

State of California
AIR RESOURCES BOARD

EXECUTIVE ORDER R-06-006

Public Hearing to Consider the Adoption of Proposed Regulations to Reduce Emissions from Auxiliary Diesel Engines and Diesel-Electric Engines Operated on Ocean-Going Vessels within California Waters and 24 Nautical Miles of the California Baseline

WHEREAS, on December 8, 2005, the Air Resources Board (the Board or ARB) conducted a public hearing you consider adoption of regulations to reduce emissions of diesel particulate matter, nitrogen oxides, and sulfur oxides from the use of auxiliary diesel engines and diesel-electric engines operated on ocean-going vessels located within all California inland waters; all California estuarine waters; and within 24 nautical miles, except as otherwise specified in this proposal, of the California baseline, including but not limited to, the Territorial Sea, the Contiguous Zone, and any California port, roadstead or terminal facility, as set forth in the Initial Statement of Reasons released to the public on October 21, 2005;

WHEREAS, following the public hearing on December 8, 2005, the Board adopted Resolution 05-63 in which the Board approved adoption of section 2299.1, title 13, California Code of Regulations (CCR), adoption of identical section 93118, title 17, CCR (collectively "regulations") and the incorporated documents, as set forth in Attachment A thereto, with the modifications set forth in Attachment B thereto;

WHEREAS, Resolution 05-63 directed the Executive Officer to take final action to adopt the regulatory amendments set forth in Attachments A and B to Resolution 05-63, with such other conforming modifications as may be appropriate, after making the modified regulatory language available to the public for a period of at least 15 days, provided that the Executive Officer shall consider such written comments as may be submitted during this period, shall make such further modifications as may be appropriate in light of the comments received or as necessary to ensure consistency with the modifications approved by the Board, and shall present the regulatory amendments to the Board for further consideration if she determines that this is warranted;

WHEREAS, on May 18, 2006, the modified regulations, reflecting the amendments approved by the Board and other changes made to best reflect the intent of the Board at the hearing, were made available for public comment for a period of 32 days, with the changes to the originally proposed text clearly indicated, in accordance with the provisions of title 1, California Code of Regulations, section 44; Attachment 1 hereto reflects the modified regulations as made available for comment; and

WHEREAS, written comments were received during the 15-day comment period and those comments have been considered by the Executive Officer.

NOW, THEREFORE, IT IS ORDERED that the recitals and findings contained in Resolution 05-63 are incorporated by reference herein.

IT IS FURTHER ORDERED that section 2299.1, title 13, CCR, section 93118, title 17, CCR and the incorporated documents are adopted as set forth in Attachment 1 hereto.

Executed this _____ day of October, 2006, at Sacramento, California.

Catherine Witherspoon
Executive Officer

Attachment