

State of California
Air Resources Board

Executive Order G-09-021

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

Thenamaris Ship Management

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, Thenamaris Ship Management submitted an Essential Modification Report dated June 16, 2009, and subsequent supporting materials in an email dated July 9, 2009, requesting an essential modification exemption for the vessel "Seadancer" (IMO # 9297888) and five "sister" vessels with identical main engines, auxiliary engines, auxiliary boilers, and equipment. The six vessels are listed below in Table 1.

Table 1: Vessels and Auxiliary boiler Information

Owner	Ship Name	IMO	Auxiliary Boiler Make and Model	Quantity
Thenamaris Ship Management Inc.	Seadancer	9297888	Mitsubishi Heavy Industries MAC-35B auxiliary boiler	2
Thenamaris Ship Management Inc.	Seacross	9297890	Mitsubishi Heavy Industries MAC-35B auxiliary boiler	2
Thenamaris Ship Management Inc.	Seatriumph	9227455	Mitsubishi Heavy Industries MAC-35B auxiliary boiler	2
Thenamaris Ship Management Inc.	Searacer	9227443	Mitsubishi Heavy Industries MAC-35B auxiliary boiler	2
Thenamaris Ship Management Inc.	Seaprince	9241607	Mitsubishi Heavy Industries MAC-35B auxiliary boiler	2
Thenamaris Ship Management Inc.	Seavoyager	9318096	Mitsubishi Heavy Industries MAC-35B auxiliary boiler	2

WHEREAS, the Essential Modification Report states that the aforementioned vessels could not use the fuels specified in the OGV Fuel Regulation in the auxiliary boiler (Mitsubishi MAC-35B with Volcano SFVFT-450 burners) without essential modifications;

WHEREAS, ARB has reviewed the Essential Modification Report and additional supporting materials provided by Thenamaris Ship Management and determined that the submissions satisfactorily demonstrate that essential modifications are necessary for the auxiliary boiler (Mitsubishi MAC-35B with Volcano SFVFT-450 burners) 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 boiler (Mitsubishi MAC-35B with Volcano SFVFT-450 burners);

NOW, THEREFORE, IT IS ORDERED, Thenamaris Ship Management 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 boiler (Mitsubishi MAC-35B with Volcano SFVFT-450 burners) 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, that notwithstanding the exemption, Thenamaris Ship Management is required by subdivision (g)(3) of the OGV Fuel Regulation and by this order to comply with the fuel use requirements in subdivisions (e)(1) of the OGV Fuel Regulation to the maximum extent possible without making the essential modifications that are the basis of this order, as identified in the Essential Modification Report and supplemental materials submitted by Thenamaris Ship Management;

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 propulsion engine and auxiliary engines of 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 Thenamaris Ship Management;

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 Thenamaris Ship Management 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 vessels listed in Table 1 must use the required fuels while in

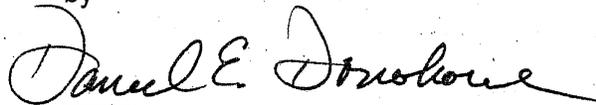
Regulated California Waters, and Thenamaris Ship Management must provide ARB with immediate written notification that modifications have been made;

BE IT FURTHER ORDERED, the Executive Officer encourages the Thenamaris Ship Management 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 23 day of July, 2009

James Goldstene
Executive Officer

by



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