

State of California
Air Resources Board

Executive Order (G-09-046)

Relating to Essential Modifications Exemption under California Code of Regulations,
title 13, section 2299.2(g) and title 17, section 93118.2(g)

BP Shipping Ltd.

WHEREAS, pursuant to sections 39600, 39601, 41510, 41511, 43013, and 43018 of the Health and Safety Code, the California Air Resources Board (ARB) has established requirements for ocean-going vessels (OGV) to use marine gas oil (DMX or DMA grades) or marine diesel oil (DMB grades) at specified sulfur limits in the main engine, auxiliary engines, and auxiliary boilers within a 24 nautical mile zone of the California Coastline; these requirements are found at California Code of Regulations (CCR), title 13, section 2299.2 and title 17, section 93118.2 (OGV Fuel Regulation);

WHEREAS, subdivision (g) of the OGV Fuel Regulation authorizes the Executive Officer to provide an exemption in whole or part from using the specified fuels provided that a person submits an Essential Modification Report that: (1) includes information demonstrating it is not feasible to use the specified fuels unless essential modifications to the OGV are made; and (2) identifies the maximum extent with respect to trip distance or regulated equipment type to which the vessel can use the fuels without essential modifications where feasible and safe for each of the auxiliary engines, main engines, and auxiliary boilers;

WHEREAS, BP Shipping Ltd., submitted Essential Modification Reports dated July 7, 2009 and subsequent materials between July 13, 2009 through July 27, 2009 requesting essential modification exemptions for the following vessels and equipment listed in Table 1;

Table 1. Vessel and Auxiliary Boiler Information

Owner/Operator	Ship Name	IMO	Auxiliary Boiler Make and Model	Quantity
BP Shipping Ltd.	British Explorer	9251561	Kangrim MB06SVDY	1
BP Shipping Ltd.	British Esteem	9251573	Kangrim MB06SVDY	1
BP Shipping Ltd.	British Confidence	9307736	Aalborg GCS-24ML	1
BP Shipping Ltd.	British Courage	9307748	Aalborg GCS-24ML	1
BP Shipping Ltd.	British Commerce	9307750	Aalborg GCS-24ML	1
BP Shipping Ltd.	British Councillor	9307762	Aalborg GCS-24ML	1
BP Shipping Ltd.	British Ensign	9312913	Kangrim PB031AS10	1
BP Shipping Ltd.	British Envoy	9312935	Kangrim PB031AS10	1
BP Shipping Ltd.	British Emissary	9315769	Kangrim PB031AS10	1
BP Shipping Ltd.	British Swift	9258868	Aalborg Mission OL 25000	1
BP Shipping Ltd.	British Merlin	9258870	Aalborg Mission OL 25000	1
BP Shipping Ltd.	British Osprey	9258882	Aalborg Mission OL 25000	1
BP Shipping Ltd.	British Curlew	9258894	Aalborg Mission OL 25000	1
BP Shipping Ltd.	British Mallard	9282479	Aalborg Mission OL 25000	1
BP Shipping Ltd.	British Gannet	9282481	Aalborg Mission OL 25000	1
BP Shipping Ltd.	British Cormorant	9282493	Aalborg Mission OL 25000	1
BP Shipping Ltd.	British Robin	9282508	Aalborg Mission OL 25000	1
BP Shipping Ltd.	British Cygnet	9297345	Aalborg Mission OL 25000	1
BP Shipping Ltd.	British Kestrel	9297357	Aalborg Mission OL 25000	1
BP Shipping Ltd.	British Falcon	9297369	Aalborg Mission OL 25000	1
BP Shipping Ltd.	British Eagle	9297371	Aalborg Mission OL 25000	1
BP Shipping Ltd.	British Laurel	9251810	Aalborg CPH-20	1
BP Shipping Ltd.	British Hawthorn	9247780	Aalborg CPH-20	1
BP Shipping Ltd.	British Willow	9251822	Aalborg CPH-20	1
BP Shipping Ltd.	British Oak	9247792	Aalborg CPH-20	1
BP Shipping Ltd.	British Beech	9266841	Aalborg CPH-20	1
BP Shipping Ltd.	British Hazel	9266853	Aalborg CPH-20	1
BP Shipping Ltd.	British Holly	9266865	Aalborg CPH-20	1
BP Shipping Ltd.	British Vine	9266877	Aalborg CPH-20	1
BP Shipping Ltd.	British Security	9285718	Kangrim MB06DZLY	1
BP Shipping Ltd.	British Loyalty	9285720	Kangrim MB06DZLY	1
BP Shipping Ltd.	British Unity	9285732	Kangrim MB06DZLY	1
BP Shipping Ltd.	British Fidelity	9285744	Kangrim MB06DZLY	1
BP Shipping Ltd.	British Liberty	9285756	Kangrim MB06DZLY	1
BP Shipping Ltd.	British Integrity	9288758	Kangrim MB06DZLY	1
BP Shipping Ltd.	British Chivalry	9288760	Kangrim MB06DZLY	1
BP Shipping Ltd.	British Harmony	9288813	Kangrim MB06DZLY	1
BP Shipping Ltd.	British Courtesy	9288825	Kangrim MB06DZLY	1
BP Shipping Ltd.	British Serenity	9288837	Kangrim MB06DZLY	1
BP Shipping Ltd.	British Tranquillity	9288849	Kangrim MB06DZLY	1
BP Shipping Ltd.	British Tenacity	9285706	Kangrim MB06DZLY	1
BP Shipping Ltd.	British Purpose	9180164	Mitsubishi MAC 90B	1
BP Shipping Ltd.	British Pride	9180255	Mitsubishi MAC 90B	1
BP Shipping Ltd.	British Pioneer	9180140	Mitsubishi MAC 90B	1
BP Shipping Ltd.	British Progress	9180152	Mitsubishi MAC 90B	1

WHEREAS, the Essential Modification Reports state that the aforementioned vessels could not use the fuels specified in the OGV Fuel Regulation in the auxiliary boilers as listed in Table 1 without essential modifications;

WHEREAS, BP Shipping Ltd. stated it is planning on making the modifications to the vessels listed in Table 1 to enable the vessels to use the required fuels in the auxiliary boilers;

WHEREAS, ARB has reviewed the Essential Modification Reports and additional supporting materials provided by BP Shipping Ltd., and determined that the submissions satisfactorily demonstrate that essential modifications are necessary for the auxiliary boilers on the vessels listed in Table 1 to fully comply with the fuel use requirements in the OGV Fuel Regulation;

WHEREAS, based on the determinations described above, the vessels listed in Table 1 qualify for an essential modification exemption for the auxiliary boilers;

NOW, THEREFORE, IT IS ORDERED, BP Shipping Ltd., is granted an exemption from the fuel use specifications set forth in subdivision (e)(1) and from the recordkeeping, reporting and monitoring requirements in subdivision (e)(2) of the OGV Fuel Regulation for the auxiliary boilers on the vessels listed in Table 1, subject to the limitations and conditions in this order and the OGV Fuel Regulation;

BE IT FURTHER ORDERED, the vessels listed in Table 1 shall comply with the fuel specifications set forth in subdivision (e)(1) and the recordkeeping, reporting and monitoring requirements in subdivision (e)(2) of the OGV Fuel Regulation for the main engines and auxiliary engines in the vessels listed in Table 1;

BE IT FURTHER ORDERED, that if the OGV Fuel Regulation is amended to modify any provisions relating to the essential modification exemption, the Executive Officer may revoke or modify this essential modification exemption as necessary to bring it into conformance with the revised regulation;

BE IT FURTHER ORDERED, if the Executive Officer issues written findings that federal requirements are in place that will achieve equivalent emissions reductions within the Regulated California Waters pursuant to subdivision (j) of the OGV Fuel Regulation, the Executive Officer shall revoke this exemption upon notice to BP Shipping Ltd.;

BE IT FURTHER ORDERED, if the Executive Officer determines that the essential modification exemption is no longer warranted, the Executive Officer may modify or revoke this exemption after providing 30 days written notice to BP Shipping Ltd. of its intent to modify or revoke the exemption;

BE IT FURTHER ORDERED, if the essential modifications that are the basis for this exemption are made voluntarily, or due to other regulatory requirements, or for other

reasons, then this exemption terminates and the auxiliary boilers on the vessels listed in Table 1 must use the required fuels while in Regulated California Waters, and BP Shipping Ltd. must provide ARB with immediate written notification that modifications have been made;

BE IT FURTHER ORDERED, the Executive Officer encourages BP Shipping Ltd. to voluntarily make the essential modifications noted above to the vessels listed in Table 1 and to use the specified fuels in the OGV Fuel Regulation while in California Regulated Waters to benefit the health and welfare of California's citizens.

Executed at Sacramento, California this 19 day of August, 2009

James N. Goldstene
Executive Officer

by



Daniel E. Donohoue, Chief
Emissions Assessment Branch
Stationary Source Division