



Commercial Harbor Craft
2022 Amendments

California Code of Regulations, Title 17, Section 93118.5

Attachment to Compliance Extensions Guide

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Contents

Attachment to Compliance Extensions Guide	1
Extension E1: Shore Power and ZEAT Infrastructure Delays.....	2
Feasibility Extension E2: No Certified Engines or Diesel Particulate Filters Available.....	2
Feasibility Extension E3: Engine or DPF Installation Not Feasible and Cannot Afford Vessel Replacement, Available to Commercial Passenger Fishing Vessels with Tier 3 or Better Engines.....	3
Feasibility Extension E3: Engine or DPF Installation Not Feasible and Cannot Afford Vessel Replacement, All Other Cases	4
Feasibility Extension E4: Tier 4 Engines with Limited Operating Hours and DPFs Not Feasible	5
Scheduling Extension E5	5

Application templates will be made available on the [CHC website](#).

Extension E1: Shore Power and ZEAT Infrastructure Delays

Eligibility: Operators experiencing delays in shore power or ZEAT infrastructure installation may apply for a 1-year extension.

Application: Applications must be submitted to CARB at least 9 months prior to compliance dates. Applications will require:

- Documentation of circumstances requiring an extension
- The efforts taken to mitigate future need for the extension

Feasibility Extension E2: No Certified Engines or Diesel Particulate Filters Available

Eligibility: Operators of vessels for which there are no certified engines or diesel particulate filters (DPF) available to meet performance standards by their compliance dates may apply for a 2-year extension.

Access the [U.S. EPA Tier 4 marine certified database](#) to see currently certified engines or [CARB's list of verified diesel emission control strategies](#) to see currently verified DPFs.

Application: Applications must be submitted to CARB no later than 9 months and no earlier than 12 months before the compliance date for the initial application. Applications will require:

- Evaluation of all CARB verified DPFs;
- Evaluation of all U.S. EPA certified engines meeting applicable performance standards; and
- Engineering analysis that indicates no combination of certified engines could be used.

Additional Provisions:

i. Cleanest Engine Requirement:

If engines certified to current Tier 3 or better¹ emissions standards are available, but DPFs are not available, applicants must repower the vessel with the available engine by applicable compliance dates to receive an extension for DPFs. A person applying for this extension must repower their engine with one certified to the most stringent standard available and consider all available engines for the power and duty cycle rating of their operation, regardless of engine manufacturer or engine model.

¹ Tier 3 or better means meeting Tier 3 or more stringent emissions standards

ii. DPF Availability

Vessels must be retrofitted with a DPF within 6 months after a DPF becomes available for the engine installed on the vessel or by the last compliance extension pursuant to this extension expires, whichever is sooner.

If a person repowers with a Tier 3 or better engine after January 1, 2023, they will not have to replace the engine with one of a different model if a DPF becomes verified for that other engine model.

Feasibility Extension E3: Engine or DPF Installation Not Feasible and Cannot Afford Vessel Replacement, Available to Commercial Passenger Fishing Vessels with Tier 3 or Better Engines

Eligibility: Operators of commercial passenger fishing vessels (CPFV) meeting Tier 3 or better emission standards by December 31, 2024, may apply for a one-time ten-year extension.

Application: Applications are due to CARB no later than July 1, 2024. Applications will require demonstrations that:

- Engines meet or will meet Tier 3 or better standards by December 31, 2024, or a purchase order that confirms engines meeting such standards have been ordered by July 1, 2024.
- Vessels have been engaged, and will continue to engage, in commercial passenger fishing vessel activities at least 50 days per calendar year between January 1, 2023 and the date of the application, and a statement that the applicant intends to continue operating the vessels in commercial passenger fishing activities at least 50 days per calendar year throughout the requested extension period.
- The applicant is preparing and planning financially to meet requirements by December 31, 2034.

Additional Provisions:

- Vessels receiving 10-year extensions must meet additional recordkeeping and reporting requirements.
- Vessel owners and operators may request that CARB maintain the confidentiality of data in accordance with state regulations.
- Owners or operators receiving a ten-year extension will collaborate on technical working group meetings overseen by CARB to assess emission reduction strategies for the CPFV fleet.
- Engines must meet the applicable requirements, including either Tier 3 or 4 + DPF, or qualify for low-use exemptions, by December 31, 2034.

Feasibility Extension E3: Engine or DPF Installation Not Feasible and Cannot Afford Vessel Replacement, All Other Cases

Eligibility: Operators of vessels for which no suitable engines (Tier 3 or better) or DPFs can be installed within the existing vessel structure, and no number of modifications can be made to the vessel structure without compromising its stability may apply for a 2-year extension. Applicants must also demonstrate that replacing the vessel with a newly acquired vessel with compliant engines is not financially possible.

Application Package: Applications must be submitted no later than 18 months before the compliance date of the engine(s) or vessel(s) for which the extension is requested.

Applications will require:

- A technical feasibility analysis demonstrating that no certified engines and/or DPFs can be used to meet the performance standards on the vessel(s);
- Vessel-specific technical feasibility analysis provided by a third-party naval architect demonstrating that no modifications are feasible² to repower and retrofit the vessel:
 - Non-vessel-specific third-party naval architect analyses for vessels with hull materials of wood, fiberglass, or fiberglass-reinforced plastic can satisfy this requirement for the initial two-year extension³;
- Federal and State income tax documents and Profit and Loss statements;
- A list of actions and supporting documentation that the applicant has taken in anticipation to comply with the regulation at the earliest compliance date; and
- A demonstration that all other engines within the fleet subject to the applicant's direct control meet the requirements of the 2022 Amendments to the CHC Regulation.

Renewal: No compliance extensions can be approved for this extension if either 6 years of any extension has been granted or if compliance dates for any engine will be extended beyond December 31, 2034, except for:

- i. Commercial Passenger Fishing Vessels, Excursion Vessels, and Ferries, which can receive an additional extension of 2 years for a total of 8 years if the vessel has any nominal compliance deadline on December 31, 2024, or earlier.
- ii. Vessels operating any number of hours as a workboat, and within the limits established by the low-use exception in any other category of vessel, which can receive an unlimited number of extensions.

To be eligible for unlimited extensions in effect at any time after December 31, 2034, engines on workboats must meet Tier 3 or better marine or off-road emission standards.

² Modifications that result in a passenger capacity reduction of 25% or more are considered not feasible if supported by documentation that shows reducing passenger capacity will operationally result in increased emissions

³ The [CMA study](#) can be used as demonstration for the initial extension application.

Feasibility Extension E4: Tier 4 Engines with Limited Operating Hours and DPFs Not Feasible

Eligibility: Operators of regulated in-use vessels equipped with Tier 4 marine or Tier 4 Final off-road engines for which available DPFs are not feasible may apply for a 2-year extension (with unlimited renewals possible).

Application Package: Applications must be submitted no later than 9 months and no earlier than 12 months prior to the compliance date and must include:

- A feasibility study that demonstrates meeting Tier 4 + DPF performance standards is not technically feasible without replacing the vessel due to fitment feasibility.²
- Demonstration that the vessel has not and will not operate above the annual-hour thresholds listed in Table 1.

Table 1:⁴ Annual Operating Thresholds for Feasibility Extension (E)4 Applicability

Homebase or Regularly Scheduled Stop Location	Extension Available if Operating Below
All Other Areas	2,600 hours/year
Within 2 Miles of a DAC	1,300 hours/year

Additional Provisions:

i. **Eligibility by engine type (main or auxiliary):**

- For barge and barge mounted dredge vessels to be eligible for this extension, all auxiliary engines must meet Tier 4 marine or Tier 4 Final off-road standards. Any main propulsion engines will not need to meet these standards.
- For all other regulated in-use vessel categories, except for barges and barge-mounted dredges, to be eligible for this extension, all main propulsion engines must meet Tier 4 marine or Tier 4 Final off-road standards. Auxiliary engines will not need to meet these standards.

- ii. **Extension Termination:** If Tier 4 engines that are granted this extension are operated beyond the applicable threshold hours, any compliance extensions granted are terminated. The vessel owner/operator must notify CARB within 30 days and bring their vessel into compliance. Engines on vessels that are operated above the limits in Table 1 are indefinitely no longer eligible to apply for compliance extensions.

Scheduling Extension E5

Eligibility: Operators who identify any of the following criteria may apply for a 1-year (renewable) extension:

- Equipment manufacturer delays or installation difficulties;
- New build vessel delays due to shipyard delays;

⁴ Table 20 in the Regulation Text

- Delays of inspections that are required to be conducted by local, state, or federal government agencies before the engine or equipment can operate;
- Multiple engines on multiple vessels with the same compliance dates; or
- Multiple engines on a single vessel with different compliance dates.

Application Package The extension request must be submitted prior to the compliance date, and must show:

- i) **For equipment manufacturer delays or installation difficulties, all of the following:**
 - Applicant ordered the new replacement engine or other equipment necessary at least 6 months prior to the compliance date;
 - The new engine or equipment has not been received or installed since it was ordered due to manufacturing delays, excessive installation difficulties, or delays of inspections that are required to be conducted by local, state, or federal government agencies before the engine or equipment can operate; and
 - A copy of the purchase order or contract for the new equipment.
- ii) **For new build vessel delays due to shipyard delays:**
 - A copy of the contract or agreement between the applicant and the shipyard that was executed at least 12 months prior to their compliance dates; and
 - A letter demonstrating the reasons for the delay with documentation from the shipyard.
- iii) **For multiple engines on multiple vessels with the same compliance dates, all of the following:**
 - The fleet consists of 2 or more regulated in-use vessels subject to the 2022 Amendments that are owned by the same person; and
 - Two or more engines on a vessel have the same compliance date as two or more engines on another vessel, or if each single engine on three or more vessels has the same compliance date.

For engines meeting these criteria, extensions can only be applied to the minimum number of engines necessary to minimize fleet downtime. The applicant must identify the in-use engine(s) that the applicant chooses to receive the extension(s).

- iv) **For multiple engines on a single vessel with different compliance dates, all of the following:**
 - Documentation that two or more engines on a single regulated in-use vessel are subject to different compliance dates, an identification of the specific in-use engine(s) that the applicant chooses to receive the extension.

For engines meeting these criteria, extensions can only be applied to the minimum number of engines necessary to minimize the time the vessel is out of service.