



Enforcement Division

Advisory

To: Commercial Harbor Craft
Owners and Operators

Number 388

February 2009

ONE-MONTH GRACE PERIOD FOR COMMERCIAL HARBOR CRAFT REPORTING

The California Air Resources Board's (ARB) Commercial Harbor Craft Regulation (regulation) was adopted on November 15, 2007, and went into effect on November 19, 2008. The regulation requires that all owners and operators of commercial harbor craft operating in Regulated California Waters submit an initial report to ARB by February 28, 2009. The regulation also requires owners and operators who have certain compliance deadlines at the end of 2009 to file a compliance plan by February 28, 2009. The purpose of this advisory is to inform you that ARB will administratively provide a grace period of one month, until March 31, 2009, for the submittal of the initial report to allow additional time for notification of the regulated community. This grace period also applies to 2009 compliance plans, if required. None of the compliance dates for the regulation's other requirements are changed.

Background

The purpose of the Commercial Harbor Craft Regulation is to reduce diesel particulate matter (PM) and criteria pollutant emissions from diesel fueled engines on commercial harbor craft that operate in Regulated California Waters, including internal, estuarine, and coastal waters.

The adoption of California Code of Regulations (CCR) Title 17, Section 93118.5 will affect all commercial harbor craft vessels including, but not limited to, passenger ferries, excursion vessels, tugboats, ocean-going tugboats, towboats, push-boats, crew and supply vessels, work boats, pilot boats, fishing vessels, research vessels, hovercraft, emergency response harbor craft, and barge vessels that do not otherwise meet the definition of ocean-going vessels or recreational vessels.

Requirements for All Commercial Harbor Craft

Initial Report Due to ARB – One-Month Grace period from February 28, 2009 Deadline

- All owners and operators must submit an initial report to the ARB by March 31, 2009.

Reporting Forms and Submittal

Standard reporting forms can be obtained on our website at

<http://www.arb.ca.gov/ports/marinevess/harborcraft/reporting.htm>

Submit Initial Report and Compliance Reports to:

e-mail: harborcraft@arb.ca.gov; or

postal mail: Air Resources Board
Attn: SSD – Harbor Craft Reporting
P.O. Box 2815
Sacramento, CA 95812-2815.

- Report all vessels with diesel engines that operate in Regulated California Waters.
- Report only annual hours of engine operation in Regulated California Waters.
- “Swing” engines may be reported.

Recordkeeping, Reporting, and Operational Requirements Beginning January 1, 2009

- All owners and operators must keep a copy of their initial report and yearly records on the vessel or in a central dockside location to be made available upon request by ARB staff.
- All owners and operators must install (if not already installed) a non-resettable hour meter on each engine.
- All harbor craft diesel engines must be fueled with CARB diesel or an approved alternative diesel fuel.
 - Examples of alternative fuels are biodiesel, biodiesel blends, Fischer-Tropsch fuel, emulsions of water in diesel fuel, and fuels with a fuel additive, provided specific requirements are met.
- All harbor craft owners and operators must submit a report to the ARB within 30 days of change in vessel service category or change of vessel or engine ownership or control, including purchase, lease, or rental.

Engines for Newly Built Harbor Craft and Replacement Engines on In-Use Harbor Craft Beginning January 1, 2009*

- Engines on all newly built commercial harbor craft vessels must meet the United States Environmental Protection Agency (U.S. EPA) marine engine emission standards (standards) in effect at the time the vessel is acquired.
- Engines acquired for all in-use harbor craft must meet U.S. EPA standards in effect at the time the engine is acquired (Tier 2 or Tier 3; Tier 4 only when replacing with a Tier 4 engine).

Additional Requirements for Ferries, Excursion Vessels, Tugboats, and Towboats

In-use Engine Requirements with Associated Reporting*

- *First compliance date December 31, 2009* - Tier 1 and earlier diesel auxiliary and propulsion engines on in-use vessels operating as ferries, excursion vessels, tugboats, or towboats must meet U.S. EPA Tier 2 or Tier 3 standards in effect at the time of regulatory compliance.
- Phased compliance schedule designed to bring the oldest, highest use engines into compliance first.
- Two compliance schedules: one for vessels with home ports outside of the South Coast Air Quality Management District (SCAQMD), and an accelerated schedule of vessels with home ports in the SCAQMD.
- Compliance plan report, providing information on how the owner or operator plans to comply with in-use requirements, due February 28th of the year that compliance is required. *A one-month grace period will be administratively granted for 2009, until March 31, 2009, for any compliance plan reports due in 2009.*
- Demonstration of compliance report due by compliance date.

Additional Requirements for Propulsion Engines on Newly Built Ferries*

- In addition to meeting current U.S. EPA standards, must use best available control technology (BACT), as approved by ARB.

If you would like additional information regarding this advisory or the enforcement of commercial harbor craft please contact Mr. Tim Gergen at 916-445-0292 or via e-mail at tgergen@arb.ca.gov. For information regarding the regulation and reporting requirements, please visit our web site at <http://www.arb.ca.gov/harborcraft> or contact ARB staff, toll free from the west coast, at 888-442-7238 or via e-mail at harborcraft@arb.ca.gov.

* All requirements in the regulation relating to emission controls are subject to ARB obtaining authorization for such controls pursuant to section 209(e)(2) to the federal Clean Air Act.