

FINAL REGULATION ORDER

AIRBORNE TOXIC CONTROL MEASURE FOR AUXILIARY DIESEL ENGINES AND DIESEL-ELECTRIC ENGINES OPERATED ON OCEAN-GOING VESSELS WITHIN CALIFORNIA WATERS AND 24 NAUTICAL MILES OF THE CALIFORNIA BASELINE

Amend section 93118, title 17, California Code of Regulations (CCR), to read as follows:

[Note: The amendments are shown in underline to indicate additions and strikeout to indicate deletions. Portions of the regulation not being amended are indicated by an ellipsis (****).]

17 CCR, section 93118. Airborne Toxic Control Measure for Auxiliary Diesel Engines and Diesel-Electric Engines Operated on Ocean-going Vessels within California Waters and 24 Nautical Miles of the California Baseline.

[NOTE: This section is not presently being enforced by the Air Resources Board because of a court injunction against enforcement of provisions in this section. See *Pacific Merchant Shipping Ass'n v. Goldstene* (9th Cir. 2008) 517 F.3d 1108, which discusses the parallel regulatory requirements in 13 CCR, section 2299.1. Consistent with the court's ruling, this section will only be enforced if the Air Resources Board obtains authorization to do so from the United States Environmental Protection Agency.]

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.