

Richard.
Smith
07-10-06

R.A. SMITH
GENERAL MANAGER

25 October 2007

Harbor Craft Regulations

California Environmental Protection Agency
Air Resources Board
1001 I Street
Sacramento, CA 95814

Attn.: Mary D. Nichols, Chairman

Dear Ms. Nichols:

Westar Marine Services wishes to comment on the proposed harbor craft emissions regulations. Westar is a woman-owned family business that owns and operates 18 tugboats, 9 crew boats, and 20 barges in the San Francisco Bay area. We employ approximately 100 employees. The proposed regulations will have a significant effect on our operations and our ability to stay in business.

Westar supports efforts to reduce air emissions, and has in fact has utilized the Carl Moyer program since 1999 to re-engine almost our entire fleet. Westar has replaced more harbor-craft engines in the San Francisco Bay area than any other company. The employees and owners of Westar all live in the Bay area, and protection of the environment is important to all of us, both from work and personal viewpoints.

However, legitimate concerns of the tugboat industry presented during development of the regulations were mostly ignored by Air Resources Board staff. Of particular note are the unrealistic compliance dates and the gross under-estimation of the costs involved. Many vessels are going to have to be re-engined, so there will be disruptions in commerce when tugboats are unavailable due to time out of service, engine delivery delays, and limited shipyard resources. This will cost the California consumer much more than is estimated in the proposed rulemaking. And many smaller tugboat companies with limited financial resources will sell their boats outside of California and go out of business.

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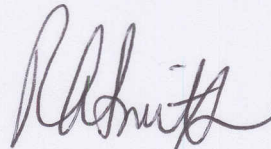
Westar has two specific issues that we wish to highlight and request changes in the proposed regulations. First, if an engine has been retrofit from Tier 0 to Tier 1, we request that the engine be given an additional five years until compliance rather than adding five years to the model year. Westar currently has a Carl Moyer grant for just such a retrofit, and the compliance date for the engines is only extended from 2009 to 2011, even though the engine would now meet Tier 1 requirements.

Second, we request that the extension for same fleet vessels that share compliance dates be broadened. Due to our extensive re-engining under the Carl Moyer program, Westar currently has seven vessels that have a compliance date of 2015 and seven vessels with a date of 2017. We would have to re-engine 14 vessels over a four year period. Based on our extensive experience with re-engining, we do not believe that we could manage that many re-enginings within that time period. A single one-year extension is just not adequate. We request that this extension not be limited to one use.

We also strongly support the comments and changes submitted by the American Waterways Operators regarding these proposed regulations.

We hope that the Air Resources Board will take industry's concerns and comments seriously considering how we have been for the most part disregarded during the rulemaking process.

Yours truly,

A handwritten signature in dark ink, appearing to read "R. A. Smith". The signature is fluid and cursive, with a large initial "R" and a stylized "S".