Subject: [Fwd: Emergency Amendment to Statewide PERP Regulation]
From: Kitty Howard <khoward@arb.ca.gov>
Date: Wed, 22 Nov 2006 15:28:59 -0800
To: Alexa Malik <amalik@arb.ca.gov>
CC: Wayne Sobieralski <wsobiera@arb.ca.gov>, Christopher Gallenstein <cgallens@arb.ca.gov>, George Poppic <gpoppic@arb.ca.gov>, Lori Andreoni <landreon@arb.ca.gov>, Michael Tollstrup <mtollstr@arb.ca.gov>, Ada Komorniczak <ajkomorn@arb.ca.gov>, Lea Yamashita <lyamashi@arb.ca.gov>, Dan Weller <sweller@arb.ca.gov>

-------- Original Message --------
Subject: Emergency Amendment to Statewide PERP Regulation
Date: Wed, 22 Nov 2006 14:41:15 -0800
From: Michael Vlaming <mjv@craneowners.org>
To:mtollstr@arb.ca.gov, khoward@arb.ca.gov

Mr. Tollstrup/ Ms. Howard:

The purpose of this email is to follow up on the comments I made on behalf of the crane rental contractor members of the Crane Owners Association at the Public Consultation Meeting held Monday, November 20th regarding your "Draft Concepts" to the PERP Regulation amendment.

First, let me again state our appreciation and support for re-opening of the PERP. We believe that in order to reach the particulate emission and NOx goals for California it is important to garner as much participation from affected industry in ARB programs such as PERP.

Second, it is vitally important that Tier 0 engines be included in the program. Although in sheer numbers there are not as many cranes as other types of construction equipment operating in California, almost all crane rental contractors utilize cranes manufactured prior to 1996 because of the cost of the equipment and each crane's unique attributes. As I indicated at the Public Consultation Meeting, the upper engine on the crane falls within the scope of the PERP program. Obviously, the crane cannot function without this engine. If such engines are excluded from the PERP Program, the only options for owners are to attempt to secure an alternative operational allowance through the local district, park the equipment or operate illegally. Replacing these engines with current models is a very expensive proposition--assuming one of appropriate dimension exists and can be installed without violating other regulations or manufacturer's warranties. As you know, there are other ATCM's that will affect mobile cranes. For a company with a fleet of cranes, many of which will be required to be brought into compliance, considerable financial resources will need to be expended--especially since there are no VDEC's available now or even in the foreseeable future. Allowing the Tier 0 engines to be included in the PERP Program until their scheduled phase out on December 31, 2009 will allow companies to generate the financial resources with existing equipment that will help enable them to make the necessary changes to bring their entire crane fleet into compliance.

Finally, we support the fee schedule proposed by Mr. Michael Lewis of CIAQC and a penalty of 10% as opposed to the proposed fees and penalties proposed in the "Draft Concepts". We believe the fee and penalty should be calculated from the proven date of purchase, date of engine manufacture or, if no proof is provided, then the date the Tier was first introduced for that horsepower range with 1996 as the earliest possible date. As was stated at the Public Consultation Meeting, fees don't clean the air--compliance does. We believe more reasonable fee and penalty structure combined with increased public outreach will increase compliance and lead to cleaner air sooner.

We very much appreciate your careful consideration of our suggested changes to your "Draft Concepts" in the

preparation of the amendment to the PERP Regulation.

Please call me if I can be of any assistance.

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