higher than 15 ppmw. For mobile sources (locomotives and marine vessels are specifically exempted from this rule), Rule 431.2 prohibits the supply, sale or offer for sale of any diesel fuel for any mobile source application in the District, unless the diesel fuel meets the definition of low sulfur diesel fuel (sulfur content is 15 ppmw or less), beginning June 1, 2006. However, Rule 431.2 does not require the use of diesel fuel meeting the aromatic hydrocarbon or lubricity specifications of CARB diesel fuel, as specified in title 13, CCR, sections 2282 and 2284, respectively.

D. Texas Diesel Fuel Regulations

In June 2000, Texas Commission on Environmental Quality (TCEQ) incorporated California's CARB diesel fuel requirements into their SIP and extended the CARB diesel fuel requirements to on-road and nonroad sources, including locomotives and marine vessels. TCEQ rules 114.312-114.319 require that beginning on April 1, 2005, that diesel fuel produced within 114 counties around the Houston-Galveston areas of Texas meet the 500 ppmw maximum sulfur levels and the 10 percent aromatics hydrocarbon content limit or equivalent emissions benefits. Beginning on June 1, 2006, the TCEQ regulations lower the CARB diesel fuel sulfur limit to 15 ppmw to be consistent both with the U.S. EPA and CARB diesel fuel sulfur requirements. TCEQ also includes an Alternative Emission Reduction Plan (AERP) component which can provide fuel producers with the flexibility to comply with both gasoline and diesel limits as long as a substitute fuel strategy provides equivalent emissions benefits.

E. Properties of In-Use Diesel Fuel

Under the provisions for CARB diesel fuel alternative formulations, the ARB has certified CARB diesel fuel for use in California that typically has a lower sulfur content than 500 ppmw and a higher aromatic content than 10 percent. The average sulfur content of California diesel fuel sold in California has been about 140 ppmw (see Table III-3). Excluding the small refiners' fuel production, the average has been about 120 ppmw. About 20 percent of the motor vehicle diesel fuel currently produced in California has a sulfur content of 15 ppmw or less.

Table III-3 shows the average values for sulfur and four other fuel properties for motor vehicle fuel sold in California before and after the current diesel fuel regulation became effective in 1993. The corresponding national averages are shown for the same properties for U.S. EPA on-road diesel fuel only since the U.S. EPA sulfur standard does not apply to off-road or nonvehicular diesel fuel.

Table III-3: Average 1999 Properties of Reformulated Diesel Fuel

Property	California	U.S. EPA
Sulfur, ppmw	140 ⁽²⁾	360
Aromatics, vol. %	19	35
Cetane No.	50	45
PNA, wt. %	3	NA
Nitrogen, ppmw	150	110

1 U.S. EPA, December 2000.

2 About 20 % of total California volume is less than 15 ppmw.

As can be seen from Table III-3 above, in-use CARB diesel fuel has higher cetane and has lower density, aromatics, and sulfur content than U.S. EPA on-road diesel fuel.

IV. NEED FOR EMISSIONS REDUCTIONS

California's mobile source and fuels programs have contributed significantly to the state's nonattainment areas in making progress towards meeting both federal and state air quality standards. The combination of fuels and vehicle emissions regulations provide significant statewide reductions in emissions of CO, fine particulates (PM₁₀), SO_x, and ozone precursors NO_x and VOCs. Nevertheless, significant additional reductions in mobile source emissions are essential if the state is to attain the state and national ambient air quality standards.

As part of the ARB's Statewide SIP Strategy, the ARB has committed to a series of new measures to reduce emissions of VOC, NO_x, and PM. The ARB has committed, among other things, to:

- pursue approaches to clean up the existing harborcraft fleet (SIP measure Marine-1), including the use of California on-road low sulfur diesel;
- evaluate approaches to reduce emissions from in-use locomotives;
- evaluate emission reductions for switcher and short-haul locomotives, and;
- reduce emissions from passenger rail

A. Criteria Pollutants

1. *One-Hour Ozone Standard*

As shown in Figure IV-1, most of the state does not meet the state or federal ozone standards. The areas that violate the national ozone standard are pursuing a strategy that reduces the emissions of precursors of ozone. Lowering ozone precursor emissions will also help reduce secondary PM formation.

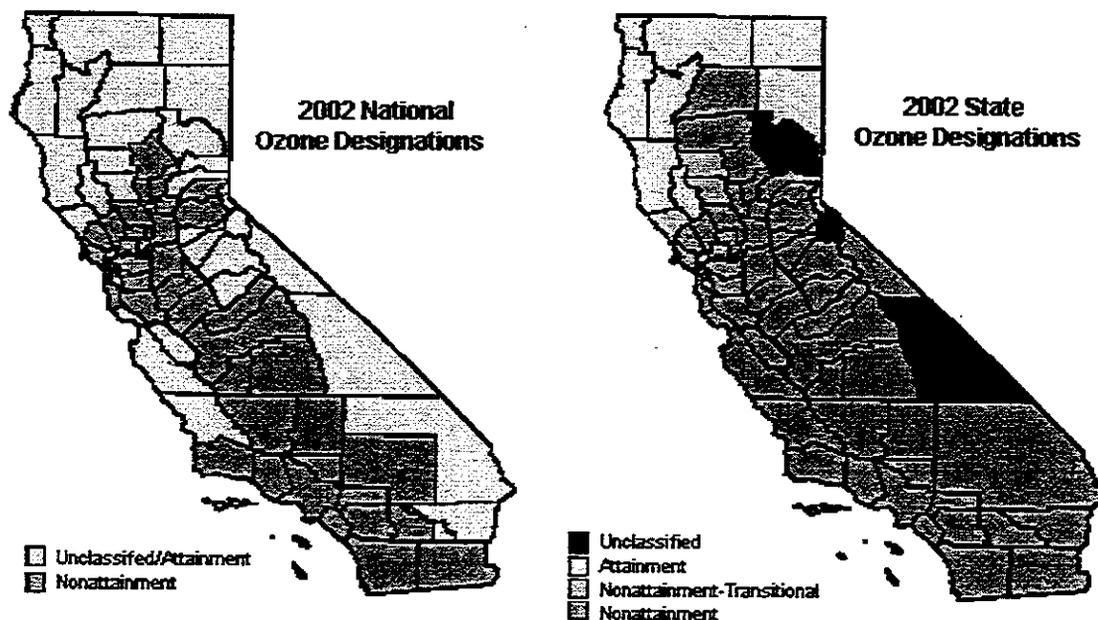
California's plan for achieving the federal ozone standard is contained in the California SIP that was approved by the Board in 1994. A significant part of the emission reductions in the SIP is achieved by controlling vehicles and their fuels. Mobile source emissions, both on-road and off-road, account for about 70 percent of ozone precursor emissions in California with diesel engines contributing 24 percent to the statewide total in 2000. Further reductions from the current emissions levels of NO_x and VOC are essential if California is to reach attainment for ozone.

2. *Eight-Hour Ozone Standard*

U.S. EPA designated nonattainment areas for the new eight-hour ozone standard effective June 15, 2004. In California, many of these areas are already nonattainment for the federal 1-hour standard. New nonattainment designations include a number of rural Sierra foothill counties and additional parts of the Sacramento Valley. This action starts the transition from the one-hour standard to the eight-hour standard. The one-hour standard will be revoked on June 15, 2005, one year after the effective date of the designation, and SIPs showing how each area will meet the eight-hour standard are due by 2007. In order to maintain progress towards clean air, the Clean Air Act prohibits backsliding on the control program. Since the eight-hour

standard is more health-protective than the federal one-hour standard, ARB expects that California will need to reduce emissions beyond the existing one-hour SIP targets.

Figure IV-1: Federal and State Area Designations for One-Hour Ozone Standards



The greatest reductions are needed in the South Coast Air Basin. The SCAQMD revised its part of the ozone SIP in 1997, 1999, and in 2003. The 2003 SCAQMD ozone SIP revision calls for additional reductions beyond those incorporated in the 1997/1999 plan. These additional reductions are needed to offset increased emissions from mobile sources and meet all federal criteria pollutant standards within the time frames allowed under the Clean Air Act. The South Coast Air Basin is required to demonstrate attainment of the federal 1-hour ozone standard by 2010.

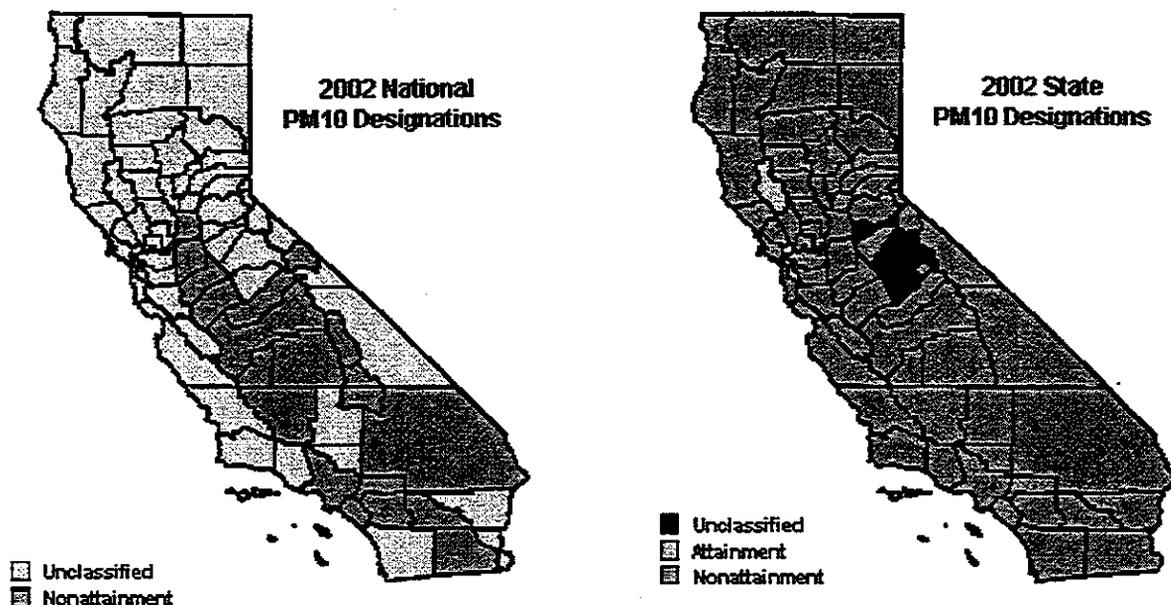
Significant reductions will also be needed in the San Joaquin Valley Air Basin which has been classified as severe nonattainment for ozone effective December 10, 2001. The San Joaquin Valley Air Basin is required to attain the ozone standards as expeditiously as possible, but no later than November 15, 2005. The San Joaquin Valley Air Basin cannot attain the one-standard by the required date but the District must reduce emissions by 3 percent per year on average and must continue to make progress toward attainment.

3. *PM*

Particulate pollution is a problem affecting much of California. The majority of California is designated as non-attainment for the state and federal fine particulate (PM_{10}) standards as shown in Figure IV-2. Only the Lake County Air Basin is designated as attainment in California and three counties in the northern half of the state remain unclassified. The nonattainment areas with

serious problems will require substantial reductions of directly emitted PM₁₀ pollutants and PM₁₀ precursors. Also control of the emissions of ozone precursors should provide some small benefit due to the reduction in condensible PM₁₀ emissions from the organic ozone precursors. Control of NO_x would also be effective in controlling ambient nitrate concentrations.

Figure IV-2: Federal and State Area Designations for PM₁₀.



B. Governor's Action Plan for California's Environment

As part of Governor Schwarzenegger's action plan for California environment, he has committed to protecting and restoring California's air quality through an initiative to cut air pollution statewide by up to 50 percent. Through this initiative, the Governor has stated:

"Breathing clean and healthy air is a right of all Californians, especially our children, whose health suffers disproportionately when our air is polluted. The future health of California's environment and economy depend on our taking action now."

One component of the Governor's action plan for California's environment includes expediting clean fuel transportation in the state. This includes the early introduction of cleaner, low-sulfur diesel fuels.

C. State Implementation Plan Commitments

1. *State Implementation Plan - 2003 State and Federal Strategy and 2003 South Coast SIP*

On October 23, 2003, ARB adopted *the Proposed 2003 State and Federal Strategy for the California State Implementation Plan* (Statewide Strategy) which reaffirms the ARB's commitment to achieve health-based air quality standards through specific near-term actions and the development of additional longer-term strategies. The Statewide Strategy identifies the Board's near-term regulatory agenda to reduce ozone and PM by establishing enforceable targets to develop and adopt new measures for each year from 2003 to 2006, including commitments for the Board to consider 19 specific measures. It also sets into motion a concurrent initiative to identify longer-term solutions to achieve the full scope of emission reductions needed to meet federal air quality standards in the South Coast, San Joaquin Valley, and the rest of California. In addition to meeting federal requirements, the Statewide Strategy ensures continued progress towards California's own health-based standards.

ARB and local air districts are in the process of updating the California SIP to show how each region in the state will meet the federal air quality standards. The measures outlined in the adopted Statewide Strategy are being incorporated into these SIP revisions. The South Coast's 2003 Air Quality Management Plan was adopted by the SCAQMD Governing Board on August 1, 2003. ARB approved the local SIP element on October 23, 2003, and on January 9, 2004, ARB submitted to U.S. EPA both the Statewide Strategy and the 2003 South Coast SIP as revisions to the California SIP. The new SIP updates all elements of the approved 1994 SIP. Upon approval by U.S. EPA, the 2003 SIP will replace the State's commitments in the 1994 SIP. ARB is currently working with the SJVUPACD on a revision to the San Joaquin Valley's ozone SIP. The revised San Joaquin Valley SIP is tentatively scheduled for consideration by the District's Governing on Board October 8, 2004 and by ARB on October 28, 2004.

Together with significant reductions from cleaner engines, stationary industrial facilities, and other areawide sources, the use of cleaner fuels is an essential part of California's effort to attain the air quality standards. In addition to providing direct emission benefits, cleaner fuels also enable more efficient use of exhaust treatment devices to further reduce emissions from existing engines.

Use of cleaner fuels for harborcraft is included in the Statewide Strategy and the 2003 South Coast SIP in *Measure Marine-1: Pursue Approaches to Clean Up the Existing Harborcraft Fleet -Cleaner Engines and Fuels*. One element of this SIP measure would require the use of cleaner diesel fuel in harborcraft operating in California.

To meet an emission reduction commitment for locomotives in the 1994 Ozone SIP for the South Coast, ARB and the two Class I freight railroads operating in California signed a memorandum of understanding (MOU) to ensure that the cleanest locomotive engines are brought to the South Coast Air Basin. Under the terms of the MOU, the use of cleaner fuels is one of the options for meeting the emission reduction targets. Any reductions achieved through use of cleaner fuels in the locomotives under the purview of the MOU could be credited toward

the existing locomotive SIP commitment and may not be credited toward ARB's new commitments under the 2003 SIP. However, emission reductions from the use of cleaner diesel fuels by passenger trains and Class III railroad intrastate locomotives is not covered by the MOU and could be creditable to the SIP. Thus, reductions from locomotives in other parts of California, such as the San Joaquin Valley, could also be credited in upcoming SIPs for those regions.

While no new defined controls for locomotives are included in the 2003 South Coast SIP, Board Resolution 03-22 directs staff to evaluate approaches to reduce emissions from in-use locomotives, passenger rail, and switcher and short haul locomotives not subject to the MOU.

In addition to the defined SIP measures, it is expected that further emission reductions will be needed from all source categories to meet the long-term emission reduction targets included in the South Coast SIP.

D. Toxic Air Contaminants

1. Components of Diesel Exhaust

Diesel exhaust is a complex mixture of inorganic and organic compounds that exist in gaseous, liquid, and solid phases. The composition of this mixture will vary depending on engine type, operating conditions, fuel, lubricating oil, and whether an emission control system is present.

Diesel engines operate with excess air (around 25-30 parts air to 1 part fuel). Consequently, the primary gas or vapor phase components of whole diesel exhaust are nitrogen (N₂), oxygen (O₂), carbon dioxide (CO₂), and water vapor (H₂O). Diesel exhaust also contains substances such as carbon monoxide (CO), NO_x, SO_x, hydrocarbons, PM, aldehydes, ketones, sulfates, cyanides, phenols, metals, and ammonia. These substances are unburned fuel and lubricant components, products of combustion, or are a result of engine wear or trace contaminants in the fuel and lubricating oil. Other gas phase components of diesel exhaust, are low-molecular mass polycyclic aromatic hydrocarbon (PAH) and nitro-PAH derivatives. Atmospheric reactions of these gas phase PAH and nitro-PAH derivatives may lead to the formation of several mutagenic nitro-PAH, and nitro-PAH compounds, including nitrodibenzopyranones, 2-nitroflouranthene and 2-nitropyrene.

Diesel exhaust contains over 40 substances that have been listed as TACs by the state of California and as hazardous air pollutants by the U.S. EPA. Fifteen of these substances are listed by the International Agency for Research on Cancer (IARC) as carcinogenic to humans, or as a probable or possible human carcinogen. The list includes the following substances: formaldehyde, acetaldehyde, 1,3-butadiene, antimony compounds, arsenic, benzene, beryllium compounds, bis(2-ethylhexyl)phthalate, dioxins and dibenzofurans, inorganic lead, mercury compounds, nickel, POM (including PAHs); and styrene.

Almost all of the diesel particle mass is in the fine particle (PM₁₀) fraction. However, approximately 95 percent of the mass of these fine particles is less than 2.5 microns in diameter. The particles have a very large surface area per unit mass which makes them excellent carriers for many of the organic compounds and metals found in diesel exhaust.

2. Potential Cancer Risk

In 1990, ARB staff reported the statewide population-weighted annual outdoor average diesel PM concentration as $3.0 \mu\text{g}/\text{m}^3$. Using this 1990 value for ambient concentrations, and assuming that the ratio of ambient concentration to statewide emissions remained constant, ARB staff calculated ambient diesel PM concentrations for 2000, 2010, and 2020. Estimates of statewide annual average ambient PM concentration are presented in Table IV-1 along with the corresponding percent reduction from the 1990 ambient concentration. Table IV-1 also shows estimates of the risks of contracting cancer from exposure to the indicated ambient diesel PM concentrations. The methodology for estimating these cancer risks is described in the ARB's DRRP.

Diesel PM is a major contributor to potential ambient risk levels. In 2000, the average potential cancer risk associated with diesel PM emissions was estimated at over 500 potential cases per million. This diesel PM cancer risk accounted for approximately 70 percent of the ambient air toxics cancer risk (Figure IV-3).

In the SCAQMD's Multiple Air Toxics Exposure Study II (MATES II), it was estimated that the average potential cancer risk in the South Coast Air Basin from diesel PM was about 1000 excess cancers per million people, or 71 percent of the average cancer risk from all air toxics in the South Coast Air Basin. Localized or near-source exposures to diesel exhaust, such as might occur near busy roads and intersections, will present much higher potential risks.

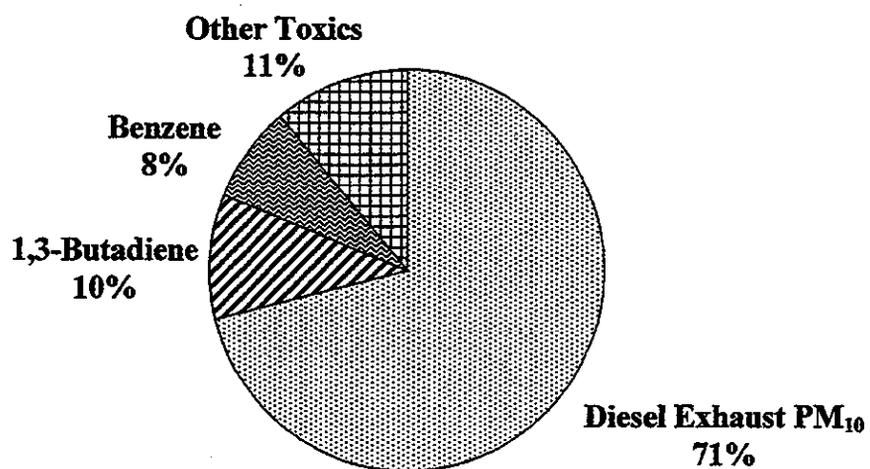
Reducing the risk from diesel PM is essential to reducing overall public exposure to air toxics. The control measures proposed in the DRRP will result in an overall 85 percent reduction in the diesel PM inventory and the associated cancer risk by 2020.

Table IV-1: Statewide Population-Weighted Annual Outdoor Average Diesel PM Concentration for 1990, 2000, 2010, and 2020

	1990	2000	2010	2020
Outdoor Ambient Concentration ($\mu\text{g}/\text{m}^3$)	3.0	1.8	1.5	1.2
Percent Reduction in Diesel PM from 1990 Concentration	N/A	40%	50%	60%
Risk (cancers/million)	900	540	450	360

Figure IV-3

**State Average Potential Cancer Risk from
Outdoor Ambient Levels of Toxic Pollutants for the Year 2000**



V. HEALTH BENEFITS OF DIESEL EMISSIONS REDUCTIONS

This chapter discusses the health effects of the pollutants emitted by diesel engines and the health benefits of the emissions reductions that would result from the use of CARB diesel fuel in intrastate locomotives and harborcraft. There would be health benefits through lower directly emitted diesel PM and ozone precursors. There would also be health benefits from the sulfate PM emissions reductions that result from the lowering of the sulfur limit to 15 ppmw. In addition, through the use of CARB low sulfur (15 ppmw) diesel fuel, there would be major health benefits from the reductions of emissions of NO_x, diesel PM, and other toxic air contaminants from diesel engines equipped with exhaust aftertreatment systems.

A. Diesel Exhaust

Diesel exhaust is a complex mixture of inorganic and organic compounds that exist in gaseous, liquid, and solid phases. The composition of this mixture will vary depending on engine type, operating conditions, fuel, lubricating oil, and whether or not an emission control system is present. The primary gas or vapor phase components of diesel exhaust include typical combustion gases and vapors such as CO, CO₂, SO₂, NO_x, reactive organic gases (ROG), water vapor, and excess air (nitrogen and oxygen). The emissions from diesel-fueled engines also contain potential cancer-causing substances such as arsenic, nickel, benzene, formaldehyde, and polycyclic aromatic hydrocarbons. Diesel exhaust includes over 40 substances that are listed by the U.S. EPA as hazardous air pollutants (HAPS) and by the ARB as toxic air contaminants (TACs). Fifteen of these substances are listed by the IARC as carcinogenic to humans, or as a probable or possible human carcinogen. The list includes the following substances: formaldehyde, acetaldehyde, 1,3-butadiene, antimony compounds, arsenic, benzene, beryllium compounds, bis(2-ethylhexyl)phthalate, dioxins and dibenzofurans, inorganic lead, mercury compounds, nickel, POM (including PAHs), and styrene.

1. Diesel PM

Diesel PM is either directly emitted from diesel-powered engines (primary PM) or is formed from the gaseous compounds emitted by a diesel engine (secondary PM). Diesel PM consists of both solid and liquid material and can be divided into three primary constituents: the elemental carbon fraction (ECF); the soluble organic fraction (SOF), and the sulfate fraction.

Many of the diesel particles exist in the atmosphere as a carbon core with a coating of organic carbon compounds, or as sulfuric acid and ash, sulfuric acid aerosols, or sulfate particles associated with organic carbon. The organic fraction of the diesel particle contains compounds such as aldehydes, alkanes and alkenes, and high-molecular weight PAH and PAH-derivatives. Many of these PAHs and PAH-derivatives, especially nitro-PAHs, have been found to be potent mutagens and carcinogens. Nitro-PAH compounds can also be formed during transport through the atmosphere by reactions of adsorbed PAH with nitric acid and by gas-phase radical-initiated reactions in the presence of oxides of nitrogen. Fine particles may also be formed secondarily from gaseous precursors such as SO₂, NO_x, or organic compounds. Fine particles can remain in the atmosphere for days to weeks and travel through the atmosphere for hundreds to thousands of

kilometers, while coarse particles deposit to the earth within minutes to hours and within tens of kilometers from the emission source.

Almost all of the diesel particle mass is in the fine particle range of 10 microns or less in diameter (PM₁₀). However, approximately 95 percent of the mass of these fine particles are less than 2.5 microns in diameter (PM_{2.5}). Because of their small size, the particles are readily respirable and can effectively reach the lowest airways of the lung along with the adsorbed compounds, many of which are known or suspected mutagens and carcinogens. They are easily distinguished from noncombustion sources of PM_{2.5} by the high content of elemental carbon with the adsorbed organic compounds and the high number of ultrafine particles (organic carbon and sulfate).

The SOF consists of unburned organic compounds in the small fraction of the fuel and atomized and evaporated lubricating oil that escape oxidation. These compounds condense into liquid droplets or are adsorbed onto the surfaces of the elemental carbon particles. Several components of the SOF have been identified as individual toxic air contaminants.

B. Health Impacts of Exposure to Diesel Exhaust

In addition to its contribution to ambient PM inventories, diesel exhaust is of specific concern because it poses a lung cancer hazard for humans as well as a hazard from noncancer respiratory effects such as pulmonary inflammation. More than 30 human epidemiological studies have investigated the potential carcinogenicity of diesel exhaust. On average, these studies found that long-term occupational exposures to diesel exhaust were associated with a 40 percent increase in the relative risk of lung cancer. However, there is limited specific information that addresses the variable susceptibilities to the carcinogenicity of diesel exhaust within the general human population and vulnerable subgroups, such as infants and children and people with pre-existing health conditions. The carcinogenic potential of diesel exhaust was also demonstrated in numerous genotoxic and mutagenic studies on some of the organic compounds typically detected in diesel exhaust.

Diesel exhaust was listed as a TAC by ARB after an extensive review and evaluation of the scientific literature by Office of Environmental Health Hazard Assessment (OEHHA) and subsequent review by the Scientific Research Panel (SRP). Using the cancer unit risk factor developed by OEHHA for the TAC program, it was estimated that for the year 2000, exposure to ambient concentrations of diesel (1.8 µg/m³) could be associated with a health risk of 540 excess cancer cases per million people exposed over a 70-year lifetime. This estimated risk is equivalent to about 270 excess cases of cancer per year for the entire State, which is several times higher than the risk from all other identified TACs combined. Another highly significant health effect of diesel exhaust exposure is its apparent ability to act as an adjuvant in allergic responses and possibly asthma. However, additional research is needed at diesel exhaust concentrations that more closely approximate current ambient levels before the role of diesel exhaust exposure in the increasing allergy and asthma rates is established.

C. Health Impacts of Exposure to Diesel PM

U.S. EPA discussed the epidemiological and toxicological evidence of the health effects of ambient PM and diesel PM in the regulatory impact analyses for on-road and nonroad diesel engine emission standards. The key health effects categories associated with ambient PM include premature mortality, aggravation of respiratory and cardiovascular disease (as indicated by increased hospital admissions and emergency room visits, school absences, work loss days, and restricted activity days), aggravated asthma, acute respiratory symptoms, including aggravated coughing and difficult or painful breathing, chronic bronchitis, and decreased lung function that can be experienced as shortness of breath.

Health impacts from exposure to the PM_{2.5} component of diesel exhaust have been calculated for California, using concentration-response equations from several epidemiologic studies. Both mortality and morbidity effects could be associated with exposure to either direct diesel PM_{2.5} or indirect diesel PM_{2.5}, the latter of which arises from the conversion of diesel NO_x emissions to PM_{2.5} nitrates. It was estimated that 2,000 and 900 premature deaths resulted from long-term exposure to either 1.8 µg/m³ of direct PM_{2.5} or 0.81 µg/m³ of indirect PM_{2.5}, respectively, for the year 2000. The mortality estimates are likely to exclude cancer cases, but may include some premature deaths due to cancer, because the epidemiologic studies did not identify the cause of death. Exposure to fine PM, including diesel PM_{2.5} can also be linked to a number of heart and lung diseases. For example, it was estimated that 5,400 hospital admissions for chronic obstructive pulmonary disease, pneumonia, cardiovascular disease and asthma were due to exposure to direct diesel PM_{2.5}. An additional 2,400 admissions were linked to exposure to indirect diesel PM.

D. Health Impacts of Exposure to Ozone

Ozone is formed by the reaction of VOCs and NO_x in the atmosphere in the presence of heat and sunlight. The highest levels of ozone are produced when both VOC and NO_x emissions are present in significant quantities on clear summer days. This pollutant is a powerful oxidant that can damage the respiratory tract, causing inflammation and irritation, which can result in breathing difficulties. Currently there are no quantitative data available regarding the health impacts associated with ozone.

Studies have shown that there are impacts on public health and welfare from ozone at moderate levels that do not exceed the 1-hour ozone standard. Short-term exposure to high ambient ozone concentrations have been linked to increased hospital admissions and emergency visits for respiratory problems. Repeated exposure to ozone can make people more susceptible to respiratory infection and lung inflammation and can aggravate pre-existing respiratory diseases, such as asthma. Prolonged (6 to 8 hours), repeated exposure to ozone can cause inflammation of the lung, impairment of lung defense mechanisms, and possibly irreversible changes in lung structure, which over time could lead to premature aging of the lungs and/or chronic respiratory illnesses such as emphysema and chronic bronchitis.

The subgroups most susceptible to ozone health effects include individuals exercising outdoors, children and people with pre-existing lung disease such as asthma, and chronic pulmonary lung disease. Children are more at risk from ozone exposure because they typically are active outside,

during the summer when ozone levels are highest. Also, children are more at risk than adults from ozone exposure because their respiratory systems are still developing. Adults who are outdoors and moderately active during the summer months, such as construction workers and other outdoor workers, also are among those most at risk. These individuals, as well as people with respiratory illnesses such as asthma, especially asthmatic children, can experience reduced lung function and increased respiratory symptoms, such as chest pain and cough, when exposed to relatively low ozone levels during prolonged periods of moderate exertion.

E. Health Benefits of Reductions of Diesel Exhaust Emissions

1. Reduced Ambient PM Levels

Studies have shown that there are public health and welfare effects from PM at concentrations that do not constitute a violation of the National Ambient Air Quality Standard (NAAQS) for PM. The emission reductions obtained with low sulfur (15 ppmw) diesel fuel and diesel engines equipped with aftertreatment systems will result in lower ambient PM levels and significant reductions of exposure to primary and secondary diesel PM. In contrast to ozone, which is a product of complex photochemical reactions and therefore difficult to directly relate to precursor emissions, ambient PM₁₀ concentrations are more directly influenced by emissions of PM and can therefore be correlated more meaningfully with emissions inventories. Lower ambient PM levels and reduced exposure mean reduction of the prevalence of the diseases attributed to diesel PM, reduced incidences of hospitalizations, and prevention of premature deaths.

2. Reduced Ambient Ozone Levels

Emissions of NO_x are precursors to the formation of ozone in the lower atmosphere. Ozone can have adverse health impacts at concentrations that do not exceed the 1-hour NAAQS. Mobile sources contribute a substantial fraction of ozone precursors in any metropolitan area. Therefore, reduction of diesel mobile source emissions of NO_x in urban areas, through the use of CARB low sulfur (15 ppmw) diesel fuel and exhaust aftertreatment systems, would make a considerable contribution to reducing exposures to ambient ozone. Controlling emissions of ozone precursors would reduce the prevalence of the types of adverse respiratory effects associated with ozone exposure and would reduce hospital admissions and emergency visits for respiratory effects.

VI. INTRASTATE LOCOMOTIVES: OPERATIONS, FUEL CONSUMPTION, AND EMISSION STUDIES

This chapter provides an overview of California railroads that operate intrastate diesel-electric locomotives. This chapter also includes information about the ARB locomotive survey that was sent to operators of intrastate locomotives. Further, this chapter explains how the information collected in the ARB survey was used to estimate intrastate locomotive fuel consumption for each region of the state and for each type of railroad. Finally, this chapter examines existing test programs and studies on the emission benefits of using CARB diesel fuel as compared to U.S. EPA on-road diesel fuel and nonroad diesel fuel in locomotives.

A. Diesel-Electric Locomotives

The proposed regulatory amendments would apply to intrastate diesel-electric locomotives. In this section ARB staff provides definitions of diesel-electric locomotives, how their engines work, and why diesel-electric locomotive engines operate in a different manner from motor vehicle engines.

1. Definition of a Diesel-Electric Locomotive

A "locomotive" is defined in U.S. EPA's locomotive regulations (1998) as "a self-propelled piece of on-track equipment designed for moving or propelling cars that are designed to carry freight, passengers or other equipment, but which itself is not designed or intended to carry freight, passengers (other than those operating the locomotive) or other equipment." Diesel-electric locomotives are defined by the railroad industry as those locomotives that use electric power provided by a diesel engine that drives a generator or alternator; the electrical power produced then drives the wheels using electric motors.

2. Use of Engine Power on a Diesel-Electric Locomotive

The fuel (usually diesel fuel in the United States) for an "engine-powered" locomotive is carried on the locomotive. The energy contained in the fuel is converted to power by burning the fuel in the locomotive engine. A small portion of the engine output power is normally used directly to drive an air compressor to provide brakes for the locomotive and train. However, the vast majority of the output power from the engine is converted to electrical energy in an alternator or generator which is directly connected to the engine. This electrical energy is transmitted to electric motors (traction motors) connected directly to the drive wheels of the locomotive for propulsion, as well as to motors which drive the cooling fans, pumps, etc., necessary for operation of the engine and the locomotive.

3. Differences Between Motor Vehicles and Diesel-Electric Locomotive Engines

One feature of locomotives that makes them different from motor vehicles is the way that power is transferred from the engine to the wheels. Most motor vehicles utilize mechanical means (*i.e.*, a transmission) to transfer energy from the engine to the wheels or other point where the power is applied. Because there is a mechanical connection between the road vehicle engine and the wheels, the relationship between engine rotational speed and vehicle speed is mechanically

dictated by the gear ratios in the transmission and final drive (e.g., the differential and rear axle). This results in engine operation which is very transient in nature, with respect to changes in both speed and load. In contrast, locomotive engines are typically connected to an electrical alternator or generator to convert the mechanical energy to electricity. As noted above, this electricity is then used to power traction motors which turn the wheels. The effect of this arrangement is that a locomotive engine can be operated at a desired power output and corresponding engine speed (steady-state) without being constrained by vehicle speed.

4. Use of Hotel Power on Passenger Trains

Hotel power is that electrical power generated on a locomotive to provide comfort for passengers aboard a train. Hotel power includes electrical demand for lighting, air conditioning, heating, kitchen power, and other uses that do not relate to actually moving the train. The electricity demand for hotel power to all of the passenger cars on a train can amount to as much as 800 KW (1,070 horsepower). Hotel power on a passenger locomotive is usually supplied either as a draw from the main propulsion engine, or from a head-end power engine or HEP. In some instances, a special generator car or engines mounted underneath one or more of the passenger cars on the train is used.

In older passenger train locomotives, hotel power is drawn from the main propulsion engine and this drain on the main engine can affect the fuel consumption and operations of the main propulsion engine. Since electrical demand can vary, the supply of hotel power will result in different speed and load points to generate similar propulsion power. These differences in speed and load points mean that locomotive engines will have different emissions characteristics when providing hotel power, as compared to a non-HEP equipped locomotive providing propulsion energy only.

In most newer passenger trains, however, electrical energy required for the operation of the passenger coaches is supplied by a separate auxiliary engine mounted on the locomotive, but operated separately from the main propulsion engine. Most of California's intrastate passenger trains are newer and have HEP engines that operate separately from the prime mover engine.

B. Types of Railroads that Operate in California

In the United States, railroads are classified through federal Surface Transportation Board (STB) regulations. STB classifies railroads into three categories based on annual operating revenues as prescribed in 49 CFR Chapter, X Part 1201, General Instruction 1-1(a). In 1992, the STB established national railroad classifications based on an average of three years of annual operating revenues and an annual inflation rate adjustment based on 1991 dollars:

- Class I railroad if annual revenue is \$255.9 million or greater,
- Class II railroad if annual revenue is between \$20.5 and 255.8 million,
- Class III railroad if annual revenue is less than \$20.5 million.

Figure VI-1 shows the railroad lines operating in California. The heavy (thick) line denotes Class I railroads. The thin line denotes Class II and III railroads.

Figure VI-1
California Class I and Class III Railroads



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1. Class I Freight Railroads

The Class I freight railroads are the nationwide, long distance, line-haul railroads which carry the bulk of the railroad commerce. Class I freight railroads account for nearly 90 percent of the ton-miles of freight hauled annually in the United States. The two Class I freight railroad companies that operate in California are Union Pacific Railroad (UP) and the Burlington Northern & Santa Fe Railroad (BNSF). While UP and BNSF provide freight services across the United States, they also have significant intrastate operations in California.

2. Passenger Railroads

California's sole Class I passenger railroad operator is Amtrak, which has both interstate and intrastate passenger train operations. Amtrak is the major interstate passenger train operator in California with a number of interstate lines that originate or terminate within the state. Amtrak does operate one intrastate passenger line (the Pacific Surfliner) from Oceanside to San Luis Obispo, and contractually operates both the San Joaquin and Capitol Corridor passenger trains for the California Department of Transportation (CalTrans).

There are also four regional and local government funded intrastate passenger-commuter and inter-city operations in California. These are:

- Metrolink in the Los Angeles area.
- Caltrain in the Bay Area.
- Coaster between San Diego and Oceanside.
- Altamont Commuter Express (ACE) between Stockton and San Jose.

A list of California's intrastate passenger trains is provided in Appendix B.

3. Class II Railroads

There is currently no Class II railroad operating in California that meets the proposed intrastate definition. A Class II railroad headquartered in Oregon does operate on a regular basis, but a small percentage of time, within California (i.e., Medford, Oregon to Weed, California). Class II railroads are being described here because a California Class III intrastate railroad could expand in the future, via mergers or consolidations, into a Class II railroad.

4. Class III Railroads

There are several Class III railroad companies operating within the state. These companies range from excursion operations to short distance line haul operations (i.e., small regional railroads) and terminal operations at major distribution centers like the ports of Los Angeles and Long Beach. A list of Class III railroads that operate solely within California are provided in Appendix B. Also, note there are two interstate Class III railroads headquartered in adjacent states that have partial operations in California (the Lake County Railroad (Lakeview, Oregon to Alturas) and the Arizona California Railroad (Parker, Arizona to Cadiz).

5. *Industrial and Military Locomotives*

California has a small number of intrastate locomotives that are owned by individual (non-railroad) companies or operated by the federal government on military bases within the state. This class of locomotive is referred to as "industrial" locomotives and are generally much smaller in size and horsepower than other classes of locomotives used by the larger railroads. Industrial locomotive operations are usually limited to small confined yards or industrial plants. ARB staff has identified about 120 of these locomotives with over half of them in the San Joaquin Valley (40) and South Coast (25) air districts.

C. **CARB Intrastate Locomotive Survey on Operations and Fuel Consumption**

In May 2004, ARB staff developed a survey (see Appendix C) to collect operational and fuel consumption information to better understand the existing operations of intrastate locomotives in California. This survey was developed with the input of California's Class I railroads, passenger train operators, and the California Shortline Railroad Association (CSLRA). The survey defined intrastate diesel-electric locomotives as those locomotives that operate and fuel primarily (at or greater than 90 percent of annual fuel consumption, mileage, and/or hours of operation) within the boundaries of the state of California.

The ARB intrastate locomotive survey was prepared to determine the following information:

Locomotive and Engine Information

- Locomotive identification number.
- Manufacturing make and model.
- Locomotive year built and year engine rebuilt (if applicable).
- Any plans for future locomotive engine rebuilds.
- Whether the locomotive was owned or leased.

Locomotive Operational Information

- Primary operational use (i.e., Switcher, Terminal, Local/Short Haul, Passenger).
- Home Railyard.
- Key cities and towns on primary rail routes.
- Annual hours of operations (years 2001, 2002, and 2003).
- Annual (rail) miles travelled (years 2001, 2002, 2003).

Locomotive Fuel Consumption

- Type of diesel fuel used (i.e., ULSD CARB, CARB diesel, U.S. EPA on-road diesel, or other fuel (e.g., biodiesel)).
- Fuel consumption for the years 2001, 2002, and 2003.

On May 18, 2004, ARB staff mailed the survey to California's intrastate locomotive owners and operators. The survey was mailed to both Class I railroad operators (UP and BNSF), and Amtrak and CalTrans, as well as the other commuter train operators in California (i.e., Metrolink, CalTrain, Coaster, and ACE). The survey was also mailed to 28 Class III railroad operators, of which only 20 operated locomotives that met the intrastate definition. ARB staff worked with

the CSLRA to coordinate survey responses for their Class III railroad members. ARB staff requested all survey responses by June 28, 2004.

Survey responses were received from both of California's Class I railroads, all of the intrastate passenger railroad operators, and all but three of the twenty Class III railroads operators. For the three Class III railroad operators that did not respond to the survey, ARB staff obtained publicly available information on their locomotives and operations and developed estimates of fuel consumption, based on estimated annual miles traveled or annual hours of operation, to place in the survey database.

D. California's Intrastate Locomotive Population

As discussed in the previous section, there are four primary groups of intrastate locomotives that operate in California: 1) Class I freight railroads with short haul, switcher, and manifest operations, 2) passenger-commuter train operations that operate from city-to-city and usually within a particular area or region, 3) Class III short haul and switcher or terminal operations, and 4) individual company-owned industrial and military base locomotives that usually operate within a small confined yard or area

1. Class I Railroads

The UP and BNSF intrastate locomotives are generally segregated into three categories: switchers, short haul, and manifests. Switch locomotives generally operate within a railyard moving line haul locomotives and freight cars within the yard. Short hauls typically operate and move freight within a region or local area. Manifest operations are short hauls that operate in many yards (for intrastate purposes - usually within a region) by connecting mixed freight cars at different locations and eventually moving them to combine with larger or unit trains at central railyards.

Interstate line-haul locomotives are typically powered by engines of 4,000-6,000 horsepower. California's Class I railroads intrastate locomotives are usually older locomotives retired from line haul service. These locomotives are typically powered by engines with horsepower ranging from 1,500-4,000 horsepower. UP and BNSF combined operate about 383 intrastate locomotives in California. The average age of California's Class I intrastate locomotives is between 15 and 20 years. The Class I intrastate locomotives consume 23.3 million gallons annually within the state (about 60,000 gallons per locomotive per year). This information is summarized below in Table VI-1.

Table VI-1: Profile of Class I Railroad Intrastate Locomotives

Class I Intrastate Locomotives	Range (HP)	Avg (HP)	Age Range (Years)	Average Age (Years)	Total Annual Fuel Consumption (Gallons)	Avg Annual Fuel Consumption Per Locomotive (Gallons)
383	1,500-4,000	2,400	1-19	15	23,300,000	60,000

2. Passenger (Commuter) Trains

California's intrastate passenger trains consist of intercity-commuter type operations that occur exclusively within the state of California (see Appendix B). California's intrastate passenger trains utilize a fleet of 113 locomotives to support their operations, with two of the locomotives serving only as switchers in one railyard. The 111 intrastate passenger train locomotives are typically fairly new, on average 10 years old, with a range from 1 to 19 years old. The two switchers used to support intrastate passenger train operations are on average 40 years old and both are rated at 1,500 horsepower. This information is summarized in Table VI-2.

Table VI-2: Profile of Passenger Train Intrastate Locomotives

Passenger Train Intrastate Locomotives	Range (HP)	Avg (HP)	Age Range (Years)	Average Age (Years)	Total Annual Fuel Consumption (Gallons)	Avg Annual Fuel Consumption Per Locomotive (Gallons)
111	3,000-3,600	3,100	1-19	10	20,400,000	184,000

California's intrastate passenger train locomotives are powered by engines that are on average 3,000 horsepower or more. Passenger train locomotives are usually equipped with an auxiliary engine to provide separate hotel power for the train, although some older passenger locomotives may also generate hotel power off the main engine.

California's 111 intrastate passenger trains transport commuters an estimated 8 million miles per year. Based on the ARB survey results, these locomotives consume an estimated 20.4 million gallons per year, which includes fuel consumption for the two switch locomotives that are operated only to support passenger train operations. Intrastate passenger trains typically are moving passengers 8 or more hours per day, but in some cases may leave hotel power and prime engines idling the remaining 16 hours each day. California's regional passenger trains generally operate 365 days per year (e.g., Pacific Surfliner, San Joaquin, and Capitol Corridor), which the intercity passenger trains (e.g., Metrolink, CalTrain, Coaster, and ACE) are focused more on the work week with some limited operations on the weekends.

3. Class III Railroads

Class III railroads typically operate either short haul or switcher-terminal locomotives. California has twenty Class III railroads that operate 120 intrastate locomotives. California's Class III railroad intrastate operations can generally be segregated into two major subset groups: switcher-terminal operations (such as Pacific Harbor Lines which operates in Los Angeles and Long Beach harbors and Modesto Empire and Traction which operates in the Modesto industrial railyard) and short haul operations (such as San Joaquin Valley Railroad and the California Northern Railroad). California has three interstate Class II/III railroads for which information was not collected as they did not meet the intrastate definition.

Class III railroad locomotives in California are operated with a wide range in engine size. Engine size ranges from 150 horsepower to 3,000 horsepower, averaging about 1,640 horsepower, which is about half the average engine size of the locomotives used for intrastate passenger train operations. California's Class III railroads consume on average about 27,800 gallons of diesel fuel annually per locomotive. In many cases, Class III shortline railroads will purchase older locomotives when they are retired by Class I railroads. As such, the locomotives operated by Class III railroads are typically older compared to those operated by Class I railroads. California's Class III railroads operate intrastate locomotives that are on average 40 years old, with an age-range of 24 to 62 years. Based on the ARB survey results, Class III railroads consume an estimated 3.3 million gallons annually statewide. This information is summarized in Table VI-3.

Table VI-3: Profile of Class III Railroad Intrastate Locomotives

Class III Intrastate Locomotives	Range (HP)	Avg (HP)	Age Range (Years)	Average Age (Years)	Total Annual Fuel Consumption (Gallons)	Avg. Annual Fuel Consumption Per Locomotive (Gallons)
120	150-3,000	1,640	24-62	40	3,336,000	27,800

4. Industrial and Military Locomotives

Industrial and military locomotives are used by individual companies (e.g., oil, chemical, agricultural) and the military for localized operations. These types of locomotives are typically less than 2,000 horsepower and average about 1,000 horsepower. Railroad enthusiasts refer to a large subset of these types of locomotives as "critters", those military and industrial locomotives ranging between 150 to 1,000 horsepower and limited to particular companies and specific yards.

Military and industrial locomotives are typically used intermittently throughout a calendar year, and usually limit their operations to a small confined yard or area. U.S. EPA's locomotive regulations specifically define that engines with rated horsepower of less than 750 kw (1,006 hp) are not locomotives (40 CFR Parts 86 and 89) for purposes of the federal locomotive regulations.

ARB staff did not survey industrial and military locomotive operators in California due to the difficulty in identifying all of the individual organizations with these types of locomotives.

However, ARB staff did receive information from a railroad industry organization with a list of known industrial locomotives in the SCAQMD and SJVUAPCD. ARB staff also did internet searches to identify known locomotive rosters for military and other industrial locomotives located in other areas in California. Based on available information, it is estimated that individual companies and the military operate approximately 117 intrastate industrial and military locomotives in California.

E. Fuel Consumption for California's Intrastate Locomotives

Table VI-4 presents estimates of the fuel consumption for the Class I freight, passenger train, and Class III railroads intrastate locomotives, by region of the state. As can be seen, statewide intrastate locomotives consume over 47 million gallons of diesel fuel annually, which represents about 1.0 percent of California's total estimated annual diesel fuel production of about 4.6 billion gallons (both CARB and U.S. EPA on-road). Of the 47 million gallons consumed annually by intrastate locomotives, about 60 percent (28.4 million gallons) is CARB or CARB low sulfur diesel fuels (CARB diesel fuel already meeting a 15 ppmw sulfur cap). The remainder of the 47 million gallons consumed by intrastate locomotives is primarily EPA on-road diesel fuel (over 18 millions gallons), with a small amount of high sulfur federal nonroad diesel fuel (300,000 gallons annually).

**Table VI-4: Intrastate Locomotive Diesel Fuel Consumption by Region
(Millions of Gallons)**

Region	CARB Low Sulfur	CARB	U.S. EPA On-road	U.S. EPA Nonroad	Total
South Coast	5.0	3.9	10.1	0	19.0
Bay Area	0	8.1	0.4	0	8.5
San Joaquin	0	4.3	3.5	0.2	8.0
Mojave Desert	0	0.6	3.3	0	3.9
Sacramento Area	0	2.9	0	0	2.9
San Diego	0.8	0.1	0	0	0.9
REST OF STATE	0	2.7	1.0	0.1	3.8
Total *	5.8	22.6	18.3	0.3	47.0

* may not add due to rounding.

As can be seen in Table VI-5 below, Class I freight intrastate locomotives accounted for 23.3 million gallons, or about half (50 percent) of the total intrastate locomotive fuel volume. Nearly 17 million gallons or 73 percent of Class I freight railroad intrastate locomotive diesel fuel consumption is non-CARB diesel fuel, but which meets U.S. EPA on-road diesel fuel specifications.

**Table VI-5: Intrastate Locomotive Diesel Fuel Consumption By Type of Railroad
(Millions of Gallons)**

Type of Railroad	CARB Low Sulfur	CARB	U.S. EPA On-road	U.S. EPA Nonroad	Total
Class I Freight	0	6.4	16.9	0	23.3
Passenger Trains	5.8	14.1	0.5	0	20.4
Class III	0	2.1	0.9	0.3	3.3
Total *	5.8	22.6	18.3	.3	47.0

* Numbers may not add due to rounding.

Passenger trains consume over 20 million gallons of diesel fuel annually, about 43 percent of the state's intrastate locomotive diesel fuel consumption, which is an amount slightly less than the Class I freight railroads. However, most of the passenger train diesel fuel consumption is CARB diesel, with less than 500,000 gallons annually of EPA on-road diesel fuel used, or about 2 percent of their total diesel fuel consumption. It is interesting to note that almost 30 percent of the passenger train diesel fuel consumption is low sulfur (15 ppmw) CARB diesel.

Class III railroads represent a small percentage (7 percent) of the intrastate locomotive diesel fuel consumption, with 3.3 million gallons of total annual diesel fuel consumption and nearly two-thirds (65 percent) of their diesel fuel consumption being CARB diesel fuel. The Class III railroads consume slightly over 1 million gallons annually of non-CARB diesel fuel.

F. Interstate Locomotive Activities in California

Both UP and BNSF have extensive national railroad freight operations. A component of those operations is the flexibility to move locomotives around the country to locations where they are needed. Because of this, unlike intrastate locomotives where the locomotives typically never leave the state, the in-state operations of interstate line-haul locomotives present in California are typically transitory in nature. An interstate locomotive present in California on one day may end up in another part of the country within a matter of days. This is in contrast to intrastate locomotives which typically never leave the state.

Interstate line-haul locomotives are typically powered by engines of 4,000-6,000 horsepower and a particular interstate locomotive may not remain in California for an extended period. As is discussed in the following sections, these locomotives consume significant quantities of diesel fuel, and are responsible for a significant quantity of emissions.

1. Interstate Locomotive Fuel Consumption

Table VI-6 shows the California diesel fuel consumption of both intrastate and interstate locomotives operated by UP and BNSF.

**Table VI-6: Class I Freight Locomotive Fuel Consumption in California
(Millions of Gallons)**

Type of Locomotive Activity	CARB Low Sulfur	CARB	U.S. EPA On-road	U.S. EPA Nonroad	Total
Intrastate	0	6.4	16.9	0	23.3
Interstate	0	11.5	89.0	70.0	170.5
Total	0	17.9	105.9	70.0	193.8

As can be seen from Table VI-6, intrastate locomotive fuel consumption represents only a small portion (about 12 percent) of the total fuel consumed by Class I freight locomotives in California. The remaining fuel consumption is in interstate locomotives. These locomotives consume about 11.6 million gallons of CARB diesel fuel and almost 90 million gallons of U.S. EPA on-road diesel fuel in California annually. Typically, the CARB and U.S. EPA on-road diesel fuel consumed in California by interstate locomotives is supplied from a railyard or other fueling facility in California.

However, unlike intrastate locomotives, where all of the fuel consumed by the locomotive is supplied within the state, interstate locomotives consume significant quantities of fuel supplied out-of-state and brought into the state in the locomotive's on-board fuel tanks. This diesel fuel is typically U.S. EPA nonroad diesel fuel, with high fuel sulfur levels (averaging about 3,000 ppmw) and high aromatics levels. Because of this, unlike intrastate locomotives operated by the Class I freight railroads, not all of the diesel fuel consumed by interstate locomotives meets on-road (either CARB or U.S. EPA) diesel fuel standards.

2. Interstate Locomotive Emission Inventory

Commensurate with their substantially larger fuel consumption, emissions from interstate locomotives are more significant than those from intrastate locomotives. Table VI-7 shows the emission inventory for Class I freight locomotives in California.

**Table VI-7: Interstate Locomotive Emission Inventory
(tons per day)**

Region	NO _x	PM ₁₀	SO ₂
South Coast	24.9	0.6	1.1
Bay Area	6.2	0.2	0.3
San Joaquin	22.0	0.5	1.0
Sacramento Valley	21.0	0.5	1.0
South Central Coast	6.7	0.2	0.3
San Diego	0.2	0	0
Mojave Desert	46.0	1.3	2.1
Rest of the State	26.6	0.7	1.2
Total	153.6	4.0	7.0

As can be seen in Table VI-7, Mojave Desert Air Basin accounts for 30 percent of the total interstate locomotive NOx and PM emissions in California. SCAQMD, San Joaquin Valley, and Sacramento Valley each account for 17 percent of the total NOx and PM interstate locomotive emissions. Combined these four regions of the state account for over 80 percent of the statewide NOx and particulate emissions from interstate locomotives.

G. Summary of the Benefits of Clean Fuels in Diesel-Electric Locomotives

In this section, staff has provided a summary of the benefits of cleaner fuels in diesel-electric locomotives.

1. NOx

In 2000, the Southwest Research Institute (SWRI) conducted a test program to quantify emissions of two types of locomotive engines using selected diesel fuels. Emission testing was performed between August 1998 and May 1999 at the SWRI Locomotive Exhaust Emissions Test Center in San Antonio, Texas. Locomotive exhaust emission and fuel consumption measurements were performed on six late-model locomotives:

- Three (3) - 4,000 horsepower EMD SD70MAC
- Three (3) - 4,400 horsepower GE DASH944CW

This test program made regulated and selected unregulated exhaust emission measurements on six locomotives, each operating on commercially available CARB diesel fuel, federal on-highway diesel, and a high-sulfur (4,760 ppmw) nonroad diesel fuel. Due to the fact that the sulfur level of the "high sulfur" fuel was higher than the nonroad diesel fuel typically purchased by the railroads, a fourth fuel was also used in the three GE locomotives, which was a nonroad fuel with a sulfur level of 3,190 ppmw. This fourth fuel is considered to be more representative of high sulfur nonroad diesel fuels used by the railroads. Table VI-8 shows some of the key properties of these four test fuels.

Table VI-8: SWRI Locomotive Test Program: Key Diesel Fuel Properties

Property	ASTM Test Method	CARB		U.S. EPA On-road		U.S. EPA Nonroad	
		Test Fuel	In-Use Levels	Test Fuel	In-Use Levels	Test Fuel	Test Fuel
Sulfur (ppmw)	D2622-94	50	140	330	360	4,760	3,190
Cetane Index	D976	52.0	50	47.8	45	48.6	46.5
Aromatics (% Volume)	D5186-96	22.4	19	32.2	35	34.4	39.8

A summary of the relative emissions difference for the line haul weighted NOx results from the test program are shown below in Table VI-9. The test program indicated that the CARB test fuel emitted 3.4 percent lower NOx than the EPA low sulfur test fuel and about 6.7 percent less NOx than both of the high sulfur test fuels. However, ARB staff believes that the NOx emission benefits of transitioning from U.S. EPA on-highway diesel fuel to CARB diesel fuel are underreported. This is because U.S. EPA on-highway diesel fuel has aromatics levels in-use at

about 35 percent by volume, 3 percent by volume higher than the test fuel used. In addition, the aromatics content of average CARB diesel is about 19 percent, about 3 percent less than the CARB diesel used in the comparison test. Also, the cetane index number was higher on the U.S. EPA on-highway test fuel than in-use levels. These differences would tend to suppress the NOx emissions benefits. As such, ARB staff believes that the actual NOx emission benefits are closer to those shown from going from nonroad diesel fuel to CARB diesel fuel. As a result, CARB staff expects about a 6 percent reduction in NOx emissions from the use of CARB diesel fuel versus EPA on-road and nonroad diesel fuels. This estimate is more in line with a much larger body of test results of diesel engines that use lower aromatic and higher cetane diesel fuels.

Table VI-9: NOx Emissions Comparison - ARB Test Fuel vs. Others

Engine	Cycle	U.S. EPA		
		On-road	Hi Sulfur (0.5%)	Nonroad Hi Sulfur (0.3%)
BNSF 9693	2-stroke	-3.0%	-6.3%	NA
BNSF 9754	2-stroke	-3.8%	-4.1%	NA
BNSF 9696	2-stroke	-4.7%	-7.1%	NA
UP9715	4-stroke	-2.6%	-7.9%	-6.0%
UP9724	4-stroke	-4.3%	-8.2%	-5.6%
UP 9733	4-stroke	-2.5%	-6.2%	-5.1%
Average Difference		-3.4%	-6.7%	-5.6%

2. SOx

Intrastate locomotives and harborcraft will realize over a 95 percent reduction in SOx emissions by using CARB low sulfur (15 ppmw) or U.S. EPA on-road diesel fuels as compared to U.S. EPA nonroad diesel fuel in 2007. In 2007, U.S. EPA nonroad diesel fuel will have a sulfur maximum limit of 500 ppmw. Current in-use levels for U.S. EPA on-road diesel fuel nationwide is about 350 ppmw. Staff assumes that when the U.S. EPA nonroad diesel fuel requirements begin in 2007, that refiners will produce this diesel fuel in-use with sulfur levels about 350 ppmw. When diesel fuel is consumed the fuel sulfur is converted to SOx and emitted to the atmosphere. As such, a 95 percent reduction in fuel sulfur levels will result in a 95 percent reduction in SOx emissions.

3. PM

Directly Emitted PM

The SWRI study also examined the PM benefits of CARB diesel fuel relative to U.S. EPA fuels. The findings of the SWRI study indicated that the PM emissions were significantly lower on the CARB diesel fuel and the U.S. EPA on-road diesel fuel as compared to the high sulfur test diesel fuels. PM emissions decreased 26 percent with the CARB test diesel fuel as compared to the high sulfur diesel fuels. The difference between the CARB test diesel fuel and the EPA on-road test diesel fuel was small. Only on one engine were the PM results significantly lower with the CARB diesel fuel as compared to U.S. EPA on-road diesel fuel. Part of the reason the

differences were small is that at low diesel fuel sulfur levels, the relatively high engine oil consumption (and its contribution to PM emissions) masks the differences in fuel properties.

However, ARB staff believes that the PM emission benefits of transitioning from U.S. EPA on-road diesel fuel to CARB diesel fuel were under represented, as was the case with the NO_x benefits. Again, this is due to differences in the test fuel properties relative to actual in-use levels as was discussed in the previous section. As such, ARB staff believes that the actual PM emission benefits are similar to those observed transitioning from nonroad diesel fuel to CARB diesel fuel. As a result, ARB staff expects about a 14 percent reduction in PM emissions from the use of CARB diesel fuel as compared to U.S. EPA on-road and nonroad diesel fuels.

Indirectly Emitted PM:

SO_x emissions from diesel-powered engines are proportional to fuel sulfur levels. As was discussed in Chapter V, SO_x emissions result in the formation of secondary particulate in the atmosphere. The U.S. EPA estimates that SO₂ reacts in the atmosphere to form either ammonium sulfate or ammonium bisulfate.

The U.S. EPA estimates that about 12 percent of SO₂ emitted in urban areas is converted in the atmosphere to sulfate PM. Using U.S. EPA's methodology, which assumes 12 percent of the SO₂ forms sulfate PM, and correcting for the differences in the molecular weight between ammonium sulfate and ammonium bisulfate and SO₂, staff estimated the indirect PM reductions from the use of CARB diesel fuel.

Like SO_x, NO_x emissions serve as a precursor to the formation of secondary particulate matter emissions. This formation is through the oxidation of NO_x into nitric acid, which then reacts with gaseous ammonia to form ammonium nitrate. Staff estimates that the NO_x emission reductions achieved through the proposed amendments would provide about a 0.03 percent reduction in ambient particulate levels. This corresponds to less than a 0.02 tpd reduction in secondary particulate matter emissions from intrastate locomotives and harborcraft.

VII. HARBORCRAFT - CALIFORNIA OPERATIONS AND EMISSIONS

This chapter provides an overview of the different types of diesel powered harborcraft operating in California. In this chapter, staff also provides estimates of the quantities and types of diesel fuel these harbor craft consume.

Much of the information in this chapter is based on the results of a 2002 survey of commercial harborcraft conducted by the ARB staff. The survey collected information about the various commercial harborcraft operating in California to help update the statewide emissions inventory for commercial marine vessels operating in the State. The survey did not collect information on recreational diesel powered vessels, so other sources of information were used for these vessels. As noted below, recreational diesel engines account for a relatively small percentage of the total harborcraft emissions inventory.

A. Types of Harborcraft Operating in California

Harborcraft are marine vessels that operate primarily along California's coastline, and in inland waterways. They include a wide variety of vessels such as tug/tow boats, commercial fishing vessels, commercial passenger fishing vessels ("party boats"), pilot boats, work boats, crew/supply boats, ferries/excursion vessels, military vessels, and diesel powered recreational vessels. Brief descriptions of each type of vessel follows:

Tug/Tow Boats: These vessels are designed to move large oceangoing ships into and out of berths, or to tow barges (unpowered vessels) between ports.

Commercial Fishing Vessels: Vessels dedicated to the search and collection of fish or other sea life for the purpose of sale at market.

Commercial Passenger Fishing Vessels: Vessels for hire by the general public dedicated to fishing for sport or personal consumption.

Work Boats: Vessels used to perform duties such as fire/rescue, law enforcement, hydrographic surveys, spill/response, research, training, and construction.

Crew/Supply Boats: Vessels used for carrying personnel and supplies to and from off-shore and in-harbor locations, such as offshore work platforms, construction sites, and other vessels.

Ferries/Excursion: Vessels operated for public use in the transportation of persons or property. Ferries are generally used primarily as a means of transportation, while excursion vessels are often used for pleasure and tourism (harbor tours, weddings, etc.).

Military: Vessels used by the Coast Guard or other branches of the military. For example, Coast Guard utility boats, patrol boats, and buoy tenders.

Recreational Vessels: Diesel powered vessels used for pleasure, including cabin cruisers, inboard runabouts, and yachts.

Table VII-1 below shows a breakdown by the number of vessels for each sector of commercial harborcraft, based on the ARB's 2002 survey. As shown, commercial fishing vessels account for the largest number of vessels by far. ARB's 2002 survey did not cover recreational vessels. However, a recent EPA staff report noted that the diesel engines used on recreational craft tend to be inboard cabin cruisers, with a limited number of sterndrive vessels and very few outboard designs ("Final Regulatory Support Document: Control of Emissions from Unregulated Nonroad Engines;" U.S. EPA, September, 2002).

Table VII-1: Commercial Harborcraft Use

Type of Vessel	Number of Vessels	Total
Commercial Fishing Boats	2,520	64%
Charter Fishing Boats	512	13%
Ferry/Excursion Boats	412	11%
Tug Boats	128	3%
Other	136	3%
Work Boats	87	2%
Crew Boats	70	2%
Tow Boats	35	1%
Pilot Boats	24	1%
Total *	3,924	100%

* Based on December 2002 ARB Commercial Harborcraft Survey, USCG, CDFG and other sources.

B. Harborcraft Operational Range

As mentioned above, harborcraft are marine vessels that operate primarily along California's coastline, and in inland waterways. As shown in Figure VII-1, most commercial harborcraft spend the majority of their time operating within 25 miles of shoreline, with very little operation greater than 100 miles offshore. This is significant because it means that the majority of their emissions are likely to impact California's air quality. More specifically, their emissions are primarily within "California Coastal Waters (CCW)," the boundary within which emissions are likely to be transported ashore and affect air quality in California's coastal air basins. CCW ranges from 27 to 102 miles offshore as shown in Figure VII-2. Development of the definition of CCW was based on over 500 thousand island, shipboard, and coastal meteorological observations. These data were taken from official records of a number of agencies including the U.S. Weather Bureau, Coast Guard, Navy, Air Force, Marine Corps., Civil Aeronautics Administration and Army Air Force. ("Report to the California Legislature on Air Pollutant Emissions from Marine Vessels;" ARB, 1984).

Figure VII-1
Percent of Vessel Hours Operated at Varying Distances from Shore

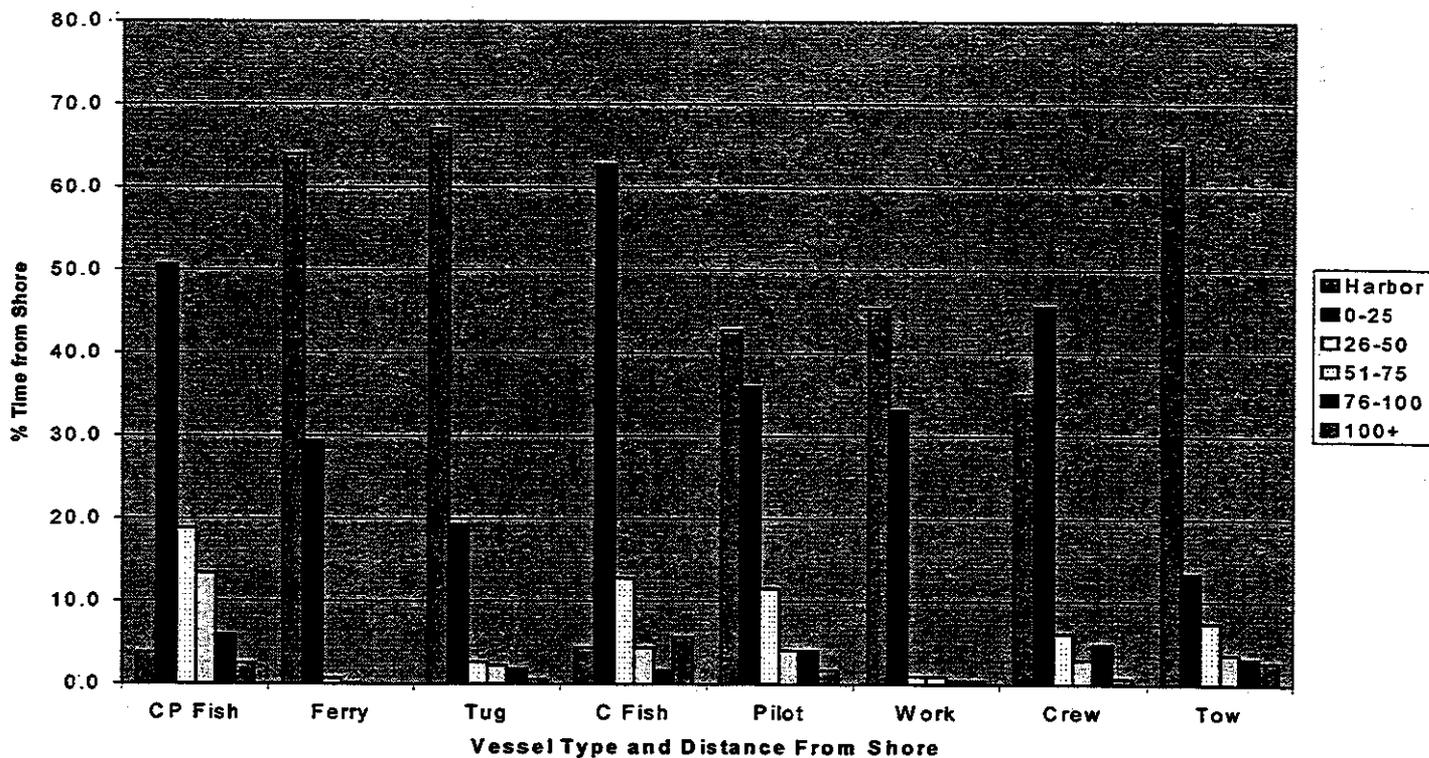
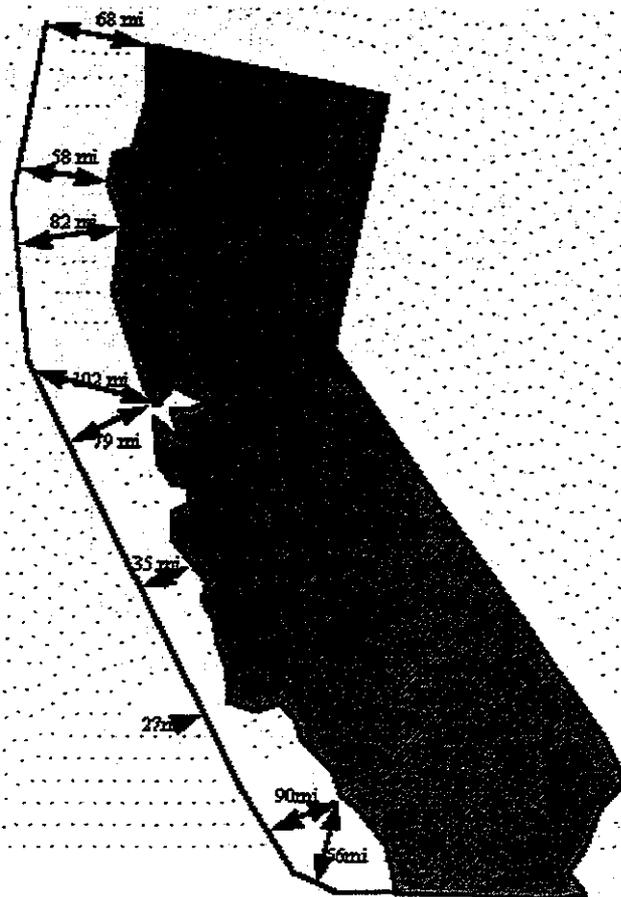


Figure VII-2: California Coastal Waters



C. Harborcraft Distinction from Oceangoing Ships

Harborcraft include all marine vessels except oceangoing ships. Oceangoing ships are not distinct from harborcraft because they travel internationally, generally burn heavy fuel oil in their main engines, and often do not take on fuel when they visit California ports. Oceangoing ships are generally defined as vessels that meet any one of the following criteria:

- (1) a foreign trade vessel with a "registry" endorsement on their United States Coast Guard certificate of documentation, or registration under the flag of another country.
- (2) a vessel greater than or equal to 400 feet in length overall (LOA) as defined in 50 CFR § 679.2.
- (3) a vessel of 10,000 gross tons (GT ITC) or greater per the convention measurement (international system) as defined in 46 CFR 69 Subpart B.
- (4) a vessel propelled by a marine diesel engine with a per-cylinder displacement of 30 liters or more (United States Environmental Protection Agency "category 3" engine).

Since most oceangoing ships visiting California's ports are foreign-flagged vessels, the first criteria will cover the vast majority of oceangoing ships in California. The remaining three categories cover oceangoing ships involved in the domestic trade, such as tankers traveling between California and Alaska, and cargo vessels traveling between California and Hawaii.

D. Types of Engines Used in Commercial Harborcraft

Harborcraft have one or more propulsion engines, and often auxiliary engines as well. Based on the ARB's 2002 survey, 63 percent of commercial harborcraft have one propulsion engine, 33 percent have two, and the remaining have more than two. Data on the manufacturers of propulsion engines is provided in Figure VII-3. As shown, Detroit Diesel engines are most common, followed by Caterpillar, Cummins, and a number of other manufacturers. Table VII-2 shows the range and average horsepower for different types of harborcraft. As shown, these engines range in horsepower from less than 50 to nearly 4,000. In general, tugs have the highest horsepower engines, averaging about 1300 horsepower. Commercial fishing and work boats, at the other end of the spectrum, averaged a little over 200 horsepower.

Figure VII-3: Commercial Harborcraft Propulsion Engine Manufacturers

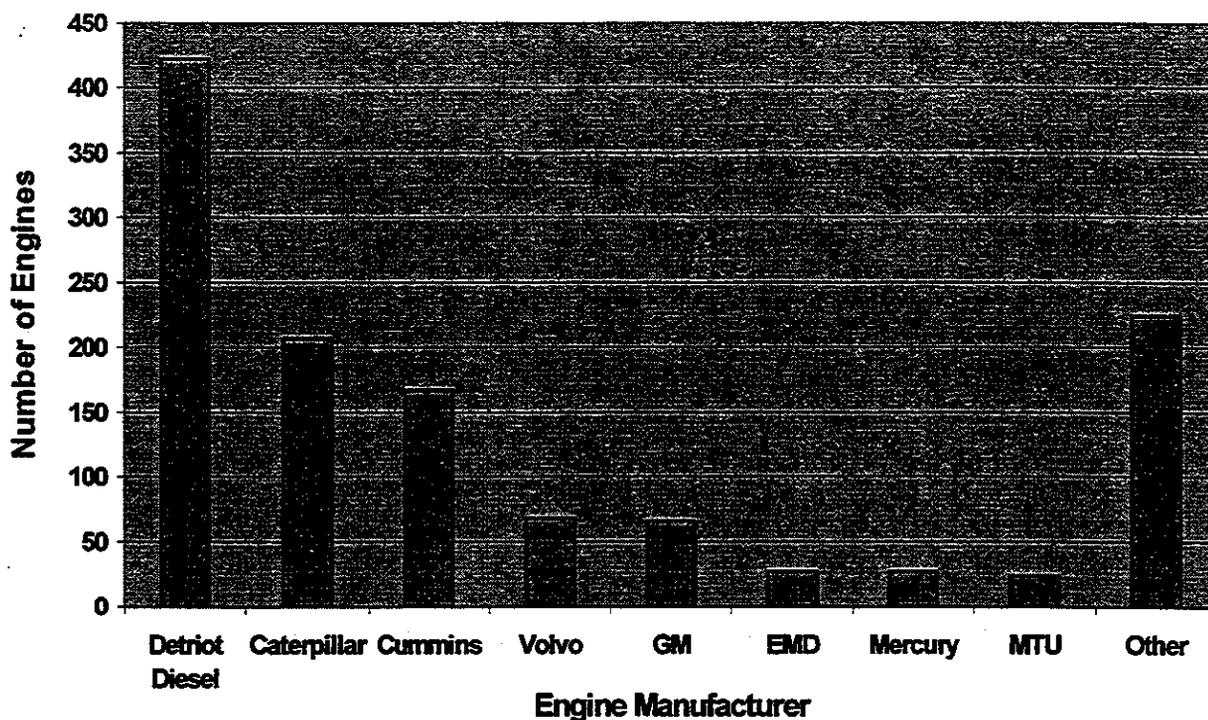


Table VII-2: Propulsion Engine Horsepower

Type of Vessel	Horsepower	
	Range	Average
Commercial Fishing Boats	8 – 1,485	230
Commercial Passenger Fishing Boats	80 – 1,400	381
Ferry Boats	35 – 3,110	733
Tug Boats	24 – 3,600	1,274
Work Boats	15 – 1,300	239
Other	28 – 764	281
Crew Boats	225 – 750	439
Tow Boats	24 – 1,500	500
Pilot Boats	230 – 550	408

Auxiliary engines are used to power on-board equipment such as electrical lights, refrigeration units, and radios. Based on the ARB's 2002 survey, about 40 percent of harborcraft have auxiliary engines. Of those vessels with auxiliary engines, 56 percent reported having one engine, 38 percent reported having two, and 5 percent reported have three to five. Figure VII-4 provides information on the manufacturers of these engines. Detroit Diesel engines are the most

prevalent, as with propulsion engines. Table VII-3 shows the power range for auxiliary engines used on different types of harborcraft. As shown, these engines ranged from 4-400 horsepower.

Figure VII-4: Harborcraft Auxiliary Engine Manufacturers

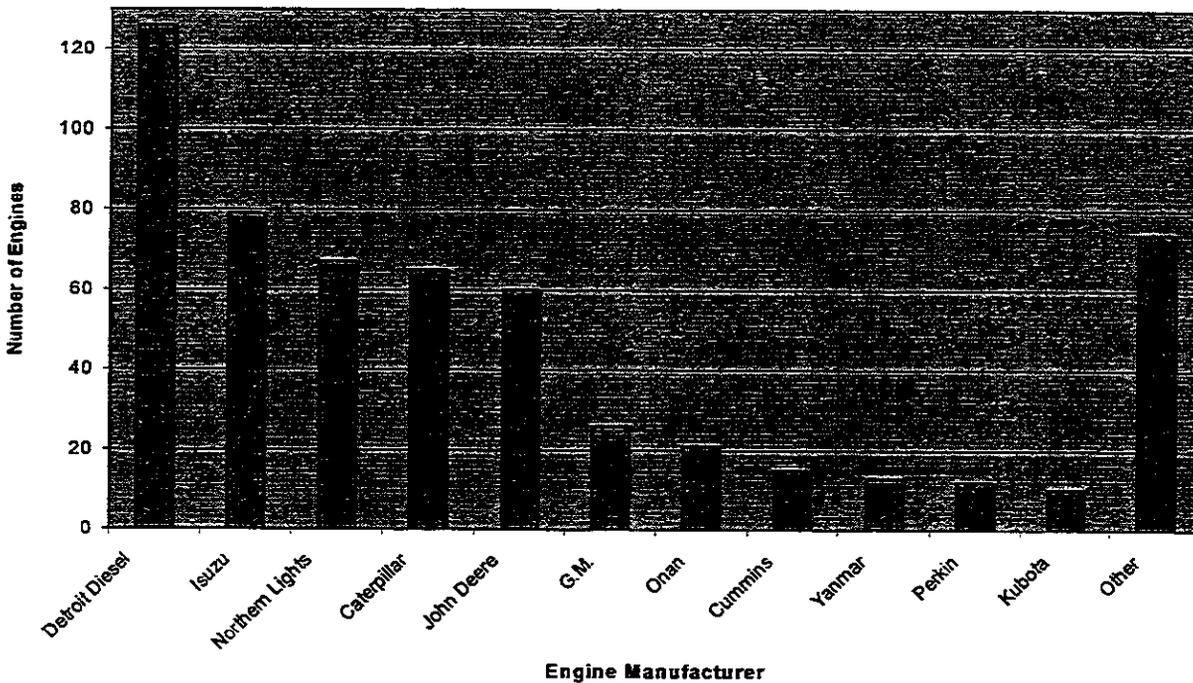


Table VII-3: Quantity of Auxiliary Engines and Average Horsepower

Type of Vessel	Horsepower	
	Range	Average
Commercial Fishing Boats	6 - 300	71
Tug Boats	7 - 300	111
Ferry Boats	10 - 400	94
Commercial Passenger Fishing Boats	4 - 185	50
Other	10 - 240	56
Work Boats	9 - 221	101
Crew Boats	16 - 110	79
Tow Boats	18 - 175	79
Pilot Boats	N/A	30

E. Fuel Consumption in Commercial and Recreational Harborcraft

Harborcraft are estimated to consume nearly 90 million gallons of diesel fuel annually, as shown in Table VII-4. This estimate relies on data from ARB's 2002 Commercial Harborcraft Survey. Specifically, total annual fuel consumption from commercial harborcraft is estimated using the average annual fuel consumption per vessel from the survey respondents, and scaling this up for the total estimated number of commercial harborcraft in California. For recreational craft, diesel fuel consumption is estimated based on the ARB emissions inventory, as shown in Appendix D.

The estimated breakdown of CARB and U.S. EPA on-road diesel fuels was estimated based on the following:

- (1) a state law requiring that ferries use CARB on-road diesel fuel. Specifically, CARB diesel is required for ferries with a capacity to hold 75 or more passengers (California Harbors and Navigation Code Section 654.3);
- (2) information provided by the major suppliers of marine fuels in California. These suppliers have noted that U.S. EPA on-road diesel is the predominate diesel fuel used, except for coastal areas north of the Bay Area, where CARB diesel fuel is supplied to marine vessels as well as on-road heavy duty trucks, since the small volumes do not justify a dual distribution system. Suppliers indicated that very little federal nonroad diesel fuel is used by harborcraft in California; and
- (3) the ARB's 2002 Commercial Harborcraft Survey, which provides data by vessel type (e.g. ferries) and by region (e.g. north coast).

**Table VII-4: Harborcraft Fuel Consumption by Region
(Millions of gallons)**

Type of Vessel	Total	CARB	U.S. EPA On-Road
Commercial Harborcraft (CHC)*			
S.F. Bay Area Air Basin	27.0	10.2	16.8
South Coast Air Basin	23.8	10.8	13.0
North Coast Air Basin	6.0	6.0	0
All Other Areas	25.5	10.0	15.5
Total CHC	82.3	37.0	45.3
Recreational Craft**			
S.F. Bay Area Air Basin	0.4	0	0.4
South Coast Air Basin	1.8	0	1.8
North Coast Air Basin	0.1	0.1	0
All Other Areas	2.7	0	2.7
Total Recreational Craft	4.9	0.1	4.9
Harborcraft Total	87	37	50

* Commercial fuel consumption estimates based on 2002 ARB Commercial Harborcraft Survey. All ferries

** Recreational fuel consumption estimates based on 2003 ARB Emissions Inventory (See Appendix E)

Table VII-5 shows the fuel consumption by type of harborcraft. As shown, ferries consume the largest amount of fuel, followed by commercial fishing vessels, and tugboats.

**Table VII-5: Harborcraft Fuel Consumption by Type of Vessel
(Millions of gallons)**

	2002	CARB	2003
<i>Commercial Harborcraft (CHC)*</i>			
Ferry/Excursion	31.5	31.5	0
Commercial Fishing	17.4	4.5	12.9
Tugs	12.6	0.2	12.4
Charter Fishing	9.8	0.5	9.3
Tow Boats	4.7	0	4.7
Crew and Supply	3.7	0.3	3.4
Work Boats	1.5	0.1	1.4
Pilot	0.7	0	0.7
Other	0.4	0	0.4
Total CHC	82.3	37.0	45.3
<i>Recreational Craft**</i>	4.9	0.1	4.9
Harborcraft Total	87.2	37.1	50.2

* Commercial fuel consumption estimates based on 2002 ARB Commercial Harborcraft Survey.

** Recreational fuel consumption estimates based on 2003 ARB Emissions Inventory (See Appendix XX)

F. Benefits of Clean Fuels in Harborcraft

The benefits of cleaner fuels, such as CARB diesel fuel, in harborcraft are the same as those discussed for locomotives in Chapter VI. In summary, staff estimates that harborcraft would realize emission reductions of 6 percent NOx, 14 percent PM, and over 95 percent SOx from the use of CARB diesel fuel. In addition, the SOx emission reductions would also provide a significant reduction in sulfates which would form PM indirectly.

VIII. PROPOSED AMENDMENTS FOR INTRASTATE LOCOMOTIVES

In this chapter, staff's proposed amendments extending the California motor vehicle diesel fuel standards to diesel fuel used in intrastate locomotives are discussed. The full text of the proposed regulatory language is contained in Appendix A. A discussion of the alternative regulatory concepts considered is provided in Chapter X.

A. Diesel Fuel Sold to Intrastate Locomotive Operators Statewide Beginning January 1, 2007

ARB staff is proposing that, beginning January 1, 2007, diesel fuel sold, supplied, or offered for use in California intrastate diesel-electric locomotives statewide be required to meet the specifications for vehicular diesel fuel, as specified in Title 13, CCR, sections 2281, 2282, and 2284.

The proposed effective date will ensure implementation of the proposed amendments prior to U.S. EPA's nonroad diesel fuel program implementation date of June 1, 2007. In addition, ARB staff believes implementing the proposed amendments on January 1, 2007, will provide adequate time for diesel fuel suppliers to complete the transition to U.S. EPA and CARB low sulfur (15 ppmw) diesel fuel for on-road, off-road, and stationary sources in California on June 1, 2006. Further, the proposed effective date would be in the winter, when diesel fuel demand is historically low, and diesel fuel inventories are typically at higher levels. Therefore, implementation during the winter months should reduce potential impacts on diesel fuel production and supply.

Under the proposal, California would receive the benefits of five years use of low sulfur (15 ppmw) diesel fuel over the federal nonroad diesel fuel program. In addition, neither the U.S. EPA on-road or nonroad diesel programs achieve the NO_x and PM emission reductions provided by the aromatic component of the CARB diesel fuel program.

B. Alternative Emission Control Plan

To provide flexibility to affected locomotive operators, staff is also proposing that operators of intrastate locomotives be provided the opportunity to participate in an alternative emission control plan (AECp). The AECp concept is intended to provide a less costly mechanism to comply with the proposed amendments. The AECp would allow the owner or operator of an intrastate diesel-electric locomotive to submit, for approval by the Executive Officer, a substitute fuel and/or emission control strategy. The substitute fuel and/or emission control strategy must achieve equivalent or greater reductions than those achieved solely through compliance with CARB diesel fuel requirements or which would otherwise be expected to be a best practices measure used to reduce emissions and exposure to PM around rail facilities. In addition, adequate enforcement provisions would be required. Further, a proposed AECp would need to be as protective as the use of CARB diesel in terms of reducing exposure to diesel PM for individuals living in areas that have existing local air pollution or localized air toxic impacts.

The AECF provisions are intended to provide the flexibility to intrastate locomotive operators to consider any combination of fuels, equipment, or operational changes at one or more of their rail facilities in the State. Some examples of these changes might include:

- The increased use of CARB diesel fuel in interstate locomotives.
- The use of alternative diesel fuels, such as biodiesel and emulsified fuels.
- Exhaust aftertreatment devices, such as diesel particulate filters or diesel oxidation catalysts.
- Engine modifications, such as cylinder liners for reduced lubrication oil consumption or engine timing adjustments.
- Replacement of a portion of the existing fleet with less polluting equipment, such as low horsepower, electric or hybrid switchers.

However, whatever approach is proposed, the AECF may not sacrifice emission reductions in one area or region at the expense of another, and could not take credit for other measures such as smoke reduction programs or efforts that would reduce unnecessary idling that should be implemented as best management practices around major rail facilities or are required by other regulations or agreements.

C. Definitions for Intrastate Locomotives

In this section, staff examines the proposed amendments and definitions recommended for diesel-electric locomotive and intrastate locomotive.

1. Definition of a Diesel-Electric Locomotive

A "locomotive" was defined in the U.S. EPA locomotive regulations (1998) as a self-propelled piece of on-track equipment designed for moving or propelling cars that are designed to carry freight, passengers or other equipment, but which itself is not designed or intended to carry freight, passengers (other than those operating the locomotive) or other equipment. Diesel-electric locomotives are defined by the railroad industry as those locomotives that use electric power provided by a diesel engine that drives a generator or alternator; the electrical power produced then drives the wheels using electric motors.

2. Definition of an Intrastate Locomotive

Staff is proposing that an intrastate locomotive be defined to include a diesel-electric locomotive that operates principally within California, where at least 90 percent of a locomotive's fuel consumption, hours of operation, or annual rail miles traveled occur within the boundaries of the state of California. This definition includes, but is not limited to, diesel-electric locomotives used in the following operations: passenger intercity and commuter, short haul, short line, switch, industrial, port, and terminal operations. This definition is intended to allow for some out-of-state operation of intrastate locomotives for such activities as repair or maintenance at facilities outside of the state, or infrequent operation in neighboring states, for up to 36 days per year.

Staff is proposing to not include in the definition of California intrastate locomotives those line-haul freight locomotives meeting the U.S. EPA's "Tier II" locomotive emission standards (for both NO_x and PM) which primarily move freight into and out of the SCAQMD. This is in recognition that by 2010, both UP and BNSF will, under the federally enforceable railroad MOU in the SCAQMD, be required to meet a "Tier II" fleet average for NO_x for their locomotive operations in the SCAQMD. This will achieve over a 60 percent reduction in NO_x emissions from the operations of UP and BNSF within the SCAQMD. For UP and BNSF, meeting this fleet average will likely necessitate the deployment of dedicated Tier II locomotives for service into and out of the SCAQMD, beginning in 2005, creating a "new" captive intrastate locomotive fleet not currently present in the State. To the extent that these locomotives do use CARB diesel fuel, under the railroad MOU, the emission reductions achieved through the use of cleaner fuels are creditable towards the railroads Tier II fleet average and not to the use of CARB diesel. In addition, staff is investigating means to encourage the early introduction of Tier II locomotives in the rest of the state and may propose additional recommendations to the Board at the hearing.

However, under staff's proposed definition, switcher and short haul locomotives operated by UP and BNSF in the SCAQMD would continue to be subject to the proposed amendments, even if they meet the U.S. EPA Tier II emission standards. This is designed to preserve both the NO_x and PM emission benefits achieved with the proposed amendments in and around railyards in the SCAQMD.

D. Structure of the regulations

The staff is proposing that the Board adopt two almost identical sections of the California Code of Regulations (CCR). Section 2299, title 13, CCR, would be in a new Chapter 5.1. Standards for Fuels For Nonvehicular Sources, and would regulate diesel fuel used in intrastate locomotives and harborcraft pursuant to ARB's Health and Safety Code section 43013 authority to adopt standards and regulations for locomotives and marine vessels. A second regulation – section 93116, title 17, CCR – would regulate diesel fuel used in intrastate locomotives and harborcraft as an Air Toxic Control Measure (ATCM) for nonvehicular sources. Both regulations would provide that all diesel fuel sold, offered for sale or supplied for use in harborcraft and intrastate diesel-electric locomotives on or after the implementation dates will be subject to all of ARB's requirements for California motor vehicle fuel on sulfur content, aromatic hydrocarbon content, and lubricity. Technical amendments would be made to the motor vehicle diesel fuel regulations to alert the reader of the applicability of the two new sections on diesel fuel for use in intrastate diesel-electric locomotives and harborcraft.

IX. PROPOSED AMENDMENTS FOR COMMERCIAL AND RECREATIONAL HARBORCRAFT

In this chapter, staff's proposed amendments extending the California motor vehicle diesel fuel standards to diesel fuel used in commercial and recreational harborcraft are discussed. The full text of the proposed regulatory language is contained in Appendix A. A discussion of the alternative regulatory concepts considered is provided in Chapter X.

A. Diesel Fuel Sold to Harborcraft Operators in the SCAQMD Beginning January 1, 2006.

ARB staff is proposing that, beginning January 1, 2006, diesel fuel sold, supplied, or offered for use in commercial or recreational harborcraft within the SCAQMD be required to meet the specifications for motor vehicular diesel fuel, as specified in title 13, CCR, sections 2281, 2282, and 2284.

The early implementation date for the SCAQMD is proposed in order to satisfy emission reduction commitments for harborcraft, as contained in the 2003 Statewide Strategy of the California SIP. Specifically, the use of cleaner fuels (including CARB diesel fuel) for harborcraft is included in *Measure Marine-1: Pursue Approaches to Clean Up the Existing Harborcraft Fleet – Cleaner Engines and Fuels*.

The 2003 Statewide Strategy requires a total of 0.09 tons per day of NOx emission reductions by 2006 and 2.7 tons per day of NOx emission reductions from harborcraft by 2008. The proposed amendments will provide about 0.4 tons per day of direct NOx emission reductions for existing harborcraft in the SCAQMD beginning in 2006, and enable advanced control technologies to provide additional emission reductions in the future.

The 2003 Statewide Strategy also requires a total of 0.02 tons per day of PM emission reductions by 2006 and 0.05 tons per day of PM emission reductions by 2008. The proposed amendments will provide the SCAQMD with 0.02 tons per day or more of PM emission reductions from existing harborcraft in the SCAQMD beginning in 2006, and enable advanced control technologies to provide additional emission reductions in the future.

B. Diesel Fuel Sold to Harborcraft Operators Statewide Beginning January 1, 2007

ARB staff is proposing that, beginning January 1, 2007, diesel fuel sold, supplied, or offered for use in commercial or recreational harborcraft statewide be required to meet the specifications for vehicular diesel fuel, as specified in Title 13, CCR, sections 2281, 2282, and 2284.

The proposed effective date will ensure implementation of the proposed amendments prior to the U.S. EPA's nonroad diesel fuel program implementation date of June 1, 2007. In addition, CARB staff believes implementing the proposed amendments on January 1, 2007, will provide adequate time for diesel fuel suppliers to complete the transition to U.S. EPA and CARB low sulfur (15 ppmw) diesel fuel for on-road, off-road, and stationary sources in California on June 1, 2006. Further, the proposed effective date would be in the winter, when diesel fuel demand is historically low, and diesel fuel inventories are typically at higher levels. Therefore,

implementation during the winter months should reduce potential impacts on diesel fuel production and supply.

Under the proposal, California would receive the benefits of five years use of low sulfur (15 ppmw) diesel fuel over the federal nonroad diesel fuel program. In addition, neither the U.S. EPA on-road or nonroad diesel programs achieve the NO_x and PM emission reductions provided by the aromatic component of the CARB diesel fuel program.

C. Definition of Commercial and Recreational Harborcraft

The following is a discussion of the proposed definition for commercial and recreational harborcraft used in the proposed amendments.

Staff is proposing that the definition of harborcraft include a subset of all marine vessels. "Marine vessels" would be defined as any ship, boat, watercraft, or other artificial contrivance used as a means of transportation on water. This includes recreational as well as commercial vessels. To exclude ocean-going ships, the definition of harborcraft would exclude the following marine vessels:

- Foreign trade vessels with a "registry" endorsement on their United States Coast Guard certificate of documentation, or registration under the flag of another country.
- Vessels greater than or equal to 400 feet in length overall (LOA) as defined in 50 CFR § 679.2.
- Vessels of 10,000 gross tons (GT ITC) or greater per the convention measurement (international system) as defined in 46 CFR 69 Subpart B.
- Vessels propelled by a marine diesel engine with a per-cylinder displacement of 30 liters or more (U.S. EPA "category 3" engine).

D. Structure of the regulations

The staff is proposing that the Board adopt two almost identical sections of the California Code of Regulations (CCR). Section 2299, title 13, CCR, would be in a new Chapter 5.1. Standards for Fuels For Nonvehicular Sources, and would regulate diesel fuel used in intrastate locomotives and harborcraft pursuant to ARB's Health and Safety Code section 43013 authority to adopt standards and regulations for locomotives and marine vessels. A second regulation – section 93116, title 17, CCR – would regulate diesel fuel used in intrastate locomotives and harborcraft as an ATCM for nonvehicular sources. Both regulations would provide that all diesel fuel sold, offered for sale or supplied for use in harborcraft and intrastate diesel-electric locomotives on or after the implementation dates will be subject to all of ARB's requirements for California motor vehicle fuel on sulfur content, aromatic hydrocarbon content, and lubricity. Technical amendments would be made to the motor vehicle diesel fuel regulations to alert the reader of the applicability of the two new sections on diesel fuel for use in intrastate diesel-electric locomotives and harborcraft.

X. ALTERNATIVES CONSIDERED

This chapter presents a summary of the alternatives to the proposed amendments that were considered for intrastate locomotives and commercial and recreational harborcraft.

A. Alternatives Considered for Intrastate Locomotive Diesel Fuel

Staff evaluated five alternatives to the proposed amendments for intrastate locomotives that included:

- Not extending CARB diesel fuel requirements to diesel fuel for use by intrastate locomotives (in which case the fuel would still be subject to U.S. EPA nonroad diesel fuel standards).
- Not requiring any diesel fuel for use by Class III railroads locomotives to have to comply with the CARB diesel fuel requirements.
- Not requiring diesel fuel for use by certain rural Class III railroads locomotives, not operating in ozone non-attainment areas, to have to comply with the CARB diesel fuel requirements until June 1, 2012.
- Requiring diesel fuel for use by all intrastate locomotives in the SCAQMD to meet the CARB diesel fuel standards by January 1, 2006, with diesel fuel for use by intrastate locomotives and harborcraft in the rest of the state to be subject to the CARB diesel fuel standards by January 1, 2007.
- Making diesel fuel for use by all harborcraft and all interstate and intrastate locomotives subject to the CARB diesel fuel requirements.

In considering the alternatives identified above, staff concluded that the first three would not provide the emission reductions needed, for both the SIP and overall improvements in air quality, above those that would be realized through implementation of only the U.S. EPA nonroad diesel fuel program.

Staff believes that the additional CARB diesel fuel demand created by the fourth alternative could put excessive strain on the diesel fuel supply in the SCAQMD in 2006, during the transition to 15 ppmw CARB and U.S. EPA on-road diesel fuel. The fifth alternative would not assure emission reductions as interstate locomotives have the potential to change existing fuel patterns. This might increase the purchase of U.S. EPA nonroad diesel fuel prior to entering California, reducing the potential benefits of this option.

A discussion of the cost and emission impacts of these alternatives is provided in Chapter XIII.

B. Alternatives Considered for Harborcraft Diesel Fuel

In considering alternatives for diesel fuel for harborcraft, staff considered the alternative of allowing for the implementation of only the U.S. EPA nonroad diesel fuel program. However, staff concluded that this alternative would not provide the emission benefits achieved through the proposed amendments above those that would be realized through implementation of only the U.S. EPA nonroad diesel fuel program. Further, this alternative would not provide the NO_x and

PM emission reductions required under *Measure Marine-1: Pursue Approaches to Clean Up the Existing Harborcraft Fleet – Cleaner Engines and Fuels* in the 2003 SCAQMD SIP. A discussion of the cost and emission impacts of these alternatives is provided in Chapter XIII.

XI. ENVIRONMENTAL EFFECTS OF THE PROPOSED AMENDMENTS TO THE DIESEL FUEL REGULATIONS

This chapter discusses the environmental impacts of the proposed amendments to extend the applicability of the CARB diesel fuel regulations to diesel fuel used in intrastate locomotives and harborcraft.

A. Legal Requirements Applicable to Analysis

The California Environmental Quality Act (CEQA) and ARB policy require an analysis to determine the potential adverse environmental impacts of the proposed standards. Because the ARB's program involving the adoption of regulations has been approved by the Secretary of Resources (see Public Resources Code, section 21080.5), the CEQA environmental analysis requirements are to be included in the ARB's Staff Report in lieu of preparing an environmental impact report or negative declaration. In addition, the ARB will respond in writing to all significant environmental issues raised by the public during the public review period or the public Board hearing. These responses are to be contained in the Final Statement of Reasons for the proposed amendments.

Public Resources Code section 21159 requires that the environmental impact analysis conducted by the ARB include the following:

- An analysis of the reasonably foreseeable environmental impacts of the methods of compliance;
- An analysis of reasonably foreseeable mitigation measures; and
- An analysis of reasonably foreseeable alternative means of compliance with the standard.

Compliance with the proposed amendments is expected to directly affect air quality and have minimal indirect effects on other environmental media as a consequence of the air quality impacts. Staff's analysis of the reasonable foreseeable environmental impacts of the methods of compliance is presented in the sections below. Regarding mitigation measures, CEQA requires the lead agency to identify and adopt any feasible mitigation measures that would minimize any significant adverse environmental impacts described in the environmental analysis.

The proposed amendments to extend the applicability of the CARB diesel fuel regulations to intrastate locomotives and harborcraft are needed to:

- Ensure compliance with California's State Implementation Plan (SIP).
- Provide necessary emission reductions towards achieving state and federal ambient air quality standards.
- Enable the retrofit of existing intrastate locomotives and commercial and recreational harborcraft with aftertreatment control technologies.
- Reduce the risk from diesel PM emissions as required by the 2000 California Diesel Risk Reduction Plan (DRRP).

Alternatives to the proposed amendments have been discussed in the previous chapter of this report. ARB staff has concluded that at this time, there is no alternative means.

B. Effects on Air Quality

Intrastate locomotives and harborcraft (with the exception of ferries) are not currently required to use fuel that meets CARB diesel formulation requirements. However, a significant portion of these source categories are already using complying fuel because of California's fuel distribution network which limits access to non-CARB diesel fuel at many locations in the state. The proposed amendments will increase the use of CARB diesel fuel which will result in lower NO_x, PM, and SO_x emissions from intrastate locomotive and harborcraft diesel fueled engines. Requiring the use of CARB diesel in intrastate locomotives and harborcraft will have a positive air quality impact by reducing ambient levels of ozone and both primary and secondary emitted PM.

1. Reduced Ambient Ozone Levels

Emissions of NO_x and ROG are precursors to the formation of ozone in the lower atmosphere. Exhaust from diesel engines contributes a substantial fraction of ozone precursors in any metropolitan area. Therefore, reductions in NO_x from diesel engines would make a considerable contribution to reducing exposures to ambient ozone. Controlling emissions of ozone precursors would reduce the prevalence of the types of respiratory problems associated with ozone exposure and would reduce hospital admissions and emergency visits for respiratory problems.

2. Reduced Ambient PM Levels

Emissions of diesel PM directly affect PM levels in both urban and rural areas and impact contributions to local air toxics impacts. Sulfur in diesel fuel contributes to ambient levels of secondary fine PM through the formation of sulfates, both in the exhaust stream of the diesel engine and later in the atmosphere leading to higher ambient PM levels. Higher aromatic hydrocarbon levels in diesel fuel contribute to ambient levels of NO_x and PM. Additional air quality benefits will be achieved from reductions of emissions of toxic air contaminants (diesel PM) through the use of CARB diesel fuel in intrastate locomotive and harborcraft diesel engines.

3. Reduced Ambient Sulfur Dioxide Levels

The proposed amendments would ensure that intrastate locomotive and harbor craft operators would reduce the impacts of SO₂ emissions in both urban and rural areas. As discussed above, lowering sulfur levels in diesel fuel will result in approximately a 12 percent reduction in sulfate and diesel PM emissions. Further, there will be at least a 95 percent reduction in SO₂ emissions. The proposed amendments will ensure that intrastate locomotives and harborcraft are using low sulfur (15 ppmw) diesel fuel and eliminates the possibility of the use of much higher sulfur levels (500 ppmw) from nonroad diesel fuel, prior to implementation of the U.S. EPA low sulfur (15 ppmw) requirements in 2012.

4. *Enabling Advanced Control Technologies*

The use of CARB diesel will also help provide added emissions benefits by enabling the implementation of the DRRP to reduce diesel PM emissions from existing intrastate locomotives and commercial and recreational harborcraft diesel-fueled engines. The proposed amendments will enable the retrofitting of existing intrastate locomotives and harborcraft diesel engines with sulfur sensitive catalytic after-treatment control technologies to control diesel PM and oxides of nitrogen emissions.

C. **Current Emission Inventory**

This section discussed the current emission inventory for both intrastate locomotives and harborcraft.

1. *Intrastate Locomotives*

Below are ARB's emission inventory estimates for intrastate locomotives by type of railroad (Table XI-1) and by the region of the state (Table XI-2).

Table XI-1: Emission Inventory from Intrastate Locomotives by Type of Railroad (tons per day)

	NO _x	SO _x	PM ₁₀
Class I	22	0.2	0.5
Passenger Train	10	0.0	0.3
Class III	6	0.1	0.1
Total *	38	0.3	1.0

* Numbers may not add due to rounding.

As can be seen in Table XI-1, Class I freight railroads account for about 60 percent of the NO_x and PM emissions, and about 70 percent of the SO_x emissions associated with intrastate locomotives. Passenger trains, due to their current high use of CARB and low sulfur (15 ppmw) CARB diesel fuel, have a smaller impact on emissions (especially for SO_x) despite their significant fuel consumption (20.4 million gallons annually). However, passenger trains still account for over 25 percent of the intrastate locomotive NO_x emissions. The emissions from the Class III railroads represent the smallest contributors to the emission inventory due to their lower fuel consumption.

As can be seen in Table XI-2, the regions of the state most impacted by intrastate locomotive NO_x emissions are the South Coast (34 percent), and the Bay Area (21 percent) and San Joaquin Valley (20 percent). These three regions combined account for 75 percent of the NO_x emissions associated with intrastate locomotives.

**Table XI-2: Emission Inventory from Intrastate Locomotives by Region of the State
(tons per day)**

Region	NO _x	SO ₂	PM ₁₀
South Coast	12.9	0.1	0.3
Bay Area	8.2	0.1	0.2
San Joaquin	7.5	0.1	0.3
Sacramento Valley	4.2	0	0.1
South Central Coast	2.4	0	0
San Diego	1.2	0	0
Rest of the State	2.0	0	0
Total *	38.0	0.3	1.0

* Number may not add due to rounding.

2. Commercial and Recreational Harborcraft

Commercial Harborcraft

Based on the ARB's 2003 emission inventory and the ARB commercial harborcraft survey, commercial and recreational harborcraft emissions statewide are estimated to be about 27 tons per day of NO_x and about 1.5 tons per day of PM. Table XI-3 presents the emissions data by air district.

**Table XI-3: Emission Inventory for Harborcraft by Region
(tons per day)**

Region	NO _x	SO ₂	PM ₁₀
<i>Commercial Harborcraft</i>			
S.F. Bay Area Air Basin	5.8	1.0	0.3
South Coast Air Basin	10.6	0.2	0.2
North Coast Air Basin	2.6	0.4	0.3
All Other Areas	5.0	0.3	0.5
<i>Total</i>	<i>24.0</i>	<i>1.9</i>	<i>1.4</i>
<i>Recreational Vessels *</i>			
S.F. Bay Area Air Basin	0.2	0	0
South Coast Air Basin	1.0	0	0
North Coast Air Basin	0	0	0
All Other Areas	1.5	0	0
<i>Total</i>	<i>2.8</i>	<i>0.1</i>	<i>0.1</i>
Total **	27.0	2.0	1.5

* ARB 2003 Emissions Inventory (See Appendix E for details).

** Numbers may not add due to rounding.

In evaluating this data, it is important to note that the current inventory is being updated, and ARB staff hope to have a revised inventory completed by the end of the year. Preliminary results for this effort indicate that harborcraft emissions may be much higher than currently estimated.

Recreational Vessels

California has nearly 20,000 recreational diesel-powered watercraft engines according to current ARB modeling estimates. However, their emissions are much lower than commercial harborcraft. For recreational vessels, the ARB emissions inventory estimates about 2.8 tons per day of NO_x and about 0.1 tons per day of PM statewide.

D. Anticipated Emission Reductions

In this section, staff provides estimates of the anticipated emission reductions from the proposed amendments.

1. Emission Reductions from Intrastate Locomotives

The intrastate locomotive emission reductions were calculated based on the level of current non-CARB diesel fuel use and segregated by each of the railroad types. As can be seen in Table XI-4, about 90 percent of the anticipated NO_x, and about 80 percent of the directly and indirectly emitted PM emission reductions from the proposed amendments are from Class I intrastate freight locomotives. Passenger trains consume nearly as much diesel fuel as the Class I intrastate locomotives, but nearly all of their diesel fuel consumption is currently low sulfur (15 ppmw) CARB or CARB diesel. About 10 percent of the anticipated intrastate locomotive emission reductions are from Class III railroads.

Table XI-4: Emission Reductions from Intrastate Locomotives by Railroad Type (tons per day)

Type of Railroad	NO _x	SO _x	PM	
			Direct	Indirect
Class I	0.9	0.3	0	0
Passenger Train	0	0	0	0
Class III	0.1	0	0	0
Total *	1.0	0.3	0.05	0.06

* Numbers may not add due to rounding.

As can be seen in Table XI-5, over 30 percent of the NO_x and PM emission reductions associated with the proposed amendments would be realized in the SCAQMD. Significant reductions of NO_x and PM would also be realized in the SJVUAPCD and the Bay Area. Also, the use of CARB diesel in intrastate locomotives and harborcraft is expected to reduce SO_x emissions by over 95 percent.

**Table XI-5: Emission Reductions from Intrastate Locomotives by Region of State
(tons per day)**

Region	NO _x	SO _x	Direct	Indirect
South Coast	0.3	0.1	0.02	0.02
Bay Area	0.2	0.1	0.01	0.01
San Joaquin	0.2	0.1	0.01	0.01
Sacramento Region	0.1	0	0.01	0.01
South Central Coast	0.1	0	0	0.01
San Diego	0	0	0	0
Rest of the State	0.1	0	0	0.01
Total *	1.0	0.3	0.05	0.06

* Numbers may not add due to rounding.

2. Emission Reductions from Harborcraft

As shown in Table XI-6, the total estimated NO_x and PM and emissions and emission reductions for harborcraft from implementing the proposed amendments are provided. The potential emission reductions are about 1 ton per day of NO_x and about 0.5 tons per day of directly and indirectly emitted PM. In addition, SO_x emissions would be reduced by nearly 1.5 tons per day. These emissions reductions are significant when considering that the majority of harborcraft emissions are concentrated in and around California's coastal nonattainment districts, and large commercial ports in particular. The methodology used to calculate harborcraft emission reductions is described in Appendix F.

**Table XI-6: Emission Reductions for Harborcraft by Region of the State
(tons per day)**

Region	NO _x	SO _x	PM	
			Direct	Indirect
Commercial Harborcraft				
S.F. Bay Area Air Basin	0.2	1.0	0	0.2
South Coast Air Basin	0.4	0.2	0	0
North Coast Air Basin	0	0.01	0	0
All Other Areas	0.2	0.3	0.1	0.1
Total	0.8	1.5	0.1	0.3
Recreational Craft				
S.F. Bay Area Air Basin	0	0	0	0
South Coast Air Basin	0.1	0	0	0
North Coast Air Basin	0	0	0	0
All Other Areas	0.1	0	0.1	0
Total	0.2	0	0.1	0
Total	1.0	1.5	0.1	0.3

* Commercial fuel consumption estimates based on 2002 ARB Commercial Harborcraft Survey.

** Recreational fuel consumption estimates based on 2003 ARB Emissions Inventory (See Appendix D).

3. Total Emission Reductions for Intrastate Locomotives and Harborcraft

The total emission reductions anticipated from intrastate locomotives and commercial and recreational harborcraft are shown in Table XI-7. As can be seen, it is estimated that the use of CARB diesel in both intrastate locomotives and harborcraft would provide an estimated 2 tons per day of NO_x emission reductions, nearly 2 tons per day of SO_x emission reductions, and about 0.6 tons per day of directly and indirectly emitted PM emission reductions.

**Table XI-7: Emission Reductions from Intrastate Locomotives and
Harborcraft by Regions
(tons per day)**

Region	NO _x	SO _x	PM	
			Direct	Indirect
South Coast	0.7	0.3	0.05	0.1
Bay Area	0.5	1.0	0.05	0.2
Rest of the State	0.8	0.5	0.10	0.1
Total *	2.0	1.8	0.2	0.4

* Numbers may not add due to rounding.

Table XI-8 shows the anticipated emission reductions by source type. As can be seen, Class I intrastate locomotives and harborcraft combined account for about 85 percent of both the total NO_x and PM emission reductions.

**Table XI-8: Emission Reductions from Intrastate Locomotives and Harborcraft
(tons per day)**

Source Type	NOx	SO _x	Direct	Indirect
Class I	0.9	0.3	0.1	0.1
Passenger Train	0	0	0	0
Class III	0.1	0	0	0
Subtotal	1.0	0.3	0.1	0.1
Commercial Harborcraft	0.8	1.5	0.1	0.3
Recreational Harborcraft	0.2	0	0	0
Subtotal	1.0	1.5	0.1	0.3
Total	2.0	1.8	0.2	0.4

* Numbers may not add due to rounding.

E. Effects on Greenhouse Gas Emissions

Greenhouse gases (GHG) are predominantly comprised of carbon dioxide (CO₂), methane (CH₄) and nitrous oxide (N₂O). The gases differ in their atmospheric warming potential and as a result, the contribution of each gas is determined as equivalent CO₂ emissions using conversion factors approved by the Intergovernmental Panel on Climate Change; for example, methane has 21 times the warming potential of carbon dioxide.

Transportation is a large source of greenhouse gas emissions around the world. Table XI-9 reports greenhouse gas emissions as million metric tons of carbon dioxide equivalent (MMTCO₂ Eq.) for diesel and gasoline consumption in the transportation sector in California. The CO₂ emissions estimates for diesel consumption include non-highway vehicles, ships, and trains which together are a small proportion of the total emissions. The estimates of CH₄ and N₂O emissions are only for highway vehicles.

Table XI-9: Greenhouse Gas Emissions from Diesel and Gasoline Consumption in the Transportation Sector in 1999

Greenhouse Gas	Global Warming Potential	GHG Emissions (MMTCE, Eq.)	
		Diesel	Gasoline
CO ₂	1	27.0	126.8
CH ₄	21	+	0.4
N ₂ O	310	0.2	5.6

+ Does not exceed 0.05.

Source: California Energy Commission: Inventory of California Greenhouse Gas Emissions and Sinks: 1990-1999. California Energy Commission Publication #600-02-001F-ES, November 2002.

Implementation of the proposed amendments could have a small net effect on global warming. The production of low sulfur diesel is expected to increase emissions of greenhouse gases, but the greenhouse effect from diesel production is expected to be substantially offset by the effect of a reduction in CO₂ emissions from the use of the lower sulfur diesel fuel in diesel engines.

Emissions of CO₂ from refineries will increase due to the increased demand for energy for additional hydrogen production and additional processing to produce low sulfur diesel fuel. Methane emissions are expected to increase due to natural gas production and distribution losses but these methane losses will be small compared to the additional carbon dioxide emissions. A smaller amount of methane and nitrous oxide will be emitted in the natural gas combustion process. Some of the extra hydrogen and the energy it represents will be in the fuel, increasing the hydrogen to carbon ratio and reducing CO₂ exhaust emissions.

F. Impacts on the SIP in the South Coast and San Joaquin Valley

In this section, staff examines the impacts of the proposed amendments on the SIP for both the SCAQMD and SJVUAPCD.

On October 23, 2003, ARB adopted *the Proposed 2003 State and Federal Strategy for the California State Implementation Plan (Statewide Strategy)* which reaffirms the ARB's commitment to achieve the health-based air quality standards through specific near-term actions and the development of additional longer-term strategies. It also sets into motion a concurrent initiative to identify longer-term solutions to achieve the full scope of emission reductions needed to meet federal air quality standards in the SCAQMD, SJVUAPCD, and rest of California. Upon approval by U.S. EPA, the 2003 SIP will replace the State's commitments in the 1994 SIP.

In addition to the defined SIP measures, it is expected that further emission reductions will be needed from all source categories to meet the long-term emission reduction targets included in the South Coast SIP.

1. *Harborcraft*

ARB staff estimates that the proposed amendments would reduce NOx emissions by about 0.4 tons per day from harborcraft in the SCAQMD in 2010. The harborcraft NOx emission reductions would provide the first increment of progress toward fulfilling ARB's commitment for *Measure Marine-1: Pursue Approaches to Clean Up the Existing Harborcraft Fleet – Cleaner Engines and Fuels* in the 2003 SCAQMD SIP.

Under measure Marine-1, ARB anticipates reducing 2010 South Coast harborcraft NOx emissions by a total of 2.7 tons per day. In addition to providing immediate NOx emission reductions, the low sulfur (15 ppmw) CARB diesel fuel will enable the use of exhaust treatment devices on harborcraft engines, another element of measure Marine-1. The proposed amendments would have a minimal emissions benefit in the SJVUAPCD as harborcraft emissions are a relatively small part of the emission inventory in that region.

2. *Intrastate Locomotives*

ARB staff estimates that the proposed amendments would reduce NOx emissions by about 0.3 tons per day from intrastate locomotives in the SCAQMD in 2010. However, these new NOx emission reductions are not directly creditable towards ARB's commitments in the 2003 SCAQMD SIP.

To meet an emission reduction commitment for locomotives in the 1994 Ozone SIP for the South Coast, ARB and the two freight railroads operating in California signed a memorandum of understanding (MOU) to ensure that the cleanest locomotive engines are brought to the SCAQMD. Under the terms of the MOU, use of cleaner diesel fuels is one of the options for meeting the emission reduction targets. Any emission reductions achieved through use of cleaner diesel fuels in the locomotives, under the purview of the MOU, could be credited toward the existing locomotive SIP commitment, not towards ARB's new 2003 SIP commitments. However, emission reductions from passenger train and Class III railroads with intrastate locomotives could be credited to the SIP.

NOx emission reductions from intrastate locomotives not covered in the MOU, such as those in the San Joaquin Valley, would be creditable in the SIPs for those regions. ARB staff estimates that this measure would reduce intrastate locomotive NOx emissions in the San Joaquin Valley by 0.2 tons per day in 2010.

G. **Health Benefits of Reductions of Diesel PM Emissions**

The emission reductions obtained from this regulation will result in lower ambient PM levels and significant reductions of exposure to primary and secondary diesel PM. Lower ambient PM levels and reduced exposure, in turn, would result in a reduction of the prevalence of the diseases attributed to PM and diesel PM, including hospitalizations for cardio-respiratory disease, and premature deaths. ARB staff estimates approximately 71 premature deaths would be avoided by 2010 and cumulatively 233 premature deaths by 2020 as a result of the emission reductions of primary and secondary PM obtained through the proposed regulations.

1. Primary Diesel PM

Lloyd and Cackette estimated that, based on the Krewski *et al.* study, a statewide population-weighted average diesel PM_{2.5} exposure of 1.8 µg/m³ resulted in a mean estimate of 1,985 premature deaths per year in California. (Lloyd/Cackette, 2001). The diesel PM emissions corresponding to the direct diesel ambient population-weighted PM concentration of 1.8 µg/m³ is 28,000 tons per year. (ARB, 2000) Based on this information, we estimate that reducing 14.11 tons per year of diesel PM emissions would result in one fewer premature death (28,000 tons/1,985 deaths). Comparing the PM_{2.5} emission before and after this regulation, the proposed regulation is expected to reduce emissions by 3,054 tons at the end of year 2020, and therefore prevent an estimated 217 premature deaths (106-326, 95 percent confidence interval (95 CI) by year 2020. Prior to 2020, cumulatively, it is estimated that 66 premature deaths (33-100, 95 CI) would be avoided by 2010 and 141 (70-213, 95 CI) by 2015. The health benefit calculations are based on the assumption that the emission reductions would occur in populated areas, and therefore, the results may over-estimate the actual health benefits of implementing the proposed regulation.

The estimated annual costs of the proposed regulation from 2006 to 2020 range from \$444,000 to \$3,038,465 (in 2004 \$). Since 93% of the estimated deaths prevented by this regulation would be attributed to PM emission reduction, we allocate 93% of these costs to PM emission reductions and 7% to NOx reductions. To adjust for the time value of money, we discounted future costs to present value (at 5% real discount rate). The average present value of costs per ton of PM would be \$5,412 based on low cost estimate and \$7,964 based on high cost estimate. The average present value of costs per ton of NOx would be \$122 (low cost estimate) and \$179 (high cost estimate). To estimate the costs of control per premature death prevented, we multiply the estimated tons of diesel PM that would result in one fewer premature deaths (14.11 tons per year) by the cost of \$5,412 or \$7,964 per ton. The resulting estimated cost of control per premature death prevented is about \$76,360 to \$112,375. The U. S. EPA has established \$6.3 million (in 2000 \$) for a 1990 income level as the mean value of avoiding one death (U.S. EPA, 2003). As real income increases, the value of a life may rise. The U.S. EPA further adjusted the \$6.3 million value to \$8 million (in 2000 \$) for a 2020 income level. Assuming that real income grew at a constant rate from 1990 and will continue at the same rate until 2020, we adjusted the value of avoiding one death for the income growth. Since the control costs are expressed in 2004 \$ discounted values, accordingly, we updated value of life to 2004 dollar and discounted values of avoiding a premature death in the future back to the year 2004. In the U.S. EPA's guidance of social discounting, it recommends using both three and seven percent discount rates. (U.S. EPA, 2000a) Using these rates, and the annual avoided deaths as weights, the weighted average value of reducing a future premature death discounted back to the year 2004 is \$4.3 million at seven percent discount rate, and \$6.1 million at three percent. The cost range per death avoided because of this proposed regulation is 38 to 80 times lower than the U.S. EPA's benchmark for value of avoided death. This rule is, therefore, a cost-effective mechanism to reduce premature deaths that would otherwise be caused by diesel PM emissions without this proposed regulation.

2. *Secondary Diesel PM*

Lloyd and Cackette also estimated that indirect diesel PM_{2.5} exposures at a level of 0.81 µg/m³ resulted in a mean estimate of 895 additional premature deaths per year in California, above those caused by directly emitted formed diesel PM. The NOx emission levels corresponding to the indirect diesel ambient PM concentration of 0.81 µg/m³ is 1,641 tpd (598,965 tpy).

Following the same approach as above, we estimate that reducing 669 tons of NOx emissions would result in one fewer premature death (598,965 tons/895 deaths). Therefore, with the 10,403 ton reduction of NOx that is expected by the end of 2020, an estimated 16 deaths (8-24, 95 percent CI) would be avoided. Similar to the calculation of premature deaths avoided through reducing primary diesel PM, it was assumed that the emission reductions would occur in populated areas, and therefore, the results may over-estimate the actual health benefits of implementing the proposed regulation.

If we multiply 669 tons of NOx emissions by the NOx cost of \$122 or \$179 per ton, the estimated costs of control per premature death prevented are about \$81,640 to \$119,880. The costs are again lower than the U.S. EPA's present value of an avoided death by 36 to 75 times.

3. *Additional Benefits*

There are additional benefits associated with reducing diesel PM emissions. These include:

- Improved visibility with reduction of both primary and secondary particles;
- Less soiling and material damage as a result of decreased deposition of airborne diesel PM; and
- Decreased noncancer health effects associated with diesel PM.

The proposed amendments to extend the applicability of CARB diesel fuel regulations to diesel fuel used in intrastate locomotives and commercial and recreational harborcraft are critical to the attainment of the emission and risk reduction targets in the Diesel Risk Reduction Plan (DRRP).

H. Potential Exposures and Risk from Diesel PM Emissions from Diesel-Fueled Locomotives and Harborcraft

This section examines the potential exposures and cancer health risks associated with exposure to PM emissions from intrastate locomotives and harborcraft. A brief qualitative discussion is provided on the potential exposures of Californians to the diesel PM emissions from these sources. In addition, a summary is presented of the health risk assessment conducted to determine the 70-year potential cancer risk associated with potential exposures to diesel PM emissions from locomotives and diesel-fueled harborcraft. Additional details on the methodology used to estimate the health risks are presented in Appendix G this report.

I. Potential Exposures

As discussed previously, diesel-fueled locomotive and harborcraft engines are found in many areas of the State and contribute to ambient levels of diesel PM emissions. Because analytical tools to distinguish between ambient diesel PM emissions from diesel-fueled locomotive and harborcraft engines from other sources of diesel PM do not exist, we cannot measure the actual

exposures to persons from the emissions of these emission sources. However, modeling tools can be used to estimate potential exposures to the emissions from diesel-fueled locomotive and harborcraft engines.

Based on the most recent emissions inventory, there are over 700 intrastate locomotive engines and 3,900 harborcraft engines operating in California. These engines are distributed throughout California. As mentioned previously, the locomotives typically operate as short haul, switcher, terminal, or manifest locomotives. By virtue of their operation, many of these locomotives are found in urban areas near where people live such as railyards, short haul lines and passenger lines that travel through urban areas. Harborcraft can also operate in areas where people may be nearby such as ferry and excursion shuttles that typically operate out of highly populated centers such as San Francisco. Based on this information, we believe that there are exposures to diesel PM emissions from the operation of diesel-fueled intrastate locomotives and harborcraft in California. As presented below these exposures can result in potential cancer health risks.

2. Health Risk Assessment

Risk assessment is a complex process that requires the analysis of many variables to simulate real-world situations. There are three key types of variables that can impact the results of a health risk assessment for stationary diesel-fueled engines – the magnitude of diesel PM emissions, local meteorological conditions, and the length of time someone is exposed to the emissions. Diesel PM emissions are a function of the age and horsepower of the engine, the emissions rate of the engine and the annual hours of operation. Older engines tend to have higher pollutant emissions rates than newer engines, and the longer an engine operates, the greater the total pollutant emissions. Meteorological conditions can have a large impact on the resultant ambient concentration of diesel PM, with higher concentrations found along the predominant wind direction and under calm wind conditions. How close a person is to the emissions plume and how long he or she breathes the emissions (exposure duration) are key factors in determining potential risk with longer exposures times typically resulting in higher risk.

Because risk estimates for diesel-fueled locomotives and harborcraft engines are dependent on numerous factors and because these factors vary from location to location, ARB staff developed a generic risk assessment to represent possible operating scenarios for intrastate locomotives and harborcraft. We evaluated two scenarios: excursion or ferry vessel activity within a port and a short-haul intrastate locomotive. Two sets of meteorological data were used to represent the range of meteorological conditions in California. West Los Angeles (1981) (West LA) was selected to provide meteorological conditions with lower wind speeds and more persistent wind directions, which will result in less pollutant dispersion and higher estimated risk. Long Beach (1981) and Richmond (1998) were selected to represent other areas. The U.S. EPA's ISCST3 air dispersion model was used to estimate the annual average diesel PM concentration at varying distances from the locomotive or harborcraft activity.

The estimated annual average diesel PM concentrations were then adjusted following the current risk assessment methodology recommended by the OEHHA and used by ARB in evaluating potential cancer risk from diesel PM emission sources. (OEHHA, 2002a) (OEHHA, 2002b) (OEHHA, 2000) Following the OEHHA guidelines, we assumed that the most impacted

individual would be exposed to modeled diesel PM concentrations for 70 years. This exposure duration represents an "upper-bound" of the possible exposure duration. The potential cancer risk was estimated by multiplying the modeled current annual average concentrations of diesel PM, adjusted for the duration of exposure, by the unit risk factor for diesel PM (300 excess cancers per million people/microgram/cubic meter of diesel PM).

Based on our analysis under the conditions outlined above, the estimated cancer risk for persons exposed to the emissions from a hypothetical excursion vessel or ferry in port and that live about 200 meters away, ranged from 50 to 280 potential cancer cases in a million. The low end represents a the 65th percentile breathing rate results using the Richmond meteorological data and the high end, the 95th percentile breathing rate and West Los Angeles meteorological data. For the locomotives, operation of a short-haul line through an urban neighborhood resulted in potential risks ranging from 4 to 12 at a distance of 200 meters away from the locomotive activity. The low end in this case represents the 65th percentile breathing rate results using the Long Beach meteorological data and the high end, the 95th percentile breathing rate and West Los Angeles meteorological data.

The estimated risk levels presented here are based on a number of assumptions. The potential cancer risk for actual situations may be less than or greater than those presented here. For example, an increase in the emissions rate of an engine or the annual hours of operation in a given area would increase the potential risk levels. A decrease in the exposure duration or an increase in the distance from the engine would decrease potential risk levels. The estimated risk levels would also decrease over time as newer, lower-emitting locomotive or harborcraft diesel-fueled engines replace older engines. Therefore, the results presented are not directly applicable to any particular operation. Rather, this information provides an indication as to the potential relative levels of risk that may be attributed to diesel-fueled locomotives and harborcraft and to act as an example when performing a site-specific risk assessment for locomotives or harborcraft.

I. Effects on Water Quality

The proposed amendments should have no significant adverse impacts on water quality. One direct benefit of lowering the sulfur content limit is a reduction of emitted sulfur oxides, and particulate sulfate and consequently a reduction of atmospheric deposition of sulfuric acid and sulfates in water bodies. The low sulfur diesel fuel will enable the use of aftertreatment devices to reduce NO_x and diesel PM emissions from retrofitted engines. As a result, there should be a decrease in atmospheric deposition of nitrogen and airborne diesel particles as well as the associated heavy metals, PAHs, dioxins, and other toxic compounds typically found in diesel exhaust.

The release of diesel fuel to surface water and groundwater can occur during production, storage, distribution or use. The potential sources of such releases, which include underground storage tanks, above-ground storage tanks, refineries, pipelines, and service stations, will be the same as with the current diesel fuel. Also, the mechanisms by which the diesel fuel enters surface water or migrates in the subsurface at a site will be unchanged. The factors that control the behavior of diesel in soil and water are not expected to be significantly different with the low sulfur fuel.

The refining process to reduce the sulfur content of diesel fuel to 15 ppmw is not expected to result in a significant change in the chemical composition of the fuel. Also, the expected increase in additives to meet ARB's lubricity standard should not significantly change the chemical composition of the diesel fuel. Therefore, there should be no significant change in the physical or chemical properties that affect the activity of the fuel in soil and water, and any release of low sulfur diesel fuel to the environment should have no additional impact on water quality compared to the current diesel fuel.

J. Retrofitting of Intrastate Locomotives and Harborcraft

The proposed amendments will remove one obstacle that might otherwise prevent the retrofitting of existing diesel engines with control devices that reduce PM emissions. ARB staff estimates that the retrofit of existing intrastate locomotives and commercial and recreational harborcraft could result in a significant reduction in the diesel PM emission inventory and the associated potential cancer risk for 2020, when compared to today's diesel PM emission inventory and risk. ARB staff is currently determining the availability and feasibility of DPFs and other control technologies. This reduction in potential cancer risk from diesel PM is necessary to achieve the Board's goals as defined in the DRRP.

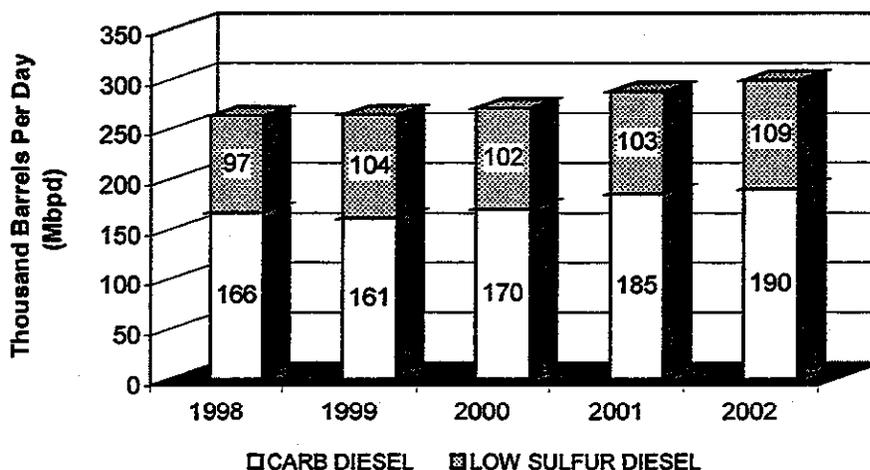
XII. POTENTIAL IMPACTS OF THE PROPOSED AMENDMENTS ON THE AVAILABILITY OF CALIFORNIA DIESEL FUEL

This chapter presents a summary of the potential impacts of the proposed amendments on diesel fuel production by California refineries and diesel fuel supply in California.

A. Diesel Production in California Refineries

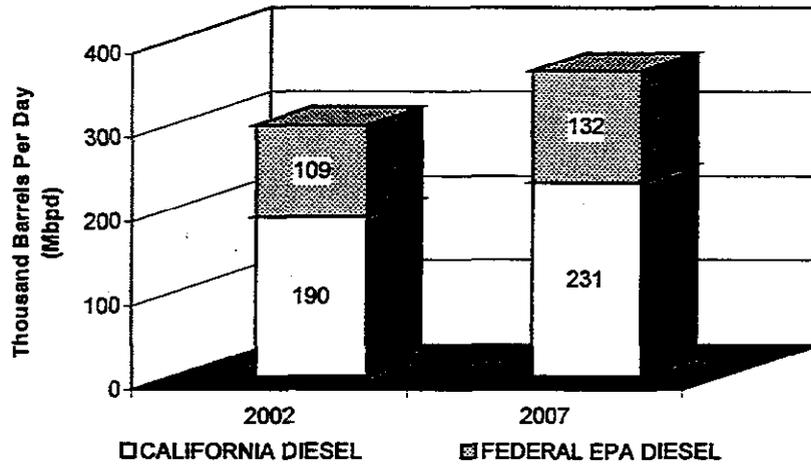
The proposal to extend CARB diesel fuel requirements to intrastate locomotives and harborcraft are not expected to have any significant impact on the ability of California to produce and supply adequate volumes of California diesel fuel. In California, on-road diesel fuel (either CARB or U.S. EPA) is produced at 12 large refineries and two small refineries. Based on information from the CEC, in 2001, these refineries produced 190 Mbpd of California diesel fuel, and nearly 110 Mbpd of U.S. EPA on-road diesel fuel (about 3 percent, or 9 Mbpd, of this production includes diesel fuel used by locomotives and marine vessels). This is an increase in California diesel fuel production of more than 14 percent, and an increase of more than 12 percent for U.S. EPA on-road diesel fuel over 1998 levels. Figure XII-1 shows the annual diesel fuel production from California refineries from 1998 through 2002.

Figure XII-1
California Refinery Diesel Production (1998 – 2002)



Based on recent statewide diesel fuel consumption trends showing increases of nearly four percent per year, staff estimates that in 2007, nearly 231 Mbpd of California low sulfur diesel fuel will need to be produced to meet anticipated California demand. Also, over 130 Mbpd of U.S. EPA on-road diesel fuel will be needed to meet diesel demands in neighboring states. These diesel fuel production demand estimates are shown in Figure XII-2.

**Figure XII-2
Anticipated 2007 On-Road Diesel Production Compared
to 2002 Actual Diesel Production**

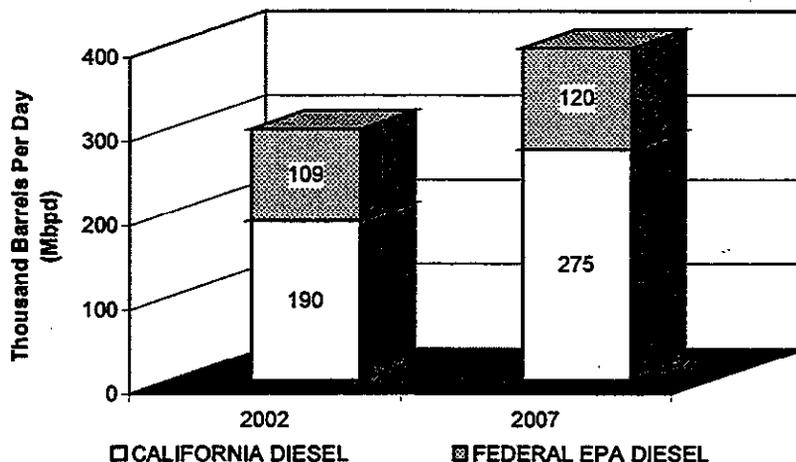


Based on information from California refiners, CARB diesel fuel capacity is expected to be approximately 275,000 barrels per day in 2007. As can be seen, there is still a wide margin between projected estimates for diesel fuel production in 2007 and the estimated diesel capacity, as reported by the refineries.

B. Diesel Capacity of California Refineries

Currently, California refineries have the capacity to produce about 190 Mbpd of California diesel fuel, and about 110 Mbpd of capacity to produce U.S. EPA on-road diesel fuel. Based on information provided by refiners, the requirements to supply CARB diesel fuel to intrastate locomotives and harborcraft will not have any significant impact on the ability of California refiners to produce adequate volumes of CARB diesel fuel. Because several refiners indicated that they will expand their ability to produce volumes of California diesel fuel, it is expected that California refining capacity to produce California diesel fuel will increase to 275 Mbpd by 2007. In addition, the capacity of California refiners to produce U.S. EPA on-road diesel fuel will increase to about 120 Mbpd by 2007. This is shown in Figure XII-3.

**Figure XII-3
California Refiners' Diesel Fuel Production Capacity
(2002 Versus 2007)**



In comparing Table XII-2 to Table XII-3, it can be seen that there should be more than adequate refining capacity by California refineries to increase their production of CARB diesel fuel to meet projected incremental demand estimates. However, it appears the situation may be more constrained for the production of U.S. EPA diesel fuel. Staff does not believe that this should be significant for two reasons. First, the ability of refiners to import U.S. EPA diesel from other parts of the country fuel to supply to neighboring states will be available. Also, since there appears to be excess CARB diesel fuel production capacity available to California refiners, they have the ability to supply CARB diesel fuel to neighboring states as demand and market conditions allow.

XIII. COST ANALYSIS

This chapter presents a summary of the analysis of the costs to produce CARB diesel fuel for use in intrastate locomotives and harborcraft. Analysis of diesel fuel spot prices, the cost effectiveness of the proposed amendments, and the costs of the alternatives described in Chapter X are also provided.

A. Costs to produce CARB diesel fuel

Today, only two types of diesel fuel are generally produced, supplied, or transported in California – U.S. EPA on-road diesel fuel and CARB diesel fuel, both meeting a 500 ppmw sulfur limit (limited quantities of CARB diesel fuel meeting a 15 ppmw sulfur limit are available). There currently exists little, if any, supply of diesel fuel not meeting either of these specifications (this is evident in the fuel usage data reported by intrastate locomotive and harborcraft operators in Chapters VI and VII). Based on conversations with California refiners and the CEC, staff believes that when the proposed amendments are fully implemented in 2007, the diesel fuel supply market in California will be similar to today's. The only change would be that diesel fuel in general commerce in the state will meet a 15 ppmw sulfur limit.

In evaluating the potential costs of the proposed amendments, staff has considered the likely diesel fuels expected to be generally available in California in 2007. Based on the fact that intrastate locomotive and harborcraft operators will likely use, at a minimum, U.S. EPA on-road diesel fuel meeting a 15 ppmw sulfur limit, staff has determined the costs of the proposed amendments based on the incremental cost in 2007 to produce CARB diesel fuel relative to U.S. EPA on-road diesel fuel.

Staff estimates that the incremental cost to produce CARB diesel fuel relative to U.S. EPA on-road diesel fuel will be about 3 cents per gallon. This is the incremental cost to reduce the aromatic hydrocarbon content of U.S. EPA on-road diesel fuel from a limit of 35 volume percent to a limit of 10 volume percent (or an equivalent formulation limit)².

B. Effects of Staff's Proposal on Fuel Prices

With respect to the impacts on diesel prices as a result of staff's proposed amendments, it is very difficult to predict what will occur in the marketplace. Supply/demand, crude oil prices, competitive market considerations, etc. predominately influence diesel fuel prices. However, it is reasonable to assume that over time, refiners will recover the increased costs of production in the marketplace. With this assumption, and the staff's estimate that the incremental cost to produce CARB diesel fuel relative to U.S. EPA on-road diesel fuel will be about 3 cents per gallon, it is reasonable to assume that this increase in production cost will, on average, be reflected in diesel fuel prices. This assumption does not attempt to predict changes in fuel taxes and refinery product markup. Refiners will recover costs through increased diesel fuel markup if

² *Technical Support Document for Proposed Adoption of Regulations Limiting the Sulfur Content and the Aromatic Hydrocarbon Content of Motor Vehicle Diesel Fuel*, October 1988, ARB.

competitive conditions allow it. However, predictions of 2006 and beyond petroleum product markup and pricing are beyond the scope of this document.

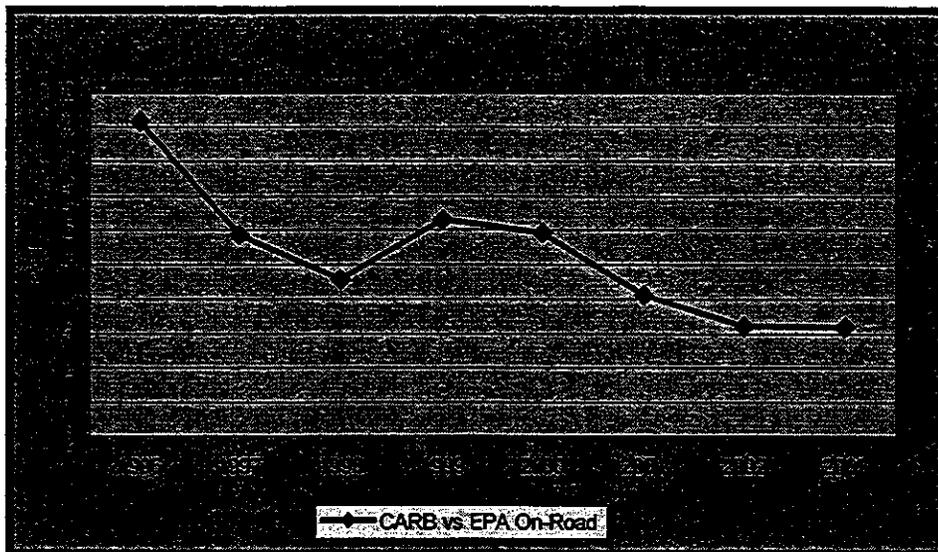
It is very difficult to predict how the proposed rule, which will result in a slight increase in the demand for CARB diesel fuel, will affect diesel pricing and volatility. However, the proposed amendments should not impact the ability of California refiners to supply sufficient quantities of diesel fuel to the California market. Conversations between ARB staff and California refiners, as well as with the staff of the CEC suggest that sufficient diesel refinery capacity already exists. In addition, the implementation of the federal on-road and nonroad low sulfur diesel regulations, adoption of the California diesel fuel regulations by the state of Texas, and the ability of out-of-state refiners to produce diesel fuel meeting California standards should provide even greater diesel fuel availability to the State. As a result, the overall diesel fuel production system consisting of California refineries and imports should be no more subject to supply disruptions than today. In fact 2006 market conditions may be better able to readily adjust to any California diesel production requirements that occur in the future.

1. Evaluation of spot fuel prices for various grades of diesel fuel

In evaluating the impacts of production costs, staff believes it is most useful to examine how production costs have historically translated into fuel costs on the open market. For diesel fuel supplied to locomotive and marine operators, this can be fairly represented by the diesel fuel spot market in California. In the diesel fuel spot market, sizable batches of diesel fuel (generally supplied directly from a refinery or fuel importer) are traded for a negotiated price. By using spot market prices, it is possible to remove such outside influences on fuel costs such as transportation, tax impacts, local diesel fuel market conditions, and other costs to yield a fairly representative gauge of fuel production costs.

In Figure XIII-1, staff has graphed the incremental spot price differential between CARB diesel fuel and both U.S. EPA on-road diesel fuel, for the years 1996 through 2003.

**Figure XIII-1:
Incremental Spot Price Differential between CARB
and U.S. EPA On-road Diesel Fuel
(1996-2003)**



As can be seen from Figure XIII-1, the incremental spot price of CARB diesel fuel relative to U.S. EPA on-road diesel fuel has been steadily decreasing over the last 8 years. In 1996, the incremental spot price differential between CARB diesel fuel and U.S. EPA on-road diesel fuel was about 9 cents per gallon. By 2003, that differential had been reduced to about 3 cents per gallon. This price differential is consistent with the estimated incremental diesel fuel production cost of 3 cents per gallon.

These data indicate that the relative price differences between CARB and non-CARB diesel fuel in California has been steadily decreasing over the last 8 years. Staff believes this is due to a number of factors, including:

- Increased demand of U.S. EPA on-road diesel fuel in PADD V (Alaska, Arizona, Hawaii, Nevada, Oregon and Washington) outside of California.
- A resulting shift in production at California and Washington refineries from nonroad diesel fuels to on-road diesel fuel.
- Changes in the fuel distribution system whereby higher sulfur fuels (such as U.S. EPA nonroad diesel fuel) are not fungible, thereby limiting the production demand for these fuels
- Tight overall supply of all transportation fuels in PADD V.

C. Other benefits from the use of low sulfur diesel fuel

Staff has identified several benefits to diesel fuel end users from the proposed amendments that have not been quantified in the above production cost estimates. These benefits will be felt both initially, and over the course of the life of the program.

Initially, diesel fuel users are expected to see a decrease in engine wear as a result of low sulfur diesel fuel. This is because fuel sulfur tends to produce acidic compounds that increases the corrosion wear of engine components.

In addition, lower sulfur fuels should increase the life of diesel engine lubrication oil, as fuel sulfur tends to increase the acidification of engine lubricating oils resulting in loss of pH control. By reducing the diesel fuel sulfur content, it is expected that the interval between oil changes can be extended, leading to a cost saving to diesel engine operators. The U.S. EPA estimates the reduced oil change intervals provide the single largest savings from using 15 ppm sulfur diesel fuel. Currently, engine manufacturers specify different oil change intervals as a function of diesel fuel sulfur levels.

The U.S. EPA has estimated fuel operating cost savings attributed to the oil change interval. The U.S. EPA estimates an oil change interval extension of 31 percent through the use of 500 ppmw sulfur fuel, resulting in a fuel operating cost savings of 2.9 cents per gallon. They further estimate additional cost savings of 0.3 cents per gallon for the oil change interval extension that would be enabled by the use of 15 ppmw sulfur diesel fuel. These savings will occur without additional new cost to the equipment owner beyond the incremental cost of the low-sulfur diesel fuel. These savings are dependent on changes to current maintenance schedules. Such changes seem likely given the magnitude of the savings. There are many mechanisms by which end-users could become aware of the opportunity to extend oil drain intervals. First, it is typical practice for engine and equipment manufacturers to issue service bulletins regarding lubrication and fueling guidance for end-users. In addition, the equipment and end-user industries have a number of annual conferences that are used to share information, including information regarding appropriate engine and equipment maintenance practices. The end-user conferences are also designed to help specific industries and business reduce operating costs and maximize profits, which would include information on equipment maintenance practices. There are trade journals and publications that provide information and advice to their users regarding proper equipment maintenance. Finally, some nonroad users perform routine oil sample analysis to determine appropriate oil drain intervals, and in some cases to monitor overall engine wear rates to determine engine rebuild needs.

D. Anticipated costs to intrastate locomotive and harborcraft diesel fuel end users

This section discusses the anticipated costs of the proposed amendments to intrastate locomotive and harborcraft diesel fuel end users. The first section discusses staff's estimate of the anticipated costs. The second section discusses the anticipated costs based on conversations with affected industry.

1. Staff's estimate of anticipated costs

Based on staff's belief that, over time, increased diesel fuel production costs will be passed on from producers to end users, staff has used the incremental fuel production cost estimate of 3 cents per gallon to estimate the potential statewide costs of the proposed amendments. These costs are based on both the volumes of non-CARB diesel fuel currently being consumed and the incremental diesel fuel production costs cited.

In developing these costs, staff's methodology uses a range of costs. The lower range of the costs is the anticipated incremental cost to shift all current non-CARB diesel fuel purchases to CARB diesel fuel. This methodology assumes that those nonroad diesel fuel users who are currently using CARB diesel fuel will not experience any fuel price increases as a result of the proposed amendments since they will continue to purchase the same fuel that they buy today. Staff believes this is a likely scenario, because in many portions of the state, CARB diesel fuel is the only fuel available, and the production costs of CARB diesel fuel are already being incurred and presumably reflected in current diesel fuel prices. Because of this, the increased demand for CARB diesel fuel should not place upward price pressures on the market in these areas. In addition, in a number of instances, CARB diesel fuel is currently being specified by the diesel fuel end user (i.e., for ferry operators and certain commuter train operators).

However, recognizing that the proposed amendments remove the flexibility of nonroad diesel fuel end users to use non-CARB diesel fuel, staff has also developed a conservative upper estimate which assumes that 50 percent of the existing CARB diesel fuel use, in addition to the non-CARB diesel fuel use, will command a higher price, equal to the production cost increases cited above.

Using the fuel use data provided in Chapters VI and VII, and the incremental production cost described above, staff has calculated the potential total statewide costs to intrastate locomotive and harborcraft operators associated with the proposed amendments. In developing this data, staff has looked at 2 different periods: 2006, and 2007 and beyond. This is necessary due to different implementation dates within the proposed amendments. The potential total annual statewide costs are shown in Table XIII-1.

Table XIII-1: Potential Total Annual Statewide Costs by Year

Cost Range	Potential Costs by Year	
	2006	2007
Upper	\$600,000	\$3,040,000
Lower	\$440,000	\$2,060,000

As can be seen in Table XIII-1, the potential first year costs (which would only be experienced in the SCAQMD) are expected to range from about \$440,000 to \$600,000. When the proposed amendments become fully effective in 2007, the potential statewide costs are expected to range from \$2.1 to \$3 million.

2. Estimate of anticipated costs based on comments from affected industry

During the development of the proposed amendments, affected industry has indicated that the actual cost impact will be greater than that estimated by staff. This is because affected industry believes that even though they do not specify for the delivery of CARB diesel fuel, they often receive CARB quality diesel fuel, at below CARB diesel fuel market prices. As a result, they believe that any requirements for the supply of CARB diesel fuel will necessitate the specification of CARB diesel fuel for future fuel purchases, resulting in higher fuel costs. This will require that they incur the incremental additional fuel costs of 3 cents per gallon for both

their current non-CARB diesel fuel being supplied, as well as for that volume of CARB diesel fuel already being supplied.

Based on this information, staff has estimated these affected industry stated costs. These costs are presented below in Table XIII-2. While this methodology yields potential annual fuel cost increases that are about 30 percent higher than those estimated by staff, this has little impact on the overall cost-effectiveness of the proposed amendments.

Table XIII-2: Estimate of Potential Annual Costs Using Industry Methodology

Year	
2006	2007+
\$770,000	\$4,010,000

As previously discussed, staff does not believe that this methodology yields a realistic estimate of the anticipated costs of the proposed amendments. Because the incremental fuel production costs of CARB diesel relative to other grade of diesel fuel are generally fixed, the methodology advocated by affected industry would result in fuel producers selling diesel fuel below their production costs. While some diesel fuel end-users may receive diesel fuel price concessions from fuel vendors and suppliers, these are likely based on volume, other market conditions, or corporate relations between the end user and the fuel supplier, and can be highly variable from company to company, and even seasonal in nature. Because of this, a meaningful comparison between the price paid for diesel fuel by some end users in relation to market prices is not feasible. In addition, no data supporting affected industry's methodology has been provided to staff. As such, staff does not believe that the price concessions received by affected industry are a function of the ability of the end-user to use a "dirtier" (i.e., U.S. EPA nonroad) diesel fuel than is supplied, and that staff's upper range estimate above (which accounts for a lack of flexibility to use non-CARB diesel fuel) adequately accounts for potential increased fuel costs to affected industry.

E. Cost-Effectiveness

As was discussed in Chapter XI, staff has estimated that the proposed amendments, when fully implemented in 2007, will provide about 2 tpd of NO_x, and about or 0.6 tpd of diesel particulate (both directly emitted and secondary formation) emission benefits. Using these emission benefits and the cost information provided above, staff has calculated the cost-effectiveness of the proposed amendments. The cost-effectiveness, for the cost ranges and years shown in Table XIII-1, is shown below in Table XIII-3.

Table XIII-3: Anticipated Cost-Effectiveness of the Proposed Amendments

Cost Range	Cost-Effectiveness (Dollars per Pound)	
	2006	2007
Upper	\$1.10	\$1.60
Lower	\$0.80	\$1.10

* The emission benefits in 2006 are only from marine vessels in the SCAQMD and are estimated to be 0.5 tpd of NOx.

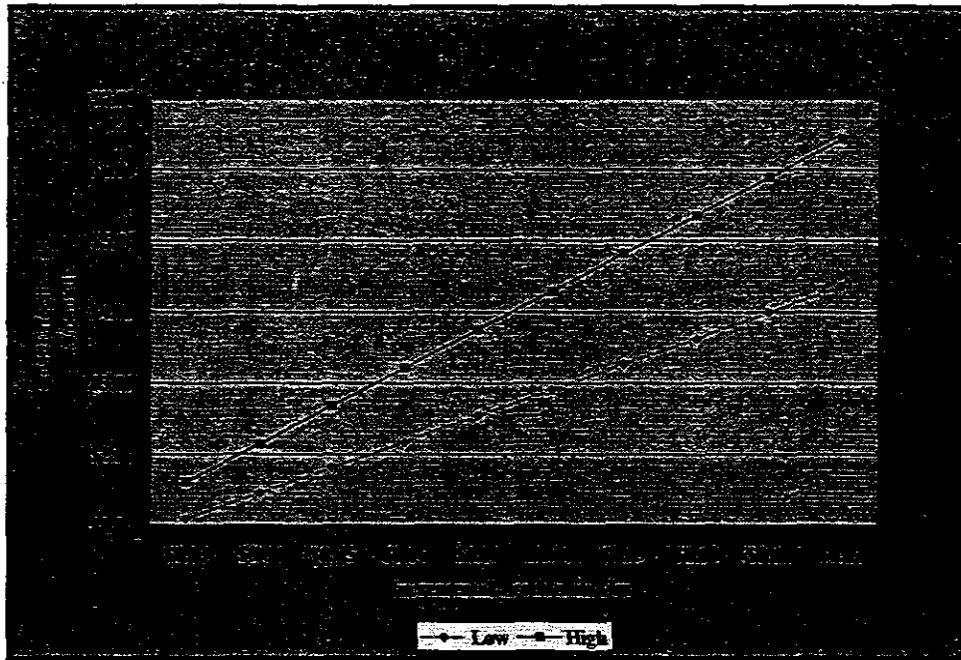
As can be seen from Table XIII-3, the cost-effectiveness of the proposed amendments in 2006 in the SCAQMD ranges between \$0.80 and \$1.10 per pound of NOx plus PM reduced. In 2007, when the proposed amendments are fully implemented statewide, the cost-effectiveness ranges between \$1.10 and \$1.60 per pound of NOx plus PM reduced. This is in the range of other recent criteria pollutant control measures approved by the Board.

In addition, calculating the cost-effectiveness using the costs derived with the industry cost methodology described above, the cost-effectiveness is about \$2.10 per pound of NOx plus PM reduced, which is also within the range of other recent criteria pollutant control measures approved by the Board.

1. Sensitivity of cost-effectiveness to CARB diesel fuel production cost increases

Based on concerns by current locomotive and harborcraft operators that the actual potential diesel fuel price increases will be higher than those predicted by staff, staff has performed a sensitivity analysis on the cost-effectiveness of the proposed amendments. In performing this sensitivity analysis, staff has evaluated the impact on cost-effectiveness based on changes to the CARB diesel fuel production cost estimates presented earlier. In doing this analysis, staff has looked at the impacts of the actual CARB diesel fuel production costs being greater than staff's estimate (as suggested by diesel fuel end users). The results of this analysis are shown below in Figure XIII-2.

Figure XIII-2
Sensitivity of Cost-Effectiveness from Differences in Incremental
CARB Diesel Fuel Production Cost Estimates



As can be seen from Figure XIII-2, for incremental CARB diesel fuel production cost differences that are higher than staff's estimate, even up to four times greater (12 cents per gallon versus 3 cents per gallon), the cost-effectiveness ranges from about \$4.40 to \$6.40 per pound of NO_x plus PM reduced. Even with these higher costs and reduced cost effectiveness, the proposed amendments are still within the range of other control measures approved by the Board.

F. Costs of Alternative Proposals Considered

As was discussed in Chapters VIII and IX, staff considered five alternatives to the proposed regulations. These alternatives are listed again below:

- Not extending CARB diesel fuel requirements to diesel fuel for use by intrastate locomotives (in which case the fuel would still be subject to U.S. EPA nonroad diesel fuel standards).
- Not requiring any diesel fuel for use by Class III railroads locomotives to have to comply with the CARB diesel fuel requirements.
- Not requiring diesel fuel for use by certain rural Class III railroads locomotives, not operating in ozone non-attainment areas, to have to comply with the CARB diesel fuel requirements until June 1, 2012.
- Requiring diesel fuel for use by all intrastate locomotives in the SCAQMD to meet the CARB diesel fuel standards by January 1, 2006, with diesel fuel for use by intrastate locomotives and harborcraft in the rest of the state to be subject to the CARB diesel fuel standards by January 1, 2007.

- Making diesel fuel for use by all harborcraft and all interstate and intrastate locomotives subject to the CARB diesel fuel requirements.

In considering the feasibility of the alternatives considered in relation to the proposal, staff has identified a number of factors that lead to the proposal as being the most appropriate approach.

For the first alternative, which would allow for the implementation of only the less stringent U.S. EPA nonroad diesel fuel standards in 2007, necessary emission reductions associated with the use of California diesel fuel would not be achieved. This would result in the State not meeting commitments identified in the federally enforceable SIP, and could also result in the State failing to meet federal National Ambient Air Quality Standards for both ozone and PM. This could result in the potential loss of federal highway funding.

The second alternative would retain the same harborcraft provisions as are contained in the proposed regulations, but would only include the Class I and passenger/commuter railroads (Class III railroads would be excluded). While this alternative would provide an annual cost savings of \$35,000 to \$68,000 to the Class III railroads in California, this alternative would sacrifice NOx emission benefits of about 0.1 tpd (about 10 percent of the NOx emission benefits anticipated from intrastate locomotives) on about 1 million gallons of diesel fuel consumed in the state annually. In addition, diesel particulate emission reductions would also be sacrificed. The loss of these diesel particulate emission benefits would be realized in certain environmentally sensitive (environmental justice) communities around the state, resulting in continued elevated exposure to toxic air contaminants (including diesel particulate). The emission reductions achieved through the proposed amendments will reduce exposure to diesel particulate in these sensitive areas.

The third alternative also would retain the same harborcraft provisions as are contained in the proposed regulations, but would exclude certain rural railroads not in ozone non-attainment areas until June 1, 2012. This alternative does sacrifice a small amount of emission reductions over the proposal and would provide a very slight cost savings of \$4,000 to \$5,000 for a few Class III railroad operators. However, the emission reductions sacrificed include diesel PM, and could potentially have an adverse impact on individuals living in close proximity to railroad operations in these rural areas. In addition, the proposed amendments would require these rural Class III railroads would meet the same CARB diesel fuel requirements as other on- and off-road mobile sources, as well as stationary sources, operating in these areas.

The fourth alternative would include both intrastate locomotives and harborcraft operating in the SCAQMD in the proposed regulations beginning January 1, 2006, and include the remaining railroads and harborcraft operating in the rest of the State beginning January 1, 2007. This alternative would achieve temporary additional emission reductions in 2006 of about 0.3 tpd of NOx benefits, at an additional cost of between \$300,000 to \$440,000 in 2006. However, the period during which these benefits would be realized (2006) will see the implementation of the California and federal on-road 15 ppmw sulfur diesel fuel standards, as well as the SCAQMD's Rule 431.2, which requires all diesel fuel supplied to mobile sources (except locomotive and marine applications) in the SCAQMD to meet a 15 ppmw sulfur cap. The addition of over 10 million gallons of additional CARB diesel fuel demand from intrastate locomotives in the

SCAQMD in 2006 could create supply issues during the simultaneous implementation of the three other diesel regulations in the SCAQMD. This could result in an environmental disbenefit if adequate volumes of CARB diesel fuel are unavailable.

The final alternative considered would have extended the proposed amendments to include both intrastate and interstate locomotives, as well as harborcraft. This alternative has the potential to achieve additional emission reductions up to about 5 tpd of NO_x, and 1.3 tpd of PM (both directly emitted and secondary) at an additional cost of about \$2.8 million per year. However, it is likely that the actual emissions reductions would be much less than this amount because interstate locomotive operators would have an economic incentive to significantly increase the amount diesel fuel bought out-of-state. This is because, by nature, interstate locomotives have the ability to travel long distances without refueling and could likely obtain lower priced fuel that meets U.S. EPA nonroad standards from out-of-state. As such, a requirement that interstate locomotive operators use CARB diesel fuel could result in changes to existing California locomotive fueling patterns, and an increase in the use of out-of-state U.S. EPA nonroad diesel fuel. Further, a requirement on interstate operators could also result in a corresponding decrease in the use of cleaner CARB or U.S. EPA diesel fuels that otherwise would have been used. Because of this potential loss in benefits, staff concluded that this alternative was not advisable.

XIV. ECONOMIC IMPACTS OF THE PROPOSED AMENDMENTS

This section describes the economic impacts of the proposed amendments. The section focuses on the economic impacts to the statewide economy and specific industry sectors. The industry sectors examined are transportation, railroad, and marine. In evaluating the economic impacts, staff used, where possible, both estimates of the direct costs to typical businesses, as well as the combined costs on the general economic sector in California.

A. Potential Impacts on the California Economy

The proposed amendments are not expected to require any new capital requirements at California refineries. However, the proposed amendments are expected to increase diesel fuel production costs for to California refiners by 3 cents per gallon from for that volume of fuel currently supplied to intrastate locomotive and harborcraft operators that does not presently meet the CARB diesel fuel requirements. This impact could increase diesel fuel costs to intrastate locomotive and harborcraft operators by \$2 to \$3 million per year. This impact is not expected to have a significant impact on the overall California economy.

B. Potential Impacts on the California Petroleum Sector

The proposed amendments are not expected to require any new capital requirements at California refineries. However, the proposed amendments are expected to increase diesel fuel production costs to California refiners by 3 cents per gallon beginning in 2007 for that volume of fuel currently supplied to intrastate locomotive and harborcraft operators that does not presently meet the CARB diesel fuel requirements. Staff expects that these costs will likely be passed on to intrastate locomotive and harborcraft operators.

C. Potential Impacts on Intrastate Locomotive Operators

This section describes the potential impacts of the proposed amendments on the Class I freight railroads, passenger railroad operations, and Class III railroads.

1. Class I Railroads

Both UP and BNSF are publicly traded corporations. Based on the most recently available annual financial data, staff has estimated the potential economic impacts of the proposed amendments on UP and BNSF. Table XIV-1 lists the pre-tax profits of both Class I railroads operating in California.

**Table XIV-1: National Operating Income of Class I Freight Railroads
Operating in California**

	2002	2003	2004	Average
UP	\$2,018,000,000	\$2,253,000,000	\$2,133,000,000	\$2,135,000,000
BNSF	\$1,750,000,000	\$1,656,000,000	\$1,665,000,000	\$1,690,000,000
Total	\$3,768,000,000	\$3,909,000,000	\$3,798,000,000	\$3,825,000,000

Source: 2003 Annual Reports from UP and BNSF.

As discussed in previous chapters, staff estimates that intrastate locomotives operated by UP and BNSF combined consume over 23 million gallons of diesel fuel annually. Of this diesel fuel, about 17 million gallons is U.S. EPA on-road diesel fuel and the rest is CARB diesel fuel. Using the same cost methodology described in Chapter XIII, applied to the Class I freight railroads combined, staff estimates that the costs of the proposed amendments, in terms of increased fuel costs, will range from about \$500,000 to \$600,000. This increase represents an impact of less than 0.02 percent on the combined operating income of the two railroads, and represents an average cost of \$1,300 to \$1,600 per Class I freight intrastate locomotive operated in California.

Based on this information, staff does not believe the proposed amendments will have a significant economic impact on the Class I freight railroads operating in California.

2. Passenger and Commuter Railroads

Currently, there are four local government transit agencies that operate diesel-electric locomotives in commuter service. Three of these, Metrolink (operated by the South Coast Regional Rail Authority) the Coaster (operated by the North Coast Transit District), and Caltrain (operated by the Peninsula Corridor Joint Powers Board), already specify CARB diesel fuel for their fuel purchases. The Altamont Commuter Express, operated by the Altamont Commuter Express Joint Powers Authority, currently receives CARB diesel fuel, but does not specify it during its fuel procurement process. Staff does not believe the proposed amendments will result in increased diesel fuel costs because the fuel suppliers do not have ready access to any fuel other than CARB diesel. Staff believes that the current prices paid already reflect CARB diesel fuel production costs. Staff believes the proposed regulations should have no fiscal or economic impact on these agencies.

Under the direction and funding of the state Department of Transportation (Caltrans), Amtrak operates two commuter rail services (the *Capital Corridor* between Emeryville and Auburn and the *San Joaquin* between Oakland or Sacramento and Bakersfield) in the State. Currently, these commuter rail lines receive CARB diesel fuel, although they do not specify this type of fuel during the fuel procurement process. Staff does not believe the proposed amendments will result in increased diesel fuel costs because the fuel suppliers do not have ready access to any fuel other than CARB diesel. Staff believes that the current prices paid by Caltrans already reflect CARB diesel fuel production costs. Staff believes the proposed regulations should have no fiscal or economic impact.

3. *Class III Railroads*

In general, Class III railroads in California are privately held companies. Financial data on these operations is not readily available. As such, the magnitude of any potential increases in fuel costs and the corresponding reduction in profits is difficult to estimate reliably for any particular Class III California railroad. However, the California Public Utilities Commission (PUC) collects and publishes information on the gross revenues of the Class III railroads operating in California. Staff used this information to estimate the economic impact of the proposed amendments on the Class III railroad operations subject to the proposed amendments.

Class III railroads operating in California (and subject to staff's proposed amendments) have gross revenues that range from \$25,000 to \$11.5 million per year. Using the cost methodology described in Chapter X, applied each Class III railroad operating in California, staff estimates that the costs of the proposed amendments, in terms of increased fuel costs, will vary for each company from no cost to about \$20,000, averaging between \$1,800 to \$3,400 per company, or about \$290-\$560 per Class III locomotive in California operation. Staff estimates that this potential increase in diesel fuel costs could represent up to 1 percent of the gross revenues of the Class III railroads. Based on this information, staff does not believe the proposed amendments will have a significant economic impact on the Class III railroads operating in California.

While the ability of the Class III railroad operators to absorb higher fuel costs is more difficult than the Class I freight railroad operators, fuel price volatility is commonplace in today's business environment. Staff does not believe that the proposed amendments will increase CARB diesel fuel prices above the current volatility range of diesel fuel prices. In fact, the spot diesel fuel price information provided in Chapter XIII suggests that the variation in diesel fuel prices for various grades of diesel fuel is shrinking. This should help mitigate diesel fuel price increases to Class III railroad operators resulting from the proposed amendments.

D. Potential Impacts on Harborcraft Operators

To analyze the impacts of the proposed amendments, typical commercial fishing businesses and tugboat operators were chosen for analysis. Commercial fishing operators represent the largest number of vessels and businesses compared to other types of harborcraft operations. As discussed in Chapter VII, commercial fishing vessels account for about half of all harborcraft operated in California. In addition, commercial fishing operations are largely single boat operations representative of smaller harborcraft businesses. Tugboat companies were analyzed because they have the highest average fuel consumption, and the most vessels per company. Staff believes that these two types of harborcraft operations are an adequate representation of the range of harborcraft companies.

The impacts on California harborcraft operators are to the extent that implementation of the proposed regulation reduces their profitability. Table XIV-2 summarizes the costs for typical commercial fishing and tug operators for various years, and provides the percent change in the return on owner's equity (ROE). Based on staff's analysis, staff believe that the average ROE may decline by less than one percent for commercial fishing operations and by about four to seven percent for tugboat operations as a result of the proposed amendments. The larger impact on tugboat operators is a reflection of their higher consumption of diesel fuel.

Based on this analysis, the proposed amendments are not expected to have a significant impact on the profitability of affected harborcraft operations. In addition, ferries are already required to use CARB diesel, so there would be no expected impact on their profitability. As a result, staff does not expect any noticeable economic impacts on California harborcraft operators.

Table XIV-2: Added Annual Costs and Change in Return on Owner's Equity for California Commercial Harborcraft Operators

Location	Year	Commercial Fishing		Harborcraft Operators	
		Added Annual Cost	ROE	Added Annual Cost	ROE
South Coast					
	2006	\$372	-0.184	\$18,615	-4.40
	2007-2011	\$307	-0.152	\$15,330	-3.62
Rest of State					
	2007	\$591	-0.293	\$29,565	-6.98
	2008-2011	\$526	-0.261	\$26,280	-6.21

E. Economic Effects on Small Businesses

Government Code sections 11342 et. Seq. requires the ARB to consider any adverse effects on small businesses that would have to comply with a proposed regulation. Also, this definition includes only businesses that are independently owned and, if in retail trade, gross less than \$2,000,000 per year. Thus, staff's analysis of the economic effects on small business is limited to the costs to Class III railroad transportation companies and commercial harborcraft.

Based on the potential economic impacts discussed above for Class III railroad and commercial harborcraft operators, staff does not believe the proposed amendments will have a significant economic impact on small businesses in California.

APPENDICES

APPENDIX A

PROPOSED REGULATION ORDER

**Proposed Regulatory Amendments
Extending the California Standards for Motor Vehicle Diesel Fuel to
Diesel Fuel Used in Harborcraft and Intrastate Locomotives**

PROPOSED REGULATION ORDER

Proposed Extension of the California Standards For Motor Vehicle Diesel Fuel to Diesel Fuel Used For Intrastate Diesel-Electric Locomotives and Harborcraft

Note: The proposed regulatory action consists of the addition of new section 2299, title 13, California Code of Regulations (CCR), and new section 93116, title 17, CCR, along with amendments to sections 2281, 2282, and 2284, title 13, CCR. The proposed amendments are shown in underline to indicate additions and ~~strikeout~~ to indicate deletions.

1. Add Section 2299, title 13, California Code of Regulations, to read as follows:

California Code of Regulations, Title 13, Division 3 Chapter 5.1. Standards for Fuels for Nonvehicular Sources

§ 2299. Standards for Nonvehicular Diesel Fuel Used in Diesel-Electric Intrastate Locomotives and Harborcraft.

(a) Requirements.

- (1) Standards for Nonvehicular Diesel Fuel Used in Harborcraft in the South Coast Air Quality Management District (SCAQMD) Beginning January 1, 2006. Beginning January 1, 2006, California nonvehicular diesel fuel sold, offered for sale, or supplied within the SCAQMD for use in harborcraft is subject to all of the requirements of Title 13 CCR sections 2281 (sulfur content), 2282 (aromatic hydrocarbons content) and 2284 (lubricity) applicable to vehicular diesel fuel, and shall be treated under those sections as if it were vehicular diesel fuel.
- (2) Standards for Nonvehicular Diesel Fuel Used in Intrastate Diesel-Electric Locomotives and Harborcraft Beginning January 1, 2007. Beginning January 1, 2007, California nonvehicular diesel fuel sold, offered for sale, or supplied for use in diesel-electric intrastate locomotives or harborcraft is subject to all of the requirements of title 13 CCR sections 2281 (sulfur content), 2282 (aromatic hydrocarbons content) and 2284 (lubricity) applicable to vehicular diesel fuel, and shall be treated under those sections as if it were vehicular diesel fuel.

(b) Definitions.

- (1) “California nonvehicular diesel fuel” means any diesel fuel that is not vehicular diesel fuel as defined respectively in Title 13 sections 2281(b), 2282(b), or 2284(b) and that is sold or made available for use in engines in California.

- (2) “Diesel-electric locomotive” means a locomotive using electric power provided by a diesel engine that drives a generator or alternator; the electrical power produced then drives the wheels using electric motors.
- (3) “Diesel fuel” means any fuel that is commonly or commercially known, sold or represented as diesel fuel, including any mixture of primarily liquid hydrocarbons that is sold or represented as suitable for use in an internal combustion, compression-ignition engine.
- (4) “Harborcraft” means any marine vessel that meets all of the following criteria:
- (A) The vessel does not carry a “registry” (foreign trade) endorsement on its United States Coast Guard certificate of documentation, and is not registered under the flag of a country other than the United States;
 - (B) The vessel is less than 400 feet in length overall (LOA) as defined in 50 CFR § 679.2 as adopted June 19, 1996;
 - (C) The vessel is less than 10,000 gross tons (GT ITC) per the convention measurement (international system) as defined in 46 CFR 69.51 - .61, as adopted September 12, 1989; and
 - (D) The vessel is propelled by a marine diesel engine with a per-cylinder displacement of less than 30 liters.
- (5) “Intrastate diesel-electric locomotive” means:
- (A) A diesel-electric locomotive that operates within California for which at least 90 percent of its annual fuel consumption, annual hours of operation, and annual rail miles traveled occur within California. This definition would typically include, but not be limited to, diesel-electric locomotives used in the following operations: passenger intercity and commuter, short haul, short line, switch, industrial, port, and terminal operations;
 - (B) An intrastate diesel-electric locomotive does not include those diesel-electric locomotives that:
 1. Meet the U.S. Environmental Protection Agency Tier II locomotive emission standards, and;
 2. Primarily move freight into and out of the South Coast Air Quality Management District, and;
 3. Has been included as a diesel-electric locomotive operating in the South Coast Nonattainment Area under paragraph IV.b. of the Memorandum of Mutual Understandings and Agreements for the South Coast Locomotive Fleet Average

Emissions Program, dated July 2, 1998.

(C) (This subsection reserved for consideration of diesel-electric locomotives that meet the U.S. Environmental Protection Agency Tier II locomotive emission standards and primarily move freight within California outside of the South Coast Air Quality Management District.)

(6) "Locomotive" means a piece of on-track equipment designed for moving or propelling cars that are designed to carry freight, passengers or other equipment, but which itself is not designed or intended to carry freight, passengers (other than those operating the locomotive) or other equipment.

(7) "Marine vessel" means any ship, boat, watercraft, or other artificial contrivance used as a means of transportation on water.

(c) *Alternative Emission Reduction Plan for Intrastate Diesel-Electric Locomotives.* For an owner or operator of an intrastate diesel-electric locomotive who has submitted an alternative emission reduction plan (plan) that contains a substitute fuel(s) and/or emission control strategy(s) and has been approved by the Executive Officer, compliance with the alternative emission reduction plan (plan) shall constitute compliance with the requirements of subsection (a)(2). In order to be approved, the plan must do all of the following:

(1) Identify or define the total fuel consumption and total emissions that would be associated with the activities of the diesel-electric locomotives were the owner or operator to comply with subsection (a)(2);

(2) Define a substitute fuel(s) and/or emission control strategy(s) for the plan.

(3) Identify the emission reductions that are attributable to the substitute fuel(s) and/or emission control strategy(s) relative to the emission reductions achieved through compliance with subsection (a)(2).

(4) Demonstrate that the substitute fuel(s) and/or emission control strategy(s) in the plan provide equivalent or better emission benefits than would be achieved through compliance with subsection (a)(2). The emission benefits achieved under the plan shall be targeted towards residents in those parts of the state most impacted by diesel-electric locomotive emissions.

(5) The plan shall contain adequate enforcement provisions.

NOTE: Authority cited: Sections 39600, 39601, 43013 and 43018 of the Health and Safety Code, and Western Oil and Gas Ass'n. v. Orange County Air Pollution Control District, 14 Cal. 3d 411, 121 Cal. Rptr. 249 (1975). Reference: Sections 39000, 39001, 39515, 39516, 41511, 43013, 43016 and 43018, Health and Safety Code, and Western Oil and Gas Ass'n. v. Orange County Air Pollution Control District, 14 Cal. 3d 411, 121 Cal. Rptr. 249 (1975).

2. Add new section 93116, title 17, California Code of Regulations, to read as follows:

§ 93116. Airborne Toxic Control Measure to Reduce Particulate Emissions from Diesel-Fueled Engines – Standards for Nonvehicular Diesel Fuel used in Intrastate Diesel-Electric Locomotives and Harbor craft.

(a) Requirements.

- (1) Standards for Nonvehicular Diesel Fuel Used in Harborcraft in the South Coast Air Quality Management District (SCAQMD) Beginning January 1, 2006. Beginning January 1, 2006, California nonvehicular diesel fuel sold, offered for sale, or supplied within the SCAQMD for use in harborcraft is subject to all of the requirements of Title 13 CCR sections 2281 (sulfur content), 2282 (aromatic hydrocarbons content) and 2284 (lubricity) applicable to vehicular diesel fuel, and shall be treated under those sections as if it were vehicular diesel fuel.
- (2) Standards for Nonvehicular Diesel Fuel Used in Intrastate Diesel-Electric Locomotives and Harborcraft Beginning January 1, 2007. Beginning January 1, 2007, California nonvehicular diesel fuel sold, offered for sale, or supplied for use in diesel-electric intrastate locomotives or harborcraft is subject to all of the requirements of title 13 CCR sections 2281 (sulfur content), 2282 (aromatic hydrocarbons content) and 2284 (lubricity) applicable to vehicular diesel fuel, and shall be treated under those sections as if it were vehicular diesel fuel.

(b) Definitions.

- (1) "California nonvehicular diesel fuel" means any diesel fuel that is not vehicular diesel fuel as defined respectively in Title 13 sections 2281(b), 2282(b), or 2284(b) and that is sold or made available for use in engines in California.
- (2) "Diesel-electric locomotive" means a locomotive using electric power provided by a diesel engine that drives a generator or alternator; the electrical power produced then drives the wheels using electric motors.
- (3) "Diesel fuel" means any fuel that is commonly or commercially known, sold or represented as diesel fuel, including any mixture of primarily liquid hydrocarbons that is sold or represented as suitable for use in an internal combustion, compression-ignition engine.
- (4) "Harbor craft" means any marine vessel that meets all of the following criteria:
 - (A) The vessel does not carry a "registry" (foreign trade) endorsement on its United States Coast Guard certificate of documentation, and is not registered under the flag of a country other than the United States;

- (B) The vessel is less than 400 feet in length overall (LOA) as defined in 50 CFR § 679.2 as adopted June 19, 1996;
- (C) The vessel is less than 10,000 gross tons (GT ITC) per the convention measurement (international system) as defined in 46 CFR 69.51 - .61, as adopted September 12, 1989; and
- (E) The vessel is propelled by a marine diesel engine with a per-cylinder displacement of less than 30 liters.

(5) "Intrastate diesel-electric locomotive" means:

- (A) A diesel-electric locomotive that operates within California for which at least 90 percent of its annual fuel consumption, annual hours of operation, and annual rail miles traveled occur within California. This definition would typically include, but not be limited to, diesel-electric locomotives used in the following operations: passenger intercity and commuter, short haul, short line, switch, industrial, port, and terminal operations;
- (B) An intrastate diesel-electric locomotive does not include those diesel-electric locomotives that:
1. Meet the U.S. Environmental Protection Agency Tier II locomotive emission standards, and;
 2. Primarily move freight into and out of the South Coast Air Quality Management District, and;
 3. Has been included as a diesel-electric locomotive operating in the South Coast Nonattainment Area under paragraph IV.b. of the Memorandum of Mutual Understandings and Agreements for the South Coast Locomotive Fleet Average Emissions Program, dated July 2, 1998.
- (C) (This subsection reserved for consideration of diesel-electric locomotives that meet the U.S. Environmental Protection Agency Tier II locomotive emission standards and primarily move freight within California outside of the South Coast Air Quality Management District.)
- (6) "Locomotive" means a piece of on-track equipment designed for moving or propelling cars that are designed to carry freight, passengers or other equipment, but which itself is not designed or intended to carry freight, passengers (other than those operating the locomotive) or other equipment.
- (7) "Marine vessel" means any ship, boat, watercraft, or other artificial contrivance used as a means of transportation on water.

(c) Alternative Emission Reduction Plan for Intrastate Diesel-Electric Locomotives. For an owner or operator of an intrastate diesel-electric locomotive who has submitted an alternative emission reduction plan (plan) that contains a substitute fuel(s) and/or emission control strategy(s) and has been approved by the Executive Officer, compliance with the alternative emission reduction plan (plan) shall constitute compliance with the requirements of subsection (a)(2). In order to be approved, the plan must do all of the following:

- (1) Identify or define the total fuel consumption and total emissions that would be associated with the activities of the diesel-electric locomotives were the owner or operator to comply with subsection (a)(2).
- (2) Define a substitute fuel(s) and/or emission control strategy(s) for the plan.
- (3) Identify the emission reductions that are attributable to the substitute fuel(s) and/or emission control strategy(s) relative to the emission reductions achieved through compliance with subsection (a)(2).
- (4) Demonstrate that the substitute fuel(s) and/or emission control strategy(s) in the plan provide equivalent or better emission benefits than would be achieved through compliance with subsection (a)(2). The emission benefits achieved under the plan shall be targeted towards residents in those parts of the state most impacted by diesel-electric locomotive emissions.
- (5) The plan shall contain adequate enforcement provisions.

Note: Authority cited: Sections 39600, 39601, 39650, 39658, 39659, 39666, and 41511, Health and Safety Code. Reference: Sections 39650, 39658, 39659, 39666, and 41511, Health and Safety Code.

3. Amend section 2281, title 13, California Code of Regulations, to read as follows:

§ 2281. Sulfur Content of Diesel Fuel

(a) *Regulatory Standard.*

* * * * *

(5) *Applicability of standards to California nonvehicular diesel fuel.*

(A) Activities involving California nonvehicular diesel fuel (other than diesel fuel offered, sold or supplied solely for use in locomotives or marine vessels) are also subject to this section to the extent required by section 93114, title 17, California Code of Regulations. As adopted, section 93114 requires each air pollution control or air quality management district by December 12, 2004, to treat this section 2281 as applying to California nonvehicular diesel fuel (other than diesel fuel offered, sold or supplied solely for use in locomotives or marine vessels) as if it were vehicular diesel

fuel, and to enforce those requirements regarding California nonvehicular diesel fuel, unless the district has proposed its own airborne toxic control measure to reduce particulate emissions from diesel-fueled engines through standards for nonvehicular diesel fuel.

(B) Activities involving California nonvehicular diesel fuel used in harborcraft and most diesel-electric intrastate locomotives are also subject to this section 2281 as if the fuel were vehicular diesel fuel, to the extent required by section 2299, title 13, California Code of Regulations, and section 93116, title 17, California Code of Regulations. As adopted, these regulations make nonvehicular diesel fuel used in harborcraft in the South Coast Air Quality Management District subject to the requirements of this section 2281 starting January 1, 2006, and make all California nonvehicular diesel fuel used in harborcraft and most diesel-electric intrastate locomotives subject to this section 2281 starting January 1, 2007.

* * * * *

NOTE: Authority cited: Sections 39600, 39601, 39667, 43013, 43018, and 43101 of the Health and Safety Code, and *Western Oil and Gas Ass'n. v. Orange County Air Pollution Control District*, 14 Cal. 3d 411, 121 Cal. Rptr. 249 (1975). Reference: Sections 39000, 39001, 39002, 39003, 39500, 39515, 39516, 39667, 41511, 43000, 43016, 43018, and 43101, Health and Safety Code, and *Western Oil and Gas Ass'n. v. Orange County Air Pollution Control District*, 14 Cal. 3d 411, 121 Cal. Rptr. 249 (1975).

4. Amend section 2281, title 13, California Code of Regulations, to read as follows:

§ 2282. Aromatic Hydrocarbon Content of Diesel Fuel

(a) *Regulatory Standard.*

* * * * *

(3) *Applicability of standards to California nonvehicular diesel fuel.*

(A) Activities involving California nonvehicular diesel fuel (other than diesel fuel offered, sold or supplied solely for use in locomotives or marine vessels) are also subject to this section to the extent required by section 93114, title 17, California Code of Regulations. As adopted, section 93114 requires each air pollution control or air quality management district by December 12, 2004, to treat this section 2282 as applying to California nonvehicular diesel fuel (other than diesel fuel offered, sold or supplied solely for use in locomotives or marine vessels) as if it were vehicular diesel fuel, and to enforce those requirements regarding California nonvehicular diesel fuel, unless the district has proposed its own airborne toxic control measure to reduce particulate emissions from diesel-fueled engines through standards for nonvehicular diesel fuel.

(B) Activities involving California nonvehicular diesel fuel used in harborcraft and most diesel-electric intrastate locomotives are also subject to this section 2282 as if the fuel were vehicular diesel fuel, to the extent required by section 2299, title 13, California Code of Regulations, and section 93116, title 17, California Code of Regulations. As adopted, these regulations make nonvehicular diesel fuel used in harborcraft in the South Coast Air Quality Management District subject to the requirements of this section 2282 starting January 1, 2006, and make all California nonvehicular diesel fuel used in harborcraft and most diesel-electric intrastate locomotives subject to this section 2282 starting January 1, 2007.

* * * * *

NOTE: Authority cited: Sections 39600, 39601, 43013, 43018, and 43101 of the Health and Safety Code, and *Western Oil and Gas Ass'n. v. Orange County Air Pollution Control District*, 14 Cal. 3d 411, 121 Cal. Rptr. 249 (1975). Reference: Sections 39000, 39001, 39002, 39003, 39500, 39515, 39516, 41511, 43000, 43016, 43018, and 43101, Health and Safety Code, and *Western Oil and Gas Ass'n. v. Orange County Air Pollution Control District*, 14 Cal. 3d 411, 121 Cal. Rptr. 249 (1975).

5. Amend section 2284, title 13, California Code of Regulations, to read as follows:

§ 2284. Lubricity of Diesel Fuel

(a) *Regulatory Standard.*

* * * * *

(6) *Applicability of standards to California nonvehicular diesel fuel.*

(A) Activities involving California nonvehicular diesel fuel (other than diesel fuel offered, sold or supplied solely for use in locomotives or marine vessels) are also subject to this section to the extent required by section 93114, title 17, California Code of Regulations. As adopted, section 93114 requires each air pollution control or air quality management district by December 12, 2004, to treat this section 2284 as applying to California nonvehicular diesel fuel (other than diesel fuel offered, sold or supplied solely for use in locomotives or marine vessels) as if it were vehicular diesel fuel, and to enforce those requirements regarding California nonvehicular diesel fuel, unless the district has proposed its own airborne toxic control measure to reduce particulate emissions from diesel-fueled engines through standards for nonvehicular diesel fuel.

(B) Activities involving California nonvehicular diesel fuel used in harborcraft and most diesel-electric intrastate locomotives are also subject to this section 2284 as if the fuel were vehicular diesel fuel, to the extent required by section 2299, title 13, California Code of Regulations, and section 93116, title 17, California Code of Regulations. As adopted, these regulations make nonvehicular diesel fuel used in harborcraft in the South Coast Air Quality Management District subject to the requirements of this section 2284 starting January 1, 2006, and make all California nonvehicular diesel

fuel used in harborcraft and most diesel-electric intrastate locomotives subject to this section 2284 starting January 1, 2007.

* * * * *

NOTE: Authority cited: Sections 39600, 39601, 43013, 43018, and 43101 of the Health and Safety Code, and *Western Oil and Gas Ass'n. v. Orange County Air Pollution Control District*, 14 Cal. 3d 411, 121 Cal. Rptr. 249 (1975). Reference: Sections 39000, 39001, 39002, 39003, 39500, 39515, 39516, 41511, 43000, 43016, 43018, and 43101, Health and Safety Code, and *Western Oil and Gas Ass'n. v. Orange County Air Pollution Control District*, 14 Cal. 3d 411, 121 Cal. Rptr. 249 (1975).

APPENDIX B**CALIFORNIA'S RAILROADS WITH INTRASTATE LOCOMOTIVES**

· Lists of California's Class I, Passenger Train, and Class III Railroads
With Intrastate Locomotives

CALIFORNIA'S RAILROADS WITH INTRASTATE LOCOMOTIVES

CALIFORNIA'S CLASS I FREIGHT RAILROADS :

- Union Pacific Railroad (UP)
- Burlington Northern and Santa Fe Railroad (BNSF)

CALIFORNIA'S INTRASTATE PASSENGER TRAIN OPERATIONS:

COMPANY NAME	ROUTE NAME	OPERATION LOCATION(S)
Southern California Regional Rail Authority	Metrolink	Los Angeles Area
San Mateo County Transit District	CalTrain	Gilroy-San Jose-San Francisco
Amtrak	Pacific Surfliner	Oceanside-Los Angeles-Oxnard
CalTrans-Amtrak	San Joaquin	Bakersfield-Martinez or Sacramento
CalTrans-Amtrak	Capitol Corridor	Auburn-Sacramento-San Jose
North County Transit District	Coaster	San Diego-Oceanside
San Joaquin Regional Rail Commission	Altamont Commuter Express	Stockton-San Jose

CLASS III RAILROADS: INTRASTATE SHORT HAUL OPERATIONS

COMPANY NAME	OPERATION LOCATION(S) IN CALIFORNIA
Almanor Railroad	Chester-Clear Creek Junction
California Northern Railroad	Napa-Woodland-Tehama and Tracy-Los Banos
McCloud Railway	McCloud
Napa Valley Railroad	Napa-St. Helena
Santa Cruz Big Trees	Santa Cruz-Roaring Camp
San Diego and Imperial Valley Railroad	San Diego-San Ysidro
Santa Maria Valley Railroad	Santa Maria-Guadalupe
Northern Sierra Railway	Oakdale-Standard, West Sac to Clarksburg/Woodland, McClellan Park, and Ft. Bragg-Willits, California
San Joaquin Valley Railroad	Fresno-Bakersfield
Sierra Pacific Industries	Quincy-Susanville
Trona Railway	Trona-Searles
Ventura County Railroad	Oxnard-Port Hueneme
Yreka Western Railroad	Yreka-Montague

CLASS III RAILROADS: SWITCHER-TERMINAL OPERATIONS

COMPANY NAME	OPERATION LOCATION(S) IN CALIFORNIA
Central California Traction	Stockton-Lodi
Los Angeles Junction Railway Company	Los Angeles
Modesto and Empire Traction	Modesto
Oakland Terminal Railway	Oakland
Pacific Harbor Lines	Los Angeles-Long Beach Harbors
Parr Terminal-Richmond Pacific Railroad	Richmond
Stockton Terminal & Eastern Railroad	Stockton-Lodi

APPENDIX C

CALIFORNIA AIR RESOURCES BOARD
SURVEY OF CALIFORNIA RAILROADS WITH INTRASTATE LOCOMOTIVES

ARB Letter and Survey Mailed to California Railroads on May 18, 2004



Terry Tamminen
Agency Secretary

Air Resources Board

Alan C. Lloyd, Ph.D.
Chairman

1001 I Street • P.O. Box 2815
Sacramento, California 95812 • www.arb.ca.gov

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Arnold Schwarzenegger
Governor

May 18, 2004

Dear California Intrastate Locomotive Owner/Operator:

The California Air Resources Board (ARB) is requesting your participation in completing the attached survey. This survey is applicable to all intrastate diesel-electric locomotives, and does not apply to all-electric or steam locomotives. For the purposes of this survey, intrastate (diesel-electric) locomotives are defined as those locomotives that operate and fuel primarily (at or greater than 90% of annual fuel consumption, mileage, and/or hours of operation) within the boundaries of the state of California. We are requesting this information to improve ARB's emissions inventory and to evaluate the feasibility of using California diesel fuel in intrastate locomotives, or other control strategies that would achieve similar emission benefits.

This request for information is made pursuant to sections 39600, 39607, 39665, 39701, and 41511 of the California Health and Safety Code and section 91110, Title 17, of the California Code of Regulations (CCR). All companies that operate intrastate locomotives are being asked to complete the survey. State law requires that you provide the requested information by completing and returning the survey. If the survey does not apply to you, please state in the survey why it does not apply to you and return it to the address indicated.

ARB has adopted regulations to protect the confidentiality of trade secrets (Title 17, CCR, sections 91000 to 91022). A summary of ARB's confidentiality regulations can be found attached to this survey on the "Confidential Information Submittal Form." You should fill out the form if you wish to designate any survey information as confidential.

Please return this survey by **June 28, 2004** to:

California Air Resources Board
Attention: Harold Holmes
SSD-CPB-EES - 6th Floor
P.O. Box 2815
Sacramento, California 95812-2815
CONFIDENTIAL MATERIALS ENCLOSED (if applicable)

Phone: (916) 327-5607
FAX: (916) 322-6088

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our Website: <http://www.arb.ca.gov>.

Dear California Intrastate Locomotive Owner/Operator

May 18, 2004

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Your participation in this survey is appreciated. If you should have any questions about this survey, please feel free to contact Mr. Erik C. White, Manager, Engineering Evaluation Section, at (916) 324-8029.

Sincerely,

A handwritten signature in cursive script, appearing to read "Dean C. Simeroth".

Dean C. Simeroth, Chief
Criteria Pollutants Branch

cc: Mr. Erik White, Manager
Engineering Evaluation Section



"INTRASTATE LOCOMOTIVE SURVEY"

A. COMPANY - GENERAL CONTACT INFORMATION:

Company Name(s): _____

Contact Name/Title(s): _____

Address - Street: _____

Address - P.O. Box: _____

City: _____ Zip Code: _____

Office: () _____ Cell: () _____

Fax: () _____ Email Address: _____

Website (if applicable) : _____

Number of Employees: _____

If you own the fueling facility(s)/location(s), who is/are your primary diesel fuel supplier(s) (over the last three years):

If you use another parties' fueling facility(s)/location(s), who is/are the owner/operator(s) of the fueling facility(s), and who is their primary diesel fuel supplier(s) - if known (over the last three years):

Primary diesel fuel delivery method(s) (e.g., pipeline, truck to supply tank, truck to locomotive, etc.) to the fueling facility(s):

A. INSTRUCTIONS FOR COMPANY - GENERAL CONTACT INFORMATION:

- Company Name: Name of company or owner/operator.
Contact Name/Title: Name of primary company contact and title (e.g., CEO, GM, Superintendent).
Address: Company street and mailing address (i.e., P.O. Box).
City/Zip Code: City and zip code where company is located.
Office/Cell/Fax: Company and Contact phone numbers.
Email Address: Company and/or Contact email address.
Website Address: Company website address - http://www.??? .com/ - if applicable.
Number of Employees: Number of California employees with your company.
Own Fuel Facility: If you own your fueling facility, who has been your primary fuel supplier over the past three years?
Another Owner's Facility(s): If another company owns the fuel facility(s) your locomotives primary utilize, which company or operator owns that fueling facility(s)? If known, who is/are their primary fuel supplier(s)?
Primary Delivery Method: Which is the primary delivery method to the fueling facility or directly to your locomotives? (e.g., pipeline, ship, truck to locomotive or truck to supply tank, etc.).

(Please make additional copies if needed)
Company Name: _____

B. LOCOMOTIVE ENGINE INFORMATION

Unit ID #	Mfg. Name	Mfg. Model	Year-First Built	Year-Last Rebuild	Certified USEPA: N/A Tier "0" Tier "1" Tier "2"	Any Plans For Rebuilds In the Near-Future? (Y/N)-(Year)	Owned (O) or Leased (L)	Leasing Company (if applicable)

Unit ID No. : (e.g., CalTrain 900-920, etc)
Mfg Name : Manufacturer name - (e.g., GM, GE, Alco, etc.)
Mfg Model : Manufacturer model designation (e.g., GP20, GP30, F40PH-2, F59PHI, etc.)
Year First Built : Original year locomotive built - model year.
Year Last Rebuild : If applicable, year of last engine major rebuild/remanufacture.
Certified USEPA? : What is the current US EPA certification standard for the locomotive? N/A = not applicable. 0 = Tier "0", 1 = Tier "1", 2 = Tier "2".
Any Plans for Rebuilds : Any plans for engine rebuilds/remanufactures in the near future (within 5 years)? Y = Yes, N = No. Approximate year?
Owned (O) or Leased (L) : Does your company currently own or lease this locomotive. O = company owned. L = leased from another company.
Leasing Company : If applicable, from which company do you lease the locomotive.

California Environmental Protection Agency
 **AIR RESOURCES BOARD**

California Air Resources Board - SSD/CPD/EES - P.O. Box 2815, Sacramento, California 95812 - Attn: Harold Holmes

(Please make additional copies if needed)

Company Name: _____

C. LOCOMOTIVE - OPERATIONAL INFORMATION

Unit ID # (Carry-over from Section B)	Primary Operational Use (S,T,L,P)	City/Town Home Railyard	Cities-Towns on Primary Routes	ANNUAL HOURS OF OPERATION (Switchers/Terminal Operations)			ANNUAL RAIL MILES TRAVELLED (Passenger and Short Haul Operations)		
				2001	2002	2003	2001	2002	2003

Unit ID: Carry-over the Unit ID number from Section C.
 Primary Operational Use: Primary use for locomotive: S=Switcher; T=Terminal; L=Local/Short Haul; P=Passenger.
 Home Railyard : City or town which serves as the primary home location for this locomotive or where locomotive is primarily housed.
 Cities-Primary Routes: Identify primary cities or towns on the primary routes used during most of the year: Abbreviations (e.g., Sacramento=Sac) generally should be sufficient. Please attach route map(s) instead of identifying primary cities-towns on routes - if available.
 Annual Mileage/Hours of Operations: Switcher and Terminal locomotives provide annual hours of operation for 2001, 2002, and 2003. Indicate if this is an estimate.
 Annual Rail Miles Travelled: Local-short haul and passenger trains provide annual rail miles travelled for 2001, 2002, and 2003. Indicate if this is an estimate.

**2004 Intrastate Locomotive Survey
CONFIDENTIAL INFORMATION SUBMITTAL FORM**

If you wish to designate any information contained in your survey data as **CONFIDENTIAL INFORMATION**, please provide the information requested below and return it with your completed Survey form.

In accordance with Title 17, California Code of Regulations (CCR), Sections 91000 to 91022, and the California Public Records Act (Government Code Section 6250 et seq.), the information that a company provides to the Air Resources Board (ARB) may be released (1) to the public upon request, except trade secrets which are not emissions data or other information which is exempt from disclosure or the disclosure of which is prohibited by law, (2) to the federal Environmental Protection Agency, which protects trade secrets as provided in Section 114(c) of the Clean Air Act and amendments thereto (42 USC 7401 et seq.) and in federal regulation, and (3) to other public agencies provided that those agencies preserve the protections afforded information which is identified as a trade secret, or otherwise exempt from disclosure by law (Section 39660(e)).

Trade Secrets as defined in Government Code 6254.7 are not public records and therefore will not be released to the public. However, the California Public Records Act provides that air pollution emission data are always public records, even if the data comes within the definition of trade secrets. On the other hand, the information used to calculate information is trade secret.

If any company believes that any of the information it may provide is a trade secret or otherwise exempt from disclosure under any provision of law, **it must identify the confidential information as such at the time of submission to the ARB and must provide the name, address, and telephone number of the individual to be consulted.** If ARB receives a request for disclosure or seeks to disclose the data claimed to be confidential, ARB may ask the company to provide documentation of its claim of trade secret or exemption at a later date. Data identified as confidential will not be disclosed unless ARB determines, in accordance with the above referenced regulations that the data does not qualify for a legal exemption from disclosure. The regulations establish substantial safeguards before any such disclosure.

In accordance with the provisions of Title 17, California Code of Regulations, Sections 91000 to 91022, and the California Public Records Act (Government Code Sections 6250 et seq.)

Company Name: _____ declares that all the information submitted in response to the California Air Resources Board's information request on the Survey is confidential "trade secret" information, and requests that it be protected as such from public disclosure. All inquiries pertaining to the confidentiality of this information should be directed to the following person:

Date:	Mailing Address:
_____ (Signature)	_____
_____ (Printed Name)	_____
_____ (Title)	_____
_____ (Telephone Number)	_____

**TITLE 17, CALIFORNIA CODE OF REGULATIONS,
SECTIONS 91000 TO 91100**

Subchapter 4. Disclosure of Public Records

Article 1. General

§91000. Scope and Purpose.

This subchapter shall apply to all requests to the state board under the California Public Records Act (Government Code Sections 6250 et seq.) for the disclosure of public records or for maintaining the confidentiality of data received by the state board. Written guidelines shall govern the internal review of such requests.

NOTE: Authority cited: Sections 39600 and 39601(a), Health and Safety Code.
Reference: California Public Records Act, Chapter 3.5 (commencing with Section 6250), Division 7, Government Code.

§91001. Disclosure Policy.

It is the policy of the state board that all records not exempted from disclosure by state law shall be open for public inspection with the least possible delay and expense to the requesting party.

NOTE: Authority cited: Sections 39600 and 39601(a), Health and Safety Code.
Reference: Section 6253, Government Code; Black Panther Party v. Kehoe (1974) 42 Cal.App.3d 645.

Article 2. Board's Requests for Information

§91010. Request Procedure.

The state board shall give notice to any person from whom it requests information that the information provided may be released (1) to the public upon request, except trade secrets which are not emission data or other information which is exempt from disclosure or the disclosure of which is prohibited by law, and (2) to the federal Environmental Protection Agency, which protects trade secrets as provided in Section 114(c) of the Clean Air Act and amendments thereto (42 USC 7401 et seq.) and in federal regulations.

NOTE: Authority cited: Sections 39600, 39601 and 39602, Health and Safety Code.
Reference: Sections 39701, 41510, 41511, 41512 and 42705, Health and Safety Code; and Section 6253, Government Code.

**TITLE 17, CALIFORNIA CODE OF REGULATIONS,
SECTIONS 91000 TO 91100**

§91011. Submissions of Confidential Data.

Any person submitting to the state board any records containing data claimed to be "trade secret" or otherwise exempt from disclosure under Government Code Section 6254 or 6254.7 or under other applicable provisions of law shall, at the time of submission, identify in writing the portions of the records containing such data as "confidential" and shall provide the name, address and telephone number of the individual to be contacted if the state board receives a request for disclosure of or seeks to disclose the data claimed to be confidential. Emission data shall not be identified as confidential. The state board shall not disclose data identified as confidential, except in accordance with the requirements of this subchapter or Section 39660(e) of the Health and Safety Code.

NOTE: Authority cited: Sections 39600 and 39601, Health and Safety Code. Reference: Sections 39660, 39701, 41500, 41511, 41512 and 42705, Health and Safety Code; Sections 6253, 6254 and 6254.7, Government Code; Natural Resources Defense Council v. EPA, 489 F.2d 390 (5th Cir. 1974) (6 ERC 1248); Northern California Police Practices Project v. Craig (1979) 90 Cal.App.3d 116; Uribe v. Howie (1971) 19 Cal.App.3d 194.

Article 3. Inspection of Public Records

§91020. Disclosure Policy.

§91021. Disclosure Procedure.

NOTE: Authority cited: Section 39601, Health and Safety Code. Reference: Sections 6253-6257, Government Code.

§91022. Disclosure of Confidential Data.

(a) This section shall apply to all data in the custody of the state board

(1) designated "trade secret" prior to the adoption of this subchapter,

(2) considered by the state board or identified by the person who submitted the data as confidential pursuant to this subchapter, or

(3) received from a federal, state or local agency, including an air pollution control district, with a confidential designation, subject to the following exceptions:

**TITLE 17, CALIFORNIA CODE OF REGULATIONS,
SECTIONS 91000 TO 91100**

(A) Except for the time limits specifically provided in subsection (b), only subsections (c) and (d) of this section shall apply to information submitted pursuant to Health and Safety Code section 39660(e).

(B) Appropriate portions of an application for approval, accreditation, or certification of a motor vehicle emission control device or system shall be kept confidential until such time as the approval, accreditation, or certification is granted, at which time the application (except for trade secret data) shall become a public record, except that estimates of sales volume of new model vehicles contained in an application shall be kept confidential for the model year, and then shall become public records. If an application is denied, it shall continue to be confidential but shall be subject to the provisions of this section.

(C) If disclosure of data obtained after August 9, 1984 from a state or local agency subject to the provisions of the Public Records Act is sought, the state board shall request that the agency which provided the data determine whether it is confidential. The state board shall request that it be notified of the agency's determination within ten days. The state board shall not release the data if the agency determines that it is confidential and so notifies the state board; provided, however, that the data may be released with the consent of the person who submitted it to the agency from which it was obtained by the state board.

(b) Upon receipt of a request from a member of the public that the state board disclose data claimed to be confidential or if the state board itself seeks to disclose such data, the state board shall inform the individual designated pursuant to Section 91011 by telephone and by mail that disclosure of the data is sought. The person claiming confidentiality shall file with the state board documentation in support of the claim of confidentiality. The documentation must be received within five (5) days from the date of the telephone contact or of receipt of the mailed notice, whichever first occurs. In the case of information submitted pursuant to Health and Safety Code section 39660(e), the documentation must be received within 30 days of the date notice was mailed pursuant to that section. The deadlines for filing the documentation may be extended by the state board upon a showing of good cause made within the deadline specified for receipt of the documentation.

(c) The documentation submitted in support of the claim of confidentiality shall include the following information:

- (1) the statutory provision(s) under which the claim of confidentiality is asserted;
- (2) a specific description of the data claimed to be entitled to confidential treatment;
- (3) the period of time for which confidential treatment is requested;
- (4) the extent to which the data has been disclosed to others and whether its confidentiality has been maintained or its release restricted;

**TITLE 17, CALIFORNIA CODE OF REGULATIONS,
SECTIONS 91000 TO 91100**

(5) confidentiality determinations, if any, made by other public agencies as to all or part of the data and a copy of any such determinations, if available; and

(6) whether it is asserted that the data is used to fabricate, produce, or compound an article of trade or to provide a service and that the disclosure of the data would result in harmful effects on the person's competitive position, and, if so, the nature and extent of such anticipated harmful effects.

(d) Documentation, as specified in subsection (c), in support of a claim of confidentiality may be submitted to the state board prior to the time disclosure is sought.

(e) The state board shall, within ten (10) days of the date it sought to disclose the data or received the request for disclosure, or within 20 days of that date if the state board determines that there are unusual circumstances as defined in Government Code Section 6256.1, review the request, if any, and supporting documentation, if received within the time limits specified in subsection (b) above, including any extension granted, and determine whether the data is entitled to confidential treatment pursuant to Government Code Section 6254, 6255 or 6254.7 or other applicable provisions of law and shall either:

(1) decline to disclose the data and, if a request was received, provide to the person making the request and to the person claiming the data is confidential a justification for the determination pursuant to Government Code Section 6255; or

(2) provide written notice to the person claiming the data is confidential and, if a request was received, to the person requesting the data that it has determined that the data is subject to disclosure, that it proposes to disclose the data, and that the data shall be released 21 days after receipt of the notice by the person claiming confidentiality, unless the state board is restrained from so doing by a court of competent jurisdiction. The state board shall release the data in accordance with the terms of the notice unless so restrained.

(f) Should judicial review be sought of a determination issued in accordance with subsection (e), either the person requesting data or the person claiming confidentiality, as appropriate, may be made a party to the litigation to justify the determination.

NOTE: Authority cited: Section 39601, Health and Safety Code.

Reference: Sections 6253, 6254, 6254.7, 6255, 6256, 6256.1, 6258 and 6259, Government Code.

If the Survey information is claimed as confidential, how will it be treated?

ARB has adopted regulations to protect the confidentiality of trade secrets (Title 17, CCR, sections 91000 to 91022). A summary of ARB's confidentiality regulations can be found attached to this survey on the "Confidential Information Submittal Form." You should fill out the form if you wish to designate any Survey information as confidential.

When do I need to return the Survey, and where do I send it?

Please return the Survey by **June 28, 2004** to:

California Air Resources Board
Attention: Harold Holmes
Stationary Source Division
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Sacramento, California 95812-2815
CONFIDENTIAL MATERIALS ENCLOSED (if that's the case)

Who can I call if I have questions about the Survey?

If you have any questions, please contact:

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APPENDIX D

CALIFORNIA AIR RESOURCES BOARD

CALIFORNIA RECREATIONAL HARBORCRAFT DIESEL FUEL CONSUMPTION

Methodology to Calculate Recreational California Harborcraft Diesel Fuel Consumption

APPENDIX D

**Estimation of Statewide Consumption of Diesel Fuel by
Recreational Harbor Craft Using ARB 2003 Emissions Inventory**

Assumptions:

- Average specific fuel consumption of 203 grams per kw-hr (Entec U.K., 7/2002)
- Average NOx emission factor of 12 grams per kw-hr (Entec U.K., 7/2002)
- Emissions from ARB's 2003 Emissions Inventory (Appendix X)
- All diesel fuel used by recreational craft is U.S. EPA onroad diesel fuel, except in the North Coast region (coastal areas north of the Bay Area)

Sample Calculation:

2.79 Ton NOx/day x 2000 lb NOx/Ton x 454 grams NOx/lb. x kw-hr/12 g NOx x
203 g fuel/kw-hr x lb fuel/454 g x gall fuel/7lb x 365.25 day/yr. = **4.9 million gallons**

Recreational Harbor Fuel Consumption by Region and Fuel Type (million gallons)

California Region	All Diesel	CARB Diesel	EPA On-Road
S.F. Bay Area Air Basin	0.41	0	0.41
South Coast Air Basin	1.78	0	1.78
North Coast Air Basin	0.07	0.07	0
All Other Areas	2.66	0	2.66
Total Recreational Craft	4.9	0.07	4.8

APPENDIX E

**CALIFORNIA AIR RESOURCES BOARD
CALIFORNIA HARBORCRAFT EMISSIONS INVENTORY**

Methodology to Calculate California Harborcraft Emissions

APPENDIX E

**Methodology to Calculate California Harborcraft Emissions
from ARB 2003 Emissions Inventory**

Assumptions:

- Harbor Craft Emissions from ARB's 2003 Emissions Inventory of "ships and commercial boats" as shown in tables below
- Total emissions for commercial harbor craft derived by summing the following subcategories: "commercial boats," "crew and supply boats," "ships maneuvering – tugboats," and "other."
- Some of these categories have "unspecified fuel." However, the proportions of the different pollutants for these categories indicates diesel fuel was. In addition, most commercial vessels are diesel.

NOx Emissions (TPD)

Vessel Type	Total	South Coast	North Coast	Bay Area	All Other
"Commercial Boats"	19.87	8.00	2.55	5.56	3.76
"Crew and Supply Boats"	0.80	--	--	--	0.8
"Ships Maneuv.-Tugboats"	2.22	1.66	--	0.22	0.34
"Other"	1.08	0.94	--	--	0.14
Total Commercial HC	23.97	10.6	2.55	5.78	5.04
Recreational Diesel	2.79	1.01	0.04	0.23	1.51
Total Harbor Craft	26.8	11.6	2.59	6.00	6.55

PM Emissions (TPD)

Vessel Type	Total	South Coast	North Coast	Bay Area	All Other
"Commercial Boats"	1.06	0.1	0.27	0.32	0.37
"Crew and Supply Boats"	0.08	--	--	--	0.08
"Ships Maneuv.-Tugboats"	0.06	--	--	0.02	0.04
"Other"	0.15	0.13	--	--	0.02
Total Commercial HC	1.35	0.23	0.27	0.34	0.51
Recreational Diesel	0.08	0.03	0	0.01	0.04
Total Harbor Craft	1.43	0.26	0.27	0.35	0.55

APPENDIX F

CALIFORNIA AIR RESOURCES BOARD
CALIFORNIA HARBORCRAFT EMISSIONS REDUCTIONS

Methodology to Calculate California Harborcraft Emissions Reductions

APPENDIX F

**Methodology to Calculate California Harborcraft Emissions Reductions
Using the ARB 2003 Emissions Inventory**
(Revised on September 20, 2004)

Assumptions:

- Emissions from ARB's 2003 Emissions Inventory (Appendix X)
- Emission reductions estimated based on 6% NO_x and 14% PM reduction from switching from U.S. EPA on-road diesel to CARB diesel
- Proportion of U.S. EPA and CARB diesel fuels currently in use based on 2002 ARB Commercial Harbor Craft Survey. For recreational craft, CARB diesel is assumed to be used only in the North Coast

Sample Calculation:

5.8 Ton NO_x/day x (16.8 million gallons EPA diesel/27 million gallons diesel total) x 6%
emission reduction = **0.22 TPD**

Harbor Craft NO_x Emission Reductions by Region*

Harbor Craft Type	Emissions (TPD)	Ratio of EPA to Total Diesel Fuel	Estimated Emission Reduction %	Reductions (TPD)
Commercial Harbor Craft				
S.F. Bay Area Air Basin	5.8	0.62	0.06	0.22
South Coast Air Basin	10.6	0.55	0.06	0.35
North Coast Air Basin	2.55	0	0.06	0
All Other Areas	5.0	0.61	0.06	0.18
Total	24.0			0.80
Recreational Craft				
S.F. Bay Area Air Basin	0.23	1	0.06	0.01
South Coast Air Basin	1.01	1	0.06	0.06
North Coast Air Basin	0.04	0	0.06	0
All Other Areas	1.51	1	0.06	0.09
Total	2.79		0.06	0.16
Grand Total	26.8			1.0

Harbor Craft PM Emission Reductions by Region*

Harbor Craft Type	Emissions (TPD)	Ratio of EPA to Total Diesel Fuel	Estimated Emission Reduction	Reductions (TPD)
Commercial Harbor Craft				
S.F. Bay Area Air Basin	0.34	0.62	0.14	0.03
South Coast Air Basin	0.23	0.55	0.14	0.02
North Coast Air Basin	0.27	0	0.14	0
All Other Areas	0.51	0.61	0.14	0.04
Total	1.35			0.09
Recreational Craft				
S.F. Bay Area Air Basin	0.01	1	0.14	<0.01
South Coast Air Basin	0.03	1	0.14	<0.01
North Coast Air Basin	0	0	0.14	0
All Other Areas	0.04	1	0.14	0.01
Total	0.08			0.01
Grand Total	1.43			0.10

Estimation of SO_x related PM Reductions from Harbor Craft Using ARB 2003 Emissions Inventory

Assumptions:

- SO_x emissions from ARB's 2003 Emissions Inventory
- SO_x emission reductions proportional to reductions in fuel sulfur content (assuming EPA onroad diesel is 350 ppm and CARB diesel is 10 ppm)
- Conversion of SO₂ to SO₄ (as 50% ammonium sulfate and 50% ammonium bisulfate) in atmosphere is 12%
- Ratio of grams sulfate (as 50% ammonium sulfate and 50% ammonium bisulfate) to grams SO₂ is 1.92
- Overall conversion factor (SO_x to PM) is 12% x 1.92 = 23%
- Proportion of U.S. EPA and CARB diesel fuels currently in use based on 2002 ARB Commercial Harbor Craft Survey.
- Diesel powered recreational craft SO_x emissions and reductions are negligible

A. Sample Calculations

1. SOx related PM Reduction:

0.98 Ton SOx/day (S.F. Bay Area) x 96% (SOx reduction per calculation below)
x 23% (SOx to PM conversion factor) = 0.22 TPD PM

2. SOx Reduction

Average sulfur before proposal = 350ppm x 0.62 + 10 ppm x 0.38 = 221 ppm

Average sulfur after proposed regulation = 10 ppm

Percent sulfur reduction = $221 - 10 / 221 = 95\%$

Harbor Craft SOx-Related PM Emission Reductions by Region*

Harbor Craft Type	SOx Emissions (TPD)	Ratio of EPA to Total Diesel Fuel	SOx Reduction from Proposal	SOx to PM conversion	PM Reductions (TPD)
Commercial Harbor Craft					
S.F. Bay Air Basin	0.98	0.62	95	23%	0.21
South Coast Air Basin	0.22	0.55	95%	23%	0.05
North Coast Air Basin	0.40	0	0%	--	0
All Other Areas	0.34	0.61	95%	23%	0.07
Total	1.94				0.33

APPENDIX G

CALIFORNIA AIR RESOURCES BOARD
HEALTH RISK ASSESSMENT METHODOLOGY
FOR HARBORCRAFT AND INTRASTATE LOCOMOTIVES

APPENDIX G

HEALTH RISK ASSESSMENT METHODOLOGY FOR HARBORCRAFT AND INTRASTATE LOCOMOTIVES

Methodology

This appendix presents the methodology used to estimate the potential cancer risk from exposure to diesel particulate matter (PM) emissions from intrastate locomotives and harbor craft activities. This methodology was developed to assist in the development of the *Proposed Regulatory Amendments Extending the California Motor Vehicle Diesel Standards to Diesel Fuel Used in Harborcraft and Intrastate Locomotives*. The assumptions used to determine these risks are not based on a specific intrastate locomotive or harbor craft activity pattern. Instead, source parameters that represent possible operating scenarios were used. These estimated risks are used to provide an approximate range of potential risk levels from intrastate locomotive and harbor craft activities. Actual risk levels will vary due to site specific parameters, including the number of locomotives or harbor craft, the operation or activity, emission rates, operating schedules, site configuration, site meteorology, and distance to receptors.

The methodology used in this risk assessment is consistent with the Tier-1 analysis presented in the OEHHA, Air Toxics Hot Spots Program Risk Assessment Guidelines: The Air Toxics Hot Spots Program Guidance Manual for Preparation of Health Risk Assessments (OEHHA, 2003). These OEHHA guidelines and this assessment utilize health and exposure assessment information that is contained in the Air Toxics Hot Spot Program Risk Assessment Guidelines, Part II, Technical Support Document for Describing Available Cancer Potency Factors (OEHHA, 2003); and the Air Toxics Hot Spot Program Risk Assessment Guidelines, Part IV, Technical Support Document for Exposure Analysis and Stochastic Analysis (OEHHA 2000), respectively.

A. Source Description

To provide an estimate of the potential cancer risks associated with exposure to diesel PM emissions associated with intrastate locomotives and harbor craft, ARB staff developed two scenarios. The first scenario examined the potential cancer risk for excursion or ferry vessel activities at a port. The second scenario examined the potential cancer risk from the operation of a short-haul locomotive passing through a residential neighborhood.

In the first scenario, the excursion or ferry vessel activities were characterized as three point sources of emissions from the two diesel fueled propulsion engines and one diesel fueled auxiliary engine. The engine sizes at 100 percent load were estimated to be 750 horsepower (hp) for propulsion and 100 hp for auxiliary based on the ARB's statewide survey. The engines operation load factors are assumed to be 10 percent (idling) for the propulsion engines and 43 percent for the auxiliary engine. The hourly diesel PM emission rate for the propulsion engines was assumed to be 0.5 grams per brake horsepower per hour (g/bhp-hr) based on Bay Area Water District Authority emission testing. The test was performed in 2002 at MV Mare Island.

The auxiliary engine diesel PM emission rate used in this analysis is 0.84 g/bhp-hr based on the ARB OFFROAD emission factors for generators (engine population weighted average). The operating scenario was modeled as one vessel operating from 6:00 AM to 6:00 PM daily.

For the locomotive scenario, the emission source was modeled as a series of volume sources with the width of 30 meters along a 1-mile segment traveling at 40 miles per hour (mph) at a load setting of notch 5. The traffic volume for this source included 10 trains per day, each with 2 locomotives operating 24 hours per day for 365 days per year. The locomotive engine emission factor is 362 g/hr based on the fleet weighed average of notch 5 for eleven (11) locomotive models in California.

B. Dispersion Modeling Methods

The dispersion of diesel PM emissions was estimated using the United States Environmental Protection Agency (U.S. EPA) ISCST3 (version 00101). ISCST3 can estimate potential ambient annual average concentrations of diesel PM as a result of diesel PM emissions from point, area, volume, and pit sources.

The analyses used actual meteorological data collected at three meteorological sites, West Los Angeles (1981), Long Beach (1981), and Richmond (1998). Cartesian grid coordinate receptors were placed at specific incremental distances from the sources to determine the off-site impacts. Table 1 shows the dispersion modeling parameters used to model impacts of diesel PM emissions from an excursion or ferry vessel. Table 2 shows the dispersion modeling parameters used to model impacts of diesel PM emissions from short-haul locomotive operations.

Table 1: Dispersion Modeling Parameters for Excursion/Ferry Vessel Activities

Modeling Parameters	
Model	ISCST3 (Version 00101)
Source Type	Point
Dispersion Coefficients	Urban
Number of Engines per Excursion Vessel	2 propulsion engines, 1 auxiliary
Engine Horsepower (at 100% load)	750 hp for propulsion, 100 hp for auxiliary
Engine Operation Load	10% for propulsion (idling), 43% for auxiliary
Emission Factor	0.50 g/bhp-hr for propulsion, 0.84 g/bhp-hr for auxiliary
Operation Schedule	6 am to 6 pm every day, 1 vessel per hour
Receptor Height	1.5 m
Stack Information:	
Stack Diameter	8" for propulsion, 3" for auxiliary
Stack Height	10 m for all engines
Exhaust Temperature	350 °K for propulsion, 550 °K for auxiliary
Exhaust Velocity	6 m/s for propulsion, 23 m/s for auxiliary
Meteorological Data	West Los Angeles (1981), Long Beach (1981), Richmond (1998)
Release Height	Same as the stack height

Table 2: Dispersion Modeling Parameters for Short-Haul Locomotives

Modeling Parameters	
Model	ISCST3 (Version 00101)
Source Type	Volume
Dimension of Modeling Domain	1 mile segment with width of 30 m
Dispersion Coefficients	Urban
Traffic Volume	10 trains/day, each with 2 locomotives
Engine's Emission Factor	362 g/hr (Notch 5)
Train Travel Speed	40 mph
Operation Schedule	24 hr/day, 365 days/yr
Receptor Height	1.5m
Meteorological Data	West L. A. (1981), Long Beach (1981), Richmond (1998)
Release Height	5 m

C. Health Risk Assessment Methods

The dispersion model-predicted offsite concentrations were used to estimate potential cancer risk due to emissions of diesel PM. Under current OEHHA recommended risk assessment methodology, to estimate potential cancer risks, the estimated maximum annual ground level concentration (GLC), in micrograms per cubic meter ($\mu\text{g}/\text{m}^3$), is converted to a pollutant dose. Multiplication of the average daily inhalation dose over 70 years, in milligrams per kilogram of body weight per day (mg/kg-d), with the inhalation cancer potency factor developed by OEHHA will give the inhalation cancer risk. Unit risk factors (URF), in the units of inverse concentration, $(\mu\text{g}/\text{m}^3)^{-1}$, used in previous assessments can be used for assessing cancer inhalation risk directly from air concentrations. However breathing rates, expressed in units of liters per kilogram of body weight-day coupled with the air concentrations to estimate dose in mg/kg-d is recommended for assessing cancer risks. The diesel exhaust PM inhalation cancer potency factor used for this analysis is 1.1 with units of inverse dose as a potency slope, (i.e., $(\text{mg}/\text{kg-d})^{-1}$).

Table 3 shows the risk assessment parameters used in these analyses for excursion or ferry vessel and short-haul locomotive activities.

Table 3: Risk Assessment Parameters Used in Analyses

Receptor Hypothetical Exposure Time	70 years, 50 weeks per year
Adults Daily Breathing Rate Range	271 – 393 l/kg body weight-day
Adults Body weight	70 kg
Diesel PM Inhalation Potency Factor	1.1 $(\text{mg}/\text{kg-day})^{-1}$

D. Health Risk Assessment Results

Table 4 presents the estimated range of potential cancer health risks at nearby receptor locations due to exposures to the diesel PM emissions from excursion or ferry vessel activities at a port. Table 5 presents the estimated range of potential cancer health risks at nearby receptor locations due to exposures to the diesel PM emissions from short-haul locomotive activities.

As is shown in Table 4, based on the analysis, the estimated potential cancer risks for persons exposed to the diesel PM emissions from a hypothetical excursion/ferry vessel in a port, ranged from 50 to 280 potential cancer cases in a million at a downwind distance of 200 meters away from the emission source. The low end represents the 65th percentile breathing rate results using the Richmond meteorological data and the high end represents the 95th percentile breathing rate results using the West L. A. meteorological data.

For the locomotive scenario, as shown in Table 5, operating a short-haul line resulted in potential cancer risks ranging from 2 to 12 in a million at a downwind distance of 200 meters away from the edge of the locomotive railroad activity.

Table 4: Estimated Cancer Risk (per million) from Excursion/Ferry Vessel Activities

Downwind Distance (meter)	Downwind Distance (mile)	West L. A.		Long Beach		Richmond	
		65th BR	95th BR	65th BR	95th BR	65th BR	95th BR
100	0.063	610	886	338	491	169	245
200	0.125	191	277	125	181	53	76
400	0.25	52	76	41	60	14	21
800	0.50	14	21	12	18	4	6
1200	0.75	7	10	6	9	2	3
1600	1.0	4	6	4	6	1	2
2400	1.5	2	3	2	3	1	1
3200	2.0	2	2	1	2	1	1
4000	2.5	1	2	1	1	< 1	1
4800	3.0	1	1	1	1	< 1	1

Notes:

1. An excursion or ferry vessel is equipped with two propulsion engines and an auxiliary engine.
2. The average horsepowers are estimated to be 750 hp and 100 hp for propulsion and auxiliary engines, respectively, based on the ARB's statewide survey.
3. The load for the propulsion engines at idling condition is 10%, and the load for the auxiliary engine is 43% based on the ARB's statewide survey.
4. The diesel PM emission factor for the propulsion engine is estimated as 0.5 g/bhp-hr based on the Bay Area Water Authority's testing, and the factor for the auxiliary is 0.84 g/bhp-hr based on the ARB's harborcraft estimates.
5. Assume that the each excursion/ferry takes an hour for loading and unloading and The activity takes place during 6am to 6pm, each day, 7days per week, and 52 weeks per year.
6. Cancer risks shown at OEHHA 65th and 95th percentile breathing rates

Table 5: Estimated Cancer Risk (per million) from Short-Haul Locomotive Activities

Downwind Distance (meter)	Downwind Distance (mile)	West L. A.		Long Beach		Richmond	
		65th BR	95th BR	65th BR	95th BR	65th BR	95th BR
20	0.013	7	10	5	7	2	3
40	0.025	7	10	4	6	2	3
60	0.038	10	14	4	5	2	3
80	0.050	10	14	6	8	3	4
100	0.063	9	13	7	11	3	5
200	0.125	8	12	4	6	2	3
300	0.188	6	8	3	4	1	2
400	0.25	4	6	2	3	1	2
800	0.50	2	3	1	2	1	1
1200	0.75	1	1	1	1	<1	<1
1600	1.0	1	1	1	1	<1	<1
2400	1.5	<1	1	<1	1	<1	<1
3200	2.0	<1	<1	<1	<1	<1	<1
4000	2.5	<1	<1	<1	<1	<1	<1
4800	3.0	<1	<1	<1	<1	<1	<1

Notes:

1. Assume that 10 trains per day and each train contains 2 locomotives.
2. The trains are traveling at 40 MPH at notch 5 setting.
3. The diesel PM emission factor = 362 g/hr based on the average of notch 5 for most common models seen at Roseville railyard.
4. Cancer risks shown at OEHHA 65th and 95th percentile breathing rates

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APPENDIX H

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