

KEY:

Underline and ~~Strike~~ = 2016 Emergency regulations changes.

Blue = Moved from Section 791, 815, 825 definitions.

Underline and ~~Strike~~ = 2016 Regular rule making proposed edits and typo corrections to current emergency regulations.

14 CCR § 790

§ 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).

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

(a)(4) ~~“Agent for Service of Process”~~: means 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.

Subsections (a)(5) through (a)(7): No Change.

(a)(8) “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.

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

(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

~~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 et seq. of the Government Code.1) of Chapter 7.

(c)(2) "Certificate of Financial Responsibility" ("Certificate" or "COFR") means an official written acknowledgement issued by the Administrator that an owner or operator of a tank vessel, nontank vessel, vessel carrying oil as a secondary cargo, facility or the owner of the oil has demonstrated to the satisfaction of the Administrator the financial ability to pay for costs and damages caused by an oil spill.

(c)(3) ~~(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)(4) ~~(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)(5) ~~(4)~~ “Coast Guard Designated Area” see “Geographic Region”.

(c)(6) ~~(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)(7) ~~(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)(8) ~~(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)(9) “Contract or Other Approved Means”:

(1) Includes either of the following:

(A) A written, signed contract, or written certification of active membership, between a plan holder and an Oil Spill Response Organization(s) (OSRO) rated by OSPR (as specified in Section 819 of this subchapter) This contract shall identify and ensure the availability of the required response resources personnel and equipment capable of responding to an oil spill within the stipulated response times and in the specified Geographic Regions in which the Plan Holder tank vessel or marine facility operates;
or

(B) Written certification that the necessary personnel and equipment are owned or operated by the plan holder and are available within the stipulated response times and in the specified Geographic Regions;

(2) The owner/operator shall notify the Administrator within five days of a change in contracted resources/membership with a local or regional OSRO.

(3) (i) The A contract between a plan holder and an OSRO shall not contain a provision requiring the plan holder to notify the OSRO in advance of entering the state boundaries, in order to guarantee response services for two hours and beyond (as specified in Section 819.04(b)(2) of this subchapter) for containment booming and on-water recovery services.

(ii) The contract ~~it~~ may contain a requirement for vessel plan holders to notify the OSRO ~~twenty-four (24)~~ hours in advance before entering California marine waters, to meet the 0-12 hour shoreline protection requirement. ~~This advance notice requirement is only~~ for vessels that operate in those areas not identified as High Volume ports.

(i) For immediate (less than 2 hours) spill response coverage during vessel oil transfer operations, advance notice to the OSRO is also allowed. ~~A plan holder shall comply with all other applicable contractual provisions or the contingency plan will immediately be nullified, and the plan holder will be operating in marine waters without an approved contingency plan, which is in violation of Section 816.06(c) of this subchapter.~~

(c)(9) ~~(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)(10) ~~(9)~~ “Crude oil” means petroleum in an unrefined or natural state, including condensate and natural gasoline.

(c)(11) ~~(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)(12) ~~(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)(13) ~~(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.

Subsection (d)(1): No Change

(d)(2) “Dedicated Response Resources” means response resources ~~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.

Subsections (d)(3) 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.

Subsection (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.

(e)(6) “Equipment Deployment Drill 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.

(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 6.7~~5~~ (commencing with Section ~~25280 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.

Subsections (f)(2) through (f)(5): No Change.

(f)(6) “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.

Subsections (g)(1) 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).

(g)(5) “Gross ~~Registered~~ Tons”, ~~now changed to “Gross Tons”~~, means the a measure of a the tanker, barge or nontank vessel's tonnage by volume.

Subsections (h)(1) through (i)(2): No Change.

(i)(3) “Inland Waters” means Waters of the State other than Marine Waters, but not including groundwater.

(i) (4) ~~(3)~~ “Inland Facility” means a Facility (as defined in Subsection (f)(1)) located in or where a spill may impact Inland Waters. ~~in Waters of the State (as defined in Subsection (w)(1)) other than Marine Waters (as defined in Subsection.~~

(i)(5) “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

(i)(6) ~~(4)~~ “Intangible assets” means assets, such as trademarks, goodwill, patents, organization costs, computer programs, etc., which lack physical substance.

(i)(7) ~~(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.

Subsections (j) through (k)(1): No Change

(l)(1) “Letter of Approval” means a written document issued by the Office of Spill Prevention and Response to the plan holder following verification, inspection and if required by the Administrator, satisfactory performance in an announced and unannounced drill, and final review and approval of the plan holder's contingency plan.

(l)(2) (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)(3) (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)(4) (3) “Line Haul Tug” means that tug that provides the primary power to push or pull a barge.

(l)(5) (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)(6) (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)(7) (6) “Local government” means any chartered or general law city, chartered or general law county, or any city and county.

(l)(8) (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.

Subsection: (m)(2): No Change.

(m)(3) “Marine Waters” means those waters subject to tidal influence and includes all the waterways used for waterborne commercial vessel traffic to the Port of Sacramento and the Port of Stockton.

Subsection: (m)(4) through (m)(6): No Change.

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

(m)(56) "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 in which initial response personnel are able to begin movement of spill response resources to the site of an oil spill.

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

Subsection (n)(1): No Change

(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.

Subsection (n)(3): No Change

(n)(4) ~~("Nontank Vessel")~~ means a vessel of 300 gross tons or greater that carries oil, but does not carry oil as cargo.

Subsection (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.

(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) "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.

Subsections (o)(10) through (o)(11):

(o)(12) "Operating" means, in terms of a tanker, barge or nontank vessel, either:

(A) the transferring or transporting of oil, or

(B) underway. ~~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~~ 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) "OSRO-Owned and Controlled Resources" means equipment owned by the OSRO and personnel who are employed directly by the OSRO.

(o)(17) "OSRO Rating Letter" (ORL) means a written document issued by the Administrator 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.

(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 f~~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 f~~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 f~~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~~ fFacility, holds indicia of ownership primarily to protect his or her security interest in the tanker, barge, nontank vessel or ~~marine~~ fFacility;

(F) "Operator" does not include any person who owns the land underlying a ~~marine~~ fFacility or the fFacility itself if the person is not involved in the operations of the fFacility.

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 fFacility if it is located in ~~w~~Waters of the ~~s~~State or where a discharge from the pipeline could impact ~~w~~Waters of the ~~s~~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) "Plan Recipient" means a receiving agency and any other entity that has been designated in this subchapter to receive a copy of the ~~nontank vessel~~ oil spill contingency plan.

(p)(~~7~~ 9) "Point of Transfer", means a position ...

(p)(~~8~~ 10) "Port Authority" means the person, governmental agency ...

(p)(~~4~~ 11) "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~~ 12) "Production pier" means a structure ...

(p)(~~4~~ 13) "Protection and Indemnity (P&I) Club" means a ...

Subsection (q)(1): No Change.

(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 On-Scene Coordinator 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)(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 Spill" means a volume of oil in barrels as defined and determined in Chapter 3 of this subdivision at: Marine Facility - Section 817.02(d); Small Marine Fueling Facility - Section 817.03(d); Inland Facility - Section 817.04(k); Tank Vessel - Section 818.02(e); Vessels Carrying Oil As Secondary Cargo - Section 818.03(e); and Nontank Vessel - 827.02(h).

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

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

(r)(6) "Response Planning Area" or "RPA" (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) ~~T~~Ithe owner or transporter of oil or a person or entity accepting responsibility for the oil;

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

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

(D) ~~T~~Ithe 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)(10 ~~11~~) "Risk Zone" means one of the areas ...

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

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

(s)(2 ~~1~~) "Sensitive Site Strategy Evaluation Program (SSSEP)" means the announced exercise 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 2) "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.

(s)(4 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)(5 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)(6 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)(7 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)(8 7) "Short tTon" means a unit of weight equal to 2,000 pounds, avoirdupois.

(s)(9) "Small Barge", for the purposes of determining financial responsibility, means a barge with a cargo capacity of less than 150,000 barrels of oil.

(s)(10 8) "Small Craft" means any vessel, other than a tanker or barge, that is less than 65 feet, 7 1/2 inches (20 meters) in length.

(s)(11 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) ~~h~~Has tank storage capacity not exceeding 20,000 gallons in any single storage tank or tank compartment;

(B) ~~h~~Has a total useable tank storage capacity not exceeding 75,000 gallons.

(s)(~~12~~ 40) "Small ~~m~~Marine ~~f~~Fueling ~~f~~Facility" 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) 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)(~~13~~ 44) "Small ~~v~~Vessel" see "Small Craft".

~~(s)(14 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)(15) "Spill Management Team" means the personnel identified in an oil spill contingency plan to staff the organizational structure that will manage vessel response implementation and is able to fully integrate into an Incident Command/Unified Command structure, as required by the National Contingency Plan and an Incident Command Structure the California Oil Spill Contingency Plan.

(s)(~~16~~ 43) "State Waters" see "Waters of the State".

(s)(~~17~~ 44) "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)(~~18~~ 45) "State Fiscal Year" see "Fiscal Year"

(s)(~~20~~ 47) "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)(21 46) "State On scene Coordinator Commander" means a person ...

(s)(22 48) "Static Bollard Pull" see "Bollard Pull"

(s)(23) "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.

(t)(1) "Tabletop Exercise" means an exercise of an oil spill contingency plan and the spill management response efforts without the actual deployment of response equipment. A tabletop exercise usually involves the enactment of a response to a simulated spill.

(t)(2 4) "Tank Barge" see "Barge".

(t)(3 2) "Tank Ship"; see "Tanker".

(t)(4 3) "Tank Vessel" means any tanker or barge that carries oil in commercial quantities as cargo.

(t)(5 4) "Tanker" means any self-propelled, waterborne vessel, constructed or adapted to transport oil in bulk or in commercial quantities as cargo.

(t)(6 5) "Terminal" see "Marine Terminal".

(t)(7 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)(8 7) "Transporting oil in bulk" see "Oil in Bulk".

(t)(9 8) "Tug" or "Tug Escort" see "Escort Tug".

(u)(1) "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.

(u)(2 4) "Unified Command" consists of the Federal On-Scene Coordinator, the State On-Scene Coordinator and a representative of the Responsible Party, if designated.

Subsection (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)(4 ~~2~~) “Working Capital”, as defined by GAAP, means current assets minus current liabilities.

(w)(~~2~~ 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, 8670.13.1, 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.