State of California Environmental Protection Agency AIR RESOURCES BOARD

NOTICE OF DECISION AND RESPONSE TO SIGNIFICANT ENVIRONMENTAL ISSUES

- Item: Adoption of Regulations for Fuel Sulfur and Other Operational Requirements for Ocean-Going Vessels Within California Waters and 24 Nautical Miles of the California Baseline
- Approved By: Resolution 08-35
- Adopted by: Executive Order R-09-003
- Agenda Item: 08-7-4
- Public Hearing Date: July 24, 2008
- Issuing Authority: Air Resources Board (ARB)

Comment:

The Air Resources Board (Board) received a number of comments asserting that adverse environmental impacts may result from this regulation, especially if a large number of vessel operators respond to the regulation by abandoning use of the Santa Barbara Channel shipping lanes in favor of a route to the southwest to reduce the distance traveled using low-sulfur fuel. ARB has summarized and responded to these comments in the Final Statement of Reasons (attached), which is incorporated by reference.

Resolution 08-35 (attached) and Executive Order R-09-003 (attached) are also incorporated by reference. In the Resolution, the Board made findings pertaining to the potential environmental impacts of the regulation. The Board found the regulation would result in a small increase in carbon dioxide (CO_2) emissions, and further found that although these emission increases would be extremely small, they could nevertheless constitute a significant adverse environmental impact. The Resolution identified considerations including air quality and public health benefits from the regulation that override the significant impact of higher CO_2 emissions.

The Executive Officer, acting pursuant to delegated authority of the Board, made additional findings in the Executive Order

pertaining specifically to environmental impacts that could result if the regulation prompts a large number of vessel operators to use new routes that avoid the regulatory zone in the Santa Barbara Channel region. The Executive Officer found that large shifts in vessel routing in Southern California, while unlikely, would result in additional small but significant environmental impacts in the following areas: increased CO_2 emissions, increased emissions of oxides of nitrogen and hydrocarbons that would lead to increased ozone levels in some locations, and cumulative ozone impacts. The Executive Order identified considerations including air quality and public health benefits from the regulation that override these significant impacts.

Response:

See above.

Certified:

<u>/s/</u>____

Amy Whiting Regulations Coordinator

Date:

April 16, 2009