

State of California  
Air Resources Board

Executive Order G-09-034

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, Incorporated (Thenamaris)**

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, among other things: (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 submitted an Essential Modification Report on June 22, 2009, and additional materials subsequently provided on July 8, 2009, requesting an essential modification exemptions for the auxiliary boilers listed in Table 1 based on the company's belief that modifications are necessary to use the fuels specified in the OGV Fuel Regulation in those boilers;

**Table 1**

<b>Owner</b>	<b>Ship Name</b>	<b>IMO</b>	<b>Auxiliary Boiler Make and Model</b>	<b>Quantity</b>
Thenamaris	Athina	9291286	Hyundai Heavy Industries HMT-45 with Volcano SFVFT-4500 burners	2
Thenamaris	Seaking	9292187	Hyundai Heavy Industries HMT-45 with Volcano SFVFT-4500 burners	2

WHEREAS, Thenamaris also requested additional exemptions to cover the main engines on the vessels listed in Table 1;

WHEREAS, ARB has reviewed the Essential Modification Report and additional supporting materials provided by Thenamaris and determined that the submissions satisfactorily demonstrate that essential modifications are necessary for the auxiliary

boilers listed in Table 1 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 essential modification exemptions for the auxiliary boilers as identified in Table 1;

WHEREAS, ARB also determined after its review of the Essential Modification Reports and other submitted materials that Thenamaris has failed to satisfactorily demonstrate that modifications are necessary for use of the specified fuels in the main engines on the vessels listed in Table 1, and has set forth the basis for this determination in a separate letter to the company;

NOW, THEREFORE, IT IS ORDERED, Thenamaris 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 listed in Table 1 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, Thenamaris shall comply with the OGV Fuel Regulation, including but not limited to the fuel specifications set forth in subdivision (e)(1) and the recordkeeping, reporting and monitoring requirements in subdivision (e)(2) in operation of the vessels' main engines and auxiliary engines that are not identified 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;

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 of its intent to modify or revoke the exemption;

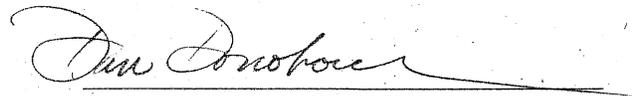
BE IT FURTHER ORDERED, if the essential modifications that are the basis for this exemption are made voluntarily, or due to other regulatory requirements, or for other reasons, then this exemption terminates and the auxiliary boilers listed in Table 1 on the vessels listed in Table 1 must use the required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

BE IT FURTHER ORDERED, the Executive Officer encourages Thenamaris 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 Regulated California Waters to benefit the health and welfare of California's citizens.

Executed at Sacramento, California this 28 day of September, 2009

James Goldstene  
Executive Officer

by



Dan Donohue, Chief  
Emissions Assessment Branch  
Stationary Source Division