

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

[Amended Language Only]
Approved September 3, 2015

790. DEFINITIONS AND ABBREVIATIONS.

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

Subsections (a)(1) through (b)(3): No Change.

(b)(4) "Best ~~A~~chievable ~~P~~rotection" 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 ~~coastal~~ natural resources and ~~marine-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 ~~coastal and marine resources~~ the natural resources of the state.

Subsections (b)(5) through (b)(10): No Change.

~~(c)(1) "California marine waters" see "Marine Waters".~~

(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.

Subsections (c)(2) through (d)(6): No Change

(d)(7) "Distribution Pipeline" means a pipeline used to transport oil or petroleum products that is not associated with a Production Facility.

Subsections (e)(1) and (e)(2): No Change.

(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.

Subsections (e)(4) through (e)(5): No Change.

(f)(1)(A) "Facility" means any of the following located in the state waters or located where an oil spill may impact state waters:

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)(1) "Facility" see "Marine Facility".~~

Subsections (f)(2) through (g)(2): No change.

(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).

Subsections (g)(5) through (i)(2): No Change.

~~(i)(3) "Inland waters" means waters of the state other than marine waters, but not including groundwater.~~

(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.

Subsections: (i)(4) through (l)(7): No Change.

(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.

~~(A) A drill ship, semisubmersible drilling platform, jack-up type drilling rig, or any other floating or temporary drilling platform.~~

~~(B) Any facility of any kind, other than a tanker or barge which:~~
~~1. is or was used for the purposes of exploring for, drilling for, producing, storing, handling, transferring, processing, refining, or transporting oil, including pipelines, and~~
~~2. is located in marine waters, or is located where a discharge could impact marine waters.~~

~~(C) The following facilities are not included in the definition of "marine facility":~~

- ~~1. facilities which are 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~~
- ~~2. facilities which are placed on a farm, nursery, logging site, or construction site and do not exceed a 20,000 gallon capacity in any single storage tank; or~~
- ~~3. small craft refueling docks.~~

Subsections (m)(2) through (m)(4): No Change

(m) (5) "Measurable Flow" means water flow which can be measured using conventional stream assessment equipment and techniques.

(m)(5) (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 marine waters Waters of the State.

(m)(67) "Mobilization Time" means the time ...

(m)(78) "MTU" means Mobile Transfer Unit.

Subsections (n)(1) through (o)(1): No Change.

(o)(2) "Office of Spill Prevention and Response" means the California Department of Fish and ~~Game~~ Wildlife, Office of Spill Prevention and Response established pursuant to the Act, led by the Administrator.

Subsections (o)(3) through (o)(7): No Change.

(o)(8) "Oil Spill Contingency Plan" or "Contingency Plan" means the oil spill contingency plan required pursuant to ~~Sections 815.03 and 825.03~~ of this subdivision.

Subsections (o)(9) through (o)(13): No Change.

(o)(14) "OSPR" ~~see means the~~ "Office of Spill Prevention and Response" ~~in the Department of Fish and Game.~~

(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 ~~marine f~~Facility ~~or a marine terminal~~, any person who owns, has an ownership interest in, or operates the ~~marine f~~Facility ~~or the marine terminal~~;
- (C) except as provided in subparagraph (D), in the case of any tanker, barge, nontank vessel or ~~marine~~ 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 ~~marine~~ 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 ~~marine~~ 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 ~~marine~~ facility, holds indicia of ownership primarily to protect his or her security interest in the tanker, barge, nontank vessel or ~~marine~~ facility;
- (F) "Operator" does not include any person who owns the land underlying a ~~marine~~ facility or the facility itself if the person is not involved in the operations of the facility.

Subsections (o)(17) through (p)(5): No Change

(p)(6) "Pipeline" means any line or conduit used at any time to transport oil. A pipeline will be considered a ~~marine~~ facility if it is located in ~~marine~~ waters of the state or where a discharge from the pipeline could impact ~~marine~~ 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)(~~7~~ 8) "Point of Transfer", means a position ...

(p)(~~8~~ 9) "Port Authority" means the person, governmental agency ...

(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)(~~9~~ 11) "Production pier" means a structure ...

(p)(~~10~~ 12) "Protection and Indemnity (P&I) Club" means a ...

Subsections (q)(1) and (q)(2): No Change.

(r)(1) "Railroad" means a railroad, railway, rail car, rolling stock, or train that carries oil as cargo.

(r)(4 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)(~~2~~ 3) "Reasonable Worst Case Oil Spill" (RWCS) is defined ...

(r)(~~3~~ 4) "Regional Response Team (RRT)" means ...

(r)(4 5) "Remove" or "Removal" means the extraction ...

~~(r)(5) "Response Area" means the area in which spill response activities are occurring. This shall include the designated routes that response vessels will transit to and from temporary storage facilities or other locations as specified by the Administrator and/or the Federal On-Scene Coordinator during the course of an oil spill incident.~~

(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)(6 7) "Response Resources" means all the personnel ...

(r)(7 8) "Response Vessel" means any tanker, barge ...

(r)(8 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 chartered 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)(9 10) "Risk and Hazard Analysis" means ...

(r)(40 11) "Risk Zone" means one of the areas ...

Subsections (s)(1) through (s)(9): No Change.

(s)(10) "Small ~~M~~marine ~~F~~ueling ~~F~~acility" means either of the following:

- (A) a A mobile transfer unit, or
- (B) a 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 exceeding 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) ~~H~~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.

Subsection (s)(11): No Change.

(s)(12) ~~"Spill or discharge" means any release of at least one barrel (42 gallons) of oil which impacts marine waters or inland waters.~~ "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)(~~13~~ 14) "Staff" means the Administrator or any personnel within OSPR or the California Department of Fish and Game Wildlife authorized to act on behalf of the Administrator.

(s)(~~14~~ 15) "State Fiscal Year" see "Fiscal Year"

(s)(~~15~~ 16) "State Incident Commander" means a person ...

(s)(~~16~~ 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 ~~State Marine~~ California Oil Spill Contingency Plan.

(s)(~~17~~ 18) "Static Bollard Pull" see "Bollard Pull"

Subsections (t)(1) through (v)(1): No Change.

(v)(2) "Vessel Carrying Oil as Secondary Cargo" means any vessel that does not carry oil as primary cargo, but does carry oil ~~in bulk as cargo or cargo residue.~~ cargo. The Administrator may establish minimum oil volume amounts or other criteria by regulations.

Subsections (v)(3) through (v)(5): No Change.

(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)(~~1~~ 2) "Working Capital", as defined by GAAP...

(w)(2 3) "Working Days" means those days of the week ...

Note: Authority cited: Sections 8670.7, 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.