SCEC

November 2, 2006

Mr. Daniel Donohoue
California Air Resources Board
P.O. Box 2815
Sacramento, California 95814-2815

Subject: **Proposed Amendments to the Airborne Toxic Control Measure for Stationary Compression Ignition Engines SCEC #2063.2064**

Dear Mr. Donohoue:

SCEC appreciates the opportunity to provide comments regarding proposed amendments to the Stationary Compression Engine ATCM. SCEC provides permitting and regulatory guidance to an extensive network of engine distributors and operators throughout California. Our comments reflect our experiences as well as those of our clients when obtaining local construction permits for compression ignition engines and managing compliance with the ATCM.

CARB proposes amendments clarifying that Tier 3 engines rated at or below 750 hp and Tier 2 engines rated over 750 hp, combined with a Level 3-verified PM control device satisfy requirements to meet a PM rate of 0.01 g/bhp-hr. SCEC supports the proposal, but suggests two minor changes are needed to clarify CARB's intent and to equitably extend eligibility of the proposed provisions to other engines meeting uncontrolled PM emission rates equivalent to Tier 3 standards.

Clarification of Intent

As proposed, the language appears to suggest that the combination of engine and retrofit technology is a path to compliance, but does not explicitly state that in-field compliance demonstrations are unnecessary. SCEC requests that the proposed amendment be modified to state that the engine / retrofit combination is "deemed to be in compliance with the 0.01 g/bhp-hr standard" and that additional in-field verification is not required.

Applicability to Tier 2 Engines

The proposed amendment provides no relief for Tier 2 engines rated below 750 hp that are certified to the same PM emission standards applicable to Tier 3 engines, and for which Level 3 retrofit technology is equally effective. SCEC requests that the proposed language be revised to include all off-road engines that are certified to meet a PM rate of 0.15 g/bhp-hr, pursuant to 40 CFR 89 or 13 CCR. When one considers that the ATCM is a diesel PM emission control regulation, there is no reason to exclude Tier 2 engines from the proposed alternative compliance demonstration. Clearly, both Tier 2 and Tier 3 engines equipped with Level 3 control systems reflect the best available technology with respect to PM emissions and owners of both classes of engines should be granted equal regulatory flexibility.

1582-1 N. Batavia Street • Orange, CA 92867 • (714) 282-8240 • (714) 282-8247 Fax
98-030 Hekaha Street, Suite 1 • Aiea, HI 96701 • (808) 488-6466 • (808) 488-6859 Fax
scec@scec.com (e-mail)

CARB has clarified its belief that by limiting applicability of the alternative demonstration to only Tier 3 engines rated below 750 hp, CARB would promote the manufacture and sale of such engines. SCEC does not agree that such an assessment is accurate. The provision that would allow for the alternative compliance demonstration primarily affects a very small population of stationary non-agricultural prime engines. When Tier 2 engines are purchased, it most likely because Tier 3 engines simply are not available. The low volume of engines that would be affected by this provision could not possibly serve as an incentive to make Tier 3 engines more readily available.

Expanding the alternative demonstration provision to Tier 2 engines rated below 750 hp will provide needed relief, not just for the handful of Tier 2 engines that may be sold in the future, but also for operators that have already purchased and installed Tier 2 engines with Level 3 control devices. Local air districts have occasionally mandated source emissions tests of low emission Tier 2 engines equipped with Level 3 control devices. In some cases these emissions tests did not successfully demonstrated compliance with the 0.01 g/bhp-hr standard, even though best available engine and control system technology was utilized. Existing rule language provides the local air district with few options for resolving the test discrepancy and issuing an operating permit for what essentially reflects best available technology for PM emissions.

Again, SCEC appreciates the opportunity to comment on the proposed rule amendments. We also welcome the opportunity to discuss in detail the proposed amendments and our comments. You can reach me at (714) 282-8240.

Sincerely,
SCEC

Karl A. Lany
Vice President

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