CALIFORNIA CODE OF REGULATIONS
TITLE 14. NATURAL RESOURCES
DIVISION 1. FISH AND GAME COMMISSION - DEPARTMENT OF FISH AND GAME
SUBDIVISION 4. OFFICE OF SPILL PREVENTION AND RESPONSE
CHAPTER 3. OIL SPILL PREVENTION AND RESPONSE PLANNING
SUBCHAPTER 3. OIL SPILL CONTINGENCY PLANS

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§ 815.03. Purpose and Scope.
(Illustrated changes to section 815.03 become effective 1/1/2026)

(a) This subchapter sets forth planning requirements for oil spill prevention and response for tank vessels and marine facilities in California. (Nontank vessel planning requirements are covered in subchapter 4 of chapter 3.) These planning requirements specify that the owner or operator of a tank vessel or marine facility must own or have contracted for on-water recovery and storage resources sufficient to respond to all spills up to the calculated response planning volume or the defined daily recovery rate, whichever is less, in the time frames specified in this subchapter. A tank vessel, vessel carrying oil as secondary cargo, or marine facility owner or operator must also demonstrate through contract(s) or other approved means, the ~~shoreline protection~~ response resources necessary to protect ~~each type of shoreline and~~ all applicable environmental sensitive sites in the time frames required by section 828.1 ~~as outlined in the applicable Shoreline Protection Tables (SP Tables, see Section 790, incorporated by reference herein and posted on OSPR's website)~~. Equipment in addition to that under contract must be identified, and a call-out procedure in place to access additional response resources if needed. For the purpose of meeting the requirements herein, contracts for booming, on-water recovery and storage, and ~~shoreline~~ environmental sensitive site protection services can only be made with oil spill response organizations rated by the Office of Spill Prevention and Response. For other required services (e.g., shoreline cleanup, waste management, spill response management, etc.) contracts with non-rated oil spill response organizations may be used.

(b) The equipment that the owner or operator has available must be applicable to the areas of intended use. This subchapter requires that trajectory analyses be conducted for marine facilities to determine the probable areas of the coastline that could be impacted by a spill. ~~The applicable SP Tables shall be used for tank vessels.~~ Based on these trajectories ~~and tables~~ and the area contingency plans the owner or operator ~~will~~ must be able to ascertain the type of equipment that must be available, such as shallow-water skimmers, as well as the appropriate response strategies necessary to protect and clean up the shoreline types, including environmental sensitive sites, that

could be affected. A tank vessel owner or operator must demonstrate adequate emergency services as described, by sufficient in-house capability or a signed, valid contract with a vessel emergency services provider.

(c) The information required by this subchapter must be submitted to the Office of Spill Prevention and Response, and maintained by the owner or operator, in separate volumes. A principal volume will be compiled to contain all the required information, calculations, studies, maps and related data. A separate volume will be set up as a response manual and will contain only the information that response personnel will need at the time of a spill to facilitate the immediate notification and response actions that are mandated.

(d) To the greatest extent possible, California has endeavored to be consistent with the scope and intent of the federal oil spill response regulations and the area contingency plans completed by the United States Coast Guard, state agencies, and local governments, with public participation, as required by the Oil Pollution Act of 1990 (33 United States Code section 2701, et seq.). Allowance has been made to accept response plans prepared for the United States Coast Guard, or other appropriate agencies, in lieu of some of the information required by this subchapter. Any additional information required by this subchapter can be submitted simply as an addendum to the plans prepared for other agencies. Information developed to demonstrate compliance with other applicable federal, state, and international (e.g., International Maritime Organization) requirements may be used to demonstrate compliance with all or part of this subchapter.

Note: Authority cited: Sections 8670.28 and 8670.29, Government Code. Reference: Sections 8670.3, 8670.4, 8670.28 and 8670.29, Government Code.

~~§ 815.05. Definitions.~~

(Section 815.05 to be repealed effective 1/1/2026)

~~In addition to the definitions in Chapter 1, Section 790 of this subdivision, the following definitions shall govern the construction of this subchapter. Where similar terms are defined, the following will supersede the definitions in Chapter 1:~~

~~(a) "*Area Exercise*" means an exercise of the Area Contingency Plan and selected oil spill contingency plans through the combination of tabletop and equipment deployment exercises in accordance with the National Preparedness for Response Exercise Program.~~

~~(b) *"Dedicated Response Resources"* means equipment and personnel committed solely to oil spill response, containment, and cleanup that are not used for any other activity that would adversely affect the ability of that equipment and personnel to provide oil spill response services in the timeframes for which the equipment and personnel are Rated. Ratings of six hours or earlier require either dedicated response resources or OSRO owned and controlled response resources, as specified in Section 819.04(b)(2) of this subchapter.~~

~~(c) *"Equipment Deployment Exercise"* means an exercise of oil spill response equipment identified in an oil spill contingency plan or an OSRO application through its actual deployment and operation as it would be used in spill response efforts in an environment of similar water depth, current velocity, tidal range, and substrate, where the equipment may need to be used in an actual oil spill response.~~

~~(d) *"Full Scale Combination Exercise"* means an exercise of an oil spill contingency plan involving both the spill management response efforts and the actual deployment and operation of oil spill response equipment as it would be used in spill response efforts at a specific site.~~

(e) *"Implementation of the Plan"* means that all essential provisions have been taken to enable the plan or any portion of the plan to become operational.

(f) *"Innocent Passage"* means navigation through the territorial sea for the purpose of traversing that sea without entering internal waters or calling at a roadstead or port facility outside internal waters. Passage shall be continuous and expeditious. However, passage includes stopping and anchoring, but only in so far as the same are incidental to ordinary navigation or are rendered necessary by distress or for the purpose of rendering assistance to persons, ships or aircraft in danger or distress.

(g) *"Letter of Approval"* means a letter or other written document issued by the Office of Spill Prevention and Response to the owner/operator of a vessel or marine facility plan holder following verification, inspection and if required by the Administrator, satisfactory performance in an announced and unannounced drill, and final review of the facility or vessel plan holder's contingency plan.

(h) *"Marine Waters"* means those California marine waters subject to tidal influence and includes all waterways used for waterborne commercial vessel traffic to the Port of Stockton and the Port of Sacramento.

(i) *"Non-Dedicated Response Resources"* means those response resources listed by an OSRO for oil spill response activities that are not dedicated response resources.

(j) *"OSRO-owned and controlled resources"* means equipment owned by the OSRO and personnel who are employed directly by the OSRO.

(k) *"OSRO Rating Letter"* (ORL) means a written document issued by the Office of Spill Prevention and Response to an OSRO following verification, inspection and unless exempted by the Administrator, satisfactory performance in an announced and unannounced drill, and final review of the OSRO's application.

(*l*) *"Plan Holder"* means the owner/operator of a tank vessel, nontank vessel, marine facility, small marine fueling facility, or vessel carrying oil as secondary cargo responsible for the development, submittal, update, maintenance of, and compliance with the oil spill contingency plan required under this subchapter.

(m) *"Plan Recipient"* means a receiving agency and any other entity that has been designated in this subchapter to receive a copy of the vessel or marine facility oil spill contingency plan.

(n) "Shallow-Draft Vessel" means:

(1) for purposes of boom deployment, a vessel that must be able to operate in water depths of two feet or less;

(2) for purposes of skimming operations, a vessel and attendant skimming system that must be able to operate in water depths of three feet or less.

(o) *"Systems Approach"* means an assessment of the infrastructure and the support resources that an OSRO must have to mobilize, transport, deploy, sustain, and support the equipment resources necessary for the level of response for which Rated.

(p) *"Tabletop Exercise"* means an exercise of an oil spill contingency plan and the spill management response efforts without the deployment of response equipment. A tabletop exercise usually involves the enactment of a response to a simulated spill.

~~(q) *"Unannounced Drill"* means an exercise of an oil spill contingency plan or an OSRO application initiated by OSPR without prior notice to the plan holder or oil spill response organization.~~

~~Note: Authority cited: Sections 8670.28, 8670.29 and 8670.30, Government Code. Reference: Sections 8670.3, 8670.28, 8670.29 and 8670.30, Government Code.~~

§ 815.07. General Requirements.

(Illustrated changes to section 815.07 become effective 1/1/2026)

(a) A tank vessel or marine facility owner or operator who is required to submit an oil spill contingency plan pursuant to this subchapter must:

(1) Identify and ensure by contract or other approved means a rated oil spill response organization (as specified in subchapter 3.5) for the booming, on-water recovery and storage, and ~~shoreline~~ environmental sensitive site protection services as required. An oil spill response organization's existing rating approval letter issued from the Administrator remain valid unless revoked and is deemed to meet the requirements of this subchapter for three years from the date of the letter's issuance.

(2) Identify and ensure by contract or other approved means a certified spill management team, as described in subchapter 5 of this chapter. The certified spill management team must be the appropriate tier classification, pursuant to section 830.3 of subchapter 5.

(A) The spill management team may have an interim certification.

(B) A single spill management team may be listed if it is capable of responding in all geographic regions in which the plan holder operates.

(C) The spill management team may consist of personnel employed by the plan holder or persons affiliated with the plan holder, contracted personnel, or a combination thereof.

(D) Within 90 calendar days after the effective date of subchapter 5 of this chapter, any owner or operator that currently has an approved contingency plan must submit an Application for Certification of Plan Holder Spill Management Team form DFW 1005 (new 11/12/20), incorporated by reference herein, pursuant to section 830.7 of subchapter 5.

(E) An owner or operator that is required to have a new contingency plan must submit an Application for Certification of Plan Holder Spill Management Team form DFW 1005 (new 11/12/20), incorporated by reference herein, pursuant to section 830.7 of subchapter 5, at the time of submission of a new contingency plan for review and approval.

(b) No person shall load oil onto a tank vessel~~, nor~~ or unload oil from a tank vessel unless the following conditions are met prior to transfer operations:

(1) After initial submittal but prior to approval of the contingency plan, the tank vessel owner or operator must provide the marine terminal owner or operator with a copy of the letter acknowledging the receipt of the tank vessel's oil spill contingency plan by the Administrator, if the marine terminal owner or operator does not already have such a letter on file.

(2) After approval of the initial submittal of the contingency plan, the tank vessel owner or operator must provide the marine terminal owner or operator with a copy of the letter approving the current oil

spill contingency plan for that tank vessel if the terminal owner or operator does not already have such a letter on file.

(3) The tank vessel owner or operator must notify the marine terminal owner or operator of any change in the approval status not reflected by the letter on file at that marine terminal.

(4) The tank vessel owner or operator must certify that a complete copy of the response manual for that tank vessel is on board the tank vessel.

(c) Each plan must provide for the best achievable protection of coastal and marine resources and must ensure that all areas addressed by the plan are at all times protected by prevention, response, containment and cleanup equipment and operations.

(d) Each plan must be consistent with the California Oil Spill Contingency Plan and not in conflict with the National Oil and Hazardous Substances Pollution Contingency Plan, or the applicable federal area contingency plans.

(e) Nothing in this subchapter in any manner or respect impairs or limits the authority of the California Coastal Commission to review federal activities, federal development projects, or federally-permitted or licensed activities, as authorized pursuant to the Coastal Zone Management Act of 1972 (16 United States Code section 1451 et seq.). Nor ~~shall~~ does this subchapter impair or limit the authority of the California Coastal Commission to ensure such activities or projects are performed in a manner that is consistent, to the extent required by applicable law, with the enforceable policies of the California Coastal Management Program.

(f) All plans must be written in English, and for tank vessel plans, if applicable, the response manual portion must also be in a language that is understood by the crew members responsible for carrying out the plan.

Note: Authority cited: Sections 8670.28, 8670.29, 8670.30 and 8670.32, Government Code. Reference: Sections 8670.28, 8670.29, 8670.30 and 8670.32, Government Code.

§ 816.01. Plan Submittal.

(a) Plans

Unless otherwise exempt, each owner/operator of a tank vessel or marine facility shall prepare and submit an oil spill contingency plan for that tank vessel or facility. The plan may be specific to an individual facility or tank vessel or may be composed as follows:

(1) Marine Facility Blanket Plans

(A) Blanket contingency plans may be submitted for marine facilities that are substantially similar to one another based on the criteria in this subsection. The owner/operator must request approval for the use of a blanket plan prior to submitting the plan to the Administrator. The request must include a justification for the use of a blanket plan based on the criteria outlined in this subsection.

(B) The Administrator shall determine whether a blanket plan is appropriate for any given group of marine facilities. In order to utilize a blanket plan, each marine facility covered by the blanket must demonstrate the following:

1. each facility must be substantially similar in layout and design, or must be an integral part of another facility, such as the pipeline connecting a platform to a shoreside facility;

2. each facility must handle the same products;

3. the Risk and Hazard Analysis for each facility must show substantially similar risks of a spill, and similar sites of potential leakage or spills;

4. the response equipment and personnel must be able to respond to any and all of the covered marine facilities in the same or essentially the same amount of time;

5. any spill from any of the marine facilities must pose similar risks in the same or essentially the same Geographical Region, including risks to the same environmentally, economically or culturally sensitive sites; and

6. The prevention measures as specified in Subsections 817.02.(c) or 817.03(c) must be substantially the same for each facility.

(C) A separate appendix for each marine facility covered by the Blanket Plan must be included as an attachment to the plan.

(2) Tank Vessel Fleet Plans

Fleet contingency plans may be submitted by an owner/operator that has a number of tank vessels that transit the same or substantially the same routes in California marine waters.

(A) All prevention and response elements required pursuant to Sections 818.02(c) or 818.03(c) must be the same for the tank vessels included in the Fleet Plan.

(B) A separate appendix for each tank vessel covered by the Fleet Plan must be included as an attachment to the plan. However, only the Response Planning Volume (see Sections 818.02(e) and 818.03(e)) for the largest vessel in the Fleet Plan needs to be listed.

(3) Substitute Plans

(A) Plans of other Federal and State Agencies

Any plan, or appropriate section thereof, submitted to the Federal Environmental Protection Agency, the Minerals Management Service, the U.S. Coast Guard, the Department of Transportation - Research and Special Programs Administration, the California State Lands Commission, the California Coastal Commission, other states, or other appropriate agencies may be submitted in substitution for all or part of the plan required under this subchapter. This substitution may include documents submitted in compliance with the International Safety Management (ISM) Code. Any information required by this subchapter that is not included in the substitute plan must be submitted as an appendix to that plan. The Administrator will determine if the use of a substitute plan is appropriate prior to final plan approval.

(B) OSRO Rating Letter:

An OSRO Rating Letter will be issued for the equipment, personnel, and services which may be provided to the owner/operator of a marine facility or tank vessel or nontank vessel. A copy of the Rating letter may be referenced or submitted in substitution for all or part of the response elements required under Sections 817.02, 817.03, 818.02 or 818.03.

1. An OSRO Rating does not guarantee the performance of an OSRO, nor does the use of an OSPR-Rated OSRO in a contingency plan relieve the plan holders of their ultimate statutory and regulatory

responsibility to ensure the adequacy of the spill response resources identified in their contingency plan.

(b) Timeframes:

(1) A marine facility shall submit a plan that is received by OSPR at least 180 days prior to the beginning of operations. Changes in ownership of a marine facility will require a new plan to be submitted at least 60 days prior to the change in ownership.

(2) A tank vessel shall submit a plan, or an amendment or an update to a plan, that is received by OSPR at least five working days prior to entering California marine waters.

(c) Receiving Agencies:

(1) One copy of the plan (either hard copy or electronic media - see Section 816.02) for each marine facility and each tank vessel shall be delivered to the Office of Spill Prevention and Response (OSPR). Delivery of the plan may be in person or by registered mail with return receipt requested, or the equivalent. Additional hard copies shall be provided to an OSPR regional office upon request.

(2) Two copies of the plan (hard copy or electronic media) for each marine facility shall be delivered by the plan holder to the California State Lands Commission.

(3) Within two working days of a request from the Administrator, additional copies (hard copy or electronic media) shall be mailed by the plan holder to the State Oil Spill Technical Advisory Committee.

(4) Any additional copies shall be submitted within 2 working days of a request by the Administrator.

(d) Confidentiality

A plan holder may request that proprietary information, including reports or studies, be kept confidential by following the process described in section 790.3 of chapter 1.

Note: Authority cited: Sections 8670.28, 8670.29, 8670.30 and 8670.31, Government Code. Reference: Sections 8670.28, 8670.29, 8670.30, 8670.31 and 8670.36, Government Code.

§ 816.02. Plan Format.

On or before December 31, 2011, OSPR will accept either an original hard copy of the contingency plan or a CD-ROM formatted contingency plan with a signed copy of the “Feasibility and Executability Statement” required by this subchapter.

After December 31, 2011, OSPR will no longer accept original hard copies of the contingency plan. All submittals will either be made online as approved by OSPR, or in an electronic format approved by the Administrator. If changes are made to a plan, updates can either be submitted on-line, or a complete and up-to-date plan must be submitted in an electronic format approved by the Administrator.

Other documents required to be submitted with the contingency plan, such as evidence of the contracts or other approved means with Oil Spill Response Organizations and certified spill management teams, or general arrangement and tank diagrams, shall be scanned and submitted in an electronic format approved by the Administrator. Although not required, it is requested that the Table of Contents be linked to the different sections of the plan. Also, if a Federal Vessel Response

Plan (VRP) or other non-California plan format is used, it is requested that the plan be electronically linked to the plan sections that comply with California's requirements. Each plan shall be organized into separate volumes: a response manual and a principal volume or volumes with related appendices. The format for each is outlined below:

(a) Response Manual

A simplified response manual suitable for on-scene use in the event of a spill which summarizes key notification information and the initial response actions specified in the plan shall be prepared and submitted with each plan.

(1) The response manual is a subset of the information provided in the principal volume of the plan.

(2) The information contained in the response manual shall be sufficient to direct on-scene response personnel through the first 24 hours of a response.

(b) Principal Volume of the Plan

(1) The principal volume shall include all the required information including a summary of the conclusions of all studies, calculations and analyses.

(2) The principal volume of each plan shall be organized to facilitate access to information, and shall include:

(A) a detailed table of contents with chapters arranged, to the extent possible, in the same order in which the requirement for that information appears in Sections 817.02, 817.03, 818.02 or 818.03;

(B) a system of numbered chapters, sections and appendices;

(C) index tabs for locating plan chapters;

(D) a log sheet placed in the front of the plan for recording all amendments and updates; and

(E) amendments and updates that are consecutively numbered and dated.

(3) If hard copies of the plan are submitted, they shall be submitted in an 8 1/2 by 11 inch 3-ring binder, in a loose-leaf format to allow replacement of chapter or appendix pages without requiring replacement of the entire plan. Amendments and updates shall be hole-punched and in a format that will fit the binder that was submitted with the plan.

(4) If a fleet or blanket plan is used, the principal volume of the plan will include all the information generic to all the marine facilities or tank vessels covered by the plan.

(5) All hard copy and electronic documents submitted will become the property of the Administrator. The documents will be retained by the Administrator for a minimum of three (3) years, unless the contingency plan is withdrawn by the submitter.

(c) Appendices

(1) Tank Vessel-Specific Appendix

If a fleet plan is used, each plan must include an appendix for each tank vessel covered by the plan. The vessel-specific appendix must provide the descriptive information regarding layout and design unique to that tank vessel.

(2) Marine Facility-Specific Appendix

If a blanket plan is used each plan must include an appendix for each marine facility covered by the plan. The facility-specific appendix must address all the required information unique to that facility.

(3) Geographic-Specific Appendix to Tank Vessel Plans

Each tank vessel plan must include an appendix to address the geographic-specific elements along the tank vessel's normal routes of travel. This appendix must include:

(A) all required notification information for each Geographic Region in which the tank vessel operates;

(B) identification of the oil spill response organizations to be used in each of the six Geographic Regions, as defined in Chapter 1, Section 790 of this subdivision, along the tank vessel's normal routes of travel; and

(C) evidence of the written contract or other approved means (as defined in Section 790 of this subdivision) that will verify that the oil spill response organization and certified spill management team that are named in the plan will provide the requisite equipment and personnel in the event of an oil spill.

(d) Substitute Plans

If a substitute plan is submitted, such as a plan prepared for the State Lands Commission, the Minerals Management Service, the California Coastal Commission, or the United States Coast Guard, the following must also be submitted:

(1) a listing of all the elements of the individual tank vessel or marine facility's contingency plan that will be replaced by elements in the substitute plan, with an index specifying the location of the required elements, by regulation section, within the substitute plan;

(2) any required prevention or response element not included in the substitute plan must be submitted as an appendix to the substitute plan; and

(3) a copy of the response manual required by this section.

Note: Authority cited: Sections 8670.28, 8670.29 and 8670.32, Government Code. Reference: Sections 8670.28, 8670.29, 8670.31 and 8670.32, Government Code.

§ 816.03. Plan Review and Approval.

(a) Timeframes

(1) Each Plan shall be approved or denied within 30 days after receipt by the Administrator.

(2) Any state agency or committee that reviews the contingency plans shall submit any comments to the Administrator within 60 days of receipt of the plan by the agency or committee.

(3) The Administrator shall determine whether each plan complies with the regulations governing the contingency planning process. If it is determined that a plan is inadequate a written explanation of deficiencies, and, if practicable, suggested modifications or alternatives shall be sent to the plan holder.

(4) Upon notification of a plan's deficiencies, the plan holder will have 30 days to submit a new or modified plan. Such a re-submittal shall be treated as a new submittal and processed according to the provisions of this section.

(b) Determination of Adequacy

(1) A plan will be determined to be adequate if it provides for the best achievable protection of coastal and marine resources and meets the requirements of this subchapter. To be approved, the plan must also demonstrate that each owner/operator maintains a level of readiness that will allow for effective implementation of the plan.

(2) To be determined adequate, each plan shall provide for all of the following:

(A) Prevention Measures:

1. for marine facilities, all prevention measures to reduce or eliminate the hazards that could result in an oil spill as identified in the Risk and Hazard Analysis;

2. for tank vessels, all prevention measures to reduce the possibility of an oil spill occurring as a result of allisions, collisions, groundings, explosions or operator error;

(B) immediate notification and mobilization of response resources upon the discovery of a spill;

(C) procedures for deployment and delivery of response equipment and personnel within the timeframes specified in Sections 817.02, 817.03, 818.02 or 818.03;

(D) procedures to assure protection of the environment from oil spills;

(E) procedures for timely and adequate cleanup of all spills, up to and including the reasonable worst case spill;

(F) identification of response equipment, and the call-out procedures to acquire that equipment, to respond to any spill over and above the reasonable worst case spill, in a timely and efficient manner.

(G) all other prevention and response measures specified in Sections 817.02, 817.03, 818.02 or 818.03.

(3) In assessing the adequacy of a plan the Administrator shall consider:

(A) the volume and types of oil addressed by the plan;

(B) the history and circumstances of prior spills from the tank vessel, marine facility, small marine fueling facility, or vessel carrying oil as secondary cargo;

(C) existing operating hazards;

(D) the sensitivity and value of the natural, cultural and commercial resources of the geographic area encompassed by the plan;

(E) the spill prevention, notification and response measures addressed in the plan; and

(F) the site-specific characteristics of a marine facility that could affect response and cleanup operations, including: local topography, prevailing winds, current speed and direction, tidal fluctuations, and access to the potential spill sites; or

(G) the area-specific characteristics along a tank vessel's normal routes of travel that could affect response and cleanup operations, including: prevailing winds, current speed and direction, tidal fluctuations, and access to the potential spill response sites.

(4) Prior and subsequent to plan approval, the Administrator may make an on-site inspection and require a drill of all or part of any contingency plan submitted in order to determine the plan's adequacy.

(c) Public Review and Comment

Contingency plans will be made available for review by any interested member of the general public at a designated location.

(1) Any person interested in reviewing the plan shall contact the Administrator to request an appointment to review the plan at the office of OSPR. Copies of the plans will be provided at the cost of duplication.

(2) Any interested person may review a plan and submit written comments prior to the Administrator's approval of the initial plan or plan updates. Such comments will be taken into consideration in the Administrator's approval process. No comments will be accepted after final approval.

(d) Plan Approval

(1) A plan shall be approved if it addresses all the elements specified in Sections 817.02, 817.03, 818.02, or 818.03, as appropriate, and complies with the adequacy criteria enumerated in this section.

(2) Any revised plan submitted by an owner/operator in response to a notification of inadequacy shall be considered approved unless otherwise notified by the Administrator within the timeframes established in Section 816.03(a).

(3) Any comments submitted by other agencies or interested parties shall be considered when approving or disapproving the plan.

(4) The plan holder shall be notified when a plan has been approved. A Letter of Approval will be issued by the Administrator and will describe the conditions of approval, if any, and specify the expiration date of the Letter of Approval.

(5) A plan will be considered to be effective upon submittal unless and until the owner/operator is notified that the plan is inadequate. Exceptions to this requirement will be considered by the Administrator on a case-by-case basis.

(e) Interim Approval

(1) A plan may be approved with minor deficiencies as long as the following requisite elements are included in the plan:

(A) Information to clearly identify the tank vessel or marine facility, including but not limited to:

1. for tank vessels: vessel name, call sign, official number, classification and owner/operator name, address and phone number;

2. for marine facilities: name and address of facility, name, address and phone number of the owner/operator.

(B) A copy of the contract(s) or other approved means for the response resources that meet the requirements of this subchapter;

(C) Identification, including telephone number and facsimile number, of a Qualified Individual;

(D) Appropriate and adequate evidence of financial responsibility.

(2) An Interim Approval shall only remain valid for 30 calendar days.

(f) Denial or Revocation of Plan

(1) Approval shall be denied or revoked if a plan does not comply or maintain compliance with the criteria set forth in this Subchapter.

(2) If approval of a contingency plan is denied or revoked, the Administrator shall notify the plan holder in writing of the reasons for denial or revocation and provide an explanation of those actions necessary to secure approval.

(A) The plan holder shall have 30 calendar days from notification of a denied plan to submit a new or revised plan that incorporates the recommended changes, during which time the plan is considered effective pending final approval. For a tank vessel plan, the Administrator may, however, revoke the plan and deny entry to the vessel if the plan has significant deficiencies that result in the inability of the plan holder to maintain a level of readiness as required by this subchapter.

(B) No tank vessel shall operate in marine waters if it fails to gain approval of its contingency plan after the second submission until a subsequent submission is approved.

(C) If a marine facility fails to gain approval of its contingency plan after the second submission, the administrator may order it to discontinue operations until a subsequent submission is approved.

(D) If a plan holder fails to address plan deficiencies within 90 calendar days from notification of a denied plan, the Administrator may, without further notice, declare the plan null and void.

(g) Request for Reconsideration.

The plan holder may request reconsideration of a decision made by the Administrator regarding the denial of approval, denial of exemption, or revocation of a contingency plan by following the process described in section 790.5 of chapter 1.

(h) Proof of Approval

(1) Marine Facilities

The marine facility plan holder shall keep the Letter of Approval, or a copy certified to be true and accurate, filed in the front of the approved contingency plan. The approval letter shall be presented upon request to any representative of the Administrator.

(2) Tank Vessels

The Letter of Approval shall be presented upon request to the operator of a marine facility prior to an oil transfer.

(i) Liability

Approval of a plan does not constitute an express assurance regarding the adequacy of the plan in the event of a spill nor does it constitute a defense to liability on the part of the operator or owner.

(j) Coastal Protection Review

(1) Within one year of the adoption of this section, and within 18 months of subsequent updates, the Administrator shall conduct a comprehensive review of all the oil spill contingency plans for tank vessels and marine facilities.

(2) The comprehensive review shall be conducted to assure that the plans, as a whole, provide the best achievable protection of coastal resources. Each plan will be reviewed in conjunction with all the plans submitted by tank vessels and marine facilities located in or using the same Geographical Region. The Geographic Regions to be used for the review of overall coastal protection are defined in Chapter 1, Section 790 of this subdivision.

(3) The Administrator shall evaluate the contingency plans for each Geographical Region to determine if deficiencies exist in equipment, personnel, training and other elements determined to be necessary to ensure the best achievable protection for that region.

(4) If deficiencies are found to exist in overall protection, the Administrator shall remand any contingency plans to the plan holder with recommendations for any amendments necessary to adequately protect coastal resources in that Geographical Region. Any plans returned for amendment shall be processed according to the procedures for initial submittal, review and approval of the contingency plan.

Note: Authority cited: Sections 8670.19, 8670.28 and 8670.31, Government Code. Reference: Sections 8670.19, 8670.28, 8670.29 and 8670.31, Government Code.

§ 816.04. Plan Implementation and Use.

(a) Availability

(1) Marine Facility Plans

(A) A complete copy of the marine facility's approved plan must be maintained on-site if the facility is staffed, or at the nearest field office if the facility is not staffed.

(B) A copy of the response manual must be maintained at all sites covered by the plan.

(C) Response manuals for pipeline facilities shall be maintained at all sites covered by the plan or where operations and maintenance activities are conducted.

(2) Tank Vessel Plans

(A) A complete copy of the tank vessel's contingency plan, including the response manual, must be maintained by the owner/operator.

(B) A complete copy of the tank vessel's approved response manual must be maintained on board the tank vessel at all times.

(3) The plan, or response manual, whichever is required, must be in a central location accessible to key response personnel at all times.

(4) A complete copy of the contingency plan, including the response manual, must be maintained by the Qualified Individual and available for use in the event of an incident.

(5) A complete copy of the contingency plan, including the response manual, must be maintained by the owner/operator and made available for review and inspection by all relevant state agencies upon request.

(6) Immediate Notification Information

(A) Immediate response and notification information shall be summarized and posted in a conspicuous location with access to a telephone, or other similar means of communication.

(b) Implementation

(1) Each plan shall be effective upon submittal. Any element of the plan that can not be implemented upon submittal must be covered by a timetable for implementation. Elements included in the timetable may include such items as the purchase of equipment, or the implementation of specific prevention measures. The timetable must also include an explanation for the delay, and provide for full implementation within six months of plan submittal, unless an extension is authorized by the Administrator.

(2) The owner/operator must implement the plan according to any timetable submitted as part of the plan.

(3) An owner/operator, or any of his/her agents and employees shall use and implement the effective plan in the event of an oil spill or an oil spill drill.

(4) Any deviation from any major element of the contingency plan must be approved by the Administrator in advance of the change. A major element is one that will affect timely and adequate oil spill response.

(5) All involved parties, as defined, shall carry out whatever direction is given by the Administrator in connection with the response, containment, and cleanup of a spill. A responsible party or potentially responsible party may refuse to accept a directive from the Administrator if:

(A) the directions of the Administrator are in direct conflict with directions from the Federal On-scene Coordinator; and/or

(B) the party reasonably, and in good faith, believes that the directions or orders given by the Administrator will substantially endanger the public safety or the environment.

(6) If a party refuses to accept the directive of the Administrator, the party shall state the reason why they have refused at the time of refusal, and:

(A) the party that has refused a directive shall follow up a verbal explanation of their refusal with a written notice to the Administrator explaining in full the reason(s) for refusing the directive. The written notice must be submitted within 48 hours of the refusal;

(B) the burden of proof shall be on the party to demonstrate, by clear and convincing evidence, why refusal to follow orders was justified.

(7) Failure to implement the plan appropriately shall constitute a violation of this subchapter.

(c) Coordination With Other Plans

(1) Each plan shall be consistent with the State Marine Oil Spill Contingency Plan and not in conflict with the National Contingency Plan.

(2) Beginning with the first review and resubmission, each plan submitted shall be consistent with the appropriate Area Contingency Plan(s) completed by the Coast Guard, State Agencies, and Local Governments as required by the Oil Pollution Act of 1990 that are in effect on January 15 of the year in which the contingency plan update is required.

Note: Authority cited: Sections 8670.28 and 8670.31, Government Code. Reference: Sections 8670.27, 8670.28, 8670.28.5, 8670.29, 8670.30(a)(2) and 8670.57-8670.69.6, Government Code.

§ 816.05. Plan Updates.

(a) Timeframes

(1) Update and Review

(A) The plan holder shall ensure that all plans are up-to-date and complete. All plans shall be resubmitted for review once every five years from the date of the most recent approval letter.

(B)1. If the most recently approved plan and all updates submitted since the last plan approval letter have not changed, on or before the 5 year resubmittal due date the owner/operator shall, in lieu of submitting a complete plan as described in Subparagraph (A) above, submit correspondence to the Administrator stating that the plan currently on file with OSPR is up-to-date and complete.

2. If the contingency plan on file is over 5 years old from the date of most recent approval letter (original submission or resubmittal) and there has been no correspondence to the Administrator stating that the plan currently on file with the OSPR is up-to-date and complete, that plan will be revoked.

(C) The Administrator may require earlier or more frequent resubmission or updates than that required in Subparagraph (A). The owner/operator shall be notified in writing if an earlier resubmission or update is required. The notice shall include an explanation of the reasons for the resubmission or update. The circumstances that would warrant an earlier resubmission or update include, but are not limited to, the following:

1. a change in regulations;

2. the development of new oil spill response technologies as determined by the Administrator during any review of Response Capability Standards;

3. deficiencies identified in the Administrator's review of all the oil spill contingency plans as part of the Coastal Protection Review;

4. an increased need to protect plant and wildlife habitat;

5. deficiencies in oil spill response capability identified during an oil spill;

6. deficiencies in oil spill response capability identified during an oil spill drill;

7. significant changes to the tank vessel or marine facility; and

8. any other situation deemed appropriate by the Administrator where deficiencies in the ability to provide timely and effective oil spill response are identified.

(2) Unscheduled Updates

(A) The Administrator shall be notified as soon as possible, but at least within 24 hours, of any significant change or update to an approved plan.

1. A significant change is one that could affect timely and adequate oil spill response including changes in ownership and Financial Responsibility coverage.

2. Changes which are not significant include minor changes in equipment, personnel, or operating procedures which do not affect timely and adequate oil spill response.

3. As soon as administratively feasible, the Administrator will approve any change that would benefit the public health and safety, improve environmental protection, or facilitate more effective response, containment and cleanup.

(b) Review and Approval of Plan Updates

(1) The Administrator may deny approval of a resubmitted plan, or updated section(s) of a plan if it is no longer adequate according to the adopted regulations and policies in effect at the time of resubmission.

(2) The review will be processed in accordance with the same timeframes and procedures for submission of the initial plan.

(c) Logging and Distributing the Revised Plan

(1) The plan holder shall distribute the revised plan page(s) to all plan recipients within 15 days of the Administrator's approval of the revisions. Faxed updates for insertion into the plan are not acceptable.

(2) The updated page(s) shall have an update number and date revised on the bottom of each page, and shall be accompanied by an index of updates that includes update number, date revised, page(s) revised, and subject matter of update. As an alternative to the hard copy, this information may be submitted on electronic media, in a format approved by the Administrator (see Section 816.02(b)(3)).

(3) The log sheet, located in the front of the plan, shall be used to record the date the amendment was received, the initials of the individual who received the amendment, and a description of the change.

(d) Each plan recipient must incorporate and utilize all updated materials as provided by the plan holder.

Note: Authority cited: Sections 8670.28 and 8670.31, Government Code. Reference: Sections 8670.19, 8670.28 and 8670.31, Government Code.

§ 816.06. Compliance Requirements/Penalties.
(Illustrated changes to section 816.06 become effective 1/1/2026)

(a) Any person who knowingly, intentionally, or negligently violates any provision of this subchapter ~~shall~~ may be subject to criminal, civil, and/or administrative civil actions as prescribed in ~~Article 9, beginning with Section 8670.57 of the~~ Government Code sections 8670.57 through 8670.69.6. Actions which constitute a violation of this subchapter include, but are not limited to, the following:

(1) Failure to submit the plan in a timely manner;

(2) Failure to implement any element of the plan as approved unless otherwise authorized by the Administrator or the United States Coast Guard through the unified command;

(3) Operating without an approved plan;

(4) Failure to contract with an oil spill response organization rated by the Office of Spill Prevention and Response for booming, on-water recovery and storage, and ~~shoreline~~ environmental sensitive site protection services; or

(5) Failure to follow the direction or orders of the Administrator in connection with an oil spill, except as provided in Government Code section 8670.27.

Note: Authority cited: Sections 8670.28, 8670.29, 8670.30 and 8670.57 through 8670.69.6, Government Code. Reference: Sections 8670.29, 8670.30, 8670.31 and 8670.57 through 8670.69.6, Government Code.

§ 817. Marine Facility Contingency Plans.

§ 817.01. Applicability.
(Illustrated changes to section 817.01 become effective 1/1/2026)

(a) Plans.

(1) Oil spill contingency plans must be prepared, submitted and used pursuant to the requirements of this subchapter for all marine facilities located in the marine waters (as defined in section ~~815.05~~790 of this subdivision) of California, or where a ~~discharge~~ spill of oil could reasonably be expected to impact the marine waters of California.

(2) A facility will be considered to have potential impact on marine waters based on the geographical and locational aspects of the site. Such aspects must include proximity to marine waters or adjoining shorelines, land contour, and local drainage patterns. The existence of dikes, equipment or other structures used to prevent a spill from reaching marine waters will not necessarily affect the determination of which facilities are required to submit a plan.

(3) Contingency plans ~~shall not be~~ are not required of facilities located outside of the zone as measured from the mean high tide line to three nautical miles offshore. Any pipelines connecting such facilities to the shoreline, however, will be subject to the contingency planning requirements of this subchapter.

(b) Exemptions and Evaluations.

(1) Owners or operators of platforms, with a reasonable worst-case spill of less than 250 barrels, may apply for an exemption from the contingency plan requirements if the following conditions are met:

(A) The platform has a plan approved by either the ~~Minerals Management Service (MMS)~~Bureau of Safety and Environmental Enforcement, or the California State Lands Commission; and

(B) The ~~MMS~~ Bureau of Safety and Environmental Enforcement or California State Lands Commission approved plan is submitted to the Administrator; and

(C) The Administrator determines that adequate response capability is available to address a spill and provide for the best achievable protection of coastal and marine resources.

(2) Any facility owner or operator may request a determination from the Administrator whether their facility meets the definition of marine facility, on the basis that a spill from the facility could not reasonably be expected to impact marine waters.

(A) The request must be submitted to the Administrator at least 180 calendar days prior to the beginning of operation of the marine facility, and must provide specific, technical justification for the request.

(B) The Administrator ~~shall~~ will inspect the facility to determine if a spill from the facility could potentially impact marine waters before the request may be approved.

(C) The Administrator will review the request within 30 calendar days of receiving the request.

(D) If a decision is made that the facility meets the definition of marine facility, the facility owner or operator must submit a contingency plan within 90 calendar days receipt of the decision.

(E) If a spill from a facility does occur which impacts marine waters, and the facility had previously received an evaluation that it does not meet the definition of marine facility, the evaluation is automatically revoked and the facility has 90 calendar days in which to meet the contingency plan and certificate of financial responsibility requirements of this subdivision.

Note: Authority cited: Sections 8670.28, 8670.29 and 8670.30, Government Code. Reference: Sections 8670.28, 8670.29, 8670.30 and 8670.31, Government Code.

§ 817.02. Marine Facility Plan Content (Except for Those Small Marine Fueling Facilities Addressed in Section 817.03 of This Subchapter).
(Illustrated changes to section 817.02 become effective 1/1/2026)

To the degree the information required by subsections 817.02(b) through (k) exists elsewhere, copies of the pre-existing information may be submitted. If the information provided is not sufficient to meet the requirements of this subchapter, additional information may be requested by the Administrator.

(a) Introductory Material.

(1) Each plan must provide the following information:

(A) Name and address of the marine facility, and mailing address if different. The name and address of the facility must be referenced in the plan title or on a title page at the front of the plan.

(B) Name, address, phone number, fax number and e-mail address, if available, of the owner ~~and/or~~ and operator of the marine facility.

(C) Name, address and phone number, fax number and e-mail address, if available, of the person to whom correspondence should be sent.

(D) A certification statement signed under penalty of perjury by an executive within the plan holder's management who is authorized to fully implement the oil spill contingency plan, who must review the plan for accuracy, feasibility, and executability. If this executive does not have training, knowledge and experience in the area of oil spill prevention and response, the certification statement must also be signed by another individual within the plan holder's management structure who has the requisite training, knowledge, and experience. The certification must be submitted according to the following format;

”I certify, to the best of my knowledge and belief, under penalty of perjury under the laws of the State of California, that the information contained in this contingency plan is true and correct and that the plan is both feasible and executable.”

_____(signature), (title), (date)~~;~~

(E) The California certificate of financial responsibility number for the marine facility must be included in the front of the plan. If ~~the COFR~~ the number is not available when the plan is submitted because the marine facility is not yet operational, the number must be provided as soon as it becomes available. The certificate of financial responsibility number must be provided before the plan can be approved.

(2) Each plan must identify a qualified individual, as defined in section 790 of this subdivision, and any alternates that may be necessary for the purpose of implementing the plan. If the plan holder contracts for this service, documentation that the qualified individual or company, and any identified alternates, acknowledge this capacity must be included in the plan. If an alternate or alternates are identified in the plan, then the plan must also describe the process by which responsibility will be transferred from the qualified individual to an alternate. During spill response activities, notification of such a transfer must be made to the State Incident Commander at the time it occurs.

(3) Each plan must provide the name, address, telephone number and facsimile number of an agent for service of process designated to receive legal documents on behalf of the plan holder. If the plan holder contracts for this service, documentation that the agent for service of process acknowledges this capacity must be included in the plan. Such agent must be located in California.

(4) Each plan must identify and ensure by contract or other approved means a certified spill management team, as described in subchapter 5 of this chapter. The certified spill management team must be the appropriate tier classification pursuant to section 830.3 of subchapter 5.

(A) The spill management team may have an interim certification for purposes of satisfying contingency plan requirements.

(B) A single spill management team may be listed if it is capable of responding in all geographic regions in which the plan holder operates.

(C) The spill management team may consist of personnel employed by the plan holder or persons affiliated with the plan holder, contracted personnel, or a combination thereof.

(D) If the plan holder contracts for these services, documentation that the certified spill management team acknowledges this capacity must be included in the plan.

(5) Each plan must contain evidence of the contract or other approved means (as defined in section 790 of this subdivision) verifying that any oil spill response organization(s) named in the plan will

provide the requisite equipment and personnel in the event of an oil spill. This requirement can be met by a copy of the basic written agreement with an abstract of the recovery ~~and/or~~ and cleanup capacities covered by the contract. A plan holder must only contract with an oil spill response organization that has received a rating by the Office of Spill Prevention and Response (as specified in section 819 of this subdivision) for the booming, on-water recovery and storage, and ~~shoreline~~ environmental sensitive site protection services as required.

(b) Marine Facility Description.

(1) Each plan must describe the marine facility's design and operations with specific attention to those areas from which an oil spill could occur. This description must include, at a minimum, the following information:

(A) A piping and instrumentation diagram, and a tank diagram including the location of pumps, valves, vents and lines; the number, and oil storage capacity of each structure covered under the plan and its age, design, construction and general condition; the range of oil products normally stored in each structure; the presence or absence of containment structures and equipment; and the location of mooring areas, oil transfer locations, control stations, safety equipment, drip pans and the drainage for drip pans.

(B) A description of the types, physical properties, health and safety hazards, maximum storage or handling capacity and current normal daily throughput of oil handled. A ~~material~~ safety data sheet or equivalent will meet some of these requirements and can be maintained separately at the facility providing the plan identifies its location.

(C) A description of the normal procedures for transferring oil from or to a pipeline, tanker, barge or other vessel, or storage tank, and the amount, frequency and duration of oil transfers.

(D) The marine facility's normal hours of operation.

(E) For an exploration or production facility, a complete description of those sections of the oil or gas lease field, gathering lines, storage tanks and processing facilities, under the control of the owner or operator, a spill from which could reasonably be expected to impact the marine waters of California.

(2) Each plan must describe the marine facility site and surrounding area, including, where appropriate, the following information (Note: where maps/diagrams are required they may be submitted on electronic media, in portable document format):

(A) A map and description of site topography, including the drainage and diversion plans for the marine facility, such as sewers, storm drains, catchment, containment or diversion systems or basins, oil/water separators, and all watercourses into which surface runoff from the facility drains.

(B) Vicinity maps showing any vehicular or rail access to the marine facility, pipelines to and from the facility, nearby residential, commercial or other populous areas, and access to private land necessary to respond to a spill.

(C) Seasonal hydrographic and climatic conditions including wind speed and direction, air and water temperature, local tides, prevailing currents, and any local visibility problems.

(D) Physical geographic features, including ocean depths and local bathymetry; beach types and other geological conditions, including type of soil and terrain; operational conditions such as physical or navigation hazards, traffic patterns, permanent buoys, moorings and underwater structures or

other site-specific factors; and any other physical feature or peculiarity of local waters that call for special precautionary measures that may affect spill response.

(E) Logistical resources within the geographic region covered by the plan, including facilities for fire services, medical services, and accommodations for spill response personnel.

(F) Shoreline access area, including piers, docks, boat launches and equipment and personnel staging areas.

(c) Prevention Measures.

Each plan must address prevention measures in order to reduce the possibility of an oil spill occurring as a result of the operation of the marine facility. The prevention measures must eliminate or mitigate all the hazards identified in the risk and hazard analysis.

(1) Risk and Hazard Analysis.

(A) Each marine facility must conduct a risk and hazard analysis to identify the hazards associated with the operation of the facility, including: operator error, the use of the facility by various types of vessels, equipment failure, and external events likely to cause an oil spill.

The owner or operator may use one or more of the hazard evaluation methods identified by the American Institute of Chemical Engineers, or an equivalent method, including, but not limited to:

1. What-if analysis.

2. Checklist analysis.

3. Preliminary hazard analysis.

4. Hazard and operability study.

5. Failure mode and effect analysis.

6. Fault tree analysis.

(B) The chosen hazard evaluation method must be conducted in accordance with the guidelines established by the American Institute of Chemical Engineers as published in the “Guidelines for Hazard Evaluation Procedures”, second edition, copyright 1992, prepared for The Center For Chemical Process Safety.

1. The plan must include information regarding the expertise of the working group that develops the analysis.

2. The plan must include information that demonstrates to the Administrator that the analysis is appropriate to the marine facility and adequate according to the published procedures referenced in (B) above.

3. An owner or operator may be found in violation of this section if the risk and hazard analysis does not adequately address the risks posed by the marine facility.

4. The Administrator may require that an analysis be updated if there are significant changes made to the marine facility. A significant change, as used in this paragraph, is one that would have an impact on the outcome of the Risk and Hazard Analysis.

5. Additional information regarding the analysis method used or the working group that conducted the analysis must be made available to the Administrator upon request.

(C) Each plan must include a summary of the results of the risk and hazard analysis. The summary must include the following:

1. The hazard analysis method used, and a statement that the analysis is specific to the marine facility. If the analysis relies on a risk assessment at a similar facility, the summary must specify how the two facilities are comparable;

2. An inventory of the hazards identified, including the hazards that resulted in the historical spills;

3. An analysis of the potential oil ~~discharges~~ spills, including the size, frequency, cause, duration and location of all significant spills from the marine facility as a result of each major type of hazard identified;

4. The control measures that will be used to mitigate or eliminate the hazards identified. The plan must include time frames for implementing any control measures that cannot be functional immediately; and

5. A prediction of the potential oil spills that might still be expected to occur after any mitigating controls have been implemented.

(D) All supporting documentation used to develop the risk and hazard analysis summary must be made available to the Administrator upon request.

(2) Offsite Consequence Analysis.

For the significant hazards identified in the risk and hazard analysis required under this section, the marine facility must conduct a trajectory analysis to determine the offsite consequences of an oil spill. This analysis must assume pessimistic water and air dispersion and other adverse environmental conditions such that the worst possible dispersion of the oil into the air or onto the water will be considered. This analysis is intended to be used as the basis for determining the areas and shoreline types for which response strategies must be developed. Some of the information required in this subsection may be drawn from the appropriate area contingency plans, completed by the United States Coast Guard, state agencies, and local governments pursuant to the Oil Pollution Act of 1990. (Note: where maps/diagrams are required they may be submitted on electronic media, in portable document format). A summary of the analysis must be included in the plan. The analysis must include at least the following:

(A) A trajectory, or series of trajectories (for pipelines, etc.), to determine the potential direction, rate of flow and time of travel of the reasonable worst-case oil spill from the facility to marine waters and to the shorelines, including shallow-water environments, that may be impacted. For purposes of this requirement, a trajectory or trajectories (projected for a minimum of 72 hours) that determine the outer perimeter of a spill, based on regional extremes of climate, tides, currents and wind with consideration to seasonal differences, is sufficient.

(B) For each probable shoreline that may be impacted, a discussion of the general toxicity effects and persistence of the ~~discharge~~ spill based on type of product; the effect of seasonal conditions on sensitivity of these areas; and an identification of which areas will be given priority attention if a spill occurs.

(C) For purposes of environmental sensitive site protection, the trajectory or trajectories must identify each geographic response area likely to be impacted within the first 12 hours.

(3) Resources at Risk from Oil Spills.

Based on the trajectory of the spilled oil as determined in the offsite consequence analysis, each plan must identify the ~~environmentally~~ environmental, economically and culturally sensitive sites that may be impacted. Each plan must identify and provide a map of the locations of these areas. Some of the information required in this subsection may be drawn from the appropriate area contingency plans, completed by the United States Coast Guard, state agencies, and local governments pursuant to the Oil Pollution Act of 1990. (Note: where maps/diagrams are required they may be submitted on electronic media, in portable document format).

(A) The map of ~~environmentally~~ environmental sensitive sites must include:

1. Shoreline types and associated marine resources;

2. The presence of migratory and resident marine bird and mammal migration routes, and breeding, nursery, stopover, haul-out, and population concentration areas by season;

3. The presence of aquatic resources including marine fish, invertebrates, and plants including important spawning, migratory, nursery and foraging areas;

4. The presence of natural terrestrial animal and plant resources in marine-associated environments;

5. The presence of state or federally-listed rare, threatened or endangered species;

6. The presence of commercial and recreational fisheries including aquaculture sites, kelp leases and other harvest areas.

(B) The map of the locations of economically and culturally sensitive sites must include:

1. Public beaches, parks, marinas, boat ramps and diving areas;

2. Industrial and drinking water intakes, power plants, salt pond intakes, and other similarly situated underwater structures;

3. Off-shore oil and gas leases and associated drilling/production platforms;

4. Known historical and archaeological sites. If a plan holder has access to any confidential archaeological information, it must be submitted as a separate item and will be handled as confidential information as described in section 790.3 of chapter 1.

5. Areas of cultural or economic significance to Native Americans; and

6. The major waterways and vessel traffic patterns that are likely to be impacted.

(4) Required Prevention Measures.

Each marine facility must take all prevention measures to reduce or mitigate the potential hazards identified in the risk and hazard analysis, and the potential impact those hazards pose to the resources at risk. Each plan must include the following:

(A) Schedules, methods and procedures for testing, maintaining and inspecting pipelines and other structures within or appurtenant to the marine facility that contain or handle oil which may impact

marine waters if a failure occurs. Any information developed in compliance with 30 Code of Federal Regulations part 250.153; 33 Code of Federal Regulations part 154; 49 Code of Federal Regulations part 195; and/or title 5, division 1, part 1, chapter 5.5, sections 51010 through 51019.1 of the Government Code may be substituted for all or part of any comparable prevention measures required by this subsection.

(B) Methods to reduce spills during transfer and storage operations, including overfill prevention measures and immediate spill containment provisions. Any information developed in compliance with California Code of Regulations, title 2, sections 2300 through 2407; 30 Code of Federal Regulations part 250.154; and/or 33 Code of Federal Regulations parts 154 and 156 may be substituted for all or part of any comparable prevention measures required by this subsection.

(C) Procedures to assure clear communication among all the parties involved during transfer operations. Any information developed in compliance with California Code of Regulations, title 2, division 3, chapter 1, article 5; California Code of Regulations, title 14, division 1, subdivision 4, chapter 3, subchapter 6; and/or 33 Code of Federal Regulations parts 154 and 156 may be substituted for all or part of any comparable prevention measures required by this subsection.

(D) Protection measures for areas within the marine facility that are subject to flooding.

(E) The plan holder must provide additional relevant information to the Administrator upon request.

(d) Containment Booming and On-Water Recovery.

Each plan holder must have a contract or other approved means for containment booming and on-water recovery response resources up to their response planning volume for all potential oil spills from the marine facility. To determine the amount of response resources for containment booming and on-water recovery, each plan holder must calculate a response planning volume as outlined below:

(1) Reasonable Worst-Case Spill.

To calculate the response planning volume, it is first necessary to determine the reasonable worst-case spill for each marine facility, as follows:

(A) For marine facilities (except on-shore pipelines ~~(~~not subject to chapter 6.67 (commencing with section 25270) or chapter 6.7 (commencing with section 25280) of division 20, Health and Safety Code) which are addressed in subsection (d)(1)(B), offshore platforms which are addressed in subsections (d)(1)(C) and (d)(1)(D), and offshore pipelines which are addressed in subsection (d)(1)(E):

1. The loss of the entire capacity of all in-line, break-out and portable storage tank(s), not subject to chapter 6.67 (commencing with section 25270) or chapter 6.7 (commencing with section 25280) of division 20, Health and Safety Code, needed for the continuous operation of the pipelines used for the purposes of handling or transporting oil, taking into account the existence of volume limiting factors including, but not limited to, line pressure, gravity, and the availability and location of the emergency shut-off controls; plus

2. The amount of additional spillage that could reasonably be expected to enter California marine waters during emergency shut-off, transfer or pumping operations if a hose(s) or pipeline(s) ruptures or becomes disconnected, or if some other incident occurs which could cause or increase the size of

an oil spill. The spillage must be calculated as follows: the maximum time to discover the release from the pipe or hose in hours, plus the maximum time to shut down flow from the pipe or hose in hours (based on historic ~~discharge~~ spill data or the best estimate in absence of historic ~~discharge~~ spill data for the marine facility) multiplied by the maximum flow rate expressed in barrels per hour (based on the maximum relief valve setting or maximum system pressure when relief valves are not provided) plus the total linefill drainage volume expressed in barrels.

3. The Administrator has the discretion to accept that a marine facility can operate only a limited number of the total pipelines at a time. In those circumstances, the reasonable worst-case spill volume must include the drainage volume from the piping normally not in use, in addition to the volume determined in (1) and (2), above.

(B) For on-shore pipelines not subject to chapter 6.67 (commencing with section 25270) or chapter 6.7 (commencing with section 25280) of division 20, Health and Safety Code, the largest volume in barrels, of the following:

1. The pipeline's maximum release time in hours (i.e., the time between pipeline rupture and discovery), plus the maximum shut-down response time in hours (based on historic discharge data or in the absence of such historic data, the operator's best estimate), multiplied by the maximum flow rate expressed in barrels per hour (based on the maximum daily capacity of the pipeline), plus the largest line drainage volume after shutdown of the line section(s) in the response zone expressed in barrels. (As used in this subsection: line section means a continuous run of pipe that is contained between adjacent pressure pump stations, between a pressure pump station and a terminal or break-out tank, between a pressures pump station and a block valve, or between adjacent block valves; response zone means a geographic region either along a length of pipeline or including multiple pipelines, containing one or more adjacent line sections, for which the operator must plan for the deployment of, and provide spill response capabilities. The size of the zone is determined by the operator after considering available capabilities, resources, and geographic characteristics); or

2. The largest foreseeable discharge for the line section(s) within a response zone, expressed in barrels, based on the maximum historic discharge, if one exists, adjusted for any subsequent corrective or preventive action taken; or

3. If the response zone contains one or more break-out tanks, the capacity of the single largest tank or battery of tanks within a single secondary containment system, adjusted for the capacity or size of the secondary containment system, expressed in barrels.

(C) For offshore platforms (except those drilling a new well which are addressed in subsection (d)(1)(D)):

1. Total tank storage and flow line capacity; plus

2. That portion of the total linefill capacity which could be lost during a spill, taking into account the availability and location of the emergency shut-off controls and the effect of hydrostatic pressure; plus

3. The amount of additional spillage that could reasonably be expected to enter marine waters during emergency shut-off, transfer or pumping operations if a hose or pipeline ruptures or becomes disconnected, or some other incident occurs which could cause or increase the size of an oil spill. The calculation may take into consideration other safety devices, emergency reaction times and maximum transfer rates; plus

4. The daily production volume for 30 calendar days from an uncontrolled blowout of the highest capacity well associated with the marine facility. In determining the daily discharge rate, the reservoir characteristics, casing/production tubing sizes, and historical production and reservoir pressure data must be taken into consideration.

(D) For offshore platforms with active well drilling:
The owner or operator of a platform at which a new well is being drilled must submit a proposed reasonable worst-case oil spill calculation for platform operations to the Administrator. The proposed worst-case ~~discharge~~ spill is the daily volume possible for 30 calendar days from an uncontrolled blowout taking into consideration any known reservoir characteristics. The proposed calculation will be reviewed by the Administrator during the plan review and approval process to determine if it adequately addresses the oil spill potential of the new well system.

(E) For offshore pipelines, the largest volume in barrels of the following calculation:
The pipeline system leak detection time, plus the shutdown response time, multiplied by the highest measured oil flow rate over the preceding 12-month period. For new pipelines, use the predicted oil flow rate. Add to this calculation the total volume of oil that would leak from the pipeline after it is shut in. This volume should be calculated by taking into account the effects of hydrostatic pressure, gravity, frictional wall forces, length of pipeline segment, tie-ins with other pipelines, and other factors.

(F) The calculations, and such parameters as flow rates, linefill capacities and emergency shutoff times, that are used to determine a marine facility's reasonable worst-case spill must be submitted as part of the plan. The Administrator may review and test these parameters as part of the drill conducted in accordance with subsection 816.03(b).

(2) Persistence and Emulsification Factors.

(A) The reasonable worst-case spill volume is then multiplied by a persistence factor relative to the most persistent type of oil that may be spilled by the marine facility. The persistence factors relative to the type of oil spilled, are specified below:

Oil Group	Group 1	Group 2	Group 3	Group 4
Persistence Multiplier	.20	.50	.50	.50

(B) Emulsification Factors.

The volume determined from the calculation in Subparagraph (A) is then multiplied by one of the following emulsification factors, again, based on the type of oil.

Oil Group	Group 1	Group 2	Group 3	Group 4
Emulsification Multiplier	1.0	1.8	2.0	1.4

(C) Response Planning Volume.

The total determined by the above calculation is a response planning volumes.

1. The response planning volumes to be used to determine the amount of response equipment and services that must be under contract or other approved means must be the greater of the amount

determined in subsection 817.02(d)(1) and (2), or the planning volume for on-water recovery calculated for the nearshore/inland environment in the marine facility's federal response plan pursuant to 33 Code of Federal Regulations part 154, appendix C, section 7. The planning volume for on-water recovery is the adjusted volume from the federal calculation determined prior to establishing the response tiers utilizing the mobilization factors.

2. All calculations used to determine the response planning volumes must be included in the plan.

(3) Response Capability Standards.

The equipment and personnel necessary to address the response planning volumes is brought to the scene of the spill over a period of time. The time frames are dependent upon the risk zone in which the marine facility is located and are specified in the tables in this section.

The standards set forth in this section are only planning standards and may not reflect the exigencies of actual spill response. However, these are the standards that must be used to determine the amount of equipment and personnel that must be under contract or other approved means. Response resources in addition to those under contract must be identified, and a call-out procedure in place to access this equipment, if the marine facility has a spill that exceeds the response planning volumes. The owner or operator is ultimately responsible for addressing the entire volume of an actual spill regardless of the planning volume.

(A) On-Water Daily Recovery Rates and Containment Boom Amounts.

1. The total amount of on-water recovery equipment and services required must be the lesser of the amount necessary to address the response planning volumes determined in section 817.02(d)(2)(C) or the daily recovery rate established by this section at 817.02(d)(3)(B) below.

2. The amount of response resources and the time frames for delivery are specified in subsection 817.02(d)(3)(B) below. The barrels per day capability figure is the total amount of on-water recovery equipment that must be at the scene of the spill at the hour specified which is measured from the time of notification, as described in this subchapter. All on-water recovery response resources must be capable of being deployed and operable within one hour of arrival at the scene of the spill or drill but no later than the designated time frame for each risk zone.

3. The time frames for equipment delivery and deployment as specified in this subsection do not take into account the time required to conduct a health and safety assessment of the site as set forth in subsection 817.02(f)(8), and as required by the California Occupational Safety and Health Administration. In addition, these time frames do not account for delays that may occur due to weather or sea state. The actual time necessary to deliver and deploy equipment ~~will~~ must be assessed at the time of an incident or a drill and ~~will~~ must take into account the prevailing conditions of weather and sea state, as well as the site assessment requirements.

(B) Daily Recovery Rate.

1. Facilities located in high volume ports:

Delivery Time (Hours)	6	24	36	60
Barrels Per Day Capability	23,437	31,250	46,875	78,125

a. In addition, the facility transfer points within the high volume ports must have 3,125 barrels per day, or 10 percent of the reasonable worst-case spill volume, whichever is less, of on-water recovery capability that can be mobilized and on-scene within two hours of notification.

b. If a facility transfer point within a high volume port maintains and can immediately deploy containment equipment for a 3,125 barrel spill, or 10 percent of the reasonable worst-case spill volume, whichever is less, the initial on-water recovery capability can be on-scene within three hours rather than two hours.

2. Facility transfer areas and the Santa Barbara Channel area:

Delivery Time (Hours)	12	36	60
Barrels Per Day Capability	19,531	35,156	66,406

a. In addition, facility transfer points within a facility transfer area and the Santa Barbara Channel area must have 3,125 barrels per day, or 10 percent of the reasonable worst-case spill volume, whichever is less, of on-water recovery capability that can be mobilized and on-scene within 2 hours of notification.

b. If a facility transfer point within a facility transfer area or the Santa Barbara Channel area maintains and can immediately deploy containment equipment for a 3,125 barrel spill, or 10 percent of the reasonable worst-case spill volume, whichever is less, the initial on-water recovery capability can be on-scene within three hours rather than two hours.

c. For those points where transfers occur infrequently, and where there is not permanent equipment present, the 3,125 barrels per day, or 10 percent of the reasonable worst-case spill volume, whichever is less, on-water recovery capability must be brought to the site at the time of transfer.

d. For infrequent transfers of non-persistent oil, the initial response requirement may be waived by application to the Administrator. The application for waiver must include a justification based on such factors as the location of the marine facility, proximity to response equipment, additional equipment in the immediate area, and the relative environmental sensitivity of the potential spill sites.

(C) Sufficient containment equipment must be brought to the scene of the spill to address the daily recovery rates as designated in section 817.02(d)(3)(B).

(D) The standards set forth in subsection 817.02(d)(3)(B) were increased by a factor of 25 percent on July 1, 1997, and again on July 1, 2001. It was determined that this increase was feasible and necessary to meet the best achievable protection of the coast.

(E) The standards set forth in subsection 817.02(d)(3)(B) will be reviewed by the Administrator to determine if increases to these amounts are feasible and necessary in order to meet the best achievable protection of the coast. The Administrator shall conduct a review and hold a public hearing prior to confirming the new standards to solicit input regarding the necessity of the proposed increase and any credits that may be allowed.

(4) Movement of Response Resources.

There may be times when it is necessary to move response equipment from one risk zone to another in order to respond to a catastrophic oil spill. However, the Administrator needs to ensure that sufficient response resources are available to address a reasonable risk within each zone. Therefore, when equipment is needed from one risk zone which may impact the plan holder's on-water containment and recovery at the 6-hour level, the plan holder or oil spill response organization must make a request to the Administrator to temporarily reduce the response capability standards set forth in (d)(3) above, before the equipment can be moved. The Administrator shall only grant such a request after determining that sufficient response resources are available to address a reasonable risk within the zone from where the response equipment is being considered for removal.

(5) On-Water Response Equipment and Services.

(A) Each plan must demonstrate that the marine facility owner or operator has under contract or other approved means (as defined in section 790 of this subdivision), access to all the necessary response resources to comply with the response capability standards established in subsection 817.02(d)(3). The amount of response equipment required must take into account the effective daily recovery capacity (as defined in chapter 1, section 790 of this subdivision) of the equipment.

(B) The equipment identified for a specific area must be appropriate for use in that area given the limitations of the geography, bathymetry, water depths, tides, currents and other local environmental conditions. For those areas that require shallow-water response capability (refer to the relevant area contingency plan), the plan must provide for an adequate number of shallow-draft vessels (as defined in section ~~815.05~~790 of this ~~subchapter~~ subdivision) and for adequate booming and other shoreline protective resources to be owned or under contract or other approved means and available to provide ~~shoreline~~ protection of all environmental sensitive sites identified in the trajectory analysis conducted as part of the offsite consequence analysis. Additionally, the equipment identified must also be appropriate for use on the type of oil identified. The following information must be in the contingency plan, however ~~T~~to the extent that the ~~following~~ information is provided by a rated oil spill response organization, evidence of a contract or other approved means will suffice:

1. The location, inventory and ownership of the equipment to be used to fulfill the response requirements of this subchapter.

2. A complete inventory of any nonmechanical response equipment and supplies, including the type and toxicity of each chemical agent, with procedures for storage and maintenance.

3. The type and capacity of storage and transfer equipment matched to the skimming capacity of the recovery systems.

4. The manufacturer's rated capacities and the operational characteristics for each major item of oil recovery equipment.

5. The effective daily recovery capacity (as defined in chapter 1, section 790 of this subdivision) for each major piece of on-water recovery equipment listed, as well as the effective daily recovery capacity for the skimming systems as a whole.

a. A request may be submitted to the Administrator to review the effective daily recovery capacity for a piece of equipment if it can be shown that the equipment has a different capacity than the derating factor allows.

b. The Administrator's decision regarding a change in the effective daily recovery capacity for a piece of equipment will be issued as soon as administratively feasible.

6. Vessels designated for oil recovery operations, including skimmer vessels and vessels designed to tow and deploy boom, and availability of shallow-draft vessels.

7. Vessels of opportunity reasonably available for oil spill recovery operations, including availability of shallow-draft vessels, procedures to equip the vessels, inventory all equipment, and train personnel.

8. Procedures for storage, maintenance, inspection and testing of spill response equipment under the immediate control of the operator.

9. Sufficient equipment to track the movement of ~~discharged~~ spilled oil, including aerial surveillance sufficient to direct skimming operations.

10. Each plan must describe the personnel available to respond to an oil spill, including:

a. A list by job category including a job description for each type of spill response position needed as indicated in the spill response organization scheme.

b. A match between personnel by job category, and the equipment proposed for use (including equipment appropriate for shallow-water environments), including the plan for mobilization of such personnel.

c. Sufficient personnel to maintain a response effort of at least 14 calendar days.

11. Each plan must describe procedures for the transport of required equipment, personnel and other resources to the spill site. The description must include plans for alternative procedures during adverse environmental conditions. Adverse environmental conditions to be considered must include:

a. Adverse weather;

b. Sea states, tides, winds and currents;

c. Presence of debris or other obstacles; and

d. Any other known environmental conditions that could restrict response efforts.

(C) The name(s) of the marine facility's certified spill management personnel team as described in subchapter 5 of this chapter.

(D) Any equipment and personnel identified in the plan must be available for response. Any necessary maintenance for the equipment, vacation periods for response personnel, or other eventuality must be taken into account in relying upon these resources.

1. The equipment owner must notify the Administrator when major equipment is removed from service for a period of 24 hours or more for maintenance or repair. Major equipment is that which, if removed, would affect timely implementation of the plan. Notification must be made prior to removing equipment for regularly scheduled maintenance, and within 24 hours of removing equipment for unscheduled repairs.

2. The equipment owner must demonstrate that backup equipment is available during the time that the primary response equipment is out of service. Backup equipment may be provided from the owner's own inventory, or may be made available from another responder.

3. A plan remains valid during the time that equipment has been removed from service for maintenance or repair.

(E) Non-floating Oil.

Marine facilities that handle non-floating oil must contract with one or more rated oil spill response organizations to address the marine facility's response planning volume. Such equipment must include, but is not limited to, the following:

1. Sonar, sampling equipment, or other methods for locating the oil on the bottom or suspended in the water column.

2. Containment boom, sorbent boom, silt curtains, or other methods to reduce spreading on the bottom.

3. Dredges, pumps, or other equipment necessary to recover oil from the bottom.

4. Equipment necessary to assess the impact of such ~~discharges~~ spills.

5. Any other appropriate equipment necessary to respond to a ~~discharge~~ spill involving a non-floating oil.

(F) The plan holder may propose the use of non-mechanical methods for response operations which may include dispersants, in-situ burning, coagulants, bioremediants, or other chemical agents. The use of any non-mechanical method for response must be done in accordance with provisions of the California Oil Spill Contingency Plan, the National Oil and Hazardous Substances Pollution Contingency Plan, the applicable federal area contingency plan and all applicable state laws and regulations. If a non-mechanical method of response is proposed, the plan must include:

1. Methods of deployment or application~~;~~.

2. For use of a chemical agent, a description of the specific mechanisms in place to assess the environmental consequences of the chemical agent. This must include the mechanism for continuous monitoring of environmental effects for the first three calendar days after initial application, and periodic monitoring thereafter until the agent is inert or no longer operative.

3. Identification of all permits, approvals or authorizations needed to allow the use of chemical agents or non-mechanical methods, and the timeline for obtaining them.

4. A plan for protecting resources at risk, areas of public concern and the public from any adverse effects of the non-mechanical method used.

5. The projected efficacy of each type of non-mechanical method proposed for use taking into account the type of spilled material and the projected environmental conditions of the potential spill site.

6. Upon request, the plan holder must provide any test results known to the plan holder which assess the environmental impacts of applying these methods in the marine environment.

(G) The plan must describe methods for tracking the movement of the ~~discharged~~ spilled oil; and

(H) The plan must list the location of the weather stations to be used for observations of winds, currents and other data at the time of a spill that may assist in making real-time projections of spill movement.

(e) ~~Shoreline~~Environmental Sensitive Site Protection and Shoreline Cleanup.

Each plan must provide for shoreline protection of all potential spills from the marine facility.

(1) Shoreline Response Planning Volume.

Each plan must demonstrate that the marine facility has access to all necessary equipment and services to address the response strategies appropriate to each shoreline that could potentially be impacted by a spill from the facility.

To determine the amount of equipment and services necessary a response planning volume must be calculated as outlined below:

(A) Multiply the reasonable worst-case spill for the marine facility, as calculated in subsection 817.02(d)(1), by the appropriate persistence factor from the chart below for the most persistent type of oil that may be spilled:

Oil Group	Group 1	Group 2	Group 3	Group 4
Persistence Multiplier	.20	.50	.50	.50

(B) Emulsification Factors.

The volume determined from the calculation above is then multiplied by one of the following emulsification factors, again, based on the type of oil:

Oil Group	Group 1	Group 2	Group 3	Group 4
Emulsification Multiplier	1.0	1.8	2.0	1.4

(C) Total Shoreline Equipment Required.

The total determined by this calculation is a response planning volume.

1. The response planning volume to be used to determine the amount of ~~R~~response equipment and services that must be under contract must be the greater of the amount determined in subsection 817.02(e)(1), or the adjusted planning volume for onshore recovery calculated for the nearshore/inland environment in the facility's federal response plan pursuant to 33 Code of Federal Regulations part 154, appendix C, section 7.

2. All calculations used to determine the response planning volume must be included in the plan.

(2) ~~Shoreline~~ Sensitive Site Protection Equipment and Services.

Each plan must identify, and ensure availability through a contract or other approved means (as defined in section 790 of this subdivision), the capability of effecting ~~shoreline~~ environmental sensitive site protection strategies. Such protection strategies must be commensurate with the response planning volume calculated for potential shoreline impact, and must be capable of addressing all appropriate protection, and response strategies. The specific areas where equipment and services must be available for use must be identified in the offsite consequence analysis 12-hour trajectory.

(A) The equipment identified for a specific area must be appropriate for use in that area given the limitations of the bathymetry, geomorphology, shoreline types and other local environmental conditions. Additionally, the equipment identified must be appropriate for use on the type of oil identified. Facilities that provide their own ~~shoreline~~ protection of environmental sensitive sites must participate in the Office of Spill Prevention and Response's sensitive site strategy evaluation program, as described in section 819.01 of this subchapter. The following information must be provided to the extent that the following information is provided by a rated oil spill response organization, evidence of a contract or other approved means with a rated oil spill response organization will suffice:

1. The amounts of all protective booming, shallow-draft vessels, and shoreline protection equipment necessary to address the specific ~~types of shorelines~~ sites that may be impacted.

2. The location, inventory and ownership of the equipment to be used to fulfill the response requirements.

3. The procedures for storage, maintenance, inspection and testing of spill response equipment under the immediate control of the operator.

(B) Each plan must have under contract or other approved means sufficient trained personnel to respond to all oil spills up to the calculated response planning volume, which are to remain on-scene until demobilized by the incident command or the unified command. For planning purposes, this must include procedures to obtain sufficient personnel to maintain a response effort of at least 14 calendar days.

(C) Any equipment and personnel identified to meet the planning standard requirements must be available for response. Any necessary maintenance for the equipment, vacation periods for response personnel, or other eventuality must be taken into account in relying upon these resources.

1. The equipment owner must notify the Administrator when major equipment is removed from service for a period of 24 hours or more for maintenance or repair. Major equipment is that which, if moved, would affect timely implementation of the plan. Notification must be made prior to removing equipment for regularly scheduled maintenance, and within 24 hours of removing equipment for unscheduled repairs.

2. The equipment owner must demonstrate that backup equipment is available during the time that the primary response equipment is out of service. Backup equipment may be provided from the owner's own inventory or may be made available from another responder.

3. A plan remains valid during the time that equipment has been removed from service for maintenance or repair if the Administrator has not disapproved such removal within 24 hours of notification.

4. The equipment owner must notify the Administrator when the major equipment is back in service.

(3) (Reserved)

(4) Shoreline Cleanup.

(A) Utilizing the equipment that must be under contract, each plan must describe the methods that will be used to contain spilled oil and remove it from the environment. The equipment identified for a specific area must be appropriate for use in that area given the limitations of the bathymetry,

geomorphology, shoreline types and other local environmental conditions. Additionally, the equipment identified must be appropriate for use on the type of oil identified. The description must include:

1. All shoreline cleanup procedures and oil diversion and pooling procedures for the close-to-shore environment. These procedures must include, where appropriate, methods for carrying out response operations and cleanup strategies in shallow-water environments, as identified in the trajectory analysis conducted as part of the offsite consequence analysis.

2. Methods for shoreside cleanup, including containment and removal of surface oil, subsurface oil and oiled debris and vegetation from all applicable shorelines, adjacent land and beach types.

3. Measures to be taken to minimize damage to the environment from land operations during a spill response, such as impacts to sensitive shoreline habitat caused by heavy machinery or foot traffic.

(B) Protection, response and cleanup strategies will be specific to the type of oil spilled, the expected spill sites as identified in the offsite consequence analysis, and the resources at risk at those spill sites.

(C) Each plan must utilize all the strategies appropriate to the potential impact sites.

(D) Each plan must have under contract or other approved means sufficient trained personnel to respond to all oil spills up to the response planning volume, which are to remain on-scene until demobilized by the incident command or the unified command.

(f) Response Procedures.

(1) Each plan must describe the organization of the marine facility's spill response system and certified spill management team. An organizational diagram depicting the chain of command must also be included. Additionally, the plan must describe the method to be used to integrate the plan holder's organization into the incident command system or the unified command structure as required by California Code of Regulations, title 8, subsection 5192(q)(3)(A).

(A) The plan holder may utilize the procedures as outlined in the appropriate area contingency plan when describing how the marine facility's chain of command will interface with the incident command system which utilizes the unified command.

(B) Each plan must describe the organization of the plan holder's public information office, as it relates to an oil spill incident, and the method by which the Information Officer will be integrated into the incident command system.

(C) Each plan must describe the plan holder's safety program as it relates to an oil spill incident and the method by which their Safety Officer will be integrated into the incident command system.

(2) Each plan must identify potential sites needed for spill response operations including location(s) for:

(A) A central command post sufficient to accommodate the incident command or unified command as well as the plan holder's response organization;

(B) A central communications post if located away from the command post;

(C) Equipment and personnel staging areas.

(3) Each plan must include a checklist, flowchart or decision tree depicting the procession of each major stage of spill response operations from spill discovery to completion of cleanup. The checklist, flowchart or decision tree must describe the general order and priority in which key spill response activities are performed.

(4) Each plan must describe how the plan holder will provide emergency services before the arrival of local, state or federal authorities on the scene, including:

(A) Procedures to control fires and explosions, and to rescue people or property threatened by fire or explosion;

(B) Procedures for emergency medical treatment and first aid;

(C) Procedures to control ground, marine and air traffic which may interfere with spill response operations;

(D) Procedures to manage access to the spill response site and the designation of exclusion, decontamination and safe zones; and

(E) Procedures to provide the required personnel protective gear for responders.

(5) Each plan must describe equipment and procedures to be used by marine facility personnel to minimize the magnitude of a spill and minimize structural damage which may increase the quantity of oil spilled.

(A) Spill mitigation procedures must include immediate containment strategies, methods to stop the spill at the source, methods to slow or stop leaks, and methods to achieve immediate emergency shutdown.

(B) For spill mitigation procedures the plan must include prioritized procedures for marine facility personnel including specific procedures to shut down affected operations. Responsibilities of facility personnel should be identified by job title. A copy of these procedures should be maintained at the facility operations center. These procedures should address the following equipment and scenarios:

1. Failure of manifold and mechanical loading arm, other transfer equipment, or hoses, as appropriate.

2. Tank overfill.

3. Tank failure.

4. Pipe rupture.

5. Pipe leak, both under pressure and not under pressure, if applicable.

6. Explosion or fire.

7. Other equipment failure (e.g. pumping system failure, relief valve failure, etc.).

(6) Each plan must detail the lines of communications between the responsible party, the qualified individual and the on-scene coordinators, response teams, and local, state, and federal emergency and disaster responders, including:

(A) Communication procedures;

(B) The communication function (e.g., ground-to-air) assigned to each channel or frequency used;

(C) The maximum broadcast range for each channel or frequency used; and

(D) Redundant and back-up systems.

(7) Each plan must describe the procedures to manage access to the spill response site, the designation of exclusion, decontamination and safe zones, and the decontamination of equipment and personnel during and after oil spill response operations, as required by the California Occupational Safety and Health Administration.

(8) Prior to beginning spill response operations ~~and/or clean up~~ and cleanup activities, a site safety plan must be completed. Each site safety plan must include information as required pursuant to California Code of Regulations, title 8, subsection 5192(b)(4)(B) including, but not limited to, a written respiratory protection program, written personal protective equipment program, written health and safety training program, written confined space program and permit forms, direct reading instrument calibration logs, and written exposure monitoring program.

(g) Notification Procedures.

(1) Each plan must include a list of contacts to call in the event of a drill, spill, or threatened ~~discharge~~ spill of oil~~, or discharge of oil~~. The plan must:

(A) Detail the procedures for reporting oil spills to all appropriate local, state, and federal agencies;

(B) Identify a central reporting office or individual who is responsible for initiating the notification process and is available on a 24-hour basis. The individual making this notification must be fluent in English. The following information must be provided:

1. The individual or office to be contacted.

2. Telephone number or other means of contact for any time of the day.

3. An alternate contact in the event the individual is unavailable.

(C) Establish a clear order of priority for notification.

(2) Immediate Notification.

Nothing in this subsection shall be construed as requiring notification before response.

(A) Each plan must include a procedure for initiating telephonic contact with the oil spill response organization, or other initial response resources if an oil spill response organization is not being used, immediately, but no longer than 30 minutes, after discovery of a ~~discharge~~ spill of oil or threatened ~~discharge~~ spill of oil.

(B) Each plan must include a procedure that ensures that the owner or operator or his or her designee will initiate telephonic contact with the qualified individual, the California Office of Emergency Services and the National Response Center immediately, but no longer than 30 minutes~~,~~ after discovery of a ~~discharge~~ spill of oil or threatened ~~discharge~~ spill of oil.

(C) All phone numbers necessary to complete the immediate notification procedures must be included in the response manual.

(3) Each plan must identify a call-out procedure to acquire the resources necessary to address spills that cannot be addressed by the equipment that the owner or operator is required to have under contract. Procedures must allow for initiation of the call-out within 24 hours of the incident and must begin as soon as a determination has been made that additional resources are necessary.

(4) Each plan must provide a checklist of the information to be reported in the notification procedures, including but not limited to:

(A) Marine facility name and location.

(B) Date and time of the incident.

(C) The cause and location of the spill.

(D) An estimate of the volume of oil spilled and the volume at immediate risk of spillage.

(E) The type of oil spilled, and any inhalation hazards or explosive vapor hazards, if known.

(F) The size and appearance of the slick.

(G) Prevailing weather and sea conditions.

(H)Actions taken or planned by personnel on-scene.

(I) Current condition of the marine facility.

(J) Injuries and fatalities.

(K) Any other information as appropriate.

(5) Reporting of a spill as required by subsection 817.02(g)(2) must not be delayed solely to gather all the information required by subsection 817.02(g)(4).

(6) An updated estimate of the volume of oil spilled and the volume at immediate risk of spillage must be reported to the California Office of Emergency Services whenever a significant change in the amount reported occurs, but not less than every 12 hours within the first 48 hours of response. The State Incident Commander ~~and/or~~ or the Federal On-Scene Coordinator through the unified command ~~shall have~~ has the option of increasing or decreasing this time frame, as needed. Updated spill volume information included in the Incident Action Plan developed through the unified command will meet the requirements of this subsection.

(h) Temporary Storage and Waste Management.

(1) Each plan must identify sufficient temporary storage for all recovered oil or all oily waste, and identify facilities that would be able to accept the recovered oil or oily waste for recycling or other means of waste management. Sufficient storage must be no less than two times the calculated response planning volume up to the daily recovery rate as determined in subsection 817.02(d)(3)(B).

(A) To meet the temporary storage requirement described in subsection (h)(1) above, the following amounts of storage must be dedicated response resources (as defined in section 790 of this subdivision) or OSRO-owned and controlled response resources (as defined in section ~~815.05(k)~~790 of this subdivision), as applicable to the appropriate risk zone:

1. Sufficient storage to support the skimming systems must be brought to the scene of the spill during the first four hours of response.

2. 520 barrels of storage, or 20 percent of the response planning volume, whichever is less, must be brought to the scene of the spill within four hours of notification of a spill.

3. 12,000 barrels, or two times the response planning volume, whichever is less, must be available at the scene of the spill within 6 hours of notification of a spill.

(B) The balance of the temporary storage requirement described in subsection (h)(1) above may be provided by non-dedicated storage resources. All skimming systems operating at the scene of a spill must have adequate storage.

(2) Each plan must identify the party that ~~shall~~ will maintain responsibility for recovered oil and oily waste for the purposes of temporary storage.

(3) Each plan must describe site criteria and methods used for temporary storage of recovered oil and oily wastes generated during response and cleanup operations, including sites available within the marine facility, or near the spill area.

(4) Each plan must identify all applicable permits, and all federal, state and local agencies responsible for issuing those permits for transit, temporary storage and ultimate waste management of all wastes likely to result from an oil spill.

(5) Each plan must include information which could expedite the state approval process for the use of temporary waste storage sites, including a list of appropriate contacts and a description of procedures to be followed for each approval process.

(i) Oiled Wildlife Care Requirements.

Each plan must describe how oiled wildlife care will be provided by one of the following approved means:

(1) Utilize the California Oiled Wildlife Care Network to meet oiled wildlife care requirements; or

(2) Describe procedures that clearly outline how oiled wildlife care will be provided. The equipment, facilities, and personnel necessary to implement these procedures must be identified and assured by contract for each geographic region covered by the plan. Standards and written protocols for wildlife care must comply with all applicable state and federal laws.

(j) Training.

(1) Each plan must provide that all appropriate personnel employed by the marine facility must receive training in the use and operation of oil spill response and cleanup equipment. The plan must describe:

(A) The type and frequency of training that each individual in a spill response position receives to achieve the level of qualification demanded by their job description.

(B) The procedures, if any, to train and use volunteers or other additional personnel in spill response operations as necessary for the size of the spill.

(2) Each plan must describe the type and frequency of personnel training on methods to reduce operational risks. The description of the training must include, if applicable, the following:

(A) Any established training objectives that address potential spill sources and causes that were identified in the Risk and Hazard Analysis.

(B) The means of achieving any established training objectives, such as:

1. Training programs for the positions involved with the various aspects of the marine facility's operation that could result in a spill (e.g., position responsible for facility inspections or transfers);

2. A training schedule, including adequate frequency, (e.g., initial training upon hire and annual refresher training) and type of training (workshops, classroom, videotape, on-the-job training, etc.) for each position trained, by job classification;

(C) Any licenses, certifications or other prerequisites required to hold particular jobs.

(D) A plan holder whose marine facility is subject to and in compliance with California State Lands Commission training regulations (title 2, division 3, chapter 1, article 5.3, California Code of Regulations sections 2540 through 2548) will be considered in compliance with the training provisions of this subsection.

(3) Each plan must provide for safety training as required by state and federal health and safety laws for all personnel likely to be engaged in oil spill response, including a program for training non-permanent responders such as volunteers or temporary help.

(4) The marine facility owner or operator must ensure that training records are maintained for 3 years. All such documentation must be made available to the Administrator upon request.

(k) Equipment Deployment Drills and Tabletop Exercises.

(1) Each plan must describe the ~~small~~ marine facility's drill and exercise program that meets the requirements of section 820.1 of subchapter 3.6, to ensure that the elements of the plan will function in an emergency.

(2) Training sessions may constitute creditable drills and exercises if all requirements in section 820.1 of subchapter 3.6 are met.

(3) A marine facility owner or operator must ensure that all of the response resources identified in the plan participate in equipment deployment ~~exercises~~ drills at least once every three years.

(4) Environmental Sensitive Site Protection. When an oil spill contingency plan lists plan holder-owned environmental sensitive site protection response resources, a drill must be conducted at least once every three years. The amount of boom required to be deployed is the amount needed for the site strategy or strategies identified in the drill scenario, but no more than the amount required at protection hour six pursuant to the Site Protection Table in section 828.1.

Note: Authority cited: Sections 8670.7, 8670.10, 8670.28, 8670.29, 8670.30 and 8670.32, Government Code. Reference: Sections 8670.7, 8670.10, 8670.25.5, 8670.28, 8670.29, 8670.30, 8670.31, 8670.32 and 8670.37.51, Government Code.

§ 817.03. Small Marine Fueling Facility Plan Content.
(Illustrated changes to section 817.03 become effective 1/1/2026)

To the degree the information required by subsections 817.03(b) through (k) exists elsewhere, copies of the pre-existing information may be submitted. If the information provided is not sufficient to meet the requirements of this subchapter, additional information may be requested by the Administrator.

(a) Introductory Material.

(1) Each plan must provide the following information:

(A) Name and address of the small marine fueling facility (as defined in section 790 of this subdivision), and mailing address if different. The name and address of the facility must be referenced in the plan title or on a title page at the front of the plan.

(B) Name, address, phone number, fax number and e-mail address, if available, of the owner ~~and/or~~ and operator of the small marine fueling facility.

(C) Name, address, phone number, fax number and e-mail address, if available, of the person to whom correspondence should be sent.

(D) A certification statement signed under penalty of perjury by an executive within the plan holder's management who is authorized to fully implement the oil spill contingency plan, who must review the plan for accuracy, feasibility, and executability. If this executive does not have training, knowledge and experience in the area of oil spill prevention and response, the certification statement must also be signed by another individual within the plan holder's management structure who has this requisite training, knowledge, and experience. The certification must be submitted according to the following format:

“I certify, to the best of my knowledge and belief, under penalty of perjury under the laws of the State of California, that the information contained in this contingency plan is true and correct and that the plan is both feasible and executable.”

_____(signature), (title), (date)

(E) The California certificate of financial responsibility number for the small marine fueling facility must be included in the front of the plan. If this number is not available when the plan is submitted because the facility is not yet operational, the number must be provided as soon as it becomes available. The certificate of financial responsibility number must be provided before the plan can be approved.

(2) Each plan must identify a qualified ~~I~~individual, as defined in chapter 1, section 790 of this subdivision, and any alternates that may be necessary for the purpose of implementing the plan, and documentation that the qualified individual acknowledges this capacity. If an alternate or alternates are identified in the plan, then the plan must also describe the process by which responsibility will be transferred from the qualified individual to an alternate. During spill response activities, notification of such a transfer must be made to the State Incident Commander at the time it occurs.

(3) Each plan must provide the name, address, telephone number and facsimile number of an agent for service of process designated to receive legal documents on behalf of the plan holder, and documentation that the agent for services of process acknowledges this capacity. Such agent must be located in California.

(4) Each plan must identify and ensure by contract or other approved means a certified spill management team, as described in subchapter 5 of this chapter. The certified spill management team must be the appropriate tier classification pursuant to section 830.3 of subchapter 5.

(A) The spill management team may have an interim certification for purposes of satisfying contingency plan requirements.

(B) A single spill management team may be listed if it is capable of responding in all geographic regions in which the plan holder operates.

(C) The spill management team may consist of personnel employed by the plan holder or persons affiliated with the plan holder, contracted personnel, or a combination thereof.

(D) If the plan holder contracts for these services, documentation that the certified spill management team acknowledges this capacity must be included in the plan.

(5) Each plan must contain evidence of the contract or other approved means, as defined in section 790 of this subdivision, verifying that any oil spill response organization(s) named in the plan will provide the requisite equipment and personnel in the event of an oil spill. Plan holders must only contract with an oil spill response organization that has received a rating by the Office of Spill Prevention and Response (as specified in section 819 of this subchapter) for the booming, on-water recovery and storage, and ~~shoreline~~ environmental sensitive site protection services as required.

(b) Small Marine Fueling Facility Description.

(1) Each plan must describe the small marine fueling facility's design and operations with specific attention to those areas from which an oil spill could occur. This description must include, at a minimum, the following information:

(A) For small marine fueling facilities (except for those mobile transfer units addressed under subsection (B) below):

1. A piping and instrumentation diagram, and a tank diagram including the location of pumps, valves, vents and lines; the number, and oil storage capacity of each structure covered under the plan and its age, design, construction and general condition; the range of oil products normally stored in each structure; the presence or absence of containment structures and equipment; and the location of mooring areas, oil transfer locations, control stations, safety equipment, drip pans and the drainage for drip pans;

(B) For mobile transfer units:

1. An instrumentation and tank diagram of the mobile transfer unit tankage and fueling components:

(C) A description of the types, physical properties, health and safety hazards, maximum storage or handling capacity and current normal daily throughput of oil handled. A ~~material~~ safety data sheet or equivalent will meet some of these requirements and can be maintained separately at the small marine fueling facility providing the plan identifies its location;

(D) A description of the normal procedures for transferring oil, and the amount, frequency and duration of the oil transfers; and

(E) The small marine fueling facility's normal hours of operation.

(c) Prevention Measures.

Each plan must address prevention measures in order to reduce the possibility of an oil spill occurring as a result of an oil transfer. The prevention measures must eliminate or mitigate all the hazards identified in the risk and hazard analysis.

(1) Risk and Hazard Analysis.

(A) Each plan must provide a history of the significant spills from the small marine fueling facility for either the 10 year period prior to the date of plan submittal, or from the date the facility became operational, whichever is shorter. As used in this section, a significant spill is one which had a deleterious impact on the local environment, or caused the physical layout of the facility or the facility's operations procedures to be modified. This information must include:

1. A written description of sites, equipment or operations with a history of oil spills;

2. The cause and size of any historical spill. The causes to be considered must include such factors as operator error, or a failure of the system or subsystem from which the spill occurred;

3. A brief summary of the impact of the spills; and

4. A description of the corrective actions taken in response to any and all spills included in the historical data.

(B) Each small marine fueling facility must conduct a risk and hazard ~~a~~analysis to identify the hazards associated with the operation of the small marine fueling facility, including operator error, the use of the facility by various types of vessels, equipment failure, and external events likely to cause an oil spill.

The owner or operator may use the “What-If Analysis” hazard evaluation method or an equivalent method identified by the American Institute of Chemical Engineers.

(C) The chosen hazard evaluation method must be conducted in accordance with the guidelines established by the American Institute of Chemical Engineers as published in the “Guidelines for Hazard Evaluation Procedures”, second edition, copyright 1992, prepared for The Center For Chemical Process Safety.

1. The plan must include information regarding the expertise of the working group that develops the analysis.

2. The plan must include information that demonstrates to the Administrator that the analysis is appropriate to the small marine fueling facility and adequate according to the published procedures referenced in (C) above.

3. An owner or operator may be found in violation of this section if the Risk and Hazard Analysis does not adequately address the risks posed by the small marine fueling facility.

4. The Administrator may require that an analysis be updated if there are significant changes made to the small marine fueling facility. A significant change, as used in this paragraph, is one that would have an impact on the outcome of the Risk and Hazard Analysis.

5. Additional information regarding the analysis method used or the working group that conducted the analysis must be made available to the Administrator upon request.

(D) Each plan must include a summary of the results of the Risk and Hazard Analysis. The summary must include the following:

1. The hazard analysis method used, and a statement that the analysis is specific to the small marine fueling facility. If the analysis relies on a risk assessment at a similar facility, the summary must specify how the two facilities are comparable;

2. An inventory of the hazards identified, including the hazards that resulted in the historical spills;

3. An analysis of the potential oil ~~discharges~~ spills, including the size, frequency, cause, duration and location of all significant spills from the small marine fueling facility as a result of each major type of hazard identified;

4. The control measures that will be used to mitigate or eliminate the hazards identified. The plan must include time frames for implementing any control measures that cannot be functional immediately; and

5. A prediction of the potential oil spills that might still be expected to occur after any mitigating controls have been implemented.

(E) All supporting documentation used to develop the risk and hazard analysis summary must be made available to the Administrator upon request.

(2) Offsite Consequence Analysis.

For the significant hazards identified in the risk and hazard ~~a~~analysis required under this section, the small marine fueling facility (except for mobile transfer units, as defined in chapter 1, section 790 of this subdivision) must conduct a trajectory analysis to determine the offsite consequences of an oil spill. This analysis must assume pessimistic water and air dispersion and other adverse environmental conditions such that the worst possible dispersion of the oil into the air or onto the water will be considered. This analysis is intended to be used as the basis for determining the areas and shoreline types for which response strategies must be developed. Some of the information required in this subsection may be drawn from the appropriate area contingency plans completed by the United States Coast Guard, state agencies, and local governments pursuant to the Oil Pollution Act of 1990. If information is available, the plan holder may make reference to that information (i.e., specify where the information can be found) and does not need to duplicate it in the plan. A summary of the analysis must be included in the plan. The analysis must include at least the following:

(A) A trajectory, or series of trajectories, to determine the potential direction, rate of flow and time of travel of the reasonable worst-case oil spill from the small marine fueling facility to marine waters and to the shorelines, including shallow-water environments, that may be impacted. For purposes of this requirement, a trajectory or trajectories (projected for a minimum of 72 hours) that determine the outer perimeter of a spill, based on regional extremes of climate, tides, currents and wind with consideration to seasonal differences, is sufficient.

(B) For each probable shoreline that may be impacted, a discussion of the general toxicity effects and persistence of the ~~discharge~~ spill based on type of product; the effect of seasonal conditions on sensitivity of these areas; and an identification of which areas will be given priority attention if a spill occurs.

(C) For purposes of environmental sensitive site protection, the trajectory or trajectories must identify each geographic response area likely to be impacted within the first 12 hours.

(3) Resources at Risk from Oil Spills.

Based on the trajectory of the spilled oil as determined in the offsite consequence analysis, each small marine fueling facility plan (except for mobile transfer units, as defined in chapter 1, section 790 of this subdivision) must identify the environmental, economically and culturally sensitive sites that may be impacted. Each plan must identify and provide a map of the locations of these areas. Some of the information required in this subsection may be drawn from the appropriate area contingency plans completed by the United States Coast Guard, state agencies, and local governments pursuant to the Oil Pollution Act of 1990. If information is available, the plan holder may make reference to that information (i.e., specify where the information can be found) and does not need to duplicate it in the plan.

(A) The map of environmental sensitive sites must include:

1. Shoreline types and associated marine resources.

2. The presence of migratory and resident marine bird and mammal migration routes, and breeding, nursery, stopover, haul-out, and population concentration areas by season.

3. The presence of aquatic resources including marine fish, invertebrates, and plants including important spawning, migratory, nursery and foraging areas.

4. The presence of natural terrestrial animal and plant resources in marine-associated environments.

5. The presence of state or federally-listed rare, threatened or endangered species.

6. The presence of commercial and recreational fisheries including aquaculture sites, kelp leases and other harvest areas.

(B) The map of the locations of economically and culturally sensitive sites must include:

1. Public beaches, parks, marinas, boat ramps and diving areas.

2. Industrial and drinking water intakes, power plants, salt pond intakes, and other similarly situated underwater structures.

3. Off-shore oil and gas leases and associated drilling/production platforms.

4. Known historical and archaeological sites.

5. Areas of cultural or economic significance to Native Americans.

6. The major waterways and vessel traffic patterns that are likely to be impacted.

(4) Required Prevention Measures.

(A) Each small marine fueling facility must implement all prevention measures to reduce or mitigate the potential hazards identified in the Risk and Hazard Analysis.

(B) In addition, each plan must include the following:

1. Schedules, methods and procedures for testing, maintaining and inspecting hoses, mobile transfer unit tankage and fueling components, and other structures within or appurtenant to the small marine fueling facility, that contain or handle oil which may impact marine waters if a failure occurs. Any information developed in compliance with 33 Code of Federal Regulations part 154; 49 Code of Federal Regulations part 195; and/or title 5, division 1, part 1, chapter 5.5 of the Government Code may be substituted for all or part of any comparable prevention measures required by this subsection;

2. Methods to reduce spills during transfer and storage operations, including overfill prevention measures and immediate spill containment provisions. Any information developed in compliance with title 2, California Code of Regulations, division 3, chapter 1, article 5.5; and/or 33 Code of Federal Regulations arts 154 and 156 may be substituted for all or part of any comparable prevention measures required by this subsection;

3. Procedures to assure clear communication among all the parties involved during transfer operations. Any information developed in compliance with California Code of Regulations, title 2, division 3, chapter 1, article 5.5; California Code of Regulations, title 14, division 1, subdivision 4, chapter 3, subchapter 6; and/or 33 Code of Federal Regulations parts 154 and 156 may be substituted for all or part of any comparable prevention measures required by this subsection;

4. The plan holder must provide additional relevant information to the Administrator upon request.

(d) Containment Booming and On-Water Recovery.

Each plan holder must have a contract or other approved means for containment booming and on-water recovery response resources up to their response planning volume for all potential oil spills from the small marine fueling facility. To determine the amount of response resources for containment booming and on-water recovery, each plan holder must calculate a response planning volume as outlined below:

(1) Reasonable Worst-Case Spill.

To calculate the response planning volume, it is first necessary to determine the reasonable worst-case spill size as follows:

(A) For small marine fueling facilities (except for mobile transfer units which are addressed in subsection (B) below):

1. ŧThe amount of additional spillage that could reasonably be expected to enter California marine waters during emergency shut-off, transfer or pumping operations if each hose or pipeline ruptures or becomes disconnected, or if some other incident occurs which could cause or increase the size of an oil spill. The spillage must be calculated as follows: the maximum time to discover the release from the pipe or hose in hours, plus the maximum time to shut down flow from the pipe or hose in minutes or hours (based on historic ~~discharge~~ spill data or the best estimate in absence of historic ~~discharge~~ spill data for the facility) multiplied by the maximum flow rate expressed in barrels per hour (based on the maximum relief valve setting or maximum system pressure when relief valves are not provided) plus the total linefill drainage volume expressed in barrels.

(B) For mobile transfer units:

1. The total tank storage capacity.

(C) The calculations, and such parameters as flow rates, linefill capacities and emergency shutoff times, that are used to determine a small marine fueling facility's reasonable worst-case spill must be submitted as part of the plan. The Administrator may review and test these parameters as part of the drill conducted in accordance with subsection 816.03(b).

(2) Persistence and Emulsification Factors.

(A) The reasonable worst-case spill volume is then multiplied by a persistence factor relative to the most persistent type of oil that may be spilled. The persistence factors are specified below:

Oil Group	Group 1	Group 2	Group 3	Group 4
Persistence Multiplier	.20	.50	.50	.50

(B) Emulsification Factors.

The volume determined from the calculation in subsection (A) is then multiplied by one of the following emulsification factors, again, based on the type of oil.

Oil Group	Group 1	Group 2	Group 3	Group 4
Emulsification Multiplier	1.0	1.8	2.0	1.4

(C) Response Planning Volume.

The total determined by the above calculation is a response planning volume.

1. The response planning volume is used to determine the amount of response equipment and services that must be under contract.

2. All calculations used to determine the response planning volume must be included in the plan.

(3) Response Capability Standards.

The standards set forth in this section may not reflect the exigencies of actual spill response. However, these are the standards that must be used to determine the amount of equipment and personnel that must be under contract or other approved means. Response resources in addition to those under contract must be identified, and a call-out procedure in place to access this equipment, if the small marine fueling facility has a spill that exceeds these planning standards. The owner or operator is ultimately responsible for addressing the entire volume of an actual spill regardless of the planning standards.

(A) Total Response Resources Required.

1. The total amount of on-water containment and recovery equipment and services required must be the amount necessary to address the response planning volume determined in sections 817.03(d)(1) and (2) as follows:

a. Sufficient on-water containment and recovery equipment and services to respond to 50 percent of the calculated response planning volume within two hours of notification.

b. Sufficient on-water containment and recovery equipment and services to respond to the remaining 50 percent of the calculated response planning volume within 12 hours of notification.

2. The time frames for equipment delivery and deployment as specified in this subsection do not take into account the time required to conduct a health and safety assessment of the site as set forth in subsection 817.03(f)(5), and as required by the California Occupational and Safety Administration. In

addition, these time frames do not account for delays that may occur due to weather or sea state. The actual time necessary to deliver and deploy equipment will be assessed at the time of an incident or a drill and will take into account the prevailing conditions of weather and sea state, as well as the site assessment requirements.

(4) Transfer Operations.

Each plan must demonstrate that the small marine fueling facility, not including mobile transfer units, owns or has access to sufficient and appropriate boom, trained personnel and equipment, maintained in a stand-by condition, such that at least 600 feet of boom can and will be deployed for the most effective containment immediately, but no longer than 30 minutes after the discovery of a spill. Additionally, each plan holder must identify the equipment, personnel and procedures such that an additional 600 feet of boom can and will be deployed within one hour for the most effective containment in the event of an oil spill. Response resources owned or under contract to the small marine fueling facility or vessel engaged in oil transfer operations may be used to meet these requirements.

(5) On-Water Response Equipment and Services.

(A) Each plan must demonstrate that the small marine fueling facility owns or has under contract or other approved means (as defined in section 790 of this subdivision), access to all the necessary equipment, services, and personnel to comply with the Response Capability Standards established in subsection 817.03(d). The amount of response equipment required must take into account the effective daily recovery capacity (as defined in chapter 1, section 790 of this subdivision) of the oil recovery equipment.

(B) The equipment identified for a specific area must be appropriate for use in that area given the limitations of the geography, bathymetry, water depths, tides, currents and other local environmental conditions. For those areas that require shallow-water response capability (refer to the relevant United States Coast Guard area contingency plan), the plan must provide for an adequate number of shallow-draft vessels (as defined in section 790 of this subdivision) and for adequate booming and other shoreline protective resources to be owned or under contract or other approved means and available to respond to provide ~~shoreline~~ protection of all environmental sensitive sites identified in the trajectory analysis conducted as part of the offsite consequence analysis. Additionally, the equipment identified must also be appropriate for use on the type of oil identified. To the extent that the following information is provided by a rated oil spill response organization, evidence of a contract or other approved means with a rated oil spill response organization will suffice:

1. The location, inventory and ownership of the equipment to be used to fulfill the response requirements of this subchapter;

2. The type and capacity of storage and transfer equipment matched to the skimming capacity of the recovery systems;

3. The manufacturer's rated capacities and the operational characteristics for each major item of oil recovery equipment;

4. The effective daily recovery capacity (as defined in chapter 1, section 790 of this subdivision) for each major piece of on-water recovery equipment listed, as well as the effective daily recovery capacity for the skimming systems as a whole.

i. A request may be submitted to the Administrator to review the effective daily recovery capacity for a piece of equipment if it can be shown that the equipment has a different capacity than the derating factor allows.

ii. The Administrator's decision regarding a change in the effective daily recovery capacity for a piece of equipment will be issued as soon as administratively feasible.

5. Vessels designated for oil recovery operations, including skimmer vessels and vessels designed to tow and deploy boom and availability of shallow-draft vessels;

6. Procedures for storage, maintenance, inspection and testing of spill response equipment under the immediate control of the operator;

(C) Non-floating Oil.

Small marine fueling facilities and mobile transfer units that handle non-floating oil must contract with one or more rated oil spill response organizations to address the marine facility's response planning volume. Such equipment must include, but is not limited to the following:

1. Sonar, sampling equipment, or other methods for locating the oil on the bottom or suspended in the water column;

2. Containment boom, sorbent boom, silt curtains, or other methods to reduce spreading on the bottom;

3. Dredges, pumps, or other equipment necessary to recover oil from the bottom;

4. Equipment necessary to assess the impact of such ~~discharges~~ spills; and

5. Any other appropriate equipment necessary to respond to a ~~discharge~~ spill involving a non-floating oil.

(e) Environmental Sensitive Site ~~Shoreline~~ Protection and Shoreline Cleanup.

Each plan must provide for shoreline protection and cleanup of all potential spills from the small marine fueling facility. The equipment identified for a specific area must be appropriate for use in that area given the limitations of the bathymetry, geomorphology, shoreline types and other local environmental conditions. Additionally, the equipment identified must be appropriate for use on the type of oil identified.

(f) Response Procedures.

(1) Each plan must describe the organization of the small marine fueling facility's certified spill management team. An organizational diagram depicting the chain of command must also be included. Additionally, the plan must describe the method to be used to integrate the plan holder's organization into the incident command system ~~and/or~~ or the unified command structure as required by California Code of Regulations, title 8, subsection 5192(q)(3)(A).

(A) The plan holder may utilize the procedures as outlined in the appropriate federal area contingency plan when describing how the small marine fueling facility's chain of command will interface with the incident command system which utilizes the unified command structure.

(2) Each plan must describe how the plan holder will provide emergency services before the arrival of local, state or federal authorities on the scene, including:

(A) Procedures to control fires and explosions, and to rescue people or property threatened by fire or explosion;

(B) Procedures for emergency medical treatment and first aid;

(3) Each plan must include a checklist, flowchart or decision tree depicting the procession of each major stage of spill response operations from spill discovery to completion of cleanup. The checklist, flowchart, or decision tree must describe the general order and priority in which key spill response activities are performed.

(4) Each plan must describe equipment and procedures to be used by small marine fueling facility personnel to minimize the magnitude of a spill and minimize structural damage which may increase the quantity of oil spilled.

(A) Spill mitigation procedures must include immediate containment strategies, methods to stop the spill at the source, methods to slow or stop leaks, and methods to achieve immediate emergency shutdown.

(5) Prior to beginning spill response operations ~~and/or clean-up~~ and cleanup activities, a Site Safety Plan must be completed. Each Site Safety plan must describe the procedures to be used for the development of the Site Safety Plan required pursuant to California Code of Regulations, title 8, subsection 5192(b)(4)(B).

(g) Notification Procedures.

(1) Each plan must include a list of contacts to call in the event of a drill, spill, or threatened ~~discharge~~ spill of oil~~, or discharge of oil~~. The plan must:

(A) Detail the procedures for reporting oil spills to all appropriate local, state, and federal agencies;

(B) Identify a central reporting office or individual who is responsible for initiating the notification process and is available on a 24-hour basis. The individual making this notification must be fluent in English. The following information must be provided:

1. The individual or office to be contacted.

2. Telephone number or other means of contact for any time of the day.

3. An alternate contact in the event the individual is unavailable.

(C) Establish a clear order of priority for notification.

(2) Immediate Notification.

Nothing in this subsection shall be construed as requiring notification before response.

(A) Each plan must include a procedure for initiating telephonic contact with the oil spill response organization, or other initial response resources if an oil spill response organization is not being used, immediately, but no longer than 30 minutes, after the discovery of a ~~discharge~~ spill of oil or threatened ~~discharge~~ spill of oil.

(B) Each plan must include a procedure that ensures that the owner or operator or his/her designee will initiate telephonic contact with the qualified individual, the California Office of Emergency Services

and the National Response Center immediately, but no longer than 30 minutes, after discovery of a ~~discharge~~ spill of oil or threatened ~~discharge~~ spill of oil.

(C) All phone numbers necessary to complete the immediate notification procedures must be included in the response manual.

(3) Each plan must identify a call-out procedure to acquire the resources necessary to address spills that cannot be addressed by the equipment that the owner or operator owns or has under contract. Procedures must allow for initiation of the call-out within 24 hours of the incident and must begin as soon as a determination has been made that additional resources are necessary.

(4) Each plan must provide a checklist of the information to be reported in the notification procedures, including but not limited to:

(A) Small marine fueling facility name and location;

(B) Date and time of the incident;

(C) The cause and location of the spill;

(D) An estimate of the volume of oil spilled and the volume at immediate risk of spillage;

(E) The type of oil spilled, and any inhalation hazards or explosive vapor hazards, if known;

(F) The size and appearance of the slick;

(G) Prevailing weather and sea conditions;

(H) Actions taken or planned by personnel on-scene;

(I) Current condition of the small marine fueling facility;

(J) Injuries and fatalities; and

(K) Any other information as appropriate.

(5) Reporting of a spill as required by subsection 817.03(g)(2) must not be delayed solely to gather all the information required by subsection 817.03(g)(4).

(6) An updated estimate of the volume of oil spilled and the volume at immediate risk of spillage must be reported to the California Office of Emergency Services whenever a significant change in the amount reported occurs, but not less than every 12 hours within the first 48 hours of response. The State Incident Commander ~~and/or~~ or the Federal On-Scene Coordinator through the unified command ~~shall have~~ has the option of increasing or decreasing this time frame, as needed. Updated spill volume information included in the Incident Action Plan developed through the unified command will meet the requirements of this subsection.

(h) Temporary Storage and Waste Management.

(1) Each plan must identify sufficient temporary storage for all recovered oil or all oily waste, and identify facilities that would be able to accept the recovered oil or oily waste for recycling or other means of waste management. Sufficient storage must be no less than two times the calculated reasonable worst-case spill volume as determined in subsection 817.03(d)(1).

(2) Each plan must identify the party that ~~shall~~ will maintain responsibility for recovered oil and oily waste for the purposes of temporary storage.

(3) Each plan must describe site criteria and methods used for temporary storage of recovered oil and oily wastes generated during response and cleanup operations, including sites available within the small marine fueling facility or near the spill area.

(4) Each plan must identify all applicable permits, and all federal, state and local agencies responsible for issuing those permits for transit, temporary storage and ultimate waste management of all wastes likely to result from an oil spill.

(5) Each plan must include information which could expedite the state approval process for the use of temporary waste storage sites, including a list of appropriate contacts and a description of procedures to be followed for each approval process.

(i) Oiled Wildlife Care Requirements.

Each plan must describe how oiled wildlife care will be provided by one of the following approved means:

(1) Utilize the California Oiled Wildlife Care Network to meet oiled wildlife care requirements: or

(2) Describe procedures that clearly outline how oiled wildlife care will be provided. The equipment, facilities, and personnel necessary to implement these procedures must be identified and assured by contract for each geographic region covered by the plan. Standards and written protocols for wildlife care must comply with all applicable state and federal laws.

(j) Training.

(1) Each plan must provide that all appropriate personnel employed by the small marine fueling facility must receive training in the use and operation of oil spill response and cleanup equipment. The plan must describe:

(A) The type and frequency of training that each individual in a spill response position receives to achieve the level of qualification demanded by their job description;

(2) Each plan must describe the type and frequency of personnel training on methods to reduce operational risks. The description of the training must include, if applicable, the following:

(A) any established training objectives that address potential spill sources and causes that were identified in the Risk and Hazard Analysis.

(B) the means of achieving any established training objectives, such as:

1. A training schedule, including adequate frequency, (e.g., initial training upon hire and annual refresher training) and type of training (workshops, classroom, videotape, on-the-job training, etc.) for each position trained;

(C) Any licenses, certifications or other prerequisites required to hold particular jobs.

(D) A plan holder whose small marine fueling facility is subject to and in compliance with California State Lands Commission training regulations (title 2, division 3, chapter 1, article 5.3, California Code of Regulations sections 2540 through 2548) ~~shall~~ will be considered in compliance with the training provisions of this subsection.

(3) Each plan must provide for safety training as required by state and federal health and safety laws for all personnel likely to be engaged in oil spill response, including a program for training non-permanent responders such as volunteers or temporary help.

(4) The small marine fueling facility owner or operator must ensure that training records are maintained for three years. All such documentation must be made available to the Administrator upon request.

(k) Equipment Deployment Drills and Tabletop Exercises.

(1) Each plan must describe the small marine fueling facility's drill and exercise program that meets the requirements of section 820.1 of subchapter 3.6 to ensure that the elements of the plan will function in an emergency.

(2) Drills must be designed to exercise either individual components of the plan or the entire response plan. Such drills, individually or in combination, must ensure that the entire plan is exercised at least once every three years.

(3) Environmental Sensitive Site Protection. When an oil spill contingency plan lists plan holder-owned environmental sensitive site protection response resources, a drill must be conducted at least once every three years. The amount of boom required to be deployed is the amount needed for the site strategy or strategies identified in the drill scenario, but no more than the amount required at protection hour six pursuant to the Site Protection Table in section 828.1.

Note: Authority cited: Sections 8670.7, 8670.28, 8670.29, 8670.30 and 8670.32, Government Code. Reference: Sections 8670.7, 8670.10, 8670.25.5, 8670.28, 8670.29, 8670.30, 8670.31, 8670.32 and 8670.37.51, Government Code.

§ 818. Tank Vessel Contingency Plans.

§ 818.01. Applicability.

(a) Plans.

Unless tank vessels are exempt as provided in subsection (b) below, oil spill contingency plans must be prepared, submitted and used pursuant to the requirements of this section by all tank vessels which transit in the marine waters (as defined in section 790 of this subdivision) of California, or conduct business in the state. Business in the state would include such transactions as lightering operations off the coast of California.

(b) Exemptions.

(1) This subchapter ~~shall~~ does not apply to a tank vessel that enters the marine waters of the state because of imminent danger to the crew, or in an effort to prevent an oil spill or other harm to public safety or the environment. This exemption applies if the following are met:

(A) The operator and crew comply with all orders given by the Administrator or his or her designee, unless the orders are contradicted by orders from the United States Coast Guard;

(B) Except for fuel, oil may be transferred to or from the tank vessel only if permission is obtained from the Administrator and one of the following conditions is met;

1. The transfer is necessary for the safety of the crew; or

2. The transfer is necessary to prevent harm to public safety or the environment; or

3. A contingency plan is approved or made applicable to the tank vessel.

(C) The tank vessel must leave the marine waters of the state as soon as it is safe to do so, unless a contingency plan is approved or made applicable to its operation.

(2) Operation Without a Plan.

(A) A tank vessel may enter marine waters without an approved contingency plan if the Administrator approves entrance under the plan of the terminal or tanker that is the destination of the tank vessel. The Administrator's approval can be communicated by telephone or facsimile and is subject to the following:

1. The operator of the terminal or tanker provides the Administrator with advance written assurance that the operator assumes full responsibility for the tank vessel while it is traveling to or from the terminal or tanker. Such assurance may be delivered by hand, by mail or by facsimile. If delivered by facsimile the original must follow;

2. The contingency plan includes all conditions pertinent to a tank vessel;

3. The tank vessel meets all the requirements of the terminal or tanker's contingency plan; and,

4. The tank vessel has not made a similar entrance into marine waters in the preceding 12 month period.

(B) A tank vessel in marine waters pursuant to subsection 818.01(b)(2) must be operated in accordance with the tank vessel's operations manual. In the event of an oil spill, the tank vessel operator must comply with the directions of the Administrator and the applicable contingency plan of the terminal or tanker.

(3) Response Vessels.

Contingency plans are not required for dedicated response vessels, which are those vessels that are dedicated to conducting response activities for an oil spill incident exclusively.

(4) Innocent Passage.

Contingency plans are not required for vessels engaged in innocent passage (as defined in section 790 of this subdivision) within the marine waters of California.

Note: Authority cited: Section 8670.28, Government Code. Reference: Sections 8670.30, 8670.33, and 8670.34, Government Code.

§ 818.02. Tank Vessel Plan Content (Except for Those Vessels Carrying Oil As Secondary Cargo Addressed in Section 818.03 of This Subchapter).
(Illustrated changes to section 818.02 become effective 1/1/2026)

To the degree the information required by subsections 818.02(b) through (m) exists elsewhere, copies of the pre-existing information may be submitted. If the information provided is not sufficient to meet the requirements of this subchapter, additional information may be requested by the Administrator.

(a) Introductory Material.

(1) Each plan must provide the following information for each tank vessel covered by the plan:

(A) The tank vessel's name, country of registry, year built, classification society, radio call sign, and Lloyd's International Maritime Organization identification number. For United States flagged (registered) tank vessels without a Lloyd's International Maritime Organization identification number, the vessel's official number (also known as the document number) must be used;

(B) Name, address, phone number, fax number and e-mail address, of the owner ~~and/or~~ and operator of the tank vessel(s). This information must be referenced in the plan title or on a title page at the front of the plan;

(C) The name, address, phone number, fax number and e-mail address, of the person to whom correspondence should be sent;

(D) The tank vessel's classification, hull type, gross registered tonnage, maximum cargo amounts, length, draft and beam;

(E) A certification statement signed under penalty of perjury by an executive within the plan holder's management who is authorized to fully implement the oil spill contingency plan, who must review the plan for accuracy, feasibility, and executability. If this executive does not have training, knowledge and experience in the area of oil spill prevention and response, the certification statement must also be signed by another individual within the plan holder's management structure who has this requisite training, knowledge, and experience. The certification must be submitted according to the following format;

“I certify, to the best of my knowledge and belief, under penalty of perjury under the laws of the State of California, that the information contained in this contingency plan is true and correct and that the plan is both feasible and executable.” _____(signature), (title), (date)

(F) The California certificate of financial responsibility number for the tank vessel(s) covered by the plan must be included in the front of the plan, or for fleet plans must be listed separately in a subsection of the plan.

(2) Each plan must identify a qualified individual, as defined in chapter 1, section 790 of this subdivision, and any alternates that may be necessary for the purpose of implementing the plan. If the plan holder contracts for this service, documentation that the qualified individual or company, and any identified alternates, acknowledge this capacity must be included in the plan. If an alternate or alternates are identified in the plan, then the plan must also describe the process by which responsibility will be transferred from the qualified individual to an alternate. During spill response activities, notification of such a transfer must be made to the State Incident Commander at the time it occurs.

(3) Each plan must provide the name, address, telephone number and facsimile number of an agent for service of process designated to receive legal documents on behalf of the plan holder. If the plan holder contracts for this service, documentation that the agent for services of process acknowledges this capacity must be included in the plan. Such agent must be located in California.

(4) Each plan must identify and ensure by contract or other approved means a certified spill management team, as described in subchapter 5 of this chapter. The certified spill management team must be the appropriate tier classification, pursuant to section 830.3 of subchapter 5.

(A) The spill management team may have an interim certification for purposes of satisfying contingency plan requirements.

(B) A single spill management team may be listed if it is capable of responding in all geographic regions in which the plan holder operates.

(C) The spill management team may consist of personnel employed by the plan holder or persons affiliated with the plan holder, contracted personnel, or a combination thereof.

(D) If the plan holder contracts for these services, documentation that the certified spill management team acknowledges this capacity must be included in the plan.

(5) Each plan must contain evidence of the contract or other approved means (as defined in section 790 of this subdivision), verifying that any oil spill response organization(s) named in the plan will provide the requisite equipment and personnel in the event of an oil spill. This requirement can be met by a copy of the basic written agreement with an abstract of the recovery ~~and/or~~ and cleanup capacities covered by the contract. Plan holders must only contract with an oil spill response organization that has received a rating by the Office of Spill Prevention and Response (as specified in section 819 of this subchapter) for the booming, on-water recovery and storage, and ~~shoreline~~ environmental sensitive site protection services as required.

(b) Tank Vessel Description.

(1) Each plan must describe the tank vessel's design and operations with specific attention to those areas from which a spill could reasonably be expected to impact the marine waters of California. This description must include, at a minimum, the following information:

(A) general arrangement and tank diagrams, including the capacity of each cargo and fuel tank. Information regarding the age, design, and construction of the tank vessel must be provided.

(B) a description of the types, physical properties and the health and safety concerns of the oil or product carried. A ~~material~~ safety data sheet or equivalent will meet these requirements and can be maintained separately aboard the tank vessel providing the plan identifies its location.

(c) Prevention Measures.

(1) Each plan holder must take all appropriate prevention measures designed to reduce the possibility of an oil spill occurring as a result of collisions, groundings, explosions or operator error during the operation of the tank vessel. These prevention measures must include, but not be limited to, the following:

(A) Documented safe practices in ship operations and a safe working environment;

(B) Safeguards against all identified risks and hazards;

(C) Properly documented and updated procedures related to safety and pollution prevention;

(D) Ensuring personnel are qualified, medically fit and hold proper licenses;

(E) Ensuring personnel know how to operate emergency equipment;

(F) Ensuring personnel are trained in emergency preparedness (e.g., fire and boat drills, oil spill response, etc.);

(G) Appropriate system monitoring duties are performed;

(H) Proper preventive maintenance, inspection and testing of equipment or systems, the failure of which could result in a hazardous situation. This includes, but is not limited to, emergency equipment, cargo system integrity, alarms and emergency shutdowns, oil transfer system integrity, and oily water separator;

(I) Internal and external audits to verify compliance of actual practice with documented systems, and to assure continuous review and improvement of safety and pollution prevention systems and processes.

(2) Submitting the following documents as appropriate, and maintaining compliance with the state requirements cited in subsection (c)(1)(C) above, will be considered a demonstration of compliance with this subsection (c):

(A) As applicable, the owner or operator must either submit a Certificate of Inspection issued by the United States Coast Guard, or a summary of certificates issued by a member of the International Association of Classification Societies of the most recent tank vessel inspection, or verify that the tank vessel has such a certificate or summary and that the certificate or summary is available for review.

(B) The owner or operator must also submit a valid Safety Management Certificate for each vessel covered by the plan, as well as a Document of Compliance to demonstrate compliance with the performance elements in the International Safety Management Code subject to International Maritime Organization Resolution A.741(18), or must submit proof of compliance with the American Waterways Operators Responsible Carrier Program, if applicable.

(C) Where a plan holder's tank vessel is engaged in transfer operations at a facility subject to Public Resources Code section 8755, and the plan holder is in compliance with California State Lands Commission regulations for oil transfer operations, the plan holder ~~shall be~~ is considered in compliance with rules and regulations for the prevention of oil spills at marine terminals.

(d) Planning for the Location of Response Resources.

The owner or operator must be prepared to respond to a spill anywhere within the marine waters of California where the tank vessel transits. To determine the regions in which response equipment and personnel must be available, the owner or operator must include in the plan a description of the vessel's normal routes of travel including a list of each of the six geographic regions that the vessel transits along these routes. ~~OSPR has developed Shoreline Protection Tables (SP Tables, see Section 790, incorporated by reference herein and posted on OSPR's website) for vessel traffic in California's marine waters. Owners/operators shall meet the response resource and time frame requirements from the appropriate SP Tables when contracting for shoreline protection services.~~

(e) Containment Booming and On-Water Recovery.

Each plan holder must provide a contract or other approved means for containment booming and on-water recovery response resources up to their response planning volume for all potential spills from the tank vessel that could reasonably be expected to impact the marine waters of California. Each plan must demonstrate response resources sufficient to address potential spills in each geographic

response area ~~if available, or each coastal zone of the area contingency plan(s) (ACP)~~ through which the tank vessel may transit. ~~(GRA's are geographic subdivisions of ACP areas).~~ To determine the amount of response resources for containment booming and on-water recovery, each plan holder must calculate a response planning volume as outlined below:

(1) Reasonable Worst-Case Spill.

To calculate the response planning volume, it is first necessary to determine the reasonable worst-case spill for each tank vessel. The reasonable worst-case spill is calculated as 25 percent of the tank vessel's total cargo capacity.

(2) Persistence and Emulsification Factors.

(A) The reasonable worst-case spill volume is then multiplied by a persistence factor relative to the most persistent type of oil that each tank vessel carries over the marine waters of California. The persistence factors are specified below:

Oil Group	Group 1	Group 2	Group 3	Group 4
Persistence Multiplier	.20	.50	.50	.50

(B) Emulsification Factors.

The volume determined from the calculation above is then multiplied by one of the following emulsification factors, again, based on the type of oil.

Oil Group	Group 1	Group 2	Group 3	Group 4
Emulsification Multiplier	1.0	1.8	2.0	1.4

(C) Response Planning Volume.

The total determined by this calculation is a response planning volume.

1. The response planning volumes to be used to determine the amount of equipment and services that must be under contract or other approved means, must be the greater of the amount necessary to address the response planning volume as calculated in subsections 818.02(e)(1) and (2) or the planning volume for on-water recovery for inland/nearshore environment calculated for the vessel's federal response plan prepared pursuant to 33 Code of Federal Regulations part 155, Appendix B. The planning volume for on-water recovery is the adjusted volume from the federal calculations determined prior to establishing response tiers utilizing the mobilization factors;

2. The calculations used to determine the response planning volume must be included in the plan.

(3) Response Capability Standards.

The equipment and personnel necessary to address the response planning volume is brought to the scene of the spill over a period of time. The time frames are dependent upon the geographic response area or geographic region in which the tank vessel transits and is specified in the tables in this subsection.

The standards set forth in this section are only planning standards and may not reflect the exigencies of actual spill response. However, these are the standards that must be used to determine the amount of equipment and personnel that must be under contract or other approved means. Response resources in addition to those under contract must be identified and a call-out procedure in place to access this equipment if the tank vessel has a spill that exceeds the response planning volumes. The owner or operator is ultimately responsible for addressing the entire volume of an actual spill regardless of the planning volume.

(A) On-Water Daily Recovery Rates and Containment Boom Amounts.

1. The total amount of on-water recovery equipment and services required must be the lesser of the amount necessary to address the daily recovery rates established in subsection 818.02(e)(3)(B) below or the response planning volume determined in subsection 818.02(e)(2)(C).

2. The amount of response resources and the time frames for delivery are specified in subsection 818.02(e)(3)(B)(4) below. The barrels per day capability figure is the total amount of on-water recovery equipment that must be at the scene of the spill at the hour specified which is measured from the time of notification, as described in this subchapter. All on-water recovery response resources must be capable of being deployed and operable within one hour of arrival at the scene of the spill or drill but no later than the designated time frame for each risk zone.

3. The equipment identified for a specific area must be appropriate for use in that area given the limitations of the geography, bathymetry, water depths, tides, currents and other local environmental conditions. For those areas that require shallow-water response capability (refer to the relevant United States Coast Guard area contingency plan), the plan must provide for an adequate number of shallow-draft vessels (as defined in ~~S~~section 790 of this subdivision) to be owned or under contract or other approved means. Additionally, the equipment identified must also be appropriate for use on the type of oil identified.

4. The time frames for equipment delivery and deployment as specified in this subsection do not take into account the time required to conduct a health and safety assessment of the site as set forth in subsection 818.02(g)(8), and as required by the California Occupational Safety and Health Administration. In addition, these time frames do not account for delays that may occur due to weather or sea state. The actual time necessary to deliver and deploy equipment will be assessed at the time of an incident or a drill and will take into account the prevailing conditions of weather and sea state, as well as the site assessment requirements.

(B) Daily Recovery Rate.

On-scene Times		**2 hours (i)**	**4 hours (ii)**	**6 hours (ii)**	**12 hours**	**18 hours**	**24 hours**	**36 hours**	**60 hours**
High Volume Ports	On-water Recovery (ft)	3,125	13,280	23,437	23,437	27,343	31,250	46,875	78,125

On-scene Times		2 hours (i)	4 hours (ii)	6 hours (ii)	12 hours	18 hours	24 hours	36 hours	60 hours
	Containment Booming (ft)	2,000							
Facility Transfer Areas & Santa Barbara Channel	On-water Recovery (ft)	3,125		6,250	19,531	23,437	25,390	35,156	66,406
Balance of the Coast	On-water Recovery (ft)	3,125		3,750	11,719	15,625	19,531	31,250	62,500

i. At the facility transfer points within facility transfer areas or during transfers at anchorage designations within the high volume ports, there must be 3,125 barrels per day, or 10 percent of the vessel's cargo capacity, whichever is less, of on-water recovery capability that can be mobilized and on-scene within two hours of notification. If a facility transfer point within a high volume port maintains and can immediately deploy containment equipment for a 3,125 barrel spill, or 10 percent of the vessel's cargo capacity, whichever is less, the initial on-water recovery capability can be on-scene within three hours rather than two hours.

The 2,000 feet of containment boom is required within one-half (1/2) mile of identified oil pollution risk areas, which are found at the following latitude/longitude locations:

For the San Francisco Bay/Sacramento-San Joaquin Delta:

Suisun Bay-Benicia Bridge: 38 2.5N; 127 7.5W

Carquinez Bridge: 38 3.6N; 122 13.6W

Deep Water Channel: 38 2.5N; 122 21.9W

San Pablo Bay-Richmond/San Rafael Bridge: 37 56.1N; 122 26.8W

San Francisco Central Bay: 37 50.5N; 122 26.0W

San Francisco Bay Bridge: 37 47.9N; 122 22.6W

South Bay - Oakland/Anchorage 9: 37 41.5N; 122 16.2W

San Mateo Bridge: 37 35.1N; 122 15.0W

For the Los Angeles/Long Beach Harbor:

LA/Long Beach Queens Gate: 33 43.4N; 118 10.9W

ii. Tank vessels that transit: 1) inward of the inland line of demarcation as described in 33 Code of Federal Regulation part 80.1142 for San Francisco harbor, and 2) inwards of a six nautical mile radius of Long Beach Light (LLNR 3025) [33-43.4N, 118-11.2W] outside the entrance to the Los Angeles/Long Beach Harbors on the Los Angeles and Long Beach Harbor Chart #18751, must have the initial 13,280 barrels per day on-water recovery capability at the scene of the spill within four hours; and the initial 23,437 barrels per day on-water recovery capability at the scene of the spill within six hours;

(C) Sufficient containment equipment must be brought to the scene of the spill to address the daily recovery rates as designated in subsection 818.02(e)(3)(B).

(D) The standards set forth in subsection 818.02(e)(3)(A)(4), were increased by a factor of 25 percent on July 1, 1997, and again on July 1, 2001. It was determined that this increase was feasible and necessary to meet the best achievable protection of the coast.

(E) The standards set forth in subsection 818.02(e)(3)(A)(4) will be reviewed by the Administrator to determine if increases to these amounts are feasible and necessary in order to meet the best achievable protection of the coast. The Administrator ~~shall~~ will conduct a review and hold a public hearing prior to confirming the new standards to solicit input regarding the necessity of the proposed increase and any credits that may be allowed.

(4) Movement of Response Resources.

There may be times when it is necessary to move response equipment from one risk zone to another in order to respond to a catastrophic oil spill. However, the Administrator needs to ensure that sufficient response resources are available to address a reasonable risk within each zone. Therefore, when equipment is needed from one risk zone which may impact the plan holder's on-water containment and recovery at the 6 hour level, the plan holder or oil spill response organization must make a request to the Administrator to temporarily reduce the response capability standards set forth in (e)(3) above, before the equipment can be moved. The Administrator ~~shall~~ will only grant such a request after determining that sufficient response resources are available to address a reasonable risk within the zone from where the response equipment is being considered for removal.

(5) On-Water Response Equipment and Services.

(A) Each plan must demonstrate that the tank vessel owner or operator has under contract or other approved means (as defined in section 790 of this subdivision), access to all necessary response resources to comply with the response capability standards for containment booming and on-water recovery established pursuant to subsection 818.02(e)(3). The amount of response equipment required will take into account the effective daily recovery capacity (as defined in chapter 1, section 790 of this subdivision) of the equipment.

(B) The equipment identified for a specific area must be appropriate for use in that area given the limitations of the geography, bathymetry, water depths, tides, currents and other local environmental conditions. For those areas that require shallow-water response capability (refer to the relevant United States Coast Guard area contingency plan), the plan must provide for an adequate number of shallow-draft vessels (as defined in section 790 of this subdivision) to be owned or under contract or other approved means. Additionally, the equipment identified must also be appropriate for use on the type of oil identified. The following information must be in the contingency plan, however, to the extent

that the information is provided by a rated oil spill response organization, evidence of a contract or other approved means with a rated oil spill response organization will suffice:

1. The location, inventory and ownership of the equipment to be used to fulfill the response requirements of this subchapter.

2. A complete inventory of any nonmechanical response equipment and supplies, including the type and toxicity of each chemical agent, with procedures for storage and maintenance.

3. The manufacturer's rated capacities and operational characteristics for each major item of oil recovery equipment.

4. The type and capacity of storage and transfer equipment matched to the skimming capacity of the recovery systems.

5. The effective daily recovery capacity (as defined in chapter 1, section 790 of this subdivision) for each major piece of on-water recovery equipment listed, as well as the effective daily recovery capacity for the skimming systems as a whole.

i. A request may be submitted to the Administrator to review the effective daily recovery capacity for a piece of equipment if it can be shown that the equipment has a different capacity than the derating factor allows.

ii. The Administrator's decision regarding a change in the effective daily recovery capacity for a piece of equipment will be issued as soon as administratively feasible.

6. Identification of Vessels designated for oil recovery operations, including skimmer vessels and vessels designed to tow and deploy boom, and availability of shallow-draft vessels.

7. Identification of Vessels of opportunity reasonably available for oil spill recovery operations, including availability of shallow-draft vessels, procedures to equip the vessels, inventory equipment, and train personnel.

8. Procedures for storage, maintenance, inspection and testing of spill response equipment under the immediate control of the operator.

9. Sufficient equipment to track the movement of ~~discharged~~ spilled oil including aerial surveillance sufficient to direct skimming operations.

10. Each plan must describe the personnel available to respond to an oil spill, including:

i. A list by job category including a job description for each type of spill response position needed as indicated in the spill response organization scheme;

ii. A match between personnel by job category, and the equipment proposed for use (including equipment appropriate for shallow-water environments), including the plan for mobilization of such personnel; and

iii. Sufficient personnel to maintain a response effort of at least 14 calendar days.

11. Each plan must describe procedures for the transport of required equipment, personnel and other resources to the spill site. The description must include plans for alternative procedures during adverse environmental conditions. Adverse environmental conditions to be considered must include:

i. Adverse weather;

ii. Sea states, tides, winds and currents;

iii. Presence of debris or other obstacles; and

iv. Any other known environmental conditions that could restrict response efforts.

(C) Any equipment and personnel identified in the plan must be available for response. Any necessary maintenance for the equipment, vacation periods for response personnel, or other eventuality must be taken into account in relying upon these resources.

1. The equipment owner must notify the Administrator when major equipment is removed from service for a period of 24 hours or more for maintenance or repair. Major equipment is that which, if moved, would affect timely implementation of the plan. Notification must be made prior to removing equipment for regularly scheduled maintenance, and within 24 hours of removing equipment for unscheduled repairs.

2. The equipment owner must demonstrate that backup equipment is available during the time that the primary response equipment is out of service. Backup equipment may be provided from the owner's own inventory, or may be made available from another responder.

3. A plan remains valid during the time that equipment has been removed from service for maintenance or repair.

(D) Tank vessels that carry non-floating oil~~s~~ must contract with one or more rated oil spill response organizations to address the response planning volumes. Such equipment must include, but is not limited to the following:

1. Sonar, sampling equipment, or other methods for locating the oil on the bottom or suspended in the water column.

2. Containment boom, sorbent boom, silt curtains, or other methods to reduce spreading on the bottom.

3. Dredges, pumps, or other equipment necessary to recover oil from the bottom.

4. Equipment necessary to assess the impact of such ~~discharges; and~~ spills.

5. Any other appropriate equipment necessary to response to a ~~discharge~~ spill involving a non-floating oil.

(E) The plan holder may propose the use of non-mechanical methods for response operations which may include dispersants, in-situ burning, coagulants, bioremediants, or other chemical agents. The use of any non-mechanical method for response must be done in accordance with provisions of the California State Oil Spill Contingency Plan, the National Oil and Hazardous Substances Pollution Contingency Plan, the applicable regional area contingency plan, and all applicable state laws and regulations. If a non-mechanical method of response is proposed, the plan must include:

1. Methods of deployment or application.

2. For use of chemical agents, a description of the specific mechanisms in place to assess the environmental consequences of the chemical agent. This must include the mechanism for continuous

monitoring of environmental effects for the first three calendar days after initial application, and periodic monitoring thereafter until the agent is inert or no longer operative.

3. Identification of all permits, approvals or authorizations needed to allow the use of chemical agents or non-mechanical methods, and the timeline for obtaining them.

4. A plan for protecting resources at risk, areas of public concern and the public from any adverse effects of the non-mechanical methods used.

5. The projected efficacy of each type of non-mechanical method proposed for use taking into account the type of spilled material and the projected environmental conditions of the potential spill site.

6. Upon request, the plan holder must provide any test results known to the plan holder which assess the environmental impacts of applying these methods in the marine environment.

(F) The plan must describe methods for tracking the movement of the ~~discharged~~ spilled oil.

(G) The plan must include a list of location of the weather stations to be used for observations of winds, currents and other data at the time of a spill that may assist in making real-time projections of spill movement.

(f) ~~Shoreline~~Environmental Sensitive Site Protection and Shoreline Cleanup.

(1) Each plan must provide for ~~shoreline~~ environmental sensitive site protection in the geographic response areas or geographic regions where the tank vessel may transit. ~~Each plan shall demonstrate through contracts(s) or other approved means, the response resources necessary to protect each type of shoreline and all applicable environmentally and culturally sensitive sites in the time frames required, as outlined in the appropriate SP Table (dated August 2013), incorporated by reference herein. The SP Tables shall be reviewed and updated as needed (e.g., to reflect updates to the ACPs, etc.). Updates to the SP Tables will be processed by OSPR staff using the procedures outlined in the Administrative Procedure Act.~~

~~(1) Percentages of Dedicated Shoreline Protection Resources~~
~~The following table lists the applicable percentage of dedicated shoreline protection boats and staff that are required for each Geographic Region:~~

~~ACP~~	~~% DEDICATED RESOURCES FOR SHORELINE PROTECTION~~
~~1~~	~~50% dedicated boats and staff~~
~~2~~	~~75% dedicated boats and staff~~
~~3~~	~~0% (non-dedicated boats and staff allowed)~~
4	~~0% (non-dedicated boats and staff allowed)~~ ~~*For Port Hueneme only, 75% dedicated boats and staff required~~
~~5~~	~~75% dedicated boats and staff~~
~~6~~	~~50% dedicated boats and staff~~

~~(A) An owner/operator may propose alternatives to what is listed in the SP Tables for boats and staff only. The proposal may be tested by the Administrator anytime prior or subsequent to plan approval.~~

~~(B)~~(A) Each plan ~~shall~~must have under contract or other approved means sufficient ~~personnel~~ response resources to implement the ~~shoreline~~ environmental sensitive site protection strategies described in the area contingency plans, and in the time frames required ~~from the appropriate SP Tables~~ by section 828.1~~,~~. ~~who~~Response resources are to remain on-scene until demobilized by the State Incident Command or the unified command. For planning purposes, this must include procedures to obtain sufficient personnel to maintain a response effort of at least 14 calendar days.

~~(C)~~(B) Any equipment and personnel identified to meet the contingency plan requirements must be available for response. Any necessary maintenance for the equipment, vacation periods for response personnel, or other eventuality must be taken into account in relying upon these resources.

1. The equipment owner must notify the Administrator when major equipment is removed from service for a period of 24 hours or more for maintenance or repair~~,~~ if such movement would affect timely implementation of the plan. Notification must be made prior to removing equipment for regularly scheduled maintenance, and within 24 hours of removing equipment for unscheduled repairs.

2. The equipment owner must demonstrate that backup equipment is available during the time that the primary response equipment is out of service. Backup equipment may be provided from the owner's own inventory, or may be made available from another responder.

3. A plan remains valid during the time that equipment has been removed from services for maintenance or repair if the Administrator has not disapproved such removal within 24 hours of notification.

4. The equipment owner must notify the Administrator when the major equipment is back in service.

(2) Shoreline Cleanup.

(A) Each plan must describe methods to clean up spilled oil and remove it from the environment. The owner or operator must have a contract or other approved means to provide the appropriate shoreline cleanup services. The equipment identified for a specific area must be appropriate for use in that area given the limitations of the bathymetry, geomorphology, shoreline types and other local environmental conditions. Additionally, the equipment identified must be appropriate to implement all the applicable strategies, and appropriate for use on the type of oil identified. The following information must be provided:

1. Methods for shoreside cleanup, including containment and removal of surface oil, subsurface oil and oiled debris and vegetation from all applicable shorelines, adjacent land and beach types; and

2. Measures to be taken to minimize damage to the environment from land operations during a spill response, such as impacts to sensitive shoreline habitat caused by heavy machinery or foot traffic.

(g) Response Procedures.

(1) Each plan must describe the organization of the tank vessel's spill response system and certified spill management team. An organizational diagram depicting the chain of command must also be included. Additionally, the plan must describe the method to be used to integrate the plan holder's organization into the incident command system ~~and/or~~ or the unified command structure as required by California Code of Regulations, title 8, subsection 5192(q)(3)(A).

(A) The plan holder may utilize the procedures as outlined in the appropriate area contingency plan when describing how the tank vessel's chain of command will interface with the incident command system which utilizes the unified command.

(B) Each plan must describe the organization of the plan holder's public information office, as it relates to an oil spill incident, and the method by which the Public Information Officer will be integrated into the incident command system.

(C) Each plan must describe the plan holder's safety program, as it relates to an oil spill incident, and the method by which their Safety Officer will be integrated into the incident command system.

(2) Each plan must identify potential sites needed for spill response operations including location(s) for:

(A) A central command post sufficient to accommodate the incident command or unified command as well as the plan holder's response organization;

(B) A central communications post if located away from the command post; and

(C) Equipment and personnel staging areas.

(3) Each plan must include a checklist, flowchart or decision tree depicting the procession of each major stage of spill response operations from spill discovery to completion of cleanup. The checklist, flowchart or decision tree must describe the general order and priority in which key spill response activities are performed.

(4) Each plan must describe how the owner or operator will provide onboard emergency services before the arrival of local, state or federal authorities on the scene, including:

(A) Procedures to control fires and explosions, and to rescue people or property threatened by fire or explosion;

(B) Procedures for emergency medical treatment and first aid; and,

(C) Procedures to provide the required personnel protective gear for responders.

(5) Each plan must describe equipment and procedures to be used by the tank vessel’s personnel to minimize the magnitude of a spill and minimize structural damage which may increase the quantity of oil spilled.

(6) Each plan must detail the lines of communications between the responsible party, the qualified individual and the on-scene commanders, response teams, local, state, and federal emergency and disaster responders, including:

(A) Communication procedures;

(B) The communication function (e.g., ground-to-air) assigned to each channel or frequency used;

(C) The maximum broadcast range for each channel or frequency used; and

(D) Redundant and back-up systems.

(7) Each plan must describe the procedures to manage access to the spill response site, the designation of exclusion, decontamination and safe zones, and the decontamination of equipment

and personnel during and after oil spill response operations, as required by the California Occupational Safety and Health Administration.

(8) Prior to beginning oil spill response operations and cleanup activities, a site safety plan must be completed. Each plan must include information as required pursuant to California Code of Regulations, title 8, subsection 5192(b)(4)(B) including, but not limited to, a written respiratory protection program, written personal protection equipment program, written health and safety training program, written confined space program and permit forms, direct reading instrument calibration logs, and written exposure monitoring program.

(h) Notification Procedures.

(1) Each plan must include a list of contacts to call in the event of a drill, spill, or threatened ~~discharge~~ spill of oil~~, or discharge of oil~~. The plan must:

(A) Identify a central reporting office or individual who is responsible for initiating the notification process and is available on a 24-hour basis. The individual making this notification must be fluent in English. The following information must be provided:

1. The individual or office to be contacted;

2. Telephone number or other means of contact for any time of the day; and

3. An alternate contact in the event the individual is unavailable.

(B) Detail the procedures for reporting oil spills to all appropriate local, state and federal agencies within each of the six geographic regions that the tank vessel transits.

(C) Establish a clear order of priority for notification.

(2) Immediate Notification.

Nothing in this section shall be construed as requiring notification before response.

(A) Each plan must include a procedure for initiating telephonic contact with the oil spill response organization in each of the six geographic regions that the tank vessel transits immediately, but no longer than 30 minutes, after the discovery of a ~~discharge~~ spill of oil or threatened ~~discharge~~ spill of oil.

(B) Each plan must include a procedure that ensures that the owner or operator or his/her designee will initiate telephonic contact with the qualified individual, the California Office of Emergency Services and the National Response Center immediately, but no longer than 30 minutes, after discovery of a ~~discharge~~ spill of oil or threatened ~~discharge~~ spill of oil.

(C) Each plan must include all phone numbers necessary to complete the immediate notification procedures.

(3) Each plan must identify a call-out procedure to acquire the resources necessary to address spills that cannot be addressed by the equipment that the owner or operator is required to have under contract. Procedures must allow for initiation of the call-out within 24 hours of the incident and must begin as soon as a determination has been made that additional resources are necessary.

(4) Each plan must provide a checklist of the information to be reported in the notification procedures, including but not limited to:

(A) Tank vessel name, country of registry, call sign, and official number;

(B) Location of the incident;

(C) Date and time of the incident;

(D) Course, speed and intended track of the tank vessel;

(E) The nature of the incident;

(F) An estimate of the volume of oil spilled and the volume at immediate risk of spillage;

(G) The type of oil spilled, and any inhalation hazards or explosive vapor hazards, if known;

(H) The size and appearance of the slick;

(I) Prevailing weather and sea conditions;

(J) Actions taken or planned by personnel on-scene;

(K) Current condition of the tank vessel;

(L) Injuries and fatalities; and

(M) Any other information as appropriate.

(5) Reporting of a spill as required by subsection 818.02(h)(2) must not be delayed solely to gather all the information required by subsection 818.02(h)(4).

(6) An updated estimate of the volume of oil spilled and the volume at immediate risk of spillage must be reported to the California Office of Emergency Services whenever a significant change in the amount reported occurs, but not less than every 12 hours within the first 48 hours of response. The State Incident Commander ~~and/or~~ or the Federal On-Scene Coordinator through the unified command has the option of increasing or decreasing this time frame, as needed. Updated spill volume information included in the Incident Action Plan developed through the unified command will meet the requirements of this subsection.

(i) Temporary Storage and Waste Management.

(1) Each plan must identify sufficient temporary storage for all recovered oil or all oily waste, and identify facilities that would be able to accept the recovered oil or oily waste for recycling or other means of waste management. Sufficient storage must be no less than two times the calculated response planning volume up to the daily recovery rate as determined in subsection 818.02(e)(3)(B).

(A) To meet the temporary storage requirement described in subsection (1) above, the following amounts of storage must be dedicated response resources (as defined in section 790 of this subdivision) or OSRO-owned and controlled response resources (as defined in section 790 of this subdivision), as applicable to the appropriate risk zone:

1. Sufficient storage to support the skimming systems must be brought to the scene of the spill during the first four hours of response:

2. 520 barrels of storage, or 20 percent of the response planning volume, whichever is less, must be brought to the scene of the spill within four hours, of notification of a spill;

3. For high volume ports, 12,000 barrels, or two times the response planning volume, whichever is less, must be available at the scene of the spill within 6 hours of notification of a spill; for all other risk zones 5,000 barrels, or two times the response planning volume, whichever is less, must be available at the scene of the spill within six hours of notification of a spill.

(B) The balance of the temporary storage requirement described in subsection (1) above, may be provided by nondedicated storage resources. All skimming systems operating at the scene of a spill must have adequate storage.

(2) Each plan must identify the party that ~~shall~~ will maintain responsibility for recovered oil and oily waste for the purposes of temporary storage.

(3) Each plan must describe site criteria and methods used for temporary storage of recovered oil and oily wastes generated during response and cleanup operations, including known available sites.

(4) Each plan must identify all applicable permits, and all federal, state and local agencies responsible for issuing those permits for transit, temporary storage and ultimate waste management of all wastes likely to result from an oil spill.

(5) Each plan must include information which could expedite the state approval process for the use of temporary waste storage sites, including a list of appropriate contacts and a description of procedures to be followed for each approval process.

(j) Oiled Wildlife Care Requirements.

Each plan must describe how oiled wildlife care will be provided by one of the following approved means:

(1) Utilize the California Oiled Wildlife Care Network to meet oiled wildlife care requirements; or

(2) Describe procedures that clearly outline how oiled wildlife care will be provided. The equipment, facilities, and personnel necessary to implement these procedures must be identified and assured by contract for each geographic region covered by the plan. Standards and written protocols for wildlife care must comply with all applicable state and federal laws.

(k) Training.

(1) Each plan must provide that all appropriate personnel directly responsible to the owner or operator must receive training in the use and operation of oil spill response and cleanup equipment. The plan must describe:

(A) The type and frequency of training that each individual in a spill response position receives to achieve the level of qualification demanded by their job description;

(B) The procedures, if any, to train and use volunteers or other additional personnel in spill response operations as necessary for the size of the spill.

(2) Each plan must describe the type and frequency of personnel training on methods to reduce operational risks. The description of the training must include if applicable, the following:

(A) The means of achieving any established training objectives, such as:

1. Training programs for each position involved with the various aspects of the operation that could result in a spill (e.g., position responsible for tank vessel inspections or transfers).

2. A training schedule, including adequate frequency, (e.g., initial training upon hire and annual refresher training) and type of training (workshops, classroom, videotape, on-the-job training, etc.) for each position trained.

(B) Licenses, certifications or other prerequisites to hold particular jobs.

(3) Each plan must provide for safety training as required by state and federal health and safety laws for all personnel likely to be engaged in oil spill response, including a program for training non-permanent responders, such as volunteers or temporary help.

(4) The tank vessel owner or operator must ensure that training records are maintained for three years. All such documentation must be made available to the Administrator upon request.

(*l*) Equipment Deployment Drills and Tabletop Exercises.

(1) Each plan must describe the tank vessel's drill and exercise program that meets the requirements of section 820.1 of subchapter 3.6, to ensure that the elements of the plan will function in an emergency.

(2) Training sessions may constitute creditable drills and exercises if all requirements of section 820.1 are met. Onboard emergency procedure drills conducted aboard the tank vessel and properly logged may be credited.

(3) Drills must be designed by the vessel owner or operator to exercise either components of or the entire response plan. Such drills, individually or in combination, must ensure that the entire plan is exercised at least once every three years.

(4) Environmental Sensitive Site Protection. When an oil spill contingency plan lists plan holder-owned environmental sensitive site protection response resources, a drill must be conducted at least once every three years. The amount of boom required to be deployed is the amount needed for the site strategy or strategies identified in the drill scenario, but no more than the amount required at protection hour six pursuant to the Site Protection Table in section 828.1.

(m) Tank Vessel Emergency Services.

(1) Notification Requirements.
Any party responsible for a tank vessel as defined in this subdivision must notify the United States Coast Guard within one hour of a disability if the disabled vessel is within 12 miles of the shore of the state, pursuant to the requirements of Government Code section 8670.20(b).

(2) Equipment and Services.
Tank vessel emergency services means all services rendered to save a vessel and cargo from any marine peril that could reasonably be expected to cause a ~~discharge~~ spill of oil into the marine waters of the state, and includes those actions necessary to control or stabilize the vessel or cargo.

(A) All tank vessels required to have a contingency plan pursuant to section 818.01 must demonstrate sufficient tank vessel emergency service capability as outlined in this section.

(B) Availability of the following equipment and services must be demonstrated by sufficient in-house capability or a signed, valid contract or other approved means with a vessel emergency services provider, or by other means approved by the Administrator. For the purpose of this subsection, a plan holder can demonstrate the availability of equipment and services, in lieu of a signed, valid contract or

sufficient in-house capability, by a letter of intent or a conditional agreement, signed by the entity providing such services and attesting to the availability of the equipment and services required as specified in this subsection (m). Any service provider must have the appropriate expertise, and all required equipment ready and available to respond within the following time frames:

1. Within 12 hours of notification of the United States Coast Guard;

a. An emergency services vessel of the appropriate size, configuration, and operating capability to ensure stabilization of a disabled vessel must be on-scene. The emergency services vessel must be capable of reaching the disabled vessel before the disabled vessel would run aground. In determining the time it would take for a vessel to run aground, an estimate must be made based on the drift rate in the worst-case weather assuming the complete loss of power ~~and/or~~ or steering;

b. A professional salvor, naval architect or other qualified person knowledgeable of stability, and hull stress assessments of the vessel must be engaged in tank vessel emergency operations. These assessments must be developed pursuant to the shipboard spill mitigation procedures as set forth in 33 Code of Federal Regulations part 155.1035(c)).

c. A private firefighting capability that will respond to casualties in the area(s) in which the vessel will operate. This capability must be a supplement to the firefighting capability on board the vessel;

d. The vessel emergency services provider must be capable of performing emergency lightering operations, and must have the following equipment on-scene: fendering equipment; transfer hoses and connection equipment; portable pumps; and any ancillary equipment necessary to off-load the volume of the tank vessel's largest cargo tank in 24 hours of continuous operation;

e. Dewatering pumps, hoses, and power supplies sufficient to maintain vessel stability and prevent sinking must be on-scene.

2. Within 18 hours of notification of the United States Coast Guard, and to the extent necessary to avoid a pollution incident, the following must be on-scene;

a. Resources for shoring, patching or making other emergency, temporary repairs to correct structural, stability, or mechanical problems on the vessel;

b. Equipment necessary to tow an incapacitated vessel to a safe haven.

Note: Authority cited: Sections 8670.7, 8670.10, 8670.28, 8670.29, 8670.30 and 8670.32, Government Code. Reference: Sections 8670.7, 8670.10, 8670.20, 8670.25.5, 8670.27, 8670.28, 8670.29, 8670.30, 8670.31, 8670.32 and 8670.37.51, Government Code.

§ 818.03. Vessels Carrying Oil As Secondary Cargo Plan Content.
(Illustrated changes to section 818.03 become effective 1/1/2026)

To the degree the information required by subsections 818.03(b) through (*l*) exists elsewhere, copies of the pre-existing information may be submitted. If the information provided is not sufficient to meet the requirements of this subchapter, additional information may be requested by the Administrator.

(a) Introductory Material.

(1) Each plan must provide the following information for each vessel carrying oil as secondary cargo (as defined in section 790 of this subdivision) covered by the plan:

(A) The vessel's name, country of registry, call sign, and official identification number;

(B) Name, address, phone number, fax number and e-mail address, if available, of the owner ~~and/or~~ and operator of the vessel(s). This information must be referenced in the plan title or on a title page at the front of the plan;

(C) The name, address, phone number, fax number and e-mail address, if available, of the person to whom correspondence should be sent;

(D) A certification statement signed under penalty of perjury by an executive within the plan holder's management who is authorized to fully implement the oil spill contingency plan who must review the plan for accuracy, feasibility, and executability. If this executive does not have training, knowledge and experience in the area of oil spill prevention and response, the certification statement must also be signed by another individual within the plan holder's management structure who has this requisite training, knowledge, and experience. The certification must be submitted according to the following format;

"I certify, to the best of my knowledge and belief, under penalty of perjury under the laws of the State of California, that the information contained in this contingency plan is true and correct and that the plan is both feasible and executable."

_____(signature), (title), (date);

(E) The California certificate of financial responsibility number for the tank vessel(s) covered by the plan must be included in the front of the plan, or for fleet plans must be listed separately in a subsection of the plan.

(2) Each plan must identify a qualified individual, as defined in chapter 1, section 790 of this subdivision, and any alternates that may be necessary for the purpose of implementing the plan and documentation that the qualified individual acknowledges this capacity. If an alternate or alternates are identified in the plan, then the plan must also describe the process by which responsibility will be transferred from the qualified individual to an alternate. During spill response activities, notification of such a transfer must be made to the State Incident Commander at the time it occurs.

(3) Each plan must provide the name, address, telephone number and facsimile number of an agent for service of process designated to receive legal documents on behalf of the plan holder and documentation that the agent for services of process acknowledges this capacity. Such agent must be located in California.

(4) Each plan must identify and ensure by contract or other approved means a certified spill management team, as described in subchapter 5 of this chapter. The certified spill management team must be the appropriate tier classification pursuant to section 830.3 of subchapter 5.

(A) The spill management team may have an interim certification for purposes of satisfying contingency plan requirements.

(B) A single spill management team may be listed if it is capable of responding in all geographic regions in which the plan holder operates.

(C) The spill management team may consist of personnel employed by the plan holder or persons affiliated with the plan holder, contracted personnel, or a combination thereof.

(D) If the plan holder contracts for these services, documentation that the spill management team acknowledges this capacity must be included in the plan.

(5) Each plan must contain evidence of the contract or other approved means (as defined in section 790 of this subdivision), verifying that any oil spill response organization(s) named in the plan will provide the requisite equipment and personnel in the event of an oil spill. Plan holders must only contract with an oil spill response organization that has received a rating by the Office of Spill Prevention and Response (as specified in section 819 of this subchapter) for the booming, on-water recovery and storage, and ~~shoreline~~ environmental sensitive site protection services as required.

(b) Vessel Carrying Oil as Secondary Cargo Description.

(1) Each plan must describe the vessel's design and operations with specific attention to those areas from which a spill could reasonably be expected to impact the marine waters of California. This description must include, at a minimum, the following information:

(A) A piping and tank diagram including the location of valves, vents and lines; the age, design, and construction of the vessel; the range of oil products normally carried in each structure; and safety equipment;

(B) A description of the types, physical properties, health and safety hazards and maximum storage or handling capacity of the oil or product carried. A ~~material~~ safety data sheet or equivalent will meet some of these requirements and can be maintained separately aboard the vessel providing the plan identifies its location;

(C) The vessel's classification, hull type, gross registered tonnage, oil cargo capacity, length, draft and beam.

(c) Prevention Measures.

(1) Each plan holder must take all appropriate prevention measures designed to reduce the possibility of an oil spill occurring as a result of allisions, collisions, groundings, explosions or operator error during the operation of the vessel carrying oil as secondary cargo. Each plan must include a summary of the policies, programs, guidelines and/or procedures designed to implement the following:

(A) Methods to reduce spills during transfer and storage operations, including overfill prevention measures, and immediate spill containment provision. Any information developed in compliance with Title 33 Code of Federal Regulations parts 154 and 156 may be substituted for all or part of any comparable prevention measures required by this subsection;

(B) Procedures to assure clear communication among all the parties involved during transfer operations;

(C) Use of vessel traffic service systems where available;

(D) Procedures to be used to avoid the known navigational hazards.

(E) Where a plan holder's vessel carrying oil as secondary cargo is engaged in transfer operations at a facility subject to Public Resources Code section 8755, and the plan holder is in compliance with California State Lands Commission regulations for oil transfer operations, the plan holder is considered in compliance with the provisions of this subsection.

(F) The plan holder must provide additional relevant information to the Administrator upon request.

(2) [Reserved]

(3) At the time the initial contingency plan is submitted, the owner or operator must either submit a Certificate of Inspection issued by the United States Coast Guard or a certificate issued by a member of the International Association of Classification Societies certified by the International Maritime Organization of the most recent vessel inspection, or verify that the vessel has such a certificate and that the certificate is available for review.

(4) The owner or operator must also submit a Safety Management Certificate to demonstrate compliance with the performance elements in the International Safety Management Code subject to International Maritime Organization Resolution A.741(18), or must submit proof of compliance with the American Waterways Operators Responsible Carrier Program, if applicable.

(d) Planning for the Location of Response Resources.

The owner or operator must be prepared to respond to a spill anywhere within the marine waters of California where the vessel carrying oil as secondary cargo transits. To determine the regions in which response equipment and personnel must be available, the owner or operator must include in the plan a description of the vessel's normal routes of travel including a list of each of the six geographic regions that the vessel transits along these routes. ~~OSPR has developed Shoreline Protection Tables (SP Tables (see Section 790)), incorporated by reference herein and posted at OSPR's website) for VCOASC traffic in California's marine waters. Owners/operators~~ shall ~~meet the response resource and time frame requirements for the appropriate Small Harbor from the SP Tables when contracting for shoreline protection services.~~

(e) Containment Booming and On-Water Recovery.

Each plan holder must contract for containment booming and on-water recovery response resources up to their response planning volume for all potential spills from the vessel carrying oil as secondary cargo that could reasonably be expected to impact the marine waters of California. Additionally, each plan must also demonstrate response capability sufficient to address potential spills in each geographic response area~~, if available~~, or geographic region through which the vessel may transit. ~~(GRA's are geographic subdivisions of ACP area.)~~ To determine the amount of response resources for containment booming and on-water recovery, each plan holder must calculate a response planning volume as outlined below:

(1) Reasonable Worst-Case Spill. To calculate the response planning volume, it is first necessary to determine the reasonable worst-case spill for each vessel. The reasonable worst-case spill is calculated as 30 percent of the vessel's total cargo capacity of petroleum products.

(2) Persistence and Emulsification Factors.

(A) Persistence Factors. The reasonable worst-case spill volume is then multiplied by a persistence factor relative to the most persistent type of oil that each vessel carrying oil as secondary cargo carries over the marine waters of California. The persistence factors are specified below:

Oil Group	Group 1	Group 2	Group 3	Group 4
Persistence Multiplier	.20	.50	.50	.50

(B) Emulsification Factors. The volume determined from the calculation above is then multiplied by one of the following emulsification factors, again, based on the type of oil.

Oil Group	Group 1	Group 2	Group 3	Group 4
Emulsification Multiplier	1.0	1.8	2.0	1.4

(C) Response Planning Volume. The total determined by this calculation is a response planning volume.

1. The response planning volume to be used to determine the amount of equipment and services required must be the greater of the amount necessary to address the response planning volume as calculated in subsections 818.03(e)(1) and (2) or the planning volume for on-water recovery for inland/near-shore environment calculated for the vessel's federal response plan prepared pursuant to 33 Code of Federal Regulations part 155.1045. The planning volume for on-water recovery is the adjusted volume from the federal calculations determined prior to establishing response tiers utilizing the mobilization factors.

2. The calculations used to determine the response planning volume must be included in the plan.

(3) Response Capability Standards.

The equipment and personnel necessary to address the response planning volume is brought to the scene of the spill over a period of time. The time frames are dependent upon the geographic response area or geographic region in which the vessel carrying oil as secondary cargo transits.

The standards set forth in this section may not reflect the exigencies of actual spill response. However, these are the standards that must be used to determine the amount of equipment and personnel that must be under contract or other approved means. Response resources in addition to those under contract must be identified and a call-out procedure in place to access this equipment if the vessel carrying oil as secondary cargo has a spill that exceeds the response planning volumes. The owner or operator is ultimately responsible for addressing the entire volume of an actual spill regardless of the planning volumes.

(A) On-Water Daily Recovery Rates and Containment Boom Amounts.

1. The total amount of on-water containment and recovery equipment and services required must be the amount necessary to address the response planning volume determined in subsection 818.03(e)(2)(C), as follows:

a. A vessel carrying oil as secondary cargo that transits in high volume ports must have sufficient on-water containment and recovery equipment and services to respond to 10 percent of the calculated response planning volume (as calculated in sections 818.03(e)(1) and (2)) at the scene of the spill within two hours. There must be sufficient on-water containment and recovery equipment and services to respond to the remaining response planning volume within 12 hours.

b. A vessel carrying oil as secondary cargo operating in facility transfer areas or the Santa Barbara Channel area must have sufficient on-water containment and recovery equipment and services to respond to 10 percent of the calculated response planning volume (as calculated in sections 818.03(e)(1) and (2)) at the scene of the spill within 12 hours. There must be sufficient on-water

containment and recovery equipment and services to respond to the remaining response planning volume within 36 hours.

c. A vessel carrying oil as secondary cargo that transits along the balance of the coast, as defined in section 790 of this subdivision, must have sufficient on-water containment and recovery equipment and services to respond to 10 percent of the calculated response planning volume (as calculated in sections 818.03(e)(1) and (2)) at the scene of the spill within 18 hours. There must be sufficient on-water containment and recovery equipment and services to respond to the remaining response planning volume within 36 hours.

(4) Transfer Operations.

Each plan must demonstrate that the vessel carrying oil as secondary cargo owner or operator owns or has access to sufficient and appropriate boom, trained personnel and equipment, maintained in a stand-by condition, such that at least 600 feet of boom can and will be deployed for the most effective containment immediately, but no longer than 30 minutes after the discovery of a spill. Additionally, each plan holder must identify the equipment, personnel and procedures such that an additional 600 feet of boom can and will be deployed within one hour for the most effective containment in the event of an oil spill. Response resources owned or under contract to the marine facility or vessel engaged in oil transfer operations may be used to meet this requirement.

(5) On-Water Response Equipment and Services.

(A) Each plan must demonstrate that the vessel carrying oil as secondary cargo owner or operator has under contract or other approved means (as defined in section 790 of this subdivision) access to all necessary response resources to comply with the response capability standards for containment booming and on-water recovery established pursuant to subsection 818.03(e). The amount of response equipment required will take into account the effective daily recovery capacity (as defined in chapter 1, section 790 of this subdivision) of the oil recovery equipment.

(B) The equipment identified for a specific area must be appropriate for use in that area given the limitations of the geography, bathymetry, water depths, tides, currents and other local environmental conditions. For those areas that require shallow-water response capability (refer to the relevant United States Coast Guard area contingency plan), the plan must provide for an adequate number of shallow-draft vessels (as defined in section 790 of this subdivision) to be owned or under contract or other approved means and available to respond to provide ~~shoreline~~ protection of all environmental sensitive sites identified in the trajectory analysis conducted as part of the environmental consequence analysis. Additionally, the equipment identified must also be appropriate for use on the type of oil identified. The following information must be in the contingency plan, however, to the extent that the information is provided by a rated oil spill response organization, evidence of a contract or other approved means with a rated oil spill response organization will suffice:

1. The location, inventory and ownership of the equipment to be used to fulfill the response requirements of this subchapter.

2. The manufacturer's rated capacities and operational characteristics for each major item of oil recovery equipment.

3. The type and capacity of storage and transfer equipment matched to the skimming capacity of the recovery systems.

4. The effective daily recovery capacity (as defined in chapter 1, section 790 of this subdivision) for each major piece of on-water recovery equipment listed, as well as the effective daily recovery capacity for the skimming systems as a whole.

i. A request may be submitted to the Administrator to review the effective daily recovery capacity for a piece of equipment if it can be shown that the equipment has a different capacity than the derating factor allows.

ii. The Administrator's decision regarding a change in the effective daily recovery capacity for a piece of equipment will be issued as soon as administratively feasible.

5. Identification of Vessels designated for oil recovery operations, including skimmer vessels and vessels designed to tow and deploy boom.

6. Procedures for storage, maintenance, inspection and testing of spill response equipment under the immediate control of the operator.

(f) Environmental Sensitive Site Protection and Shoreline ~~Protection~~ Cleanup.

(1) Each plan must provide for ~~shoreline~~ environmental sensitive site protection in the ~~Small Harbor~~ geographic response areas or geographic regions where the vessel carrying oil as secondary cargo may transit. Each plan must demonstrate through contract~~s~~(s) or other approved means, the response resources necessary to ~~protect each type of shoreline~~ and implement all applicable environmental sensitive site~~s~~ protection strategies described in the area contingency plans, and in the time frames required by section 828.1. ~~as outlined in the appropriate Small Harbor as listed in the SP Tables (see Section 790), incorporated by reference herein. The SP Tables shall be reviewed, and updated if needed, annually by OSPR staff, using the procedures as outlined in the Administrative Procedure Act.~~

~~(1) Shoreline Protection Requirements for Vessels Operating in Small Harbors~~
~~Included in the SP Tables is a listing of Small Harbors throughout the state. The requirements in the Small Harbor Table apply to all vessels over 300 GT that operate in the small harbors as listed. The following apply to the Small Harbor Table only:~~

~~(A) Non-dedicated resources are allowed for shoreline protection for the vessels that operate in these harbors.~~

~~(B) The amounts of boom, boats and staff, as listed, are required for the vessels that operate in these harbors. In some locations additional response resources may be required for included or adjacent sensitive sites if this has been identified in the applicable ACPs.~~

~~(C) Resource requirements can be met either with pre-positioned equipment (as identified in the owner/operator's Contingency Plan) or by a contract with a Rated OSRO. Advance notice to the OSRO is required before the plan holder can begin operating in the small harbor.~~

~~(D) Unless otherwise specified in the Small Harbor Table, anytime that a vessel over 300 GT operates in these small harbors, that vessel shall have a contract or other approved means for a minimum of 2,500 feet of boom that can be deployed in 6 hours.~~

~~(E) An owner/operator may propose lesser amounts of~~ shoreline protection ~~resources than that listed in the Small Harbor Table, for carrying out planned projects in the Balance of the Coast, upon~~

~~petitioning and approval of the Administrator. The proposal may be tested by the Administrator anytime prior or subsequent to plan approval.~~

(2) Shoreline Cleanup.

(A) Each plan must describe methods to clean up spilled oil and remove it from the environment. The owner or operator must have a contract or other approved means to provide the appropriate shoreline cleanup services. The equipment identified for a specific area must be appropriate for use in that area given the limitations of the bathymetry, geomorphology, shoreline types and other local environmental conditions. Additionally, the equipment identified must be appropriate to implement all the applicable strategies, and appropriate for use on the type of oil identified. The description must include:

1. Methods for shoreside cleanup, including containment and removal of surface oil, subsurface oil and oiled debris and vegetation from all applicable shorelines, adjacent land and beach types; and

2. Measures to be taken to minimize damage to the environment from land operations during a spill response, such as impacts to sensitive shoreline habitat caused by heavy machinery or foot traffic.

(g) Response Procedures.

(1) Each plan must describe the organization of the vessel carrying oil as secondary cargo's certified spill management team. An organizational diagram depicting the chain of command must also be included. Additionally, the plan must describe the method to be used to integrate the plan holder's organization into the incident command system ~~and/or~~ or the unified command structure as required by California Code of Regulations, title 8, subsection 5192(q)(3)(A).

(A) The plan holder may utilize the procedures as outlined in the appropriate and most recent federal area contingency plan when describing how the vessel's chain of command will interface with the incident command system which utilizes the unified command.

(2) Each plan must include a checklist, flowchart or decision tree depicting the procession of each major stage of spill response operations from spill discovery to completion of cleanup. The checklist, flowchart or decision tree must describe the general order and priority in which key spill response activities are performed.

(3) Each plan must describe how the owner or operator will provide onboard emergency services before the arrival of local, state or federal authorities on the scene, including:

(A) Procedures to control fires and explosions, and to rescue people or property threatened by fire or explosion; and

(B) Procedures for emergency medical treatment and first aid.

(4) Each plan must describe equipment and procedures to be used by the vessel carrying oil as secondary cargo's personnel to minimize the magnitude of a spill and minimize structural damage which may increase the quantity of oil spilled.

(5) Each plan must detail the lines of communications between the responsible party, the qualified individual and the on-scene commanders, response teams, local, state, and federal emergency and disaster responders, including:

(A) Communication procedures;

(B) The communication function (e.g., ground-to-air) assigned to each channel or frequency used;

(C) The maximum broadcast range for each channel or frequency used; and

(D) Redundant and back-up systems.

(6) Each plan must describe the procedures to manage access to the spill response site, the designation of exclusion, decontamination and safe zones, and the decontamination of equipment and personnel during and after oil spill response operations, as required by the California Occupational Safety and Health Administration.

(7) Each plan must describe the procedures for the evaluation of health and safety concerns and the determination of site safety prior to beginning oil spill response operations and cleanup activities.

(h) Notification Procedures.

(1) Each plan must include a list of contacts to call in the event of a drill, spill, or threatened ~~discharge~~ spill of oil~~, or discharge of oil~~. The plan must:

(A) Identify a central reporting office or individual who is responsible for initiating the notification process and is available on a 24-hour basis. The individual making this notification must be fluent in English. The following information must be provided:

1. The individual or office to be contacted;

2. Telephone number or other means of contact for any time of the day; and

3. An alternate contact in the event the individual is unavailable.

(B) Detail the procedures for reporting oil spills to all appropriate local, state, and federal agencies within each of the six geographic regions that the vessel carrying oil as secondary cargo transits;

(C) ~~e~~stablish a clear order of priority for notification.

(2) Immediate Notification.

Nothing in this section shall be construed as requiring notification before response.

(A) Each plan must include a procedure for initiating telephonic contact with the oil spill response organization in each of the six geographic regions that the vessel carrying oil as secondary cargo transits immediately, but no longer than 30 minutes, after the discovery of a ~~discharge~~ spill of oil or threatened ~~discharge~~ spill of oil.

(B) Each plan must include a procedure that ensures that the owner or operator or his/her designee will initiate telephonic contact with the qualified individual, the California Office of Emergency Services and the National Response Center immediately, but no longer than 30 minutes, after discovery of a ~~discharge~~ spill of oil or threatened ~~discharge~~ spill of oil.

(C) Each plan must include all phone numbers necessary to complete the immediate notification procedures.

(3) Each plan must identify a call-out procedure to acquire the resources necessary to address spills that cannot be addressed by the equipment that the owner or operator is required to have under contract. Procedures must allow for initiation of the call-out within 24 hours of the incident and must begin as soon as a determination has been made that additional resources are necessary.

(4) Each plan must provide a checklist of the information to be reported in the notification procedures, including but not limited to:

(A) The vessel carrying oil as secondary cargo's name, country of registry, call sign, and official number;

(B) The location of the incident;

(C) The date and time of the incident;

(D) The course, speed and intended track of the vessel carrying oil as secondary cargo;

(E) The nature of the incident;

(F) An estimate of the volume of oil spilled and the volume at immediate risk of spillage;

(G) The type of oil spilled, and any inhalation hazards or explosive vapor hazards, if known;

(H) The size and appearance of the slick;

(I) Prevailing weather and sea conditions;

(J) Actions taken or planned by personnel on-scene;

(K) The current condition of the vessel carrying oil as secondary cargo;

(L) Any injuries ~~and~~ or fatalities; and

(M) Any other information as appropriate.

(5) Reporting of a spill as required by section 818.03(h)(2) must not be delayed solely to gather all the information required by subsection 818.03(h)(4).

(6) An updated estimate of the volume of oil spilled and the volume at immediate risk of spillage must be reported to the California Office of Emergency Services whenever a significant change in the amount reported occurs, but not less than every 12 hours within the first 48 hours of response. The State Incident Commander ~~and/or~~ or the Federal On-Scene Coordinator through the unified command ~~shall have~~ has the option of increasing or decreasing this time frame, as needed. Updated spill volume information included in the Incident Action Plan developed through the unified command will meet the requirements of this subsection.

(i) Temporary Storage and Waste Management.

(1) Each plan must identify sufficient temporary storage for all recovered oil or all oily waste, or identify facilities that would be able to accept the recovered oil or oily waste for recycling or other means of waste management. Sufficient storage must be no less than two times the required response capability standards as determined in subsection 818.03(e)(3).

(2) Each plan must identify the party that ~~shall~~ will maintain responsibility for recovered oil and oily waste for the purposes of temporary storage.

(3) Each plan must describe site criteria and methods used for temporary storage of recovered oil and oily wastes generated during response and cleanup operations, including known available sites.

(4) Each plan must identify all applicable permits, and all federal, state and local agencies responsible for issuing those permits for transit, temporary storage and ultimate waste management of all hazardous waste products likely to result from an oil spill.

(5) Each plan must include information which could expedite the state approval process for the use of temporary waste storage sites, including a list of appropriate contacts and a description of procedures to be followed for each approval process.

(j) Wildlife Rehabilitation Requirements.
Each plan must describe how oiled wildlife care will be provided by one of the following approved means:

(1) Utilize the California Oiled Wildlife Care Network to meet oiled wildlife care requirements; or

(2) Describe procedures that clearly outline how oiled wildlife care will be provided. The equipment, facilities, and personnel necessary to implement these procedures must be identified and assured by contract for each geographic region covered by the plan. Standards and written protocols for wildlife care must comply with all applicable state and federal laws.

(k) Training.

(1) Each plan must provide that all appropriate personnel directly responsible to the owner or operator must receive training in the use and operation of oil spill response and cleanup equipment. The plan must describe:

(A) The type and frequency of training that each individual in a spill response position receives to achieve the level of qualification demanded by their job description.

(B) The procedures, if any, to train and use volunteers or other additional personnel in spill response operations as necessary for the size of the spill.

(2) Each plan must describe the type and frequency of personnel training on methods to reduce operational risks. The description of the training must include, if applicable, the following:

(A) The means of achieving any established training objectives, such as:

1. Training programs for each position involved with the various aspects of the operation that could result in a spill (e.g., position responsible for vessel inspections or transfers).

2. A training schedule, including adequate frequency, (e.g., initial training upon hire and annual refresher training) and type of training (workshops, classroom, videotape, on-the-job training, etc.) for each position trained.

(B) Licenses, certifications or other prerequisites to hold particular jobs.

(3) Each plan must provide for safety training as required by state and federal health and safety laws for all personnel likely to be engaged in oil spill response, including a program for training non-permanent responders, such as volunteers or temporary help.

(4) The vessel carrying oil as secondary cargo owner or operator must ensure that training records are maintained for three years. All such documentation must be made available to the Administrator upon request.

(*l*) Equipment Deployment Drills and Tabletop Exercises.

(1) Each plan must describe the vessel carrying oil as secondary cargo's drill and exercise program. The vessel owner or operator must conduct drills and exercises as necessary to ensure that the elements of the plan will function in an emergency, as described in section 820.1 of subchapter 3.6.

(2) Drills must be designed to exercise either components of or the entire response plan. Such drills, individually or in combination, must ensure that the entire plan is exercised at least once every three years.

(3) Environmental Sensitive Site Protection. When an oil spill contingency plan lists plan holder-owned environmental sensitive site protection response resources, a drill must be conducted at least once every three years. The amount of boom required to be deployed is the amount needed for the site strategy or strategies identified in the drill scenario, but no more than the amount required at protection hour six pursuant to the Site Protection Table in section 828.1.

Note: Authority cited: Sections 8670.7, 8670.10, 8670.28, 8670.29, 8670.30 and 8670.32, Government Code. Reference: Sections 8670.7, 8670.10, 8670.20, 8670.25.5, 8670.27, 8670.28, 8670.29, 8670.30, 8670.31, 8670.32 and 8670.37.51, Government Code.