



Advisory

To: Commercial Harbor Craft
Owners and Operators

Number 413

January 2010

ENFORCEMENT OF THE COMMERCIAL HARBOR CRAFT REGULATION WITHIN CALIFORNIA WATERS AND 24 NAUTICAL MILES OF THE CALIFORNIA BASELINE

This advisory provides clarification regarding the Air Resources Board's (ARB) enforcement of California Code of Regulations, title 17, section 93118.5: Airborne Toxic Control Measure for Diesel Engines on Commercial Harbor Craft Operated Within California Waters and 24 Nautical Miles of the California Baseline ("Commercial Harbor Craft Regulation" or "regulation").

U.S. EPA Waiver and Authorization

- ARB is enforcing the following provisions of the Commercial Harbor Craft Regulation under California law:
 - fuel use [section 93118.5(e)(1)],
 - annual recordkeeping of engine operation and maintenance [section 93118.5(g)], and
 - initial report [section 93118.5(h)(1)].
- ARB will refer any violations of the provisions applicable to engines on new vessels [section 93118.5(e)(4)] and engines on in-use vessels that are voluntarily replaced [section 93118.5(e)(3)] to the United States Environmental Protection Agency (U.S. EPA) for enforcement, per Code of Federal Regulations, title 40, Sections 94 and 1042.
- ARB will defer enforcement of the following provisions until it receives an authorization from the U.S. EPA pursuant to section 209(e)(2) of the federal Clean Air Act:
 - emission requirements for in-use engines [section 93118.5(e)(6)], and
 - Best Available Control Technology (BACT) requirement for propulsion engines on newly-built ferries [section 93118.5(e)(5)].

Background

The new engine emission requirements of the regulation specify that diesel engines on new harbor craft that operate in Regulated California Waters must meet the applicable federal Tier 2, Tier 3, or Tier 4 certification standards in effect on the date of the vessel acquisition. Similarly, replacement engines on in-use vessels must meet applicable federal Tier 2 or Tier 3 certification standards at the time of engine acquisition. Engines meeting the federal Tier 4 standards are required for in-use vessels only if the engine being replaced is a Tier 4 engine. Additionally, diesel propulsion engines on new ferries with a capacity of 75 or more passengers must also include the use of BACT.

The in-use engine emission requirements are applicable to pre-Tier 1 and Tier 1 certified propulsion and auxiliary diesel engines rated at 50 horsepower or greater equipped on harbor craft that operate at any time as a ferry, excursion vessel, tugboat, or towboat in Regulated California Waters. The compliance dates by which exhaust emissions from these engines must meet U.S. EPA marine engine emission standards (Tier 2 or Tier 3) are phased-in starting December 31, 2009, and continue through December 31, 2022. The date of compliance is determined by the engine model year, the vessel's annual operating hours within Regulated California Water, and whether the vessel's homeport is within or outside the South Coast Air Quality Management District (SCAQMD). There is a low-use compliance option for engines that operate less than 300 hours per calendar year which exempts these engines from these requirements for as long as they remain low use engines.

As stated, the first compliance date for the in-use engine requirements is December 31, 2009, and applies to engine model years 1979 and earlier on vessels with homeports in SCAQMD and to engine model years 1975 and earlier on vessels with homeports outside SCAQMD. Compliance enforcement for these in-use engine provisions will begin only after receipt of the U.S. EPA authorization. Similarly, enforcement of the BACT requirement for new ferry propulsion engines will also be delayed until after ARB receives an authorization from U.S. EPA for this requirement.

For information regarding this advisory or technical questions concerning the regulation, please visit our web site at <http://www.arb.ca.gov/harborcraft> or contact Mr. Todd Sterling at 916.445.1034 or email tsterlin@arb.ca.gov. If you would like additional information regarding the enforcement of commercial harbor craft, please contact Mr. Tim Gergen at 916.445.0292 or email tgergen@arb.ca.gov.