DEPARTMENT OF DEFENSE
REGIONAL ENVIRONMENTAL COORDINATOR, REGION 9
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Ser N40JRR.cs/0018
September 8, 2011

Clerk of the Board
California Air Resources Board
1001 I Street
Sacramento, CA 95814

SUBJECT: DOD COMMENTS REGARDING AMENDMENTS TO THE REGULATION FOR MOBILE CARGO HANDLING EQUIPMENT AT PORTS AND INTERMODAL RAIL YARDS

On behalf of the Military Component Services and acting as the Department of Defense (DoD) Regional Environmental Coordinator (REC) in California, the military appreciates the efforts by the California Air Resources Board (ARB) to provide additional flexibility for complying with the regulation by adding clarity to the regulatory language.

Following our review of the proposed regulation issued 27 June 2011, we do have one specific area for comment. We note that ARB added new regulatory verbiage into the draft Cargo Handling Equipment (CHE) regulation.[1] Specifically, the proposed amendment requires CHE opacity testing and sets maximum allowable opacity levels. The proposed amendment also requires the engine exhaust opacity to be measured annually using a specified procedure and Society of Automotive Engineers approved meter. Details of the procedure are provided in section (§) 2479.(e)(3)(A)3.a through g of the draft regulation.

This is the first time ARB proposed an opacity testing requirement in the CHE regulation. This opacity requirement was not included in the original 2005 regulation, the 2009 update, nor was it identified in the 23 February 2011 proposed amendment. With the exception of the ARB "Heavy-Duty Diesel Vehicle Smoke Inspection Program", this specific opacity standard is not specified in other ARB diesel regulations including, but not limited to, the ARB Off-Road Diesel Regulation, the ARB On-Road Diesel Regulation, the Stationary Diesel Engine Regulation, the Portable Diesel Engine Air Toxic Control Measure, or the Portable Equipment Registration Program (PERP).

After our review of the opacity verbiage, we discovered the following potential inefficiencies associated with the opacity limits in the CHE:

1. Requiring the removal of verified diesel emission control strategy (VDECS) to complete opacity tests. Since retrofitted CHE do not operate without a VDECS, it appears counterproductive to test its opacity level without the control in place, since it doesn't test for its normal operating conditions (which under VDECS control would reduce opacity due to the PM reduction).

[1] Reference §2479(e)(3), *In-Use Performance Standards for Non-Yard Truck Mobile Cargo Handling Equipment*

2. Controlled engines such as Tier 3 and Tier 4 engines already have low opacity limit requirements as part of the United States Environmental Protection Agency and ARB diesel engine certification process. Since all engine manufacturers are required to certify these engines for opacity limits, it appears inefficient to require more opacity testing for these Tier 3 and 4 Engines which already have very low PM emissions, or are equipped with manufacturer VDECS.

3. The cost of compliance is simply not cost effective: The costs associated with purchasing certified opacity measurement equipment, training of opacity measuring staff, time for taking staff and equipment off duty, logistics, schedules conflicts, additional recordkeeping, etc. does not appear to be a prudent expenditure of funds.

Inclusion of this verbiage poses a potentially significant impact on DoD installations with respect to the cost of compliance as well as potential enforcement actions. In our opinion, the proposed CHE regulation without the inclusion of this opacity procedure provides sufficient verbiage for ensuring compliance with the regulation and the emission reduction goals established by ARB.

Thank you for your continued consideration. My point of contact for this matter is Mr. Randal Friedman who can be contacted at (916) 930-5607.

Sincerely,

C.L. STATHOS
By direction