



Environmental, Industrial & Emergency Response Solutions

CLIENT ADVISORY LETTER 2009-02
September 30, 2009

**RE: New California On-Water-Response Requirements for
Santa Barbara Channel, Port Hueneme, and HVP OPRAs**

Dear Client:

We write to update you of changes to the State of California's non-tank and tank vessel regulations that affect vessels passing within 3 miles of the coastline or any of the Santa Barbara Channel Islands while transiting the Santa Barbara Channel or entering and exiting Port Hueneme. The regulation requires vessels passing through those territorial waters to have sufficient contracted resources to provide on-water response requirement (skimming) within 6 hours for that geographical area.

While this regulation was put in place on July 1, 2009, California's Office of Spill Prevention and Response (OSPR) had pushed back enforcement of the offshore skimming regulation in order to better evaluate response capability for the geographic area. As of tomorrow, October 1, 2009, OSPR will begin enforcement of this new requirement.

Given the short lead time to make the required pre-arrangements for this coverage, NRC will provide current clients with coverage for both Shoreline Protection and 6-Hour On-Water-Recovery requirements without the normally required pre-notification until Monday, October 5. After that date, coverage must be pre-arranged with NRC as described below.

The new on-water recovery requirement is in addition to the existing shoreline protection requirements, which went into effect on May 1, 2007 for tank vessels and Sept. 1, 2007 for non-tank vessels. Thus, all vessels over 300 gross registered tons must have response resources in place to protect shoreline and sensitive site areas. NRC has been providing shoreline protection compliance by pre-staging boom in the identified areas so that boom can be deployed within 6 hours of a spill. Vessels that are calling regularly to Port Hueneme, other low volume ports, or transiting through the Santa Barbara Channel Islands have been most affected by these requirements.

Of immediate impact to plan holders is the new requirement for on-water recovery equipment within 6 hours of a spill. NRC will now provide compliance in Port Hueneme and the Santa Barbara Channel areas upon 24 hour advance written request to meet both the new on-water-recovery and existing shore-line protection requirements. Please be advised that NRC has pre-positioned additional equipment (vessels, skimmers and temporary storage) in these areas in order to ensure the availability of resources in the

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very limited regulatory required time frames. Despite the fact that we have had to add and move equipment, as a result of new partnering arrangements, the cost for the combined shoreline protection and 6-hour on-water-recovery coverage is the same as the prior fee for shoreline protection alone for the Santa Barbara Channel and Port Hueneme areas.

The fee for the combined coverage of shoreline protection and 6-hour on-water-recovery in the Santa Barbara Channel and/or Port Hueneme will be \$3000. This fee will cover the entry and exit to Port Hueneme and the transit through the Santa Barbara Channel. Vessels that are only transiting through the Santa Barbara Channel, but not calling Port Hueneme, will also be assessed a per transit fee of \$3,000. Similarly, in the unlikely situation that a vessel needs only shoreline protection or 6-hour on-water-recovery the coverage the fee will also be \$3,000 per call. This procedure also supports our ability to maintain the price at \$3,000 per call.

As with our existing shoreline protection procedures, vessels needing coverage through NRC for Shoreline Protection and 6-Hour On-Water-Recovery must contact our International Operations Center (IOC) at least 24 hours in advance of your transit through the Santa Barbara Channel or arrival to the port of Port Hueneme so that we can ensure that resources are in place.

We also want to advise you that NRC will be providing coverage for the new requirements for containment boom at Oil Pollution Risk Areas (OPRA) in High Volume Ports (San Francisco Bay and LA/Long Beach). Please note that coverage of the San Mateo Bridge OPRA will require 24-hour advance notice and a fee of \$500 to allow NRC to place resources on standby to meet the regulatory requirements.

The regulations cited above are part of California Code of Regulations Title 14, Chapter 3, Subchapter 3, Section 818.02 and Subchapter 4, Section 827.02 and can also be found on California's Office of Spill Prevention and Response (OSPR) website at <http://www.dfg.ca.gov/ospr/index.html>.

We will continue to monitor this latest regulation change closely and keep you updated on any new developments. Please contact our Client Services group if you have questions and our International Operations Center to arrange coverage.

Best regards,

A handwritten signature in black ink, appearing to read 'Steven A. Candito', is written over a light blue horizontal line.

Steven A. Candito
President