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October 26, 2007

Martin
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07-10-6

Mary D. Nichols, Chairwoman
California Air Resources Board
1001 I Street
Sacramento, CA 95812

Subject: Comments on Proposed Commercial Harbor Craft Regulations
Board Meeting Comment Log (chc07)

Dear Ms. Nichols;

All California ferry operators care about air quality and good stewardship of the environment. We applaud the efforts of the California Air Resources Board and your Staff on the effort that has gone into the proposed regulation.

Of particular note, we appreciate that our input to your Staff over the recent months on the issues as they pertain to the California ferry industry, has been heard and duly considered in the most recent draft of the proposed regulation. We genuinely feel that you listened to what the industry had to say and did your very best to incorporate that input in meaningful and effective ways.

However, we do still feel that certain areas of the proposed regulation require a bit more work, and therefore we raise these concerns today so that you may consider them prior to finalizing the regulation.

I would like to take this opportunity to offer certain comments and suggestions to CARB at this hearing:

- We applaud the decision made by Staff to exempt existing vessels from meeting EPA Tier 4 exhaust emissions standards; this would have been a truly onerous requirement and would have sent a lot of fine vessels to the wrecking yard well prior to the end of their economic lifetime
- We request that CARB use the California Historic Register for this State mandated regulation



- We request that incentives be crafted to assist economically challenged companies or industries, this in order to attain CARB goals in a faster time frame
- We request that CARB allow twenty (20) full years of operation for any engine in any vessel installed under the Carl Moyer (or other port-sponsored clean air offset program), before requiring replacement of that engine
- It is noted that the exemption process through the Executive Officer for infeasibility should be modified to allow for a longer period between submittals, the current writing calls for annual submissions of very complex and time consuming documents
- The proposed rule for ferries uses a non-industry standard threshold of seventy-five (75) passengers ... this threshold seems to be arbitrary, we suggest that CARB use the 150 passenger threshold used by the United States Coast Guard for vessel construction and safety standards, this threshold would conform the CARB regulation to a traditional Coast Guard and maritime industry break point, and it is very likely that any new ferry built for California service would be at or above the 150 passenger capacity, and would thus be covered by the new regulation
- We request that the phrase "Best Available Control Technology" be changed to read "Best Available Proven Control Technology" throughout the regulation, and that objective thresholds be established to define "Proven" --- for example a Reliability Threshold of >98%, and a Durability Threshold of "time to overhaul for the control technology equal to or greater than time to overhaul of the engine served"

Specific to the last bullet, the City of Vallejo purchased the "Best Available Control Technology" in 2004 with procurement of the vessel M/V SOLANO. As your Staff is aware, that project has failed in all respects. Moreover, it turns out that "doing nothing" in that case would have been better for the environment than using the "Best Available Control Technology".

We thank you for your consideration as you work to finalize and enact this regulation. In closing, the ferry operators of the State of California remain committed to working with CARB for cleaner and healthier air, for all to share.

Sincerely, and on behalf of ferry operators statewide;



Martin J. Robbins,
City of Vallejo – Marine Services Manager