

California Environmental Protection Agency
Air Resources Board

Marine Notice 2007-2 (4/2007)

Ocean-Going Vessel Auxiliary Diesel Engine Regulation

Definition of “Port Visit” under Noncompliance Fee Provision

This advisory clarifies the definition of “port visit” in the State of California Ocean-Going Vessel Auxiliary Diesel Engine Regulation.

Background

The State of California Ocean-Going Vessel Auxiliary Diesel Engine Regulation (“regulation”) imposes air emission limits on you when you operate vessels in Regulated California Waters (a zone approximately 24 nautical miles seaward of the California baseline; see Attachment A), and moor, dock, or otherwise visit a California port, roadstead, or terminal facility (“port”). The requirements in this regulation became effective on January 1, 2007, and can be found in title 13, California Code of Regulations (CCR), §2299.1, and title 17, CCR, §93118. It can also be found at ARB’s website at <http://www.arb.ca.gov/regact/marine2005/marine2005.htm>.

The regulation limits emission rates of diesel particulate matter (PM), oxides of nitrogen (NOx), and oxides of sulfur (SOx) from auxiliary diesel engines and diesel-electric engines on ocean-going vessels. However, the Noncompliance Fee Provision allows affected persons to pay a noncompliance fee instead of meeting the emission limits under specific and limited circumstances (for more information see Marine Notice 2006-2, dated December 2006, at <http://www.arb.ca.gov/msprog/offroad/marinevess/documents/122806ogv2.pdf>).

ADVISORY

Subsection (h)(5), of the CA Vessel Auxiliary Engine Regulation, defines **“port visit,”** as **“...all stops at a port, roadstead, or terminal facility in Regulated California Waters, as well as all moorings (i.e., the ship drops anchor) at an offshore location in Regulated California Waters away from a port, roadstead or terminal facility (e.g., Catalina Island or off Monterey).”** This definition is important in implementing the noncompliance fee provisions of the regulation.

Successive terminal shifts within the same port jurisdiction, or within the same roadstead or terminal facility, shall be considered as a single port visit.

In addition, a visit to a port, roadstead or terminal facility preceded by an offshore mooring shall be considered a single port visit if the offshore mooring was conducted solely because the port, roadstead or terminal facility could not accept the vessel as scheduled due to reasons beyond the reasonable control of the vessel operator.

As shown in Table 1 below, noncompliance fees increase with each subsequent port visit up to and including the fifth port visit. The fees do not increase further on the sixth and subsequent visits, but instead remain at the fee level for the fifth visit. These fees increase according to

Table 1 over the life of the vessel, and do not reset with a new calendar year or changes in vessel ownership or operation.

The fees are as follows:

| Table 1: Noncompliance Fee Schedule, Per Vessel | | |
|---|-------------------------|---------------|
| Visit | Fee | |
| | Diesel-Electric Vessels | Other Vessels |
| 1 st Port Visited | \$32,500 | \$13,000 |
| 2 nd Port Visited | \$65,000 | \$26,000 |
| 3 rd Port Visited | \$97,500 | \$39,000 |
| 4 th Port Visited | \$130,000 | \$52,000 |
| 5 th or more port visited | \$162,500 | \$65,000 |

The implication of this advisory is that vessel movement to a different berth within the same port would be considered a single port visit. However, movement to a different port, even within the same bay, would be considered a separate port visit and the noncompliance fee for the subsequent port visit would increase as specified in the regulation and in this Advisory.

Attachment A

Regulated California Waters

“Regulated California Waters” means all of the following:

- (A) all California internal waters;
- (B) all California estuarine waters;
- (C) all California ports, roadsteads, and terminal facilities (collectively “ports”)
- (D) all waters within 3 nautical miles of the California baseline, starting at the California-Oregon border and ending at the California-Mexico border at the Pacific Ocean, inclusive;
- (E) all waters within 12 nautical miles of the California baseline, starting at the California-Oregon border and ending at the California-Mexico border at the Pacific Ocean, inclusive;
- (F) all waters within 24 nautical miles of the California baseline, starting at the California-Oregon border to 34.43 degrees North, 121.12 degrees West, inclusive; and
- (G) all waters within the area, not including any islands, between the California baseline and a line starting at 34.43 degrees North, 121.12 degrees West; thence to 33.50 degrees North, 118.58 degrees West; thence to 32.48 degrees North, 117.67 degrees West; and ending at the California-Mexico border at the Pacific Ocean, inclusive.

“Regulated California Waters” is shown on the map below as indicated (note: chart is not to scale).

