

**APPLICATION FOR CERTIFICATE OF FINANCIAL RESPONSIBILITY
FOR OPERATORS OR OWNERS OF
NONTANK VESSELS (300 GT OR GREATER)**

(Certificates of financial responsibility are not required for non-self propelled nontank vessels that do not carry oil of any kind)

(Please type or print clearly in English when completing this application. Refer to pages 9 and 10 of this application packet for complete instructions)

SECTION A. General Information – Applicant

1. Legal name of applicant (must be either the operator or owner of vessel). Include English equivalent of legal name if customarily written in a language other than English.

2. Applicant's complete mailing address (street number, city, state or country and zip code), telephone number and facsimile number including area and city codes:

Telephone number:

Facsimile number:

E-mail address:

3. Type of business entity (i.e., sole proprietor, corporation, partnership):

4. If a corporation, provide the following:

Date of incorporation:

State or foreign country of incorporation:

5. If a partnership, state the name of each general partner:

6. If a subsidiary, provide the following information:

a. Name and address of parent corporation:

b. Date of incorporation:

c. State or foreign country in which incorporated:

7. Has applicant or parent corporation ever been named as debtor in a voluntary or involuntary proceeding under Title 11 (Bankruptcy), United States Code or similar non-U.S. statute? (If yes, please explain on a separate sheet.)

Yes _____ No _____

8. Address of applicant's principal office in the U.S., if any:

9. Name, mailing address, telephone number, and facsimile number of owner of the vessel.

Telephone number:

Facsimile number:

E-mail address:

10. Name, mailing address, telephone number, and facsimile number of the person(s) operating the vessel.

Telephone number:

Facsimile number:

E-mail address:

11. Name, physical address, telephone number and facsimile number of person to contact if necessary to clarify this application:

Telephone number:

Facsimile number:

E-mail address:

12. Certificates (including correspondence) will be delivered to the applicant at the following address (no P.O. Boxes), include telephone and facsimile number:

Telephone number:

Facsimile number:

E-mail address:

PLEASE INDICATE FEE PAID:

\$500: _____ \$1,500: _____ \$2,500: _____

(NOTE: PLEASE SEE INSTRUCTIONS ON PAGE 9)

SECTION B. Vessel Data

(If this application applies to more than one vessel, list the information for each vessel on separate sheets if necessary.)

1. Registered name of vessel, flag, registry number, radio call sign, Lloyd's Register number/IMO number.

a. Vessel name:

b. Flag:

c. Registry Number:

d. Radio call sign:

e. Lloyd's Register Number/IMO Number:

2. Is the vessel "double hull"?

3. United States Coast Guard "Vessel Certificate of Financial Responsibility (Water Pollution)" number(s) and expiration date(s):

4. Please state the method (i.e., self-insurance, insurance, surety bond, financial guaranty, etc.), **AND** name of the entity providing your federal financial responsibility coverage required by the Oil Pollution Act of 1990 (OPA-90).

5. Type of nontank vessel (dry cargo, bulk carrier, containership, reefer, roll on-roll off, passenger, fishing, deck barge, etc.):

6. Total carrying capacity of oil in barrels:

7. Owned and Operated by California or a Federal Agency?

8. Gross tonnage:

SECTION C. EVIDENCE OF FINANCIAL RESPONSIBILITY

1. Except as provided in (2) below, owners or operators of nontank vessels (300 GT or greater) must demonstrate the financial ability to pay at least \$300 million U.S. dollars (USD \$300,000,000) for damages arising from an oil spill. Certificates of financial responsibility are not required for non-self propelled nontank vessels that do not carry oil of any kind.

2. Operator(s) or owner(s) of nontank vessels that have a carrying capacity of 6,500 barrels of oil or less, or a carrying capacity of 7,500 barrels of oil or less for nontank vessels owned and operated by California or a federal agency, shall demonstrate their current financial ability to pay the following appropriate amount of financial responsibility:
 - \$2,000,000 for those that have a carrying capacity from less than 1 to not more than 10 barrels;

 - \$5,000,000 for those that have a carrying capacity greater than 10 to not more than 50 barrels;

 - \$10,000,000 for those that have a carrying capacity greater than 50 to not more than 500 barrels;

 - \$18,900,000 for those that have a carrying capacity greater than 500 to not more than 1,000 barrels.

Those nontank vessels that have a carrying capacity greater than 1000 to not more than 6,500 barrels, or 7,500 barrels for nontank vessels owned and operated by California or a federal agency, shall determine the amount of financial responsibility as follows:

 - Subtract 1,000 barrels from the total carrying capacity of oil of the nontank vessel;
 - Multiply this amount by \$5,670 (which represents 30% of the cargo multiplied by the maximum per barrel clean-up and damage cost of spilled oil of \$18,900); then add \$18,900,000.

3. Operators or owners of nontank vessels must check all method(s) to be used to demonstrate evidence of financial responsibility in item 4 below. For each method used attach copies of the required evidence as indicated below.

4. **Method(s) for demonstrating financial responsibility** (Indicate the method or methods selected)

_____ **Proof of entry in** _____ **Protection and Indemnity Club.**
(provide name)

Submit the following evidence:

Copy of the **Certificate of Entry**, all addenda pertaining to the amount and applicability of oil pollution cover and amount of deductibles. ***A P&I Club Confirmation letter does not meet this requirement.***

Note: Annually, certificate holders are required to submit written certification of renewal of P & I Club membership within 30 days after renewal of coverage. Within 90 days after renewal, certificate holders must submit complete documentation acceptable to the Administrator showing renewal of P & I Club membership as the method for demonstrating evidence of financial responsibility. Acceptable written documentation includes, but is not limited to, a copy of the renewal Certificate of Entry or addendum, which contains the minimum information required by Title 14, California Code of Regulations, Section 795(f), and any additional terms or limitations which may affect coverage, including the renewal and new expiration dates.

_____ **Insurance.** Submit any of the following evidence:

- (A) Insurance policy or other documentation, and a certificate of insurance specifying the nature, type, amount of insurance, language that the policy covers damages as specified in Government Code Section 8670.56.5(h), and any conditions and limitations in the coverage for marine pollution liability; or
- (B) An endorsement executed by the underwriter or insurer which contains the language set forth in the California standard endorsement. Refer to the California Endorsement for Tanker, Barges, and Nontank Vessels, FG OSPR Form 1929 (3/01); or
- (C) Similar or comparable assurance acceptable to the Administrator.

[Refer to Title 14, California Code of Regulations, Section 795(a) for complete information regarding this method for demonstrating financial responsibility.]

_____ **Self-Insurance**

[Refer to Title 14, California Code of Regulations, Section 795(b) for complete information regarding this method for demonstrating financial responsibility.]

_____ **Surety Bond** issued from a bonding company authorized to do business in the United States.

[Refer to Title 14, California Code of Regulations, Section 795(c) for complete information regarding this method for demonstrating financial responsibility.]

_____ **Irrevocable Standby Letter of Credit** in favor of the State of California.

[Refer to Title 14, California Code of Regulations, Section 795(d) for complete information regarding this method for demonstrating financial responsibility.]

_____ **Guaranty**

[Refer to Title 14, California Code of Regulations, Section 795(e) for complete information regarding this method for demonstrating financial responsibility.]

SECTION D. DECLARATION

(Must be completed by all applicants)

I, _____ (print name) am the applicant, or I am a principal of the applicant, an authorized agent*, or an official of the applicant, and have the authority to sign this application on behalf of the applicant. I DECLARE under penalty of perjury that I have examined this application, including all accompanying schedules and statements, and to the best of my knowledge, information and belief, find it to be true, correct, and complete. Furthermore, it is agreed that the applicant named in Section A of this application is the responsible party in the event of an oil spill. I execute this declaration in my capacity as applicant, principal of the applicant, official of the applicant or as the authorized agent as evidenced by the delegation of such authority provided below.

Date

Signature

Title or Official Capacity

* Note: If the Declaration is signed by an authorized agent of the applicant, the applicant or a principal of the applicant must sign the following Section E. Delegation of Authority:

SECTION E. DELEGATION OF AUTHORITY BY THE APPLICANT

(Must be completed by the applicant or principal of the applicant if the above declaration has been executed by an agent acting on behalf of the applicant)

I, _____ (name of the applicant) hereby declare that _____ (name of authorized agent whose signature appears in Section D) is authorized to submit an application for a California Certificate of Financial Responsibility on behalf of the applicant.

Date

Signature

Title or Official Capacity

INSTRUCTIONS

1. Owner or operator means, in the case of a nontank vessel, any person who owns, has ownership interest in, operates, charters by demise, or leases the nontank vessel.
2. Operator(s) or owner(s) of nontank vessels with a carrying capacity of over 6,500 barrels, or over 7,500 barrels for nontank vessels owned and operated by California or a federal agency, shall submit a nonrefundable USD \$2,500 fee per vessel, or;

Operator(s) or owner(s) of nontank vessels that have a carrying capacity greater than 500 barrels of oil and less than or equal to 6,500 barrels of oil, or a carrying capacity greater than 500 barrels of oil and less than or equal to 7,500 barrels of oil for nontank vessels owned and operated by California or a federal agency, shall submit a nonrefundable USD \$1,500 fee per vessel, or;

Operator(s) or owner(s) of nontank vessels that have a carrying capacity of 500 barrels of oil or less shall submit a nonrefundable USD \$500 fee per vessel.

3. Please fax the completed application with a copy of the wire transfer receipt (see item 9. for wiring instructions) for the per vessel fee and the remittance information to:

Department of Fish and Game
Office of Spill Prevention and Response (OSPR)
Sacramento, CA
(916) 323-4727

Or deliver by courier to:

Department of Fish and Game
Office of Spill Prevention and Response (OSPR)
1700 K Street, Suite 250
Sacramento, California 95814

4. The application is comprised of five sections:

Section A, General Information;
Section B, Nontank Vessel Data;
Section C, Evidence of Financial Responsibility;
Section D, Declaration;
Section E, Delegation of Authority

Sections A, B, C and D must all be completed by the applicant or delegated authority. Section E, Delegation of Authority, must be executed by the applicant or a principal of the applicant when an application is signed by an agent of the applicant.

5. Application Process:
 - a. Operators or owners of nontank vessels:
 - (1) Applications will be reviewed within 21 calendar days of receipt for operators or owners of nontank vessels.
 - (2) Certificates will be issued within that period provided that adequate information was furnished in the application and acceptable evidence of financial responsibility has been received.
6. Miscellaneous application instructions:
 - b. If a question does not apply, answer "not applicable."
 - c. Applications which are incomplete will not be processed until receipt of additional information needed to complete processing.
 - d. If additional space is required, supplemental sheets may be attached.
7. Certificate Renewal Process:

Certificates are valid for two years. Renewal applications and the applicable fee per vessel must be submitted no earlier than 90 days and no later than 45 days prior to the expiration date carried by the existing certificate. Renewal applications may be obtained from the Office of Spill Prevention and Response.
8. Please contact the Financial Responsibility Unit at (916) 324-3413 or FAX (916) 323-4727 if you have any questions.
9. Please follow the wiring instructions provided below. **NOTE: DO NOT DEDUCT ANY PROCESSING FEES FROM THE PER VESSEL FEE.**

**Bank of America Wire Instructions
Department of Fish & Game**

Wire to: Bank of America Sacramento Main #1489

For Credit to State of California
Account #01482-80005

ABA #121000358

Beneficiary: State of Calif., Dept. of Fish & Game
Account #01482-80005

Reference: Beneficiary Information - OSPR Nontank Fund 0320
Department of Fish & Game Contact accounts receivable at:
(916) 653-0894, FAX (916) 653-5850.