

State of California
Air Resources Board

Executive Order G-09-064

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

Chemikalien Seetransport GmbH

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, Chemikalien Seetransport GmbH submitted Essential Modification Reports dated August 21, 2009 and additional materials provided on October 13, 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
Chemikalien Seetransport GmbH	Chemtrans Sun	9182655	Aalborg AQ9	2
Chemikalien Seetransport GmbH	Chemtrans Ray	9182667	Aalborg AQ9	2
Chemikalien Seetransport GmbH	Chemtrans Star	9185516	Aalborg AQ18	2
Chemikalien Seetransport GmbH	Chemtrans Sky	9185504	Aalborg AQ18	2
Chemikalien Seetransport GmbH	Athens Star	9298313	Aalborg Mission OL	2
Chemikalien Seetransport GmbH	Hamburg Star	9298325	Aalborg Mission OL	2
Chemikalien Seetransport GmbH	London Star	9330343	Aalborg Mission OL	2
Chemikalien Seetransport GmbH	New York Star	9330355	Aalborg Mission OL	2
Chemikalien Seetransport GmbH	Cancale Star	9372858	Aalborg Mission OL	2
Chemikalien Seetransport GmbH	Chemtrans Moon	9270488	Aalborg Mission OL	2
Chemikalien Seetransport GmbH	Chemtrans Sea	9270490	Aalborg Mission OL	2

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, Chemikalien Seetransport GmbH 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 Chemikalien Seetransport GmbH, 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, Chemikalien Seetransport GmbH 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 Chemikalien Seetransport GmbH ;

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 Chemikalien Seetransport GmbH of its intent to modify or revoke the exemption;

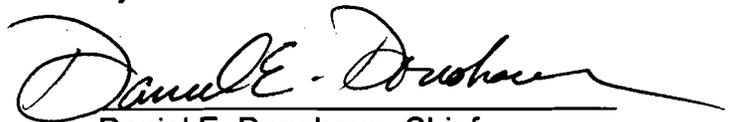
BE IT FURTHER ORDERED, if the essential modifications that are the basis for this exemption are made voluntarily, or due to other regulatory requirements, or for other reasons, then this exemption terminates and the auxiliary boilers on the vessels listed in Table 1 must use the required fuels while in Regulated California Waters, and Chemikalien Seetransport GmbH must provide ARB with immediate written notification that modifications have been made;

BE IT FURTHER ORDERED, the Executive Officer encourages Chemikalien Seetransport GmbH 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 17 day of October, 2009

James N. Goldstene
Executive Officer

by

A handwritten signature in cursive script, reading "Daniel E. Donohue", written over a horizontal line.

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