



September 19, 2011

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

Re: APL/Eagle Marine response to the Proposed Amendments to California's Mobile Cargo Handling Equipment at Ports and Intermodal Rail Yards Regulation

APL/Eagle Marine conducts cargo handling operations at the Port of Los Angeles and the Port of Oakland. As such, we are regulated by the Mobile Cargo Handling Equipment regulations. In anticipation of CARB's September 22nd and 23rd Public Hearing to consider amendments to this regulation we would like to provide you with our written comments in regards to the Proposed Amendments to California's Mobile Cargo Handling Equipment at Ports and Intermodal Rail Yards Regulation.

1. Additional time for equipment with no VDECS available.

An extension for equipment with no VDECS available would serve us well, allowing time for issues such identifying technology that does not have premature regeneration problems and issues associated with the VDECS such as burned out glow plugs and other electrical issues.

2. Require CHE opacity testing and set maximum allowable levels.

VDEC problems are due to VDECS's being intolerant of our duty cycles, not opacity levels. APL/Eagle Marine keeps the engines of all equipment well tuned for optimum fuel efficiency. It is not in the best interest of our company to have engine gasses upstream of the VDECS because the VDECS would suffer a greater load and a shorter run time would surely result. This proposal increases costs and is superfluous.

3. Allow demonstration of emissions equivalency.

If an older engine performs at a level that meets all the current, specific emissions requirements it should be afforded the same acceptability as a new machine that carries a "Tier IV" label. This is a common sense approach to rule making.

4. Add a safety provision for VDECS.

It is our understanding that OSHA is drafting a visibility regulation to govern the placement of VDECS. Although APL/Eagle Marine has or is in the process of retrofitting equipment we do not want to install a VDEC only to find out later that we are in violation of possible pending OSHA regulations.

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5. Manufacturer delays for new equipment.

It is important to preserve the availability of rental equipment as needed until such time as the manufacturers issue the updated Tier compliant engines. In cases where the equipment is not available, a longer extension of a minimum of one year or until such time as new equipment becomes available or the existing becomes equipment obsolete, whichever comes first.

6. Warranty engine replacement.

Allowing the replacement of an engine under warranty with the same engine type in cases of premature engine failure, even when newer engine standards are in place is fitting and proper.

7. Treat Tier 4 Engines Certified to Alt PM Emissions Standards as Tier 3 Engines.

Engine manufacturers must ensure that Tier 4 engines meets Tier 4 specifications, not an Alt PM standard where the end user is responsible to install additional emission controls / VDECS. If not the user of such equipment will be subject to VDEC retrofit, requiring extra labor and lost-time.

8. Add flexibility to extension for experimental diesel PM emissions control strategies.

Additional compliance flexibility by amending the current compliance extension for the use of experimental strategies for non-yard truck equipment is desirable. In addition CHE owners/operators may use this extension when it is needed to generate information for verification.

9. Clarify regulatory language: definition of port.

It is important to clarify that diesel - fueled equipment within the boundaries of the port or intermodal rail yard, including those at non-port or non-intermodal rail yard related businesses, are subject to the regulation.

Thank you for the opportunity to provide comments on these proposed regulatory changes. APL/Eagle Marine looks forward to dialog with you at the upcoming public hearing on September 22nd and 23rd in Sacramento.

Sincerely,



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