



# Commercial Harbor Craft 2022 Amendments

California Code of Regulations, Title 17, Section 93118.5

## CHC Factsheet: Low-Use Exception

**Date:** December 29, 2022

Specific details on the low-use exception can be found in the [regulation text Subsection \(e\)\(14\) Low-Use Exceptions \(CCR Title 17, section 93118.5\)](#). In the case of any discrepancy between this document and the regulation order, the regulation language applies.

### 2022 Amendments

Applications for a formal low-use exception may be submitted beginning January 1, 2023. Engines that have an approved low-use exception from CARB may continue to operate and are not required to meet the applicable emission requirements of subsections (e)(10), (e)(12), or (e)(13) as long as they continue to operate under the low use thresholds in Regulated California Waters (RCW). These engines are only exempted from the Commercial Harbor Craft (CHC) regulation’s emission requirements. Recordkeeping, opacity testing, and fee requirements still apply.

Additional information regarding requirements and how to apply are below.

### Requirements

To be eligible for the low-use exception, the annual hours of operation of an engine for the previous calendar year must be below the applicable low use limit defined in Table 1 below.

Table 1<sup>a</sup>: Annual Low-Use Hours Limits for Engines

Engine Tier	Pre-Tier 1	Tier 1	Tier 2	Tier 3 or 4
Limits – All Other Areas (hours/year)	80	300	400	700
Limits – Disadvantaged Community <sup>b</sup> (DAC) (hours/year)	40	150	200	350

<sup>a</sup> Table 22 in the Regulation text

<sup>b</sup> *Disadvantaged Communities* are designated by the most current version of CalEnviroScreen, which can be accessed through the OEHHA website at: <https://oehha.ca.gov/calenviroscreen/sb535>.

Operating hours within RCW during emergency operation<sup>c</sup> or non-commercial use, such as personal pleasure, can be excluded from counting towards low-use limits, but documentation of such events is required.

#### Additional Requirements:

- For a vessel to receive a low use exception, all engines on all vessels within the fleet subject to the applicant's direct control must be compliant with the CHC regulation.
- No more than five vessels within a person's direct control based outside of RCW shall be eligible for this exception per calendar year. There is no limit to the number of vessels within a person's fleet that are eligible for this low-use exception if the vessels operate within RCW the majority of the time.
- Any vessel that is newly acquired after January 1, 2023 is not eligible to receive a low-use exception.
- Low-use approval is non-transferable. Engines that do not comply with CHC emission standards, such as those approved for low-use, are prohibited from being sold for commercial use in RCW.
- Low-use engines will incur a higher annual fee, as defined in [Table 23 of the Regulation text](#).

## Application

Applications for low use exceptions must be submitted at least 60 days prior to an engine's compliance date, or 60 days before vessels are scheduled to first enter RCW. The application package will require a formal request letter with the following information:

- Current hour meter readings of each engine for which a low-use exception is requested;
- Demonstration that the engine has not in the previous year, and will not be in the current or coming years, operated more than the limits specified in Table 1; and
- Identification of all other vessels within the owner or operator's fleet that also have approved low-use exceptions and are currently operating within RCW

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

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<sup>c</sup> "Emergency Operation" refers to performing emergency response duties as defined in Subsection (d).