

**State of California
Office of Administrative Law**

In re:
Office of Spill Prevention and Response

Regulatory Action:

Title 14, California Code of Regulations

Amend sections: 791.7, 793, 870.17

**NOTICE OF APPROVAL OF REGULATORY
ACTION**

Government Code Section 11349.3

OAL Matter Number: 2021-0416-01

OAL Matter Type: Regular (S)

An owner or operator of a vessel is required to demonstrate the financial ability to pay for cleanup costs and damages associated with potential oil spills to marine waters. A vessel owner or operator must apply for and obtain a certificate of financial responsibility issued by the Office of Spill Prevention and Response ("OSPR") Administrator. The Administrator is required to establish a barrel fee assessed against tank vessels and a fee assessed against non-tank vessels. The non-tank vessel fee is collected with each application to obtain a certificate of financial responsibility and every two years thereafter with the certificate renewal. In this regular rulemaking, OSPR is increasing the fee for non-tank vessels and amending the "Application for Certificate of Financial Responsibility for Owners or Operators of Nontank Vessels (300 GT or Greater)", which is incorporated by reference in the California Code of Regulations.

OAL approves this regulatory action pursuant to section 11349.3 of the Government Code. This regulatory action becomes effective on 10/1/2021.

Date: September 23, 2021



Steven J. Escobar
Senior Attorney

Original: Thomas M. Cullen Jr.,
Administrator

For: Kenneth J. Pogue
Director

Copy: Christine Kluge

NOTICE PUBLICATION/REGULATION SUBMISSION

REGULAR

Instructions on reverse

For use by Secretary of State only

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS	NOTICE FILE NUMBER	REGULATORY ACTION NUMBER	EMERGENCY NUMBER
	Z- 2020-1229-05	2021-0416-01S	

For use by Office of Administrative Law (OAL) only

OFFICE OF ADMINISTRATIVE LAW

Electronic Submission

RECEIVED DATE: 12/29/2020

PUBLICATION DATE: 1/8/2021

2021 APR 16 A 9:55

OFFICE OF ADMINISTRATIVE LAW

ENDORSED - FILED
in the office of the Secretary of State of the State of California

SEP 23 2021
1:20 PM

AGENCY WITH RULEMAKING AUTHORITY	AGENCY FILE NUMBER (if any)
Office of Spill Prevention and Response	

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE	TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
Nontank Vessel Fee Increase	14	870.17; 791.7; 793	January 8, 2021
3. NOTICE TYPE	4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)
<input checked="" type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other	Christine Kluge	(916) 375-4676	
OAL USE ONLY	ACTION ON PROPOSED NOTICE	NOTICE REGISTER NUMBER	PUBLICATION DATE
<input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		2021, No. 2-2	1/8/2021

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S)	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)
Nontank Vessel Fee Increase	

2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)
ADOPT
AMEND
791.7, 793, and 870.17
REPEAL
TITLE(S)
14

3. TYPE OF FILING			
<input checked="" type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §511346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> File & Print	<input type="checkbox"/> Print Only
<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))	<input type="checkbox"/> Other (Specify)		

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)

August 13, 2021 - August 27, 2021

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)

Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a)) Effective on filing with Secretary of State \$100 Changes Without Regulatory Effect Effective other (Specify) October 1, 2021

6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

Department of Finance (Form STD. 399) (SAM §6660) Fair Political Practices Commission State Fire Marshal

Other (Specify) Oil Spill Technical Advisory Committee

7. CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)	E-MAIL ADDRESS (Optional)
Christine Kluge	(916) 827-6553		christine.kluge@wildlife.ca.gov

8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE	DATE
Julie Yamamoto	4/13/2021
TYPED NAME AND TITLE OF SIGNATORY	
Julie Yamamoto, Deputy Administrator	

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ENDORSED APPROVED

SEP 23 2021

Office of Administrative Law

Per agency's request - SE, 9/23/2021