

## **Appendix B**

### **Existing Regulation Final Regulation Order for the Airborne Toxic Control Measure for Auxiliary Diesel Engines Operated on Ocean-Going Vessels At-Berth in a California Port**

Note: This appendix is provided for reference only and does not contain any proposed amendments to regulation text subject to this rulemaking. The Existing Regulation as provided here contains the adoption of section 2299.3, title 13, chapter 5.1, and section 93118.3, title 17, chapter 1, subchapter 7.5, California Code of Regulations, as approved by the Secretary of State on December 3, 2008, and effective on January 2, 2009.

Date of Release: October 15, 2019  
Date of Hearing: December 5, 2019

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## **FINAL REGULATION ORDER**

### **AIRBORNE TOXIC CONTROL MEASURE FOR AUXILIARY DIESEL ENGINES OPERATED ON OCEAN-GOING VESSELS AT- BERTH IN A CALIFORNIA PORT**

Adopt new section 2299.3, title 13, chapter 5.1, California Code of Regulations (CCR), to read as follows:

(Note: The entire text of section 2299.3 is new language.):

#### **Section 2299.3. Airborne Toxic Control Measure for Auxiliary Diesel Engines Operated on Ocean-Going Vessels At-Berth in a California Port.**

(a) Any person who owns, operates, charters, rents, or leases any U.S. or foreign-flagged container vessel, passenger vessel, or refrigerated cargo vessel that visits a California port, as defined in section 93118.3(c), title 17, California Code of Regulations (CCR), must comply with section 93118.3 (subject to the exemptions therein), relating to the operation of auxiliary diesel engines on ocean-going vessels at-berth in a California port. In addition, this section also applies to any person who owns or operates a port or terminal located at a California port, as defined in section 93118.3(c)(6), where container, passenger, or refrigerated cargo vessels visit.

(b) This section shall not be construed as expanding or limiting either the application or requirements of section 93118.3, title 17, CCR, but is intended to alert affected persons of the requirements regarding the operation of auxiliary diesel engines on ocean-going vessels at-berth in a California port and other provisions in that section.

NOTE: Authority cited: Sections 39600, 39601, 39650, 39658, 39659, 39666 and 41511, Health and Safety Code. Reference: Sections 39650, 39658, 39659, 39666, 41510, and 41511, Health and Safety Code.

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## **FINAL REGULATION ORDER**

### **AIRBORNE TOXIC CONTROL MEASURE FOR AUXILIARY DIESEL ENGINES OPERATED ON OCEAN-GOING VESSELS AT- BERTH IN A CALIFORNIA PORT**

Adopt new section 93118.3, title 17, chapter 1, subchapter 7.5, California Code of Regulations (CCR), to read as follows:

(Note: The entire text of section 93118.3 is new language.)

#### **Section 93118.3. Airborne Toxic Control Measure for Auxiliary Diesel Engines Operated on Ocean-Going Vessels At-Berth in a California Port.**

*(a) Purpose.*

The purpose of this section is to reduce oxides of nitrogen (NOx) and diesel particulate matter (PM) emissions from the operation of auxiliary engines on container vessels, passenger vessels, and refrigerated cargo vessels while these vessels are docked at berth at a California port. This section reduces emissions by limiting the time during which auxiliary diesel engines are operated on the regulated vessels while such vessels are docked at-berth in a California port, as well as by applying other requirements. This section implements provisions of the Goods Movement Emission Reduction Plan, adopted by the Air Resources Board (ARB) in April 2006, to reduce emissions and health risk from ports and the movement of goods in California. This section also helps achieve the goals specified in the California Global Warming Solutions Act of 2006, established under California law by Assembly Bill 32 (Stats. 2006, ch. 488) and set forth in Health and Safety Code § 38500 et seq.

*(b) Applicability and General Exemptions.*

- (1) Except as provided in this subsection (b), this section applies to any person who owns, operates, charters, rents, or leases any U.S. or foreign-flagged container vessel, passenger vessel, or refrigerated cargo vessel that visits a California port. In addition, this section also applies to any person who owns or operates a port or terminal located at a port where container, passenger, or refrigerated cargo vessels visit.
- (2) Nothing in this section shall be construed to amend, repeal, modify, or change in any way any applicable U.S. Coast Guard requirements. Any person subject to this section shall be responsible for ensuring compliance with both U.S. Coast Guard regulations and the requirements of this section, including but not limited to, obtaining any necessary approvals, exemptions, or orders from the U.S. Coast Guard.