

## COMPLIANCE WITH STATE REQUIREMENTS IN CALIFORNIA

<b>CALIFORNIA</b>	Vessels > 300 GT calling State of California ports and waters require the following documents in addition to the federal (USCG) documentation required to be available on board the vessel.	
1	California Certificate of Financial Responsibility (CA COFR) <i>This certificate is valid for one year from the date of issue and will remain valid for a second year from the date of issue only if the insurance is current.</i>	<input type="checkbox"/>
2	California Vessel Contingency Plan (CA VCP / CA NT VCP) for TANK / NONTANK vessels <i>Plans without at least one vessel possessing a valid CA COFR will be deactivated by DFW.</i>	<input type="checkbox"/>
3	CA VCP / CA NT VCP Approval Letter (maintain copy with the plan on board the vessel) <i>Approval letters are valid for 5 years as long as a valid CA COFR is maintained.</i>	<input type="checkbox"/>
4	<a href="#">California Emergency Notification Checklist Placard</a> (NONTANK only)	<input type="checkbox"/>
Vessels must also have the following services under contract and identified in their contingency plans:		
	• Qualified Individual (QI)	<input type="checkbox"/>
	• Spill Management Team (SMT)	<input type="checkbox"/>
	• Oil Spill Response Organization (OSRO)	<input type="checkbox"/>
	• Salvor (SMFF resource provider)	<input type="checkbox"/>

<b>SUBMISSION REQUIREMENTS</b>		The State of California regulations include the following submission requirements for both tank and nontank vessels contingency plans and CA COFRs.	
<b>Plans</b>	Plans must be submitted to the California Department of Fish and Wildlife (DFW) at least 5 working days (7 calendar days) prior to entering California waters to satisfy plan submission requirements.		<input type="checkbox"/>
<i>When a new plan or vessel addition to an existing plan is submitted with less than 5 working days (7 calendar days) prior to entering California waters, a notice of violation and possible monetary penalty for failure to allow sufficient time for plan review may result even if the plan is approved prior to arrival.</i>			
<b>CA COFR</b>	New applications must be received by the DFW <i>at least 21 calendar days prior</i> to operation in California waters.		<input type="checkbox"/>
Submit P&I Club renewal documentation, Certificate of Entry (CoE), <i>annually</i> to DFW:			
Nontank vessels:		<a href="mailto:cacofr-nontank@wildlife.ca.gov">cacofr-nontank@wildlife.ca.gov</a>	<input type="checkbox"/>
Tank Vessels:		<a href="mailto:cacofr-tank@wildlife.ca.gov">cacofr-tank@wildlife.ca.gov</a>	
<i>The CA COFR will be revoked if the CoE is NOT received within 45 days of February 20<sup>th</sup> each year and the submission of a new CA COFR application will be required.</i>			
Vessels calling CA on or after February 20 <sup>th</sup> each year, but within the 45-day grace period must submit the CoE <i>at least 10 calendar days prior</i> to operation in California waters			<input type="checkbox"/>
CA DFW maintains a list of the vessels that have submitted proof of insurance on their website at: <a href="https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=76424">https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=76424</a> .			
<i>When a vessel arrives in California without submitting the CA COFR application 10 calendar days in advance or proof of insurance renewal documentation 10 calendar days in advance, DFW may issue a notice of violation and possible monetary penalty for failure to comply with the submission requirements.</i>			
For more information or assistance with CA COFR applications contact us at:		<a href="mailto:cofr@wittobriens.com">cofr@wittobriens.com</a>	



<b>AGENT FOR SERVICE OF PROCESS</b>	Effective <b>April 1, 2015</b> , all CA Contingency Plan Holders and CA COFR Applicants must identify an Agent for Service of Process. This must be an individual who resides in the State of California or a corporation resident in California that is registered with the CA Secretary of State.
<i>All O'Brien's Plan Holders and CA COFR applicants may list the following company as the legal agent for service of process in California at no additional cost.</i>	<b>Keesal, Young &amp; Logan, A Professional Corporation</b> 450 Pacific Avenue San Francisco, CA 94133 Attention: Agent for Service of Process, Ref. 7766-1 P: +1 415 398 6000 F: +1 415 981 0136
<b>NOTE:</b> If using KYL, it is <b>not</b> required to include a name, title, and email address on applications.	

## **CALIFORNIA UNANNOUNCED EXERCISE PROGRAM**

<b>STATE AGENCY CONDUCTED UNANNOUNCED DRILLS</b>		The California Department of Fish and Wildlife (DFW) inspectors may board your vessel and request that you conduct an unannounced notification drill.	
		These drills are <u>usually</u> in the form of notification exercises.	
1	Do <i>NOT</i> delay, time is of the essence. Immediately notify the QI at:	<b>+ 1 281 606 4818</b>	<input type="checkbox"/>
2	State: "This is a State-Initiated Unannounced Notification Exercise," repeated three (3) times.		<input type="checkbox"/>
<i>Tell the QI that you are involved in an unannounced drill and that you have state authorities on board. We must follow special procedures on our side to successfully comply with the unannounced drill requirements within 30 minutes. <b>You must tell us this exercise is being required by state authorities.</b> Otherwise, we may mistake it for a normal QI Notification Exercise. This will undoubtedly lead to a failure of the drill and a possible penalty for the ship.</i>			
<b>NOTE</b>		Our watch standers will follow a similar, but different process when communicating with vessel Master's and crew for these exercises.  <i>This includes completing a series of regulatory notifications and providing the vessel a written confirmation via email or fax within 30 minutes of receiving the call.</i>	
In California, a boarding officer may also initiate an unannounced drill of your Incident Management Team (O'Brien's). If this happens the Master will be presented with a detailed scenario by the boarding officer and must:			
<ul style="list-style-type: none"><li>• Take the actions required by the California Vessel Oil Spill Contingency Plan.</li><li>• Immediately call our 24-hour emergency number +1-281-606-4818.</li><li>• State: "This is a State-Initiated Incident Management Team Exercise," repeated three (3) times.</li><li>• Inform the Qualified Individual of the details of the unannounced drill.</li><li>• Provide support as requested by the Qualified Individual.</li></ul>			
It is likely that the master will have little involvement in the exercise after initial notification has been made. However, the guidelines are vague so the master should be prepared to participate as required by the DFW Drill Coordinator and the Qualified Individual.			
<b>COSTS</b>		While there are no additional costs for unannounced QI Notification drill and exercises, there is a cost to an unannounced IMT exercise. Depending upon the duration of the exercise (how many objectives are being tested) which lasts between 2 – 6 hours on average, the estimated costs are between \$5 – 10K.	

**CALIFORNIA BUNKERING AND CARGO TRANSFER REQUIREMENTS**

<b>DECLARATION OF INSPECTION</b>	The California Department of Fish and Wildlife (DFW) inspectors may board your vessel to confirm you have completed the pre-transfer conference and documented the same as part of your Declaration of Inspection (DOI) per USCG regulations found in 33 CFR 156.150 (c).	
	<i>In California, it is mandatory that you notify your identified OSRO in advance of conducting bunkering or transfer operations.</i>	<input type="checkbox"/>
<b>NOTE</b>	<i>It is not required to contact your QI (O'Brien's) only your OSRO</i>	

<b>7 BARREL SPILL KIT</b>		All vessels engaging in bunkering operations are required to have sufficient oil spill response equipment to contain and clean-up the equivalent of a seven (7) barrel spill on deck. This equipment is only required to be made available for the duration of bunkering operations in California waters.	
There are several ways in which a vessel can comply with these requirements:			
1	Tank vessels already maintain the equivalent of a 12-barrel spill kit on board.		<input type="checkbox"/>
2	The facility terminal or bunker barge provider can provide a 7-barrel spill kit to be placed on board for the duration of the bunkering operations for an additional fee. <i>This is a very common practice in California and can be arranged with the assistance of the local vessel agents.</i>		<input type="checkbox"/>
3	Obtain and maintain a 7-barrel spill kit on board the vessel for use during bunkering operation in California.		<input type="checkbox"/>
Below is list of recommended equipment for the containment and removal of oil. Quantity (amount) of equipment and supplies should be sufficient to clean up a 7-barrel spill on deck.			
<b>Type</b>		<b>Location</b>	<b>Use</b>
Sorbents		Deck Store	Smaller leaks, deck cleaning, and wipe-offs
Non-sparking shovels, mops, scoops, buckets, and/or brooms		Deck Store	Deck Cleaning
Lined big-bags or container suitable for holding recovered waste		Deck Store	Storage of soiled sorbents
Emulsifiers (dispersants)		Deck Store	Deck cleaning (must never be allowed overboard)
Protective clothing		Deck Store	Personal Protection
Non-sparking portable pump with hoses		Deck Store	Pumping spilled / leaking oil off the deck
Scupper plugs		Deck Store	Plug all scuppers before any oil movement
<i>During bunker operations, the equipment and supplies must remain ready for immediate use</i>			

**CALIFORNIA INCREASED ON-WATER RESPONSE REQUIREMENTS AND SHORELINE PROTECTION COVERAGE**

<b>COVERAGES</b>	The state of California adopted increased on-water response planning requirements effective October 1, 2009. The state of California also identified specific areas of California that require special shoreline protection when ships are transiting both in and out of port.	
1	Verify who is your contracted Oil Spill Response Organization (OSRO) identified in the VRP/NTVRP. The same should be identified in your CA VCP/ CA NTVCP. <i>This can be found in Appendix B of your VRP/NTVRP and Section A of your CA VCP / CA NTVCP.</i>	MSRC <input type="checkbox"/> NRCC <input type="checkbox"/>
<b>Marine Spill Response Corporation (MSRC)</b> <a href="mailto:ca-coverage@msrc.org">ca-coverage@msrc.org</a> ; <a href="mailto:notifications@msrc.org">notifications@msrc.org</a> +1 732 417 0175 / +1 800 645 7745 <a href="http://www.msrc.org">www.msrc.org</a>		<b>National Response Corporation (NRCC)</b> <a href="mailto:iocdo@nrcc.com">iocdo@nrcc.com</a> +1 631 224 9141 / +1 800 899 4672 <a href="http://www.nrcc.com">www.nrcc.com</a>

2	<p>If <b>MSRC</b> is your contracted OSRO, then it is recommended, but not required to notify them <b>at least 24 hours in advance</b> when your vessel is calling the following California ports or places:</p> <ul style="list-style-type: none"> <li>• Humboldt Bay</li> <li>• Monterey</li> <li>• Port Hueneme</li> </ul> <p><i>MSRC recently began providing coverage again for vessels transiting southbound in the Santa Barbara Channel and for Port Hueneme.</i></p> <p><i>Additional coverage arrangements and fees may apply</i></p>	<input type="checkbox"/>
3	<p>If <b>NRC</b> is your contracted OSRO then it is recommended, but not required to notify them <b>at least 24 hours in advance</b> when your vessel is calling the following California ports or places:</p> <ul style="list-style-type: none"> <li>• Port Hueneme</li> <li>• Santa Barbara Channel – southbound traffic lane only</li> <li>• Southern San Francisco Bay – south of the San Mateo Bridge in route to Redwood City</li> <li>• Eureka or Humboldt Bay</li> <li>• San Diego</li> </ul> <p><i>Additional coverage arrangements and fees may apply.</i></p>	<input type="checkbox"/>

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## CALIFORNIA EMISSION REDUCTION REGULATIONS

CALIFORNIA AIR RESOURCES BOARD		The State of California Air Resources Board (ARB) has been very active in their efforts to implement and enforce regulations to reduce air emissions in California that are stricter than those prescribed by the North American Emissions Control Area (NA ECA). Information regarding these regulations are available on the ARB website: <a href="http://www.arb.ca.gov/ports/marinevess/ogv.htm">http://www.arb.ca.gov/ports/marinevess/ogv.htm</a> .	
1	Effective January 1, 2014: Use marine gas oil (DMA) or marine diesel oil (DMB) <i>at or below 0.10% sulfur</i> in all ocean-going vessel <u>main (propulsion) diesel engines, auxiliary diesel engines, and auxiliary boilers</u> when operating in Regulated California Waters (RCW - within 24 nautical miles of the California Baseline). <i>The switchover to compliant fuel must be completed prior to entering the RCW.</i>		<input type="checkbox"/>
REFERENCE	Figure 1: <a href="#">Regulated California Waters (RCW - 24 nm Zone)</a> Figure 1b. <a href="#">Bay Area Detail</a> Figure 1c. <a href="#">Southern California Detail</a>		
<i>This does <b>NOT</b> apply to vessels on innocent passage in California waters (not bound to or departing from a port or place in California).</i>			
2	Maintain the following records (in English) for at least 3 years and make them available upon request:		<input type="checkbox"/>
<ul style="list-style-type: none"><li>• The date, local time, and location (longitude and latitude) when they enter and leave Regulated California Waters (RCW).</li></ul>			
<ul style="list-style-type: none"><li>• The date, local time, and location at the initiation and completion of any fuel switching used to comply with the regulation (e.g. upon entering/leaving RCW).</li></ul>			
<ul style="list-style-type: none"><li>• The date, local time, and location of any fuel switching conducted within RCW.</li></ul>			
<ul style="list-style-type: none"><li>• The type of fuels used (e.g. heavy fuel oil, marine gas oil, etc.) in each auxiliary engine, main engine, and auxiliary boiler within RCW.</li></ul>			
<ul style="list-style-type: none"><li>• Purchase records of the types, amounts, and actual percent sulfur content by weight of all fuels purchased for use on the vessel, as reported by the fuel supplier or a fuel testing firm.</li></ul>			
<ul style="list-style-type: none"><li>• A fuel system diagram that shows all storage, service, and mixing tanks, fuel handling, pumping, and processing equipment, valves, and associated piping. The diagram or other documentation shall list the fuel tank capacities and locations, and the nominal fuel consumption of the machinery at rated power.</li></ul>			
<ul style="list-style-type: none"><li>• A description of the fuel switch over procedure with detailed instructions and clear identification of responsibilities.</li></ul>			
<ul style="list-style-type: none"><li>• The make, model, rated power or output, and serial number of all main engines, auxiliary engines, and auxiliary boilers.</li></ul>			



<b>SUNSET REVIEW</b>	During a recent “sunset review” the State of California determined that the NA ECA alone will not achieve equivalent reductions to the current requirements within RCW, and retained the current State requirements. The State plans to reevaluate the requirements again in two (2) years (end of Q1 2018).
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<b>NON-COMPLIANCE FEE SCHEDULE</b>	This regulation includes a provision to allow for the payment of a non-compliance fee when a vessel is unable to comply based on the following circumstances:
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| • An unplanned redirection to a California port.                        | <input type="checkbox"/> |
| • The inability to purchase compliant fuel.                             | <input type="checkbox"/> |
| • An inadvertent purchase of defective fuel.                            | <input type="checkbox"/> |
| • The inability to schedule vessel modification in time for compliance. | <input type="checkbox"/> |

CA Ports Visits	Per Port Visit Fee	Fee if Compliant Fuel Purchased and Used
1 <sup>st</sup> Port Visited	\$ 45,500	\$22,500
2 <sup>nd</sup> Port Visited	\$ 45,500	\$22,500
3 <sup>rd</sup> Port Visited	\$ 91,000	\$45,500
4 <sup>th</sup> Port Visited	\$136,500	\$68,250
5 <sup>th</sup> or more Port Visited	\$182,000	\$91,000

**Marine Notice 2011-3: Noncompliance Fee Provision Information and Submittal Forms**

<b>ESSENTIAL MODIFICATION EXEMPTION</b>	Vessel operators may qualify for an exemption if they can demonstrate that they cannot meet the fuel-use requirements in the regulation without “essential modifications,” as defined in the rule.	<input type="checkbox"/>
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- Vessel operators must apply for this exemption at the earliest practicable date prior to their port visit.
- In their applications, operators will need to supply an “Essential Modifications Report” signed by the Chief Engineer of the vessel that identifies the specific modifications needed to comply with the fuel-use requirements and identifying the maximum extent to which the cleaner fuels specified in the regulation can be used (e.g., some engines or boilers may still be able to operate on the cleaner fuel without modifications, or engines and boilers may be able to operate on the cleaner fuel for a portion of the voyage in RCW without modifications).
- The application must be approved before the vessel operator can rely on the Essential Modifications exemption.
- After approval of the application, the vessel operator must inform the ARB prior to each entry into RCW that the operator will be complying under this provision.
- Vessel operators are strongly advised to refer to the regulation and contact ARB staff prior to applying for the Essential Modifications exemption. This will ensure that they understand the requirements of this provision before preparing an application.

<b>SAFETY EXEMPTION</b>	A safety exemption may also be requested. The safety exemption is designed to provide the master of a vessel with an exemption from the regulation in situations where compliance would endanger the safety of the vessel, its crew, its cargo or its passengers due to severe weather conditions, equipment failure, fuel contamination, or other extraordinary reasons beyond the master's reasonable control.	<input type="checkbox"/>
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Please see **Marine Notice 2011-5** (linked below) for more details regarding safety exemptions such as:

- When can the safety exemption be used or not?
- What is the process to use the exemption?
- What are the limitations on the use of the exemption?
- Is there a fee involved?
- How to request an exemption (use of the Safety Exemption Claim Form)?

**Marine Notice 2011-5: Safety Exemption Information and Notification Form**

For more information or to determine if your vessel(s) qualify for an Essential Modification or Safety Exemption please contact the ARB staff directly. The ARB staff contact information can be found at:

<http://www.arb.ca.gov/ports/marinevess/ogv/ogvcontact.htm>



<b>SHIPBOARD INCINERATION</b>	The Airborne Toxic Control Measure Amendments Limiting Onboard Incineration on Cruise Ships and Oceangoing Ships (ATCM) effective November 28, 2007 prohibits cruise ships and oceangoing ships from conducting onboard incineration within three nautical miles of the California coast.	
1	Cease all on board incineration prior to entering California waters (0-3 nm).	<input type="checkbox"/>
More information can be found at: <a href="http://www.arb.ca.gov/ports/shipincin/shipincin.htm">http://www.arb.ca.gov/ports/shipincin/shipincin.htm</a> .		
<b>AT-BERTH EMISSION REDUCTION REGULATION</b>	<p>The purpose of the At-Berth Regulation is to reduce emissions from diesel auxiliary engines on <u>container ships</u>, <u>passenger ships</u>, and <u>refrigerated-cargo ships</u> while berthing at a California Port.</p> <p>The At-Berth Regulation defines a California Port as the Ports of Los Angeles, Long Beach, Oakland, San Diego, San Francisco, and Hueneme.</p>	
<p>The At-Berth Regulation provides operators with vessel fleets visiting these ports <i>two options</i> to reduce at-berth emissions from auxiliary engines by:</p> <ul style="list-style-type: none"> <li>Turning off auxiliary engines and connect the vessel to some other source of power, most likely grid-based shore power where available.</li> <li>Using alternative control technique(s) that achieve equivalent emission reductions.</li> </ul> <p><i>Please note, the regulation applies to an operator of a container vessel or refrigerated cargo vessel fleet whose vessels cumulatively make 25 or more visits annually to any single specified port. It also applies to an operator of a passenger-vessel fleet whose vessels cumulatively make five (5) or more visits annually to any single port</i></p>		
<b>REDUCED ONBOARD POWER OPTION</b>	Fleets intending to comply with this regulation by satisfying the Reduced Onboard Power (Shore Power) Option must satisfy the following two criteria, <i>on a quarterly basis, starting January 1, 2017</i> :	<input type="checkbox"/>
1	At least 70 percent of a fleet's visits to a port must satisfy the following limit on engine operation: for each visit, the auxiliary engines on the vessel <i>cannot operate for more than three hours</i> during the entire time the vessel is at-berth.	<input type="checkbox"/>
2	The fleet's total onboard auxiliary engine power generation must be reduced by at least 70 percent from the fleet's baseline power generation.	<input type="checkbox"/>
ARB has additional spreadsheet tools and forms to assist with fleet record keeping requirements which include: 1) visit information spreadsheet, 2) emergency event form, and 3) delayed visit form available at: <a href="https://www.arb.ca.gov/ports/shorepower/shorepower.htm">https://www.arb.ca.gov/ports/shorepower/shorepower.htm</a>		
<b>REGULATORY ADVISORY</b>	ARB issued a Regulatory Advisory to vessel operators to inform affected fleets of the proposed schedule for considering amendments to the At-Berth Regulation and to explain administrative changes in implementation during the time needed to develop amendments to the Regulation. As specified in the Advisory, fleets are required to provide the following verification of their use of the advisory through the Quarterly Reporting Form. In addition, Scenario 1 requires immediate notification when a berth is unavailable. ARB staff may ask fleets to provide additional information to support their good faith effort claims.	
1	Complete and return the <b>Quarterly Reporting Form</b> no later than one month after each calendar quarter to <a href="mailto:shorepower@arb.ca.gov">shorepower@arb.ca.gov</a> .	<input type="checkbox"/>
2	Complete and return the <b>Scenario 1 Initial Notification Form</b> to <a href="mailto:shorepower@arb.ca.gov">shorepower@arb.ca.gov</a> immediately when a vessel is equipped to receive shore power, but the terminal berth is <u>not</u> able to provide power.	<input type="checkbox"/>
The <b>Regulatory Advisory Notification and Reporting Forms</b> are available at: <a href="http://www.arb.ca.gov/ports/shorepower/forms/forms.htm">http://www.arb.ca.gov/ports/shorepower/forms/forms.htm</a>		
<b>ENFORCEMENT</b>	Fleets that fail to fully comply or to demonstrate good faith efforts pursuant to this Advisory <i>may</i> be subject to enforcement action and penalties. Fleets that make good faith efforts, but are not in compliance with the At-Berth Regulation requirements by the dates outlined in the advisory, <i>may</i> be subject to enforcement action and penalties.	

## CALIFORNIA VESSEL DISCHARGE REQUIREMENTS

<b>SLC MISP</b>	The California State Lands Commission (SLC) Marine Invasive Species Program (MISP) is charged with preventing or minimizing the introduction of non-indigenous species to California waters from vessels > 300 gross tons capable of carrying ballast water.
The SLC has developed a series of comprehensive regulatory information sheets (linked below) to help members of the shipping industry understand California's requirements for preventing the introduction of nonindigenous species:	
MISP Information Sheet – <a href="http://www.slc.ca.gov/Programs/MISP/InfoShts/General_Info.pdf">http://www.slc.ca.gov/Programs/MISP/InfoShts/General_Info.pdf</a>	<input type="checkbox"/>
Biofouling and Ballast Water Management Sheet – <a href="http://www.slc.ca.gov/Programs/MISP/InfoShts/BiofoulingBallastWater_Management.pdf">http://www.slc.ca.gov/Programs/MISP/InfoShts/BiofoulingBallastWater_Management.pdf</a>	<input type="checkbox"/>
Ballast Water Reporting Form and Annual Vessel Reporting Form – <a href="http://www.slc.ca.gov/Programs/MISP/InfoShts/Reporting_RecordKeeping.pdf">http://www.slc.ca.gov/Programs/MISP/InfoShts/Reporting_RecordKeeping.pdf</a>	<input type="checkbox"/>
Performance Standards for Ballast Water Discharge – <a href="http://www.slc.ca.gov/Programs/MISP/InfoShts/PerfStd.pdf">http://www.slc.ca.gov/Programs/MISP/InfoShts/PerfStd.pdf</a>  California has delayed implementation of both interim and final ballast water discharge performance standards as follows: <ul style="list-style-type: none"> <li>• New build vessels – First arrival on or after January 1, 2020</li> <li>• Existing vessels – First dry docking on or after January 1, 2020</li> </ul> The implementation date for final performance standards has been delayed until January 1, 2030	<input type="checkbox"/>
Marine Invasive Species Act Enforcement and Hearing Process: <b>Effective July 1, 2017</b>  California has finalized the adoption of regulations related to the enforcement and hearing process for imposing administrative civil penalties for violations of the Marine Invasive Species Act.  <i>SLC is now issuing significant penalties for ballast water violations in State waters, and they are planning to adopt amendments later this year to apply these penalties to biofouling violations as well. See below for additional information on these requirements.</i>  <a href="http://www.slc.ca.gov/Programs/MISP/REPORTINGLETTERAPRIL2017.pdf">http://www.slc.ca.gov/Programs/MISP/REPORTINGLETTERAPRIL2017.pdf</a>	<input type="checkbox"/>
Marine Invasive Species Act Control Fund Fee: <b>Effective April 1, 2017</b>  California has increase the fee paid by vessels arriving at California ports from \$850 per qualifying voyage to <b>\$1,000 per qualifying voyage</b> if the vessel has traveled from outside of California.  The fee applies to all vessels arriving from outside of California, and not just those vessels that will discharge ballast water.	<input type="checkbox"/>
<i>We recommend that a copy of each of these information sheets is downloaded, reviewed, and maintained on board vessels that operate in California waters.</i>	

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<b>BALLAST WATER EXCHANGE</b>	<p>Vessels that are not using an AMS or USCG type approved ballast water treatment system must conduct ballast water exchange outside of 200nm if coming from outside the Pacific Coast Region (PCR)–  <a href="http://www.slc.ca.gov/Programs/MISP/InfoShts/LargePCRmap.pdf">http://www.slc.ca.gov/Programs/MISP/InfoShts/LargePCRmap.pdf</a></p>
<ul style="list-style-type: none"> <li>Vessels arriving from outside of the PCR with ballast sourced outside of the PCR are required to conduct BWE at least <b>200 nm</b> from land* at a depth of at least <b>2000 meters</b>. (<i>*This includes islands, such as those around Southern California. See the map above for more details on the 200nm boundary for conducting exchange</i>)</li> </ul>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p>
<ul style="list-style-type: none"> <li>Vessels arriving at a California port or place from within the PCR and carrying ballast water sourced from within the PCR are required to conduct BWE at least <b>50 nm</b> from land at a depth of at least <b>200 meters</b>.</li> </ul>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p>
<p><i>The California Marine Invasive Species Act (MISA) does <b>NOT</b> provide for a vessel deviation exemption for ballast water exchange even though the USCG does.</i></p>	
<p><i>SLC has been very strictly enforcing the exchange requirement for vessels coming from outside the PCR, and issuing significant penalties for violations. Please ensure exchange is conducted at least 200nm from any land prior to discharging in California.</i></p>	
1	<p><b>Annual Agents Letter 2017</b> (Annual Vessel Form and BW reporting) –  <a href="http://www.slc.ca.gov/Forms/MISP/2017_LtrAgents_UPDATED.pdf">http://www.slc.ca.gov/Forms/MISP/2017_LtrAgents_UPDATED.pdf</a></p>
2	<p><b>Ballast Water Reporting Form</b> – <a href="http://www.slc.ca.gov/Forms/MISP/BallastWaterForm.pdf">http://www.slc.ca.gov/Forms/MISP/BallastWaterForm.pdf</a></p> <p>This is the same new BWMR Form used by the USCG effective February 22, 2016, but it <i>must be submitted 24 hours in advance of arrival to California. If the voyage is &lt; 24 hours, it should be submitted prior to departure from the last port of call prior to arrival.</i></p> <p>Submit electronically to: <a href="mailto:bwform@slc.ca.gov">bwform@slc.ca.gov</a></p>

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<b>BIOFOULING MANAGEMENT</b>	<p>California recently finalized regulations related to biofouling management became effective <b>October 1, 2017</b>.</p> <p>The rulemaking requires four things (1) new reporting forms; (2) a biofouling management plan and record book; (3) biofouling management requirements; and (4) requirements for vessels with extended residency periods in California. Additional information is also available here - <a href="http://www.slc.ca.gov/Laws-Regs/Proposed-MISP.html">http://www.slc.ca.gov/Laws-Regs/Proposed-MISP.html</a></p>
1	<p><b>New Annual Vessel Reporting Form</b> – Effective October 1, 2017  Vessels calling California after Oct 1, 2017 will need to submit the Annual Vessel Reporting Form once per calendar year. <i>This replaces the Annual Hull Husbandry Form and the Ballast Water Treatment Annual and Supplemental Forms.</i></p> <p><b>Marine Invasive Species Program Annual Vessel Reporting Form (Revised 08/17)</b></p> <p>The form can be submitted via email to <a href="mailto:bwform@slc.ca.gov">bwform@slc.ca.gov</a> or through the CSLC web portal at - <a href="https://misp.io">https://misp.io</a></p>
2	<p><b>Biofouling Management Plan &amp; Record Book</b>– Effective on delivery for vessels build after January 1, 2018. For existing vessels, the requirement is effective after the first regularly scheduled out-of-water maintenance on or after January 1, 2018.</p> <p>In addition to aligning with the IMO “Guidelines for the Control and Management of Ships’ Biofouling to Minimize the Transfer of Invasive Aquatic Species (adopted on July 15, 2011),” the plan should describe the biofouling management practices and anti-fouling systems specifically used for the hull and each of the vessel’s niche areas listed in the California Regulations.</p>

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	<p>The Record Book must contain details of all inspections and biofouling management measures undertaken on the vessel since the beginning of the most recent scheduled out-of-water maintenance or since delivery into service for a new build.</p> <p>Please contact your Client Specialist if you would like a copy of the plan template or to have O'Brien's assist you with plan development.</p>	
	<p><b>Biofouling Management Requirements – Effective on delivery for vessels build after January 1, 2018. For existing vessels, the requirement is effective after the first regularly scheduled out-of-water maintenance on or after January 1, 2018.</b></p> <p><i>Antifouling Coatings:</i></p> <ul style="list-style-type: none"><li>• If a vessel is using an antifouling coating, the antifouling coating shall not be aged beyond its effective coating lifespan, as documented in the vessel's Biofouling Management Plan</li><li>• If the antifouling coating is aged beyond the effective coating lifespan, the Biofouling Management Plan shall describe how biofouling will be managed after the expected coating lifespan is exceeded. All management actions should be documented in the Biofouling Record Book.</li></ul> <p>If a vessel is not using an antifouling coating, the Biofouling Management Plan shall describe how biofouling will be managed in the absence of an antifouling coating. All management actions should be documented in the Biofouling Record Book</p> <p><i>Niche Area Management:</i></p> <ul style="list-style-type: none"><li>• Biofouling in the following niche areas (if these niche areas are present) must be managed using one or more practices that are appropriate for the vessel and its operational profile, as determined by the owner, operator, master, or person in charge of the vessel:<ul style="list-style-type: none"><li>○ Sea chests, sea chest gratings, bow and stern thrusters, bow and stern thruster gratings, fin stabilizers and recesses, out-of-water support strips, propellers and propeller shafts, and rudders</li></ul></li><li>• Niche area management practices must be described in the Biofouling Management Plan and completed actions must be documented in the Biofouling Record Book</li></ul>	<input type="checkbox"/>
4	<p><b>Extended Residency Periods (45 Consecutive Days or Longer in the Same CA Port) – Effective on delivery for vessels build after January 1, 2018. For existing vessels, the requirement is effective after the first regularly scheduled out-of-water maintenance on or after January 1, 2018.</b></p> <p>Vessels that have remained in one port for 45 or more consecutive days must comply with the following biofouling management requirements upon arrival at a California port:</p> <ul style="list-style-type: none"><li>• Biofouling in the niche areas (described above) must be managed in a manner that is consistent with the niche area management practices described in the Biofouling Management Plan.</li><li>• Any activities conducted to manage biofouling on niche areas or any wetted surface shall be documented in the Biofouling Record Book</li></ul>	<input type="checkbox"/>



<b>No DISCHARGE ZONE</b>	California marine waters (0-3 nm) have been designated a No Discharge Zone (NDZ) by the EPA prohibiting the discharge of treated/untreated sewage of large passenger and ocean-going vessels 300 gross tons or greater equipped with a holding tank with remaining capacity or containing sewage prior to entry into California marine waters.	
1	A vessel that does <b>NOT</b> have holding tanks <u>is allowed</u> to discharge treated sewage using an approved USCG marine sanitation device in CA waters.	<input type="checkbox"/>
2	A vessel that has maximized its holding tank capacity <u>by entering the NDZ with an empty holding tank</u> may discharge properly treated sewage above and beyond that capacity in the California NDZ while in transit.	<input type="checkbox"/>
<i>Passenger vessels may NOT discharge sewage in the California NDZ.</i>		
<b>NOTE</b>	When the vessel is <u>not underway</u> treated sewage that exceeds holding capacity is required to be pumped ashore.  <i>Vessels must be underway in California to discharge treated sewage that exceeds their holding capacity and only if one they meet one of the above requirements.</i>	
	Any sewage discharge in California State waters is required to be reported to the California State Waters Resource Control Board. These reports may be submitted to:  Renan Jauregui / Division of Water Quality (916) 341-5505 <a href="mailto:Renan.Jauregui@waterboards.ca.gov">Renan.Jauregui@waterboards.ca.gov</a>  Additional information is available at - <a href="http://www.waterboards.ca.gov/water_issues/programs/npdes/sb771.shtml">http://www.waterboards.ca.gov/water_issues/programs/npdes/sb771.shtml</a> A sample reporting form is available at - <a href="http://www.waterboards.ca.gov/water_issues/programs/npdes/docs/sb771/report_form.pdf">http://www.waterboards.ca.gov/water_issues/programs/npdes/docs/sb771/report_form.pdf</a>	
Graywater discharges are regulated under the VGP, and additional information is included below.		
More detailed information on the CA NDZ including a map can be found at: <a href="https://www.epa.gov/sites/production/files/2015-10/documents/california_ndz_final_rule_factsheet.pdf">https://www.epa.gov/sites/production/files/2015-10/documents/california_ndz_final_rule_factsheet.pdf</a>		



<b>VGP</b>	California certified the EPA Vessel General Permit (VGP) with the following additional permit conditions/requirements when operating in state waters:	
1	Large passenger vessel and cruise ship graywater discharges are prohibited in state waters. Graywater discharges from vessels 300 gross tons or more are also prohibited if they have sufficient holding capacity.	<input type="checkbox"/>
2	A copy of the NOI must be sent to the State Water Resources Control Board via email at <a href="mailto:calvgp_cert@waterboards.ca.gov">calvgp_cert@waterboards.ca.gov</a> .	<input type="checkbox"/>
<i>Additional information regarding VGP compliance can be found in the VGP Checklist.</i>		



## CALIFORNIA EXERCISE PROGRAM REQUIREMENTS

California requires **all TANK** and **NONTANK** vessel contingency plans be exercised annually through a shore-based Incident Management Team Tabletop Exercise (IMT TTX). Any number of the following California-specific objectives and sub-objectives may be tested.

*All of them must be tested in a single drill once every three years in the State of California.*

<b>1</b>	<b>Notifications</b>	<input type="checkbox"/>
<b>2</b>	<b>Staff mobilization</b>	<input type="checkbox"/>
<b>3</b>	<b>Incident Command System</b>	<input type="checkbox"/>
<b>4</b>	<b>Unified Command</b>	<input type="checkbox"/>
<b>5</b>	<b>Public Information Officer (PIO)</b>	<input type="checkbox"/>
<b>6</b>	<b>Liaison Officer</b>	<input type="checkbox"/>
<b>7</b>	<b>Safety Officer</b>	<input type="checkbox"/>
<b>8</b>	<b>Operations</b>	<input type="checkbox"/>
	8.1 Source Control	<input type="checkbox"/>
	8.2 Assessment	<input type="checkbox"/>
	8.3 Vessel Emergency Services	<input type="checkbox"/>
	8.4 Lightering	<input type="checkbox"/>
	8.5 Firefighting	<input type="checkbox"/>
	8.6 Shoreline Protection	<input type="checkbox"/>
	8.7 Wildlife Recovery and Rehabilitation	<input type="checkbox"/>
	8.8 Safety of Responders and Public	<input type="checkbox"/>
<b>9</b>	<b>Planning</b>	<input type="checkbox"/>
	9.1 Situation Unit	<input type="checkbox"/>
	9.2 Resource Unit	<input type="checkbox"/>
	9.3 Environmental Unit	<input type="checkbox"/>
	9.3.1 Waste Management	<input type="checkbox"/>
	9.3.2 Applied Response Technology (ART):	<input type="checkbox"/>
	9.4 Documentation	<input type="checkbox"/>
	9.5 Volunteer Management	<input type="checkbox"/>
<b>10</b>	<b>Logistics</b>	<input type="checkbox"/>
	10.1 Communications	<input type="checkbox"/>
	10.2 Personnel Support	<input type="checkbox"/>
	10.3 Incident Command Post (ICP) Equipment and Support	<input type="checkbox"/>
<b>11</b>	<b>Finance</b>	<input type="checkbox"/>
<b>NOTE</b>	CA requires the submission of an annual IMT TTX exercise report within 60 days of the completion of the exercise for their review. <i>This report must also include an appendix listing all the CA VCP/CA NTVCP holders represented by the Spill Management Team (SMT).</i> O'Brien's submits this report on behalf of plan holders <b>each</b> year.	
For this reason, it is imperative that <b>every</b> CA VCP/CA NTVCP holder have one or more representatives attend the annual IMT TTX held by O'Brien's.		<input type="checkbox"/>
<b>PIO</b>	Effective April 1, 2014, CA began requiring active participation of a Public Information Officer (PIO) to develop press releases, a fact sheet, and claims information to satisfy these exercise requirements related to crisis communications, the media, and public engagement.  <i>O'Brien's has maintained a PIO on staff within our Incident Management Team since 2008.</i>	