Subject: [Fwd: [Fwd: Comment to draft concepts of emergency admendment to PERP]]
From: Alexa Malik <amalik@arb.ca.gov>
Date: Mon, 27 Nov 2006 10:47:39 -0800
To: Lori Andreoni <landreon@arb.ca.gov>

-------- Original Message --------
Subject:[Fwd: Comment to draft concepts of emergency admendment to PERP]
Date: Wed, 22 Nov 2006 15:36:30 -0800
From: Kitty Howard <khoward@arb.ca.gov>
Organization: California Air Resources Board
To: Alexa Malik <amalik@arb.ca.gov>
CC: Ada Komorniczak <ajkomorn@arb.ca.gov>, George Poppic <gpoppic@arb.ca.gov>, Christopher Gallenstein <cgallens@arb.ca.gov>, Wayne Sobieralski <wsobiera@arb.ca.gov>, Michael Tollstrup <mtollstr@arb.ca.gov>, Lea Yamashita <lyamashi@arb.ca.gov>, Dan Weller <sweller@arb.ca.gov>

-------- Original Message --------
Subject: Comment to draft concepts of emergency admendment to PERP
Date: Wed, 22 Nov 2006 13:56:48 -0800
From: Stan Alger <stana@peninsulacrane.com>
To:mtollstr@arb.ca.gov, khoward@arb.ca.gov, cgallens@arb.ca.gov
CC:aem@scarthlyons.com, mjv@scarthlyons.com, daved@coastcrane.com

PCR
Peninsula Crane & Rigging
656 Wool Creek Drive
San Jose, Ca. 95112
(408) 294-4841 (office)
(408) 294-6649 (fax)

November 22nd, 2006

Dear Air Resources Board Member,

Let me begin by stating that I am very appreciative that the California Air Resources Board is considering an emergency amendment to the Statewide Portable Equipment Registration Program and I support its implementation. In May of 2006, I found out that the upper engines in our two engine cranes were subject to this program. In the last six months, I have spent countless hours researching our fleet and speaking with OEM and engine manufactures trying to devise a way to become compliant with this program. Unfortunately I ran into a lot of dead ends.

Peninsula Crane & Rigging is a family owned corporation that has spent the last 30 years under this current management. We did not rise to be a premiere structural steel and HVAC crane supplier in the Bay Area by ignoring or skirting laws and regulations. If given the chance, we fully intend on meeting this regulation as well as other ARB programs that are current or programs that will be developed in the future.

On November 20th, 2006, I spoke at the public consultation meeting. I would like to take this opportunity to readdress a concern I have with the draft concepts. At the meeting, I stated that Peninsula Crane had purchased new and currently owns two all terrain cranes. Except for a few structural changes, these two cranes are identical. The upper (portable) engines are 169 horsepower Cummins B5.9 Tier 1 family.

The first crane is a 2000 year model that was put into service in October of that year. Although I don't agree with the proposed fee schedule, it is my understanding, that in order to register this engine in the PERP, I would pay my fees from the year 2000.

My second machine is a 2005 year model that was delivered in February of that same year. My Cummins distributor has informed me that the portable engine in this crane is also a Tier 1 with an engine build date of October 26th, 2004. Under your proposed draft concepts, I will be penalized for bringing this out of date engine into California by reverting my fees to the beginning of the engine family tier. If I am to understand correctly, I would pay my fees as if I had introduced this engine into California in 1996; a nine year penalty. I personally find this outrageous. I am led to believe that the crane manufacture was legally allowed to install and deliver this engine to California through a program with the Federal EPA. The assertion that Peninsula Crane & Rigging had a choice in the engine selection for this machine is insulting. There is nobody more upset that older technology was placed in our new crane than us. For our company to shoulder the burden of the blame for actions of others is not right. PCR should only be required to pay the applicable fees from the year 2005.

In conclusion, Peninsula Crane is committed to doing our part to reduce diesel emissions in California. With the passage of this emergency amendment to PERP, we will be progressing towards complete compliance. Had I known 12 months ago what I know now, PCR would not be in the situation that we are facing now. Our company, along with our Northern California Crane Owners Association, has taken an active role in understanding, developing, and implementing diesel engine strategies for the coming years.

Thank you for your consideration,

Stanley Alger
Vice President
stana@peninsulacrane.com

Alexa Malik <amalik@arb.ca.gov>
Regulations Coordinator
Office of Legal Affairs/BARCU
Air Resources Board