

November 15, 2021

Liane M. Randolph
Chair, California Air Resources Board
1001 I Street
Sacramento, California 95814

Submitted via <https://www.arb.ca.gov/lispub/comm/bclist.php>

Re: Proposed Amendments to the Commercial Harbor Craft Regulation

Dear Chair Randolph:

Thank you for the continued opportunity to comment on California Air Resources Board's Proposed Amendments to the Commercial Harbor Craft (CHC) Regulations ("Proposed Amendments"). The San Francisco Bay Area Water Emergency Transportation Authority (WETA) has worked closely with your staff over the last year and a half, and we appreciate that the Proposed Amendments address nearly all of WETA's concerns. WETA has two remaining requests for changes to the Proposed Amendments, which are outlined below.

WETA is a regional public transit agency tasked with operating and expanding ferry service on the San Francisco Bay and with coordinating the water transit response to regional emergencies. Under the San Francisco Bay Ferry brand, WETA carries over three million passengers annually utilizing a fleet of 15 high speed passenger-only ferry vessels. San Francisco Bay Ferry currently serves the cities of Alameda, Oakland, Richmond, San Francisco, South San Francisco and Vallejo.

WETA has always been a leader in advancing and embracing clean vessel technology. From the agency's beginning, WETA pushed for the development and implementation of new diesel engine technology that exceeded Environmental Protection Agency's (EPA) standards, proving to the industry that increasingly stringent Federal emissions requirements were achievable. WETA's newest vessels are the first passenger vessels in the country to achieve EPA's Tier 4 emissions standards, reducing an estimated 10 tons of GHG emissions annually.

WETA is committed to operating the cleanest vessels possible and appreciates the opportunity that the Proposed Amendments provides to push our efforts even further. In partnership with CARB, WETA staff has worked throughout the last year to develop an Alternative Control of Emissions (ACE) plan that will shift 50% of our vessel fleet to zero emissions by 2035. This is an exciting endeavor, but as we mention below, implementing this plan will require new funding and significant investment.

WETA has two remaining requests for changes to the September 21, 2021 version of the Proposed Amendments:

1. Regarding subsection (f)(1)(I) on page 94, which states: "Emission reductions included in an ACE may not include reductions that are otherwise required by any local, State, or federal rule, regulation, or statute, or that are achieved or estimated from equipment not located in the region to which the ACE applies. The ACE application must not use equipment acquired by funds or grants that cannot be used to comply with State regulations, laws, or mandates."

Requested change: The current language is confusing. The language is unnecessary if the intent is to allow operators to use grant funds, unless those funds are reserved for projects and programs that exceed State regulations, laws or mandates; or are otherwise restricted by the granting agency. Rather than limiting the use of grant funds to implement an operator's ACE plan, WETA suggests that the restrictions on the use of grant funds come directly from the granting agency. WETA respectfully requests CARB to delete this language

and instead rely on the granting agency to set eligibility requirements for the use of grant funds. Alternatively, WETA requests that CARB revise the final sentence as follows: “The ACE application may use equipment acquired by funds or grants only if such grant funds may be used to comply with State regulations, laws, or mandates.”

2. Section (e)(12)(D)(1)(b), in addition to other locations within the Proposed Amendments, states that the compliance date for an engine is based on the model year of the in-use engine that was installed in the in-use vessel as of December 31, 2022.

WETA Comment: WETA is currently in the process of upgrading all four of our Gemini Class vessels with tier 4 engines. One of those vessels is projected to be in the shipyard on December 31, 2022, and will likely not have an engine in it. According to the September 21, 2021 version of the Proposed Amendments, WETA is unsure what engine model year to attribute to a vessel that will not have an engine installed on December 31, 2022.

Requested change: WETA respectfully requests CARB to address “in process” engine replacement projects in the sections of the Proposed Amendments that discuss the engine model year being set on December 31, 2022. WETA proposes that the following underlined text be included in Section (e)(12)(D)(1)(b) and other locations where it states that the compliance date for an engine is based on the model year of the in-use engine that was installed in the in-use vessel as of December 31, 2022:

Using Method D1, with the exception of engines complying by subsection (e)(12)(C)(4)b., the compliance date for an engine is based on the model year of the in-use engine that was installed in the in-use vessel as of December 31, 2022. For in-use vessels that are in the process of an engine replacement on December 31, 2022, the compliance date will be based on the model year of the engine that is in the process of being installed in a vessel.

We look forward to your consideration of these two changes in the Final Amendments to the CHC Regulations.

In addition to the two comments above, WETA also would like to remind CARB that it will submit an Alternative Control of Emissions (ACE) Plan immediately upon the effectiveness of the new rule. WETA urges CARB to act promptly in reviewing and approving WETA’s ACE Plan to facilitate swift implementation of these improvements. Many of the vessel refurbishment and replacement projects that are included in WETA’s draft ACE plan can take up to two years to implement once funding has been secured. Expedited approval will help position WETA to begin near-term projects that will bring about near term benefits to our regional and state air quality.

We are grateful for the time and effort your staff has committed to working with WETA over the last year. We hope to continue our partnership with CARB as we move toward implementation of the amended regulations.

Thank you for your consideration. We would be pleased to answer any questions or provide further information.

Sincerely,



Seamus Murphy
Chair

cc: Richard Corey, CARB Executive Officer; David Quiros, Manager, Freight Technology Section
WETA Board of Directors