

California Environmental Protection Agency
Air Resources Board

Marine Notice 2006-1 (05/2007)

**Safety Exemption Information and Claim Form
Ocean-Going Vessel Auxiliary Diesel Engine Regulation**

For the purposes of this Notice, “**YOU**” means the vessel master, owner, operator, or any other person that charters, rents, or leases any ocean-going vessel that visits California ports. “**NONCOMPLIANCE**” means your vessel does not meet the emission limits in the regulation, or is not operating under a pre-approved Alternative Control of Emissions Plan.

Authority

California Health and Safety Code, sections 43013, 43018, and 39666; title 13, California Code of Regulations (CCR), section 2299.1 and title 17, CCR, section 93118.

Purpose

The purpose of this Marine Notice is to advise you of a specific provision in California’s upcoming regulation on ship diesel auxiliary engines and diesel-electric engines (“regulation”). This 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) or moor, dock, or otherwise visit a California port, roadstead, or terminal facility (“port”). This regulation becomes effective on January 1, 2007, and can be found in 13 CCR §2299.1 and 17 CCR §93118. It can also be found at ARB’s website, <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 to levels equivalent to using the following fuels:

Beginning January 1, 2007: (1) marine gas oil (MGO); or
(2) marine diesel oil (MDO) with a sulfur content of no more than 0.5% by weight.

This Marine Notice contains excerpts from and adaptations of 13 CCR §2299.1(c)(5) and 17 CCR §93118(c)(5). They are simplified and condensed versions of the safety exemption and do not in any way modify the requirements of the regulation. You are advised to refer to the entire regulation in 13 CCR §2299.1 and 17 CCR §93118 for the exact regulatory language.

The requirements of the regulation, including the payment of Noncompliance Fees, do not apply to the master of the vessel (“master”) if the master reasonably and actually determines that compliance with the regulation would endanger the safety of the vessel, its crew, its cargo or its passengers because of severe weather conditions, equipment failure, fuel contamination, or other extraordinary reasons beyond the master’s reasonable control (i.e., the “safety exemption”).

This safety exemption applies only as long as and to the extent necessary to secure the safety of the vessel, its crew, its cargo, or its passengers and provided that all of the following criteria are met:

- (A) the master takes all reasonable precautions after the conditions necessitating the exemption have ended to avoid or minimize repeated claims of this exemption;
- (B) the master notifies the Air Resources Board of a safety exemption claim within 24 hours after the end of each such episode (i.e., the period of time during which the emergency conditions exist that necessitate the safety exemption claim). This information may be submitted by facsimile, electronic-mail, or phone to:

Air Resources Board
Attention: Ship Safety Exemption, Paul Milkey
FAX: (916) 327-6251
E-mail: pmilkey@arb.ca.gov
Phone: 877-808-7447

- (C) the master submits to the Air Resources Board, within 4 working days after the notification in paragraph (B) above, all documentation necessary to establish the conditions necessitating the safety exemption and the date(s), local time, and position of the vessel (longitude and latitude) in Regulated California Waters at the beginning and end of the time period during which a safety exemption is claimed under this subsection. All documentation required under this paragraph shall be provided in English. This information may be submitted to the contact above (FAX or e-mail) or mailed to:

Air Resources Board
Attention: Stationary Source Division, Paul Milkey
1001 "I" Street
Sacramento, CA 95814

For your convenience, we are providing you with a suggested safety exemption claim form in Attachment B. You are not required to use this form to notify ARB; you can use your own form and format, provided you submit all the information as required by the regulation. Regardless of how the information is submitted, you will be subject to substantial penalties under State law if you fail to notify the Air Resources Board within 24 hours after the end of each episode for which a safety exemption is claimed, or you are found to be ineligible for a safety exemption.

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).



Attachment B

Safety Exemption Claim Form

Form OGV-1

Note: You are required to notify the Executive Officer **within 24 hours** after the end of each episode during which a safety exemption is claimed. This form may be submitted to satisfy this requirement by submitting it electronically or by facsimile (FAX) to:

Executive Officer of the Air Resources Board
 Attention: Safety Exemption, Paul Milkey
 FAX: (916) 327-6251
 E-mail: pmilkey@arb.ca.gov

In addition, within 4 working days after this notification, you are required to submit in English all documentation necessary to establish the conditions necessitating the safety exemption and the date(s), local time, and position of the vessel (longitude and latitude) in Regulated California Waters at the beginning and end of the time period during which a safety exemption is claimed under this subsection. This information may be submitted to the contact above or mailed to:

Executive Officer of the Air Resources Board
 Attention: Stationary Source Division, Paul Milkey
 1001 "I" Street
 Sacramento, CA 95814

Ship and Contact Information

Vessel Name: _____ Lloyds/IMO #: _____

Type of Vessel: _____

Company Name: _____

Mailing Address: _____

Contact Person: _____ Title: _____

Phone: _____ Fax: _____

Email: _____

Reason for Exemption: _____

Certification: I am the master of the vessel listed above and hereby certify that compliance with the regulation would endanger the safety of the vessel, its crew, its cargo or its passengers because of severe weather conditions, equipment failure, fuel contamination, or other extraordinary reasons beyond the master's reasonable control, as demonstrated by documentation I will provide pursuant to the regulation that is complete and accurate to the best of my knowledge and belief.

Print Name:	Title:
Signature:	Date: