



Air Pollution Control District
San Luis Obispo County

October 5, 2021

Liane M. Randolph
Chair, California Air Resources Board
1001 I Street
P.O. Box 2815
Sacramento, CA 95812

SUBJECT: Comments Regarding the Proposed Amendments to the Commercial Harbor Craft Regulation

Dear Chairperson Randolph:

At the September 22, 2021, meeting of the San Luis Obispo County Air Pollution Control District Board, the Board voted to send a letter to the California Air Resources Board to voice concerns over the proposed amendments to the Airborne Toxic Control Measure for Commercial Harbor Craft (CHC Regulation). Since 2009, the CHC Regulation has provided the regulatory framework to reduce thousands of tons of emissions from commercial vessels operating in California Regulated Waters. San Luis Obispo County Air Pollution Control District (SLO County APCD) supports the goals of the proposed amendments to the CHC Regulation, to continue and expand the achievements attained by the regulation thus far. However, SLO County APCD strongly encourages your Board to include key changes to the regulation before adoption.

The current CHC Regulation has compelled the phased repower or retrofit of marine engines to Tier 2 emission standards or better, in the fleet of in-use ferries, excursion vessels, tugboats, towboats, push boats, crew and supply vessels, and barge and dredge vessels. Absent from the replacement schedule are pilot vessels, work boats (including research, fire/rescue, and law enforcement vessels), and fishing vessels (including both commercial fishing boats and charter or Commercial Passenger Fishing Vessels). The proposed amendments to the CHC Regulation would establish an engine replacement requirement for all the vessel classes that currently have no replacement schedule. Under the proposed amendments to the regulation, the engines with no replacement schedule would have to be replaced as soon as December 31, 2023. Other vessels, including many that have been repowered within the last 12 years to comply with the current CHC Regulation, would have compliance dates just a year or two later.

It will be impractical to repower some vessels because Tier 3 or Tier 4 engines and the required diesel particulate filters (DPF) run hotter, take up more room, and/or weigh substantially more than the engines they are replacing. In some cases, where economic hardship is demonstrated and space constraints, excessive heat, or weight/load balance issues cannot be addressed, the CHC Regulation will allow for limited compliance

extensions. However, ultimately, these vessels will have to be replaced outright by the owner at substantial cost.

SLO County APCD, like many coastal air districts, has long offered incentive grants to assist owners of harbor craft to purchase engines and equipment that will reduce air emissions. However, most programs (including Carl Moyer) set a minimum project life of three years, and to maximize incentives, project lives can be extended out to 16 years. The short compliance deadlines in the CHC Regulation can curtail the project life, reducing the potential award amount, and because of the three-year minimum, compliance deadlines before December 31, 2025, will render vessels completely ineligible for grant funding.

For the vessels with new regulatory replacement schedules where engine replacement is feasible, we have the following regulatory recommendations:

1. Add compliance flexibility to the CHC Regulation for coastal areas that are in federal attainment for ambient air quality standards, similar to the flexibilities provided in the CARB "In-use On-road and Off-road" Regulations.
2. Any new replacement compliance dates should be set at least eight years from the effective date of the regulation, and not sooner than December 31, 2030, so air districts can provide meaningful grant funding for vessels with new regulatory schedules;
3. The replacement schedules should factor in time needed for engine manufacturers to complete the development and deployment of additional Tier 4 engines and DPFs, and the certification of these new technologies by CARB, the U.S. Coast Guard, and if necessary, Cal OSHA; and
4. The replacement schedules should allow flexibility for possible delays in Tier 4 and DPF deployment due to delays in production, certification, or industry limitations in repower specialists.

Most air districts in the state, including SLO County APCD, are poised to receive record grant awards from state funding next year and enhanced funding for future years as well. Our recommended modifications to the regulation would allow more small business boat operators to qualify for grant funding to assist with the needed repowers and retrofits over the next several years.

Thank you for the opportunity to comment on the amendments to the CHC Regulation. Questions or comments may be directed to Air Pollution Control Officer, Gary Willey at (805) 781-5912.

Sincerely,

DR. JOHN HEADDING
Chair, Board of Directors
San Luis Obispo County Air Pollution Control District