State of California
Air Resources Board

Executive Order G-09-035

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

Tsakos Shipping and Trading S.A.

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, Tsakos Shipping and Trading S.A. submitted an Essential Modification Report dated July 27, 2009 and additional supporting documents provided on October 6, 2009, requesting an essential modification exemption for the boiler of the MT Andes listed in table 1;

Table 1. Vessel and Auxiliary Boiler Information

Owner/ Operator	Ship Name	IMO	Auxiliary Boiler Make and Model	Quantity
Tsakos	Andes	9265366	Aalborg Mission OL	2

WHEREAS, the Essential Modification Reports state that the aforementioned vessel could not use the fuels specified in the OGV Fuel Regulation in the auxiliary boiler of the MT Andes without essential modifications;

WHEREAS, Tsakos Shipping and Trading S.A. stated it is planning on making the modifications to the MT Andes to enable it to use the required fuels in the auxiliary boiler;

WHEREAS, ARB has reviewed the Essential Modification Report and additional supporting materials provided by Tsakos Shipping and Trading S.A., and determined that the submissions satisfactorily demonstrate that essential modifications are necessary for the auxiliary boiler on the MT Andes to fully comply with the fuel use requirements in the OGV Fuel Regulation;

WHEREAS, based on the determinations described above, the MT Andes qualifies for an essential modification exemption for the auxiliary boiler;

NOW, THEREFORE, IT IS ORDERED, Tsakos Shipping and Trading S.A. 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 on the MT Andes, subject to the limitations and conditions in this order and the OGV Fuel Regulation;

BE IT FURTHER ORDERED, the MT Andes 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;

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
Tsakos Shipping and Trading S.A.;

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
Tsakos Shipping and Trading S.A. 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 boiler on the MT Andes must use the required fuels while in Regulated California Waters, and Tsakos Shipping and Trading S.A. must provide ARB with immediate written notification that modifications have been made;

BE IT FURTHER ORDERED, the Executive Officer encourages Tsakos Shipping and Trading S.A. to voluntarily make the essential modifications noted above to the MT Andes 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 7 day of October, 2009

James N. Goldstene
Executive Officer

by

Daniel E. Donohoue

Daniel E. Donohoue, Chief
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