



July 3, 2008

James Goldstene
Executive Officer
California Air Resources Board
Headquarters Building
1001 I Street
Sacramento, CA 95814

Re: Proposed 15-Day Modified Order for Harbor Craft Regulation

Dear Mr. Goldstene:

Friends of the Earth would like to take this opportunity to provide comments on the proposed substantive modifications to the Harbor Craft Regulations (regulation)¹ released to the public on June 18, 2008. The implementation of this regulation will go a long way in achieving significant emission reductions from harbor craft in California. We believe that the regulation should be finalized immediately. Further postponement will not only detrimentally impact affected communities and natural resources, but also inhibit technological development and do little to address future costs. With regard to the modified order, we firmly support the textual change to accelerate the compliance dates for certain ferry vessels, and provide opinions as to a few other relevant matters.

The decision to accelerate the compliance dates by 1 to 2 years for specific ferry vessel (1996-1999) model year engines with home ports outside the South Coast Air Quality Management District (SCAQMD) is a sound one. As the notice summary indicates, repowering to Tier 3 engines at this accelerated schedule will not unduly interfere with original engine-life expectations and will provide greater near-term air quality benefits for communities, especially along the San Francisco Bay.

With respect to two other provisions, FOE wishes to voice a few minor concerns. FOE does not believe the "Engine Model Year + 5" method to determine engine model year is desirable, despite its application being restricted to vessels with home ports outside the SCAQMD. FOE references below its previously stated reasons for opposition to the provision:

With respect to the regulation's provision for Compliance Schedules and Determination of Engine Model Year and its "Engine's Model Year + 5" method, we have reservations

¹ Emission Limits and Requirements for Diesel Engines on Commercial Harbor Craft Operated within California Waters and 24 Nautical Miles of the California Baseline; Airborne Toxic Control Measure for Diesel Engines on Commercial Harbor Craft Operated within California Waters and 24 Nautical Miles of the California Baseline [hereinafter regulation].

concerning the limited amount of pollution control that could trigger a compliance extension, thus potentially vitiating overall emission reductions. For example, an owner can achieve a 25 percent reduction in diesel particulate matter and a 9 percent increase in oxides of nitrogen for a net emissions reduction of 14 percent and thus have a legitimate emissions control strategy, entitling him or her to use of the “Engine’s Model Year + 5” method.² In some instances, the election of this method can postpone compliance requirements two years.³ The overall benefits of this alternative compliance strategy seem questionable, and the strategy furthermore offers another way in which an owner or operator can extend his or her compliance timeline—timelines, which as referenced previously, have already been pushed back and prolonged considerably. We suggest that this alternative compliance option be altered to mandate emission reductions equivalent to those realizable from replacing existing engines with Tier 2 and 3 engines.⁴

In addition, FOE believes that providing a three- to four-year compliance extension for owners of multiple vessels who need to comply by 2009 or 2010 is not warranted. While some extensions are definitely in order, this particular extension appears overly generous. Moreover, as a general matter, we again urge that ARB remain vigilant to ensure that the cumulative emissions impacts from compliance extensions are not significant and do not forestall expected public health benefits. If ARB finds that compliance extensions and exemptions are hindering regulatory objectives, the agency should scale back or eliminate those provisions, as needed.

Thank you for your attention to these comments.

Sincerely,



John Kaltenstein
Friends of the Earth

² Regulation section (6)(D)(2). [The new numbering system was used in lieu of the old here and below].

³ *Id.*, (6)(D)(2)(b).

⁴ October 24, 2007 comment letter from Friends of the Earth to ARB docket regarding the harbor craft regulation.