

State of California
AIR RESOURCES BOARD

EXECUTIVE ORDER R-08-013

Relating to Adoption of Proposed Regulations to Reduce Emission from Diesel Auxiliary Engines on Ocean-Going Vessels While at Berth at a California Port

WHEREAS, on December 6, 2007, the Air Resources Board (ARB or the Board) conducted a public hearing to consider adoption of regulations to Reduce Emissions From Diesel Auxiliary Engines on Ocean-Going Vessels While At-Berth at a California Port, as set forth in the Initial Statement of Reasons released to the public on October 19, 2007;

WHEREAS, at the December 6, 2007 hearing, the Board adopted Resolution 07-57 in which the Board approved adoption of new section 2299.3, of chapter 5.1 of division 3, title 13, California Code of Regulations (CCR), and new section 93118.3 of subchapter 7.5, chapter 1, division 3, title 17, CCR, as set forth in Attachment A, with the modifications set forth in Attachment B thereto;

WHEREAS, Resolution 07-57 directed the Executive Officer to take final action to adopt the regulatory amendments set forth in Attachments A and B to Resolution 07-57, 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 he determines that this is warranted;

WHEREAS, on August 22, 2008 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 15 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;

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 07-57 are incorporated by reference herein.

IT IS FURTHER ORDERED that section 2299.3, title 13, CCR, section 93118.3, title 17, CCR, and the incorporated documents, are adopted as set forth in Attachment 1 hereto.

Executed this 16 day of October, 2008, at Sacramento, California.

/s/

James N. Goldstene
Executive Officer

Attachment