DEPARTMENT OF THE NAVY
COMMANDER NAVY REGION SOUTHWEST
937 NO. HARBOR DR.
SAN DIEGO, CALIFORNIA 92132-0058

IN REPLY REFER TO:
5090
Ser N45JRR.rr/0176
May 19, 2006

Clerk of the Board
Air Resources Board
1001 I Street, 23rd Floor
Sacramento, CA 95814-2828

Re: Comments to the Proposed Portable Equipment Registration Program (PERP) 22 June 2006 Version

On behalf of the military services in California, attached are comments to the PERP program revisions. I would preface these comments by reminding the board that portable equipment forms the support backbone for our national defense mission. Quite simply, jet aircraft cannot start without them. Field communications cannot occur without them. Test and Evaluation of new weapons systems cannot occur without them. They remain vital to our missions in California.

Portable equipment also has a history of regulatory issues in California. Prior to passage of AB 531 in 1995, California installations had growing issues with District regulation of portable equipment that was impacting our ability to use them. It was this issue that resulted in the California Legislature making a special allowance for Tactical Support Equipment in AB 531.

The PERP program and its recognition of the unique status and needs of tactical support equipment has been a national model of cooperation between the military and state government. It has allowed the military to continue our mission and devote our attention to other areas where we can work with California on numerous environmental initiatives.

In this context, we offer the following comments:

1. <u>Pre-Emption Issue</u>:

We request the California Air Resources Board (CARB) provide a discussion in the Initial Statement of Reasons (ISOR) clearly identifying the process for determining the applicability of PERP versus stationary source permitting. This is in response

to a new section in the regulation that states an engine is not eligible for inclusion in the PERP program if it requires a district permit. We have suggested at several workshops our concern, based on our historic perspective, that districts may assert jurisdiction over PERP registered engines and subject them to the type of requirements that are not appropriate for our mission needs. At several workshops, CARB suggested any source having concerns over the applicability of PERP versus stationary source permitting contact the applicable district to seek guidance.

We suggest CARB describe the process in the ISOR as explained at working group consultation meetings. At these meetings, CARB stated in the event of a disagreement between a district and the stakeholder over the applicability of a PERP unit the following course of action occurs:

1. APCD inspector disagrees with PERP status,
2. APCD contacts CARB regarding interpretation,
3. CARB contacts APCD and works issue (It is assumed that the affected source is included in the discussion), and
4. All issues are discussed and resolved on a case-by-case basis with CARB making the final decision.

We believe that this clarification in the ISOR is necessary to help alleviate any future disagreements over the applicability of PERP units between the affected district, stakeholder and CARB.

2. <u>Compliance Extensions for Manufacturer Delays</u>:

At the 24 February 2006 consultation meeting, several stakeholders provided comments regarding delays in delivery of certified engines and manufacturer delays resulting in a denial of applications for PERP by CARB staff. We appreciate the inclusion of proposed §2456.(d) verbiage that authorizes an owner or operator who purchased or contracted to purchase new 2005 equipment prior to the 2006 requirements of the regulation, pending proof of purchase. We suggest CARB consider expanding this verbiage to incorporate future compliance deadlines (e.g. The compliance deadline for Tier IV interim engines > 750 bhp is 1 January 2011. The compliance deadline for Tier III engines ≥100 bhp and < 175 is 1 January 2007.) Without this added

5090
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regulatory language, we envision similar potential delays in delivery of certified engines and manufacturer delays resulting in denial of applications for PERP by CARB staff.

Thank you for the opportunity to provide comments on the subject proposed regulation. If you have any questions or concerns regarding these comments, my point of contact is Mr. Jose Casora. He can be reached at (619) 524-6502.

Sincerely,

RENE TREVINO
Executive Director