

AMENDED IN SENATE AUGUST 6, 2012

AMENDED IN ASSEMBLY MAY 1, 2012

AMENDED IN ASSEMBLY APRIL 10, 2012

AMENDED IN ASSEMBLY MARCH 29, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 2005

Introduced by Assembly Member Garrick

February 23, 2012

An act to add and repeal Section 8670.5.1 of the Government Code, relating to oil spills, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 2005, as amended, Garrick. Oil spills: nontank vessels: contingency plans and financial responsibility.

The Lempert-Keene-Seastrand Oil Spill Prevention and Response Act generally requires the administrator for oil spill response, acting at the direction of the Governor, to implement activities relating to oil spill response. The act requires a nontank vessel to submit to the administrator specified documents and evidence of financial responsibility.

This bill would specifically require, until January 1, ~~2015~~ 2014, *the owner or operator of* a nontank vessel within a specific range of gross tonnage that is not used for commercial purposes to submit ~~to the administrator, as specified, at least 96 hours prior to the vessel's arrival in the waters of the state,~~ evidence of financial responsibility, payment of the applicable fee, *graywater information, sewage information,* and

vessel particulars ~~before the arrival of the vessel in the waters of the state at least 96 hours prior to the vessel's arrival in the marine waters of the state~~, and to submit other required documents within 14 days after the arrival of the vessel. *This bill would exempt from these requirements a vessel with insufficient graywater and sewage holding capacity to store graywater and sewage while the vessel is in marine waters of the state and any vessel for which a contingency plan has previously been denied or revoked.*

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.
 State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 8670.5.1 is added to the Government
- 2 Code, to read:
- 3 8670.5.1. (a) Notwithstanding other provisions of this chapter,
- 4 *an owner or operator of a nontank vessel that is not used for*
- 5 *commercial purposes and that weighs 300 gross tons or greater,*
- 6 *but less than 400 gross tons, shall, at least 96 hours prior to arrival*
- 7 *in the marine waters of the state, submit to the administrator all*
- 8 *of the following:*
- 9 (1) Evidence of financial responsibility required pursuant to
- 10 Section 8670.37.58.
- 11 (2) Payment of the nontank vessel fee pursuant to Section
- 12 8670.41.
- 13 (3) The vessel's particulars, such as the size and dimensions of
- 14 the vessel *and any other information required by the administrator.*
- 15 (4) *Graywater information, including the vessel's ability to store*
- 16 *graywater while in marine waters of the state, and size and*
- 17 *capacity of any graywater holding tanks, as measured in metric*
- 18 *tons.*
- 19 (5) *Sewage information, including the vessel's ability to store*
- 20 *sewage while in marine waters of the state, and size and capacity*
- 21 *of any sewage holding tanks, as measured in metric tons.*
- 22 (b) *Information required to be submitted to the administrator*
- 23 *pursuant to paragraphs (4) and (5) of subdivision (a) shall also*
- 24 *be submitted to the State Water Resources Control Board.*
- 25 (b)

1 (c) The *owner or operator* of the nontank vessel that is not used
2 for commercial purposes shall submit other documents required
3 by this chapter within 14 days after the arrival of the vessel *in the*
4 *marine waters of the state*.

5 (d) *This section shall not apply to an owner or operator of either*
6 *of the following:*

7 (1) *A vessel with insufficient graywater and sewage holding*
8 *capacity to store graywater and sewage while the vessel is in*
9 *marine waters of the state.*

10 (2) *A vessel for which a contingency plan has previously been*
11 *denied or revoked.*

12 (e)

13 (e) This section shall remain in effect only until January 1, ~~2015~~
14 ~~2014~~, and as of that date is repealed, unless a later enacted statute,
15 that is enacted before January 1, ~~2015~~ ~~2014~~, deletes or extends
16 that date.

17 SEC. 2. This act is an urgency statute necessary for the
18 immediate preservation of the public peace, health, or safety within
19 the meaning of Article IV of the Constitution and shall go into
20 immediate effect. The facts constituting the necessity are:

21 To ensure the orderly arrival of nontank vessels attending the
22 America's Cup event in the San Francisco Bay, it is necessary for
23 this measure to take effect immediately.