

CALIFORNIA CODE OF REGULATIONS
TITLE 14. DIVISION 1.
SUBDIVISION 4. OFFICE OF OIL SPILL PREVENTION AND RESPONSE
CHAPTER 1. GENERAL DEFINITIONS AND ABBREVIATIONS
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790. DEFINITIONS AND ABBREVIATIONS.

Unless the context requires otherwise, the following definitions are limited to governing the construction of this subdivision and implementation of the Lempert-Keene-Seastrand Oil Spill Prevention and Response Act (Act).

- (a)(1) "Act" means the Lempert-Keene-Seastrand Oil Spill Prevention and Response Act of 1990 (Statutes of 1990, Chapter 1248) and amendments thereto.
- (a)(2) "Administrator" means the administrator for oil spill response appointed by the Governor pursuant to Government Code Section 8670.4 or his or her designee.
- (a)(3) "Adverse weather" means the weather conditions that will be considered when determining the appropriate oil spill response systems and equipment for a particular operating environment. Factors that will be considered include wind, significant wave height, temperature, weather-related visibility, and the tides and currents within the response area in which the equipment is intended to function.
- (a)(4) Agent for Service of Process: an individual who resides in California, or a corporation, designated to accept service of process. Agents shall have filed a certificate with the Secretary of State pursuant to Corporations Code Section 1505.
- (a)(5) "Anchorage or Anchorage designation" means an area designated by the U.S. Army Corps of Engineers or the United States Coast Guard for the anchoring of vessels.
- (a)(6) "Assets", as defined by GAAP, means probable future economic benefits obtained or controlled by a particular entity as a result of past transactions or events.
- (a)(7) "Area Contingency Plan" (ACP) means an oil spill response plan required by the Coast Guard for each of six regions along the California coast. These six regions are the Federal Area Plan Zones, and are defined in this subchapter under "Geographic Regions".
- (b)(1) "Balance of the Coast" means those areas of the California coast that are not designated as either a high volume port or as a facility transfer area.

- (b)(2) "Barge" means any vessel that carries oil in commercial quantities as cargo but is not equipped with a means of self-propulsion.
- (b)(3) "Barrel" means 42 United States gallons of oil at 60 degrees Fahrenheit.
- (b)(4) "Best Achievable Protection" means
 - (A) the highest level of protection which can be achieved through the use of both of the following:
 - 1. the best achievable technology, and
 - 2. those manpower levels, training procedures, and operational methods which provide the greatest degree of protection achievable.
 - (B) The Administrator's determination of which measures provide the best achievable protection shall be guided by the critical need to protect valuable natural resources and state waters, while also considering all of the following:
 - 1. the use of current and historical protection provided by the measures,
 - 2. the technological achievability of the measures, and
 - 3. the cost of the measures.
 - (C) The Administrator shall not use a cost-benefit or cost-effectiveness analysis or any particular method of analysis in determining which measures provide the best achievable protection. The Administrator shall instead, when determining which measures provide best achievable protection, give reasonable consideration to historical and current prevention methods, historical and current improvements in technology, and response readiness. Additionally the Administrator shall consider the protection provided by the measures, the technological achievability of the measures, and the cost of the measures when establishing the requirements to provide the best achievable protection for the natural resources of the state.
- (b)(5) "Best achievable technology" means historical, current or future technology which provides the greatest degree of protection taking into consideration, the following;
 - (A) Processes which are being developed, or could feasibly be developed anywhere in the world, given overall reasonable expenditures on research and development, and
 - (B) Processes which are currently in use anywhere in the world, taking into account historical and current effectiveness provided by the measures already in place.
 - (C) In determining what is the best achievable technology, the Administrator shall consider the effectiveness and

engineering feasibility of the technology and if there would be an improvement over the technology currently in place.

- (b)(6) "Bollard Pull" means the force, in pounds, that a tug is capable of exerting against a stationary object. Bollard pull can be measured for either or both of the following:
 - (A) astern force, which is the force applied when the tug is pushing or pulling astern.
 - (B) ahead force, which is the force applied when the tug is pushing or pulling ahead.
- (b)(7) "Braking Force" means astern bollard pull (at zero speed) for conventional tugs, and ahead bollard pull (at zero speed) for tractor tugs.
- (b)(8) "Bulk" see "Oil in Bulk".
- (b)(9) "Bunkering" or "Bunkering Operation" means the transfer of oil via hoses, pipelines, or loading arms for the purpose of providing fuel or lubricants to a tank vessel or nontank. A Bunkering Operation includes all phases of the operation from the beginning of mooring activities between the transfer unit and the receiving unit to the departure of either the transfer unit or the receiving unit.
- (b)(10) "Bunker oil" means that product used as fuel for a vessel's propulsion system.
- (c)(1) "California Oil Spill Contingency Plan" means the California oil spill contingency plan prepared pursuant to Article 3.5 (commencing with Government Code Section 8574.1) of Chapter 7.
- (c)(2) "Cleaned-up" means spilled oil has been removed to the extent that it no longer poses a threat to human health and safety or the environment, as determined by either:
 - (A) the unified command, consisting of the Federal On-Scene Coordinator (FOSC), the responsible party, if designated, and the Staff (as defined in this chapter); or
 - (B) the State Incident Commander (as designated by the Administrator) if the unified command is not established.
- (c)(3) "Clearing House" means an individual, organization, corporation or agency designated by the Administrator to carry out responsibilities related to tug escort requirements for specific harbors in California.
- (c)(4) "Coast Guard Designated Area" see "Geographic Region".
- (c)(5) "COLREGS" is a shortened form of the term Collision Regulations, and refers to the International Regulations for the Prevention of Collisions at Sea.

- (c)(6) "Competitive aspects" means the cost of materials, labor, services, property or other necessities required to carry out a recommendation of a harbor safety committee. These costs shall be compared to other alternative costs for the same or similar requirements and may vary from port to port within a harbor area. Competitive aspects shall be addressed in any economic feasibility report or study made part of any such recommendation.
- (c)(7) "Containment area" means that area designated for the containment of any spilled oil with the intent of preventing the oil from reaching open water.
- (c)(8) "Conventional Tug" means a tug with screws or propellers which are fixed to provide thrust either fore or aft, parallel to the keel or longitudinal axis of the tug.
- (c)(9) "Crude oil" means petroleum in an unrefined or natural state, including condensate and natural gasoline.
- (c)(10) "Culturally Sensitive Sites" means locations which include, but are not limited to, historical and archaeological sites, and areas of cultural or economic significance to Native Americans.
- (c)(11) "Current assets", as defined by GAAP, means cash or other assets or resources commonly identified as those which are reasonably expected to be realized in cash, or sold or consumed during the normal operating cycle of the business.
- (c)(12) "Current liabilities", as defined by GAAP, means those obligations whose liquidation is reasonably expected to require the use of existing resources, properly classifiable as current assets, or the creation of other current liabilities.
- (d)(1) "Deadweight tonnage" means the weight of the cargo, fuel, water, and stores necessary to submerge a vessel from its light draft to its load draft. This measurement shall be obtained from the following:
- (A) the most current Lloyds Register, or
 - (B) from the country of registry, or
 - (C) by documentation from a recognized classification society, or
 - (D) as reflected in the International Load Line Certificate posted on each vessel.
- (d)(2) "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.

- (d)(3) "Department" means the California Department of Fish and Game.
- (d)(4) "Discharge" see "Spill".
- (d)(5) "Discharge Containment System" means any system designed to enclose or restrain spilled oil and prevent it from spreading further and/or reaching open water. Such a system may be fixed or portable, depending upon the application, and may involve specific equipment for certain applications.
- (d)(6) "Displacement" means the total weight of water, as measured in long tons, displaced by a vessel at a given load level.
- (d)(7) "Distribution Pipeline" means a pipeline used to transport oil or petroleum products that is not associated with a Production Facility.
- (e)(1) "Economically Sensitive Sites" means locations which include, but are not limited to, public beaches, parks, marinas, boat ramps, diving areas, industrial and drinking water intakes, power plants, salt pond intakes and other similarly situated underwater structures, intertidal and subtidal drilling leases, and major waterways and vessel traffic.
- (e)(2) "Effective Daily Recovery Capacity" (EDRC) means that value computed by taking the manufacturer's rating for the recovery capacity of a piece of skimming equipment and reducing that amount to reflect the limitations of the response equipment's efficiency. Limitations on efficiency may be the result of such variables as weather, sea state, velocity of the ocean currents, hours of operation per day, or visibility. The EDRC shall be calculated as 20% of the manufacturer's rated skimming capacity (SC) for the equipment for a 24 hour period, [(SC x 24 hours) X 20% = EDRC].
- (e)(3) "Environmentally Sensitive Site" means sites defined pursuant to the applicable Area Contingency plans or geographic response plans, as created and revised by the U.S. Coast Guard, the U.S. Environmental Protection Agency, and the Administrator.
- (e)(4) "Escort Tug" means a tug that is designed primarily to influence the speed and direction of travel of a tank vessel in the event of a casualty, steering or propulsion failure. A tug is considered to be designed for escort work whether or not it is involved in such activity if it meets the requirements of the applicable harbor.
- (e)(6) "Escort Vessel" see "Escort Tug".
- (f)(1)(A) "Facility" means any of the following located in the Waters of the State or located where an oil spill may impact Waters of the State:

1. A building, structure, installation, or equipment used in oil exploration, oil well drilling operations, oil production, oil refining, oil storage, oil gathering, oil processing, oil transfer, oil distribution, or oil transportation, or
2. A marine terminal, or
3. A pipeline that transmits oil, or
4. A railroad that transports oil as cargo, or
5. A drill ship, semisubmersible drilling platform, jack-up type drilling rig, or any other floating or temporary drilling platform.

(B) "Facility" does not include any of the following:

1. A vessel, except a vessel located and used for any purpose described in subsection (f)(1)(A)(5), or
2. An owner or operator subject to Chapter 6.67 (commencing with Section 25270) or Chapter 6.75 (commencing with Section 25299.10) of Division 20 of the Health and Safety Code, or
3. Operations on a farm, nursery, logging site, or construction site that are either of the following:
 - (i) Do not exceed 20,000 gallons in a single storage tanks, or
 - (ii) Have a usable tank storage capacity not exceeding 75,000 gallons, or
4. A small craft refueling dock.

- (f)(2) "Facility Transfer Areas" means the areas where oil or oil products are transferred within marine waters, excluding High Volume Ports.
- (f)(3) "Facility Transfer Point" means a fixed location where oil or oil products are or can be transferred between a vessel and a facility.
- (f)(4) "Federal breakwater" means the line of demarcation as specified in Title 33 Code of Federal Regulations, Section 80.1114.
- (f)(5) "Fiscal Year" means the period commencing on the first day of July and ending on June 30 of the following year.
- (g)(1) "GAAP" means the Generally Acceptable Accounting Principles in the United States.
- (g)(2) "Geographic Region" means one of six regions along the California coast defined by the Coast Guard as the Federal Area Plan Zones. These Coast Guard regions are as follows;
- (A) Area 1, North Coast: the Oregon border to the Sonoma/Mendocino County line;
 - (B) Area 2, San Francisco and the Delta: the Sonoma/Mendocino County line to the Santa Cruz/San Mateo County line, including San Francisco Bay and the portions of the Sacramento/San Joaquin Delta covered under Article 5, Section 8670.28(a)(1) of the Government Code;

- (C) Area 3, Central Coast: the Santa Cruz/San Mateo County line to the San Luis Obispo/Monterey County line;
 - (D) Los Angeles/Long Beach, as follows:
 - (1) Area 4, Northern Sector: San Luis Obispo, Ventura and Santa Barbara Counties;
 - (2) Area 5, Southern Sector: Los Angeles and Orange Counties;
 - (E) Area 6, San Diego: San Diego/Orange County line to the Mexico border.
- (g)(3) "Geographic Response Areas" (GRA) mean subdivisions of an ACP Area used for marine oil spill planning and response, which are based on natural basins or other natural features, landmarks, or general planning demarcations as described in the appropriate ACP.
- (g)(4) "Geographic Response Plan" (GRP) means a plan addressing oil spills to Waters of the State other than marine waters, that includes response strategies for protecting specific sites, developed in partnership with state and local agencies, private stakeholders, the U.S. Coast Guard (USCG), and the U.S. Environmental Protection Agency (EPA), as part of the Region 9 Response Team (RRT).
- (g)(5) "Gross Registered Tons", now changed to "Gross Tons", means a measure of the tanker, barge or nontank vessel's tonnage by volume.
- (h)(1) "Harbor Safety Committee" means a committee comprised of those individuals, appointed by the Administrator pursuant to Section 8670.23 of the Government Code, to determine harbor safety needs for the harbors of San Diego; Los Angeles/Long Beach; Port Hueneme; San Francisco, San Pablo, Suisun Bays; and Humboldt Bay.
- (h)(2) "Hazardous Materials" means any material that, because of its quantity, concentration or physical or chemical characteristics, would pose a significant present or potential hazard to human health and/or safety, or to the environment if released into the environment. This definition includes, but is not limited to, "oil" as defined in the Act.
- (h)(3) "High Volume Ports" means either of the following:
- (A) for the San Francisco Bay/Sacramento-San Joaquin Delta; all California marine waters that are within a 50 nautical mile radius of the San Francisco Approach, Lighted Horn Buoy (SF) (LNB) (LLNR 360) [located at 37-45.0N, 122-41.6W] on the San Francisco Bay Chart #18645. This does not include the Ports of Stockton and Sacramento;

- (B) for the Los Angeles/Long Beach Harbor; all California marine waters that are within a 50 nautical mile radius of the Approach Lighted Whistle Buoy "LB" (LLNR 3010)[33-42.1N, 118-11.0W] outside the entrance to the Los Angeles/Long Beach Harbors on the Los Angeles and Long Beach Harbor Chart #18751.
- (i)(1) "Incident Action Plan" means a document that contains objectives reflecting the overall incident strategy and specific tactical actions and supporting information for the next operational period. The Plan may be oral or written.
- (i)(2) "Infrequent Transfer" means a transfer of oil or oil product that is conducted on the average of one time per month or not more than twelve times in a twelve month period.
- (i)(3) "Inland Facility" means a Facility (as defined in Subsection (f)(1)) located in Waters of the State (as defined in Subsection (w)(1)) other than Marine Waters (as defined in Subsection (m)(3)), or where a discharge could impact Waters of the State other than Marine Waters.
- (i)(4) "Intangible assets" means assets, such as trademarks, goodwill, patents, organization costs, computer programs, etc., which lack physical substance.
- (i)(5) "Involved Parties" means a responsible party, potentially responsible party, their agents and employees, the operators of all tankers, barges and nontank vessels docked at a marine facility which is the source of a discharge, and all state and local agencies involved in a spill or spill response.
- (j) (Reserved)
- (k)(1) "Kips" means a thousand pounds of force.
- (l)(1) "Liabilities", as defined by GAAP, means probable future sacrifices of economic benefits arising from present obligations of a particular entity to transfer assets or provide services to other entities in the future as a result of past transactions or events.
- (l)(2) "Linefill capacity" means the volume of fluid in a pipeline or pipeline segment as determined by multiplying the cross-sectional area of the inside of the pipeline in square feet, times the length of the pipeline in feet, times 7.48 gallons per cubic foot. [Linefill capacity in gallons equals $7.48(3.1416 r^2 * L)$ where 7.48 = gallons per cubic foot; 3.1416 is the constant, pi; r = inside radius in feet; * = times; and L = length in feet].

- (l)(3) "Line Haul Tug" means that tug that provides the primary power to push or pull a barge.
- (l)(4) "Lightering" or "Lightering Operation" means the transfer of a cargo of oil in bulk from one vessel to another. Lightering includes all phases of the operation from the beginning of mooring activities between the transfer unit and the receiving unit to the departure of either the transfer unit or receiving unit. A lightering operation does not include bunkering.
- (l)(5) "LOA" means the actual Length Overall of a vessel measured in meters. This is the length for each vessel as listed in Lloyds Register or with the country of registry.
- (l)(6) "Local government" means any chartered or general law city, chartered or general law county, or any city and county.
- (l)(7) "Long tons" means a unit of weight equal to 2,240 pounds avoirdupois.
- (m)(1) "Marine Facility" means a Facility (as defined in Subsection (f)(1))located in marine waters or where a discharge could impact marine waters.
- (m)(2) "Marine Terminal" means any marine facility used for transferring oil to or from tankers or barges. This would include all piping not integrally connected to a tank facility as defined in Section 25270.2(k) of the Health and Safety Code relating to above ground storage tanks.
- (m)(3) "Marine Waters" means those waters subject to tidal influence and includes the waterways used for waterborne commercial vessel traffic to the Port of Sacramento and the Port of Stockton.
- (m)(4) "Master" means the master of the tug engaged in towing a barge or the master of a tanker or nontank vessel.
- (m) (5) "Measurable Flow" means water flow which can be measured using conventional stream assessment equipment and techniques.
- (m)(6)"Mobile Transfer Unit" (MTU) means a vehicle, truck, or trailer, including all connecting hoses and piping, used for transferring oil at a location where a discharge could impact Waters of the State.
- (m)(7) "Mobilization Time" means the time in which initial response personnel are able to begin movement of spill response resources to the site of an oil spill.
- (m)(8) "MTU" means Mobile Transfer Unit.

- (n)(1) "Navigational Aid" means any device used by a tanker, barge or nontank vessel that is intended to assist a navigator in determining the tanker, barge or nontank vessel's position or a safe course, or to warn of dangers or obstructions to navigation.
- (n)(2) "Non-dedicated Response Resources" means those response resources identified by an Oil Spill Response Organization for oil spill response activities that are not dedicated response resources.
- (n)(3) "Non-persistent or Group 1 oil" means petroleum-based oil, such as gasoline, diesel or jet fuel, which evaporates relatively quickly. Such oil, at the time of shipment, consists of hydrocarbon fractions of which:
 - (A) at least 50 percent, by volume, distills at a temperature of 340 degrees C (645 degrees F); and
 - (B) at least 95 percent, by volume, distills at a temperature of 370 degrees C (700 degrees F).
- (n)(4) "Nontank Vessel" means a vessel of 300 gross tons or greater that carries oil, but does not carry oil as cargo.
- (o)(1) "Off Shore" means marine Waters of the State beginning at the shoreline and extending seaward out to the state's western most marine boundaries as defined in Government Code sections 170, 171 and 172, excluding Sheltered and Shallow Waters, as defined.
- (o)(2) "Office of Spill Prevention and Response" means the California Department of Fish and Wildlife, Office of Spill Prevention and Response established pursuant to the Act, led by the Administrator.
- (o)(3) "Offshore Marine Facility" includes but is not limited to a drill ship, semi-submersible drilling platform, jack-up type drilling rig, facilities located on production piers, artificial islands and platforms, any floating or temporary drilling platform and any facility of any kind which is or was used for purposes of exploring for, drilling for, producing, storing, handling, transferring, processing, refining, or transporting oil and is located in, under, on, or above marine waters. This includes facilities in the process of abandonment, re-drilling, well maintenance and repairs.
- (o)(4) "Offshore Marine Terminal" means any marine terminal at which tank vessels or barges are made fast to a buoy or buoys.
- (o)(5) "Oil" means any kind of petroleum, petroleum-based liquid hydrocarbons, petroleum products or any fraction or residues therefrom. This shall include, but is not limited to: crude oil, bunker fuel, gasoline, diesel fuel, aviation fuel, oil sludge, oil refuse, oil mixed with waste, and liquid distillates from unprocessed natural gas.

- (o)(6) "Oil In Bulk" means any volume of oil carried in the cargo tanks of a vessel. Bulk oil does not include oil carried in packaged form, and does not include residue or clingage remaining in the cargo tanks after the cargo oil has been discharged. During a bunkering or lightering operation, bulk oil may also be that oil which is transferred to or from a marine portable tank or independent tank on board a vessel.
- (o)(7) "Oil Pollution Risk Area" or "OPRA", means a designated geographic location within a High Volume Port where an oil spill could occur. OPRA's are identified by latitude and longitude coordinates.
- (o)(8) "Oil Spill Contingency Plan" or "Contingency Plan" means the oil spill contingency plan required pursuant to this subdivision.
- (o)(9) "Oil Spill Response Organization" or OSRO means an individual, organization, association, cooperative, or other entity that provides, or intends to provide, equipment, personnel, supplies, or other services directly related to oil spill containment, cleanup, or removal activities.
 - (A) A "Rated OSRO" means an OSRO that has received a satisfactory rating from the Administrator for a particular rating level established pursuant to Section 819.01 of this subdivision.
 - (B) "OSRO" does not include an owner or operator with an oil spill contingency plan approved by the Administrator or an entity that only provides spill management services, or who provides services or equipment that are only ancillary to containment, cleanup, or removal activities.
- (o)(10) "Oil Transfer System" means that system as described in 33 CFR Part 154, Subpart(c).
- (o)(11) "Operator" see "Owner or Operator".
- (o)(12) "Operating" means, in terms of a tanker, barge or nontank vessel, either:
 - (A) the transferring and/or transporting of oil, or
 - (B) that the tanker, barge or nontank vessel is not at anchor, is not made fast to the shore or an anchored tanker, barge or nontank vessel, or not aground.
- (o)(13) "Operating Environment" means the marine waters of the state defined as Sheltered Waters, Shallow Water and Offshore.
- (o)(14) "OSPR" see "Office of Spill Prevention and Response".

(o)(15) "OSRO" means Oil Spill Response Organization.

(o)(16) "Owner or Operator" means any of the following:

- (A) in the case of a tanker, barge or nontank vessel, any person who owns, has ownership interest in, operates, charters by demise, or leases the tanker, barge, or nontank vessel;
- (B) in the case of a Facility, any person who owns, has an ownership interest in, or operates the Facility;
- (C) except as provided in subparagraph (D), in the case of any tanker, barge, nontank vessel or facility, title or control of which was conveyed due to bankruptcy, foreclosure, tax delinquency, abandonment, or similar means, to an entity of state or local government, the owner or operator is any person who owned, held an ownership interest in, operated, or otherwise controlled activities concerning the tanker, barge, nontank vessel or facility immediately before the conveyance;
- (D) an entity of the state or local government which acquired ownership or control of a tanker, barge, nontank vessel or facility, when the entity of the state or local government has caused or contributed to a spill or discharge of oil into Waters of the State;
- (E) "Owner" or "Operator" does not include a person who, without participating in the management of a tanker, barge, nontank vessel or facility, holds indicia of ownership primarily to protect his or her security interest in the tanker, barge, nontank vessel or facility;
- (F) "Operator" does not include any person who owns the land underlying a facility or the facility itself if the person is not involved in the operations of the facility.

(o)(17) "Owners' equity", as defined by GAAP, means the difference between total assets and total liabilities.

(p)(1) "P&I Club" see "Protection and Indemnity Club".

(p)(2) "Persistent Oil" means a petroleum-based oil that does not meet the distillation criteria for a non-persistent oil. Persistent oils are further classified based on both specific and American Petroleum Institute (API) observed gravities corrected to 60 degrees Fahrenheit, as follows:

- (A) Group 2 - specific gravity greater than or equal to 0.8000 and less than 0.8500. API gravity less than or equal to 45.00 and greater than 35.0;
- (B) Group 3 - specific gravity greater than or equal to 0.8500, and less than 0.9490. API gravity less than or equal to 35.0 and greater than 17.5;
- (C) Group 4 - specific gravity greater than or equal to 0.9490 and up to and including 1.0. API gravity less than or equal to 17.5 and greater than 10.00;

(D) Group 5 - specific gravity greater than 1.0000. API gravity equal to or less than 10.0

- (p)(3) "Person" means any individual, trust, firm, joint stock company, or corporation, including, but not limited to, a government corporation, partnership, and association. Also included is any city, county, city and county, district and the state or any department or agency thereof, and the federal government or any department or agency thereof, to the extent permitted by law.
- (p)(4) "Petroleum Barge" see "Barge".
- (p)(5) "Pilot" means a person duly licensed by the U.S. Coast Guard as a Federal First Class Pilot authorized to serve as a pilot on tankers and nontank vessels transiting in specified harbors in California. This person may or may not be the "Master" as defined in this chapter.
- (p)(6) "Pipeline" means any line or conduit used at any time to transport oil. A pipeline will be considered a facility if it is located in Waters of the State or where a discharge from the pipeline could impact Waters of the State.
- (p)(7) "Plan Holder" means the owner/operator of a facility, tank vessel, nontank vessel, small marine fueling facility, or vessel carrying oil as secondary cargo; or other person or entity, responsible for the development, submittal, update, maintenance of, and compliance with the oil spill contingency plan required under this subdivision.
- (p)(8) "Point of Transfer", means a position either physically located on the receiving or transferring tanker, barge, or nontank vessel, or in the case of a response vessel, located within 2 miles of the actual oil transfer operation.
- (p)(9) "Port Authority" means the person, governmental agency or civilian organization responsible for the operation, control and administration of a port or harbor area.
- (p)(10) "Production Facility" means any equipment attendant to oil production or injection operations including, but not limited to, tanks, flowlines, headers, gathering lines, wellheads, heater treaters, pumps, valves, compressors, injection equipment, production safety systems, separators, manifolds, and pipelines that are not under the jurisdiction of the State Fire Marshal pursuant to Section 51010 of the Government Code, excluding fire suppressant equipment.
- (p)(11) "Production pier" means a structure supported above marine waters by pilings, columns or caissons which is connected to land and upon which is situated an oil and gas production operation.

- (p)(12) "Protection and Indemnity (P&I) Club" means a mutual insurance organization formed by a group of ship owners or operators in order to secure cover for various risks of tanker, barge, or nontank vessel operation, including oil spill costs, not covered by normal hull insurance.
- (q)(1) "QI" see "Qualified Individual".
- (q)(2) "Qualified Individual (QI)" means a shore-based representative of a tanker, barge, nontank vessel or facility owner or operator. The QI can be an individual or company that provides QI services. The QI must be fluent in English, located in the continental United States, available on a 24-hour basis, and have full written authority to implement the tanker, barge, nontank vessel or facility's contingency plan. A person stationed on a fixed, off-shore platform is considered to be shore-based for purposes of this definition. A QI is not necessarily the responsible party unless otherwise considered a responsible party as defined in this chapter. The duties of the QI shall include:
- (A) activating and engaging in contracting with required oil spill response organizations;
 - (B) acting as liaison with, and following the orders of, the State Incident Commander and/or Federal On-Scene Coordinator through the Unified Command during all phases of spill response. This would include the ability to make changes to the plan when so ordered by the Administrator or the Federal On-Scene Coordinator;
 - (C) obligating, either directly or through prearranged contracts, any funds necessary to carry out all required or directed oil spill response activities detailed in the tanker, barge, nontank vessel or facility's contingency plan or specified by order of the Incident Commander and/or Federal On-Scene Coordinator.
- (r)(1) "Railroad" means a railroad, railway, rail car, rolling stock, or train that carries oil as cargo.
- (r)(2) "Rated OSRO" means an OSRO that has received a satisfactory rating from the Administrator for a particular rating level established pursuant to Section 819.01 of this subdivision.
- (r)(3) "Reasonable Worst Case Oil Spill" (RWCS) is defined in the chapters of this subdivision where the term is used.
- (r)(4) "Regional Response Team (RRT)" means the federal, interagency organization that is responsible for granting approval for the use of cleanup agents during an oil spill response. The RRT was established under the federal Oil Spill Act of 1990 and is composed of representatives of the federal agencies enumerated in 40 CFR S. 300.175(b), as well as state and local representatives.

(r)(5) "Remove" or "Removal" means the extraction of oil from the water and shorelines, or taking other action as necessary to minimize or mitigate oil-related damage to the environment, or to safeguard the public health or welfare.

(r)(6) "Response Planning Area" (RPA) means the boundaries that are used for Contingency Plans and OSRO Ratings. These boundaries mirror the Cal-Office of Emergency Services Mutual Aid Regions (and are the same boundaries as the Local Emergency Planning Committee (LEPC) Regions). These boundaries are separate, but closely coincide with the Captain of the Port Area Contingency Planning areas that are used for marine facility and vessel contingency plans. The RPA numbering and county boundaries are described below:

RPA I – Counties of Los Angeles, Orange, San Luis Obispo, Santa Barbara, and Ventura.

RPA II – Counties of Humboldt, Del Norte, Mendocino, Lake, Sonoma, Marin, Napa, Solano, Contra Costa, Alameda, San Francisco, San Mateo, Santa Clara, San Benito, Santa Cruz and Monterey.

RPA III – Counties of Butte, Colusa, Glenn, Lassen, Modoc, Plumas, Shasta, Sierra, Siskiyou, Sutter, Tehama, Trinity, and Yuba.

RPA IV – Counties of Alpine, Amador, Calaveras, El Dorado, Nevada, Placer, Sacramento, San Joaquin, Stanislaus, Tuolumne, and Yolo.

RPA V – Counties of Fresno, Kern, Kings, Madera, Mariposa, Merced, and Tulare.

RPA VI – Counties of Imperial, Inyo, Mono, Riverside, San Bernardino, San Diego.

(r)(7) "Response Resources" means all the personnel, equipment, supplies, and services necessary to perform oil spill response activities.

(r)(8) "Response Vessel" means any tanker, barge or other waterborne craft used in the course of response activities during an oil spill incident.

(r)(9) "Responsible Party (or Party Responsible)" means any of the following:

(A) the owner or transporter of oil or a person or entity accepting responsibility for the oil;

(B) the owner, operator or lessee of, or person who charters by demise, any tanker, barge, nontank vessel or marine facility;

(C) a person or entity who accepts responsibility for vessel or marine facility; or

(D) the person who fulfills the role of the Qualified Individual during spill response only if that person is also one of the individuals as described in subparagraphs (A) through (C) above.

(r)(10) "Risk and Hazard Analysis" means a study in which process hazards and potential operating problems that could lead to oil spills are identified using systematic methods recommended by the American Institute of Chemical Engineers, or other means approved by the Administrator. This is the study referred to as the Hazard and Operability Study in Section 8670.28 of the Government Code.

(r)(11) "Risk Zone" means one of the areas along the California coast that has been differentiated by the relative risk of an oil spill occurring in that area. The areas so designated shall be termed: High Volume Ports; Facility Transfer Areas; or the Balance of the Coast; and are further defined in this chapter.

(s)(1) "Santa Barbara Channel Area" see "Facility Transfer Area".

(s)(2) "Sensitive Site Strategy Evaluation Program (SSSEP)" means the program to test and evaluate the effectiveness of the protection response strategies developed in the ACPs and Shoreline Protection Tables to protect the sensitive sites in California's marine waters. This program, managed by the Administrator, will ensure that the strategies will be effective in an actual oil spill emergency. Participation in the SSSEP is required for an OSRO Rating for Shoreline Protection services.

(s)(3) "Shallow Water" means marine waters of the state landward of the mouth of bay or breakwater that have a depth of 6 feet or less at mean low tide excluding Offshore and Sheltered Waters, as defined.

(s)(4) "Sheltered Waters" means marine Waters of the State landward of the mouth of a bay or breakwater that have a depth of greater than 6 feet at mean low tide, excluding Offshore and Shallow Waters, as defined.

(s)(5) "Shifting" means to move or transfer a tanker, barge, or nontank vessel from one place or position in the harbor to another in the harbor.

(s)(6) "Shoreline Protection Tables" or "SP Tables", means the tables dated August 2013, incorporated by reference herein, developed by the Office of Spill Prevention and Response and posted on the Office's website. These tables outline the shoreline protection requirements for California's coastal areas and apply to all vessels of 300 gross tons or greater. Small Harbor Tables are included to describe the shoreline protection requirements for vessels that

operate in the small harbors as listed.

- (s)(7) "Short ton" means a unit of weight equal to 2,000 pounds, avoirdupois.
- (s)(8) "Small Craft" means any vessel, other than a tanker or barge, that is less than 65 feet, 7 ½ inches (20 meters) in length.
- (s)(9) "Small Craft Refueling Dock" means a waterside operation that dispenses only non-persistent oil in bulk and small amounts of persistent lubrication oil in sealed containers, primarily to small craft, and meets both of the following criteria:
 - (A) has tank storage capacity not exceeding 20,000 gallons in any single storage tank or tank compartment; and
 - (B) has a total useable tank storage capacity not exceeding 75,000 gallons.
- (s)(10) "Small Marine Fueling Facility" means either of the following:
 - (A) A mobile transfer unit, or
 - (B) A fixed facility that is not a marine terminal, which dispenses primarily nonpersistent oil, and may dispense small amounts of persistent oil, primarily to small craft, and meets all of the following criteria:
 - (1) Has tank storage capacity greater than 20,000 gallons but not more than 40,000 gallons in any single storage tank or storage tank compartment.
 - (2) Has total usable tank storage capacity not exceeding 75,000 gallons.
 - (3) Had an annual throughput volume of over-the-water transfers of oil that did not exceed 3,000,000 gallons during the most recent preceding 12-month period.
- (s)(11) "Small Vessel" see "Small Craft"
- (s)(12) "Spill", "discharge" or "oil spill" means a release of any amount of oil into Waters of the State that was not authorized by a federal, state, or local governmental entity.
- (s)(13) "State Waters" see "Waters of the State".
- (s)(14) "Staff" means the Administrator or any personnel within OSPR or the California Department of Fish and Wildlife authorized to act on behalf of the Administrator.
- (s)(15) "State Fiscal Year" see "Fiscal Year"
- (s)(16) "State Incident Commander" means a person with the overall authority for managing and conducting incident operations during an oil spill response, who shall manage an incident consistent with

the standardized emergency management system required by Section 8607 of the Government Code. Incident management generally includes the development of objectives, strategies and tactics, ordering and release of resources, and coordination with other appropriate response agencies to ensure that all appropriate resources are properly utilized and that this coordinating function is performed in a manner designated to minimize risk to other persons and to the environment.

- (s)(17) "State Liaison Officer" means that person responsible for the coordination of information between the State Incident Commander/Federal On-Scene-Coordinator and other state and local government representatives. The State Liaison Officer is a function within the Incident Command System as described in the California Oil Spill Contingency Plan.
- (s)(18) "Static Bollard Pull" see "Bollard Pull"
- (t)(1) "Tank Barge" see "Barge."
- (t)(2) "Tank Ship", see "Tanker".
- (t)(3) "Tank Vessel" means any tanker or barge that carries oil in commercial quantities as cargo.
- (t)(4) "Tanker" means any self-propelled, waterborne vessel, constructed or adapted to transport oil in bulk or in commercial quantities as cargo.
- (t)(5) "Terminal" see "Marine Terminal".
- (t)(6) "Tractor Tug" means a tug which is propelled by blades or screws which may be manipulated or rotated to provide propulsive thrust to any part of a 360 degree arc relative to the keel or longitudinal axis of the tug.
- (t)(7) "Transporting oil in bulk" see "Oil in Bulk".
- (t)(8) "Tug" or "Tug Escort" see "Escort Tug"
- (u) "Unified Command" consists of the Federal On-Scene Coordinator, the State On-Scene Coordinator and a representative of the Responsible Party, if designated.
- (v)(1) "Vessel" means any watercraft or ship of any kind, including every structure adapted to be navigated from place to place for the transportation of merchandise or persons.
- (v)(2) "Vessel Carrying Oil as Secondary Cargo" means any vessel that does not carry oil as primary cargo, but does carry oil as cargo. The Administrator may establish minimum oil volume amounts or other

criteria by regulations.

(v)(3) "Vessel of Opportunity" means any craft engaged in spill response activities that is otherwise normally and substantially involved in activities other than spill response.

(v)(4) "Vessel Traffic Service (VTS) System" means the system authorized pursuant to 33 CFR Part 161, or Government Code Section 8670.21.

(v)(5) "VTS" means Vessel Traffic Service System.

(w)(1) "Waters of the State" or "State Waters" means any surface water, including saline waters, marine waters, and freshwaters, within the boundaries of the state, but does not include groundwater.

(w)(2) "Working Capital", as defined by GAAP, means current assets minus current liabilities.

(w)(3) "Working Days" means those days of the week that are not state or federal holidays, weekends or days that State of California offices are ordered to be closed by the Governor.

Note: Authority cited: Sections 8670.7, 8670.7.5, 8670.13.1, 8670.13.2, 8670.17.2, 8670.23.1, 8670.28, 8670.29 and 8670.35, Government Code.
Reference: Sections 8670.3, 8670.7, 8670.13, 8670.13.2, 8670.17.2, 8670.21, 8670.23.1, 8670.28, 8670.29, 8670.31 and 8670.35, Government Code.