

Date: December 29, 1999

New Nontank Vessel Regulations Approved

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SACRAMENTO — New Non-tank Vessel Contingency Plan and Certificate of Financial Responsibility (COFR) regulations promulgated by the California Department of Fish and Game's Office of Spill Prevention and Response (OSPR) have been approved by the State Office of Administrative Law, and were filed with the Secretary of State on December 28, 1999. These regulations outline the requirements for submission and approval of oil spill contingency plans for non-tank vessels operating in State waters and the requirements for demonstrating financial responsibility. The new regulations are the result of last year's Senate Bill 1644, authored by Senator Mike Thompson, which added Section 8670.32 to Chapter 964 of the Government Code.

The new law requires all non-tank vessels over 300 gross tons to have an OSPR-approved oil spill contingency plan and \$300 million in financial assurances to cover damages from an oil spill before entering California state waters. February 3, 2000 is the deadline for all these ships to have their spill plans and financial assurances in place.

A copy of the final approved non-tank vessel contingency plan regulations (which are substantively the same as the November 5, 1999, amended language), the updated definitions and abbreviations section (Section 790), and the final approved non-tank vessel COFR regulations are available on the Department of Fish and Game home page, at <http://www.dfg.ca.gov/Ospr/regulation/index.html>

Additional copies of these regulations, and any other regulations adopted by the OSPR under Title 14, Division 1, Subdivision 4, can be obtained from Barclays Law Publishers at telephone number (415) 732-8800.

A Certificate of Financial Responsibility is also required by February 3, 2000. Applications may be obtained from the Department of Fish and Game - OSPR home page ([as a .pdf file](#)), or by FAX (916-323-4727, attention: Cheryl Mitchell), or by telephone (916-324-6257).

The Lempert-Keene-Seastrand Oil Spill Prevention and Response Act, which became law in 1990, has always required oil tankers and barges that carry large quantities of oil as cargo to have oil spill contingency plans and up to \$750 million in financial assurances in case of an oil spill, but exempted other types of large ships, which carried large quantities of fuel, from these requirements. The new law repealed that exemption for many large

ships such as dry cargo carriers, cruise ships, and ships importing automobiles, which don't carry oil as cargo, but carry as much as one million gallons of oil as fuel.

Questions regarding implementation of these regulations and the contingency plan submittal and review process should be directed to the OSPR Marine Safety Branch at (916) 327-9946.