

CALIFORNIA CODE OF REGULATIONS
TITLE 14. NATURAL RESOURCES
DIVISION 1. FISH AND GAME COMMISSION - DEPARTMENT OF FISH AND GAME
SUBDIVISION 4. OFFICE OF SPILL PREVENTION AND RESPONSE
CHAPTER 1. GENERAL DEFINITIONS AND ABBREVIATIONS

For the 15-day public comment period, the new changes are indicated as:

- Added text is shown in **bold** and **double underline**.
- Deleted text is shown in ~~double strikethrough~~.
- The original 45-day changes are single underline and ~~single strikeout~~.

§ 790. Definitions and Abbreviations.

Unless the context requires otherwise, the following definitions shall govern the construction of this subdivision and implementation of the Lempert-Keene-Seastrand Oil Spill Prevention and Response Act (Government Code sections 8670.1-8670.95).

(a)(1) “ACP” see “Area Contingency Plan.”

(a)(4)(2) “Act” means the Lempert-Keene-Seastrand Oil Spill Prevention and Response Act of 1990 (sStatutes of 1990, cChapter 1248) and amendments thereto.

(a)(2)(3) “Administrator” means the administrator for oil spill response appointed by the Governor pursuant to Government Code sSection 8670.4 or his or her designee.

(a)(3)(4) “Adverse ~~W~~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)(5) “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 sSection 1505.

(a)(5)(6) “Anchorage” or “Anchorage Designation” means an area designated by the U.S. Army Corps of Engineers or the ~~United States~~ U.S. Coast Guard for the anchoring of vessels.

~~(a)(6)(7) “Assets”, as defined by generally accepted accounting principles GAAP, means probable future economic benefits obtained or controlled by a particular entity as a result of past transactions or events.~~

(a)(7)(8)(7) “Area Contingency Plan,” commonly referred to as (ACP), means an oil spill response plan required **to be developed by federal agencies.** ~~by~~ The U.S. Coast

Guard has ACP's for each of six regions along the California coast. These six regions are the federal aArea pPlan zZones, and are defined in this subchaptersection under "Geographic Regions."

(a)(9)(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 federal National Preparedness for Response Exercise Program.

(a)(7)(9) "Assets," as defined by generally accepted accounting principles, means probable future economic benefits obtained or controlled by a particular entity as a result of past transactions or events.

(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) "BAP" see "Best Achievable Protection."

(b)(2)(3) "Barge" means any vessel that carries oil in commercial quantities as cargo but is not equipped with a means of self-propulsion.

(b)(3)(4) "Barrel" means 42 United States gallons of oil at 60 degrees Fahrenheit.

(b)(4)(5) "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 waters of the state, 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~~ the natural resources of the state.

(b)(5)(6) “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)(7) “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)(8) “Braking Force” means astern bollard pull (at zero speed) for conventional tugs, and ahead bollard pull (at zero speed) for tractor tugs.

(b)(8)(9) “Bulk” see “Oil in Bulk.”

(b)(9)(10) “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 vessel. 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)(11) “Bunkering Oil” means that product used as fuel for a vessel’s propulsion system.

(b)(12) “Business Days” see “Working Days.”

(c)(1) ~~“California marine waters”~~ see ~~“Marine Waters”~~. “California Oil Spill Contingency Plan” means the Governor’s state oil spill contingency plan prepared pursuant to article 3.5 of chapter 7 of the Government Code (commencing with section 8574.1).

(c)(2) “Certificate of Financial Responsibility,” also referred to as “certificate,” 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)(2)(3) “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 the state on-scene coordinator or an established unified command.:

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

(c)(4)(6) “COLREGS” is a shortened form of the term ‘Collision Regulations’, and refers to means the International Regulations for the Prevention of Collisions at Sea, 1972, published by the International Maritime Organization (IMO), which are navigation rules to be followed by ships and other vessels at sea to prevent collisions.

(c)(6)(7) “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)(8) “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) “Contingency Plan” see “Oil Spill Contingency Plan.”

(c)(8)(10) “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)(11) “Contract or Other Approved Means” means:

(A) Includes either of the following:

1. A written signed contract or written certification of active membership, between a plan holder and a rated oil spill response organization. This contract shall identify and ensure the availability of the required response resources capable of responding to a spill within the response times as required by this chapter; or

2. Written certification that the necessary-response resources required by this chapter are owned or operated by the plan holder and are available within the response times as required by this chapter.

(B) The contract between a plan holder and an oil spill response organization shall not contain a provision requiring the plan holder to notify the oil spill response organization in advance, in order to guarantee response services for two hours and beyond for containment booming and on-water recovery services (as specified in subsection 819.04(b)(2) of this subchapter).

1. The contract may contain a requirement for vessel plan holders to notify the oil spill response organization 24 hours in advance before entering marine waters, to meet the 0-12 hour shoreline protection requirement for vessels that operate in those areas not identified as high volume ports.

2. For immediate (less than two hours) spill response coverage during vessel oil transfer operations, advance notice to the oil spill response organization is also allowed.

3. A plan holder shall comply with all other applicable contractual provisions or the contingency plan may be deemed deficient, and the plan holder will be operating in state waters without an approved contingency plan.

~~(c)(9)~~(12) “Crude Oil” means petroleum in an unrefined or natural state, including condensate and natural gasoline.

~~(c)(10)~~(13) “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)~~(14) “Current Assets,” as defined by generally accepted accounting principles 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)~~(15) “Current Liabilities,” as defined by generally accepted accounting principles 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 ~~T~~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) ~~I~~the most current Lloyd’s Register;~~;~~~~or~~

(B) ~~F~~from the country of registry;~~;~~~~or~~

(C) ~~B~~y documentation from a recognized classification society;~~;~~ or

(D) ~~A~~as reflected in the International Load Line Certificate posted on each vessel.

(d)(2) “Dedicated Response Resources” means ~~equipment and personnel~~ response resources 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 time frames for which the equipment and personnel are rated.

(d)(3) “Department” means the California Department of Fish and ~~Game~~ Wildlife.

(d)(4) “Discharge” see “Spill.”

(d)(5) “Discharge Container 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.

(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) “EDRC” see “Effective Daily Recovery Capacity.”

~~(e)(2)(3)~~ “(3) “Effective Daily Recovery Capacity,” (EDRC) commonly referred to as EDRC, means ~~that a derated recovery capacity value for a piece of skimming equipment~~ computed by taking the manufacturer’s rating for the recovery capacity of a piece of skimming equipment and reducing (derating) that amount to reflect the real-world 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 effective daily recovery capacity for a skimmer shall be calculated as 20 percent (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)(4) “Environmentally Sensitive SiteArea” or “Environmentally Sensitive Site” means both environmentally sensitive sites and cultural and historical sites defined pursuant to the applicable identified in aArea cContingency plans or geographic response plans, or the California oil spill contingency plan, as created and revised by the U.S. Coast Guard, the U.S. Environmental Protection Agency, and the Administrator.

(e)(5) “Equipment Deployment Drill” or “Drill” means the testing of oil spill response equipment identified in an oil spill contingency plan or an oil spill response organization application, through actual deployment and operation as it would be used in spill response efforts in an environment of similar habitat, water depth, current velocity, tidal range, and substrate, where the equipment may need to be used in an actual oil spill response.

(e)(4)(6) “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)(5)(7) “Escort Vessel” see “Escort Tug.”

(f)(1) “Facility” see “Marine Facility” means:

(A) Any of the following located in 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 **and is** associated with the supply chain of oil.

2. A marine facility.

3. A marine terminal.

4. A small marine fueling facility.

5. A drill ship, semi-submersible drilling platform, jack-up type drilling rig, or any other floating or temporary drilling platform.

6. A pipeline that transports oil.

7. An inland facility.

8. A railroad that transports oil ~~as cargo~~ **in bulk.**

(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. of this section.

2. Any aspect of a facility subject to chapter 6.67 (commencing with section 25270, aboveground petroleum storage tanks) or chapter 6.7 (commencing with section 25280, underground storage tanks) of division 20 of the Health and Safety Code, or an aboveground petroleum storage tank not associated with the supply chain of oil.

3. A small craft refueling dock.

4. Operations on a farm, nursery, logging site, or construction site that are either of the following:

a. Do not exceed 20,000 gallons in a single storage tank; or

b. Have a usable tank storage capacity not exceeding 75,000 gallons.

(f)(2) “Facility Transfer Areas” means the areas where oil or oil products are transferred within marine waters, excluding ~~h~~High ~~v~~Volume ~~p~~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 ~~B~~reakwater” means the line of demarcation as specified in ~~Title-33 Code of Federal Regulations, s~~Section ~~part~~ 80.1114.

(f)(5) “Federal On-Scene Coordinator,” commonly referred to as FOSC, means the federal official designated to coordinate response to an oil spill or hazardous substance release under the National Oil and Hazardous Substances Pollution Contingency Plan. For an oil spill the federal on-scene coordinator is an agent of either the U.S. Coast Guard or the U.S. Environmental Protection Agency, depending on where the incident occurs.

~~(f)(5)~~(6) “Fiscal Year” means the period commencing on the first day of July and ending on June 30 of the following year.

(f)(7) “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 at a specific site.

~~(g)(1) “GAAP” means the “Generally Acceptable Accounting Principles,”~~ commonly referred to as GAAP, means in the generally accepted accounting principles adopted by the United States.

(g)(2) "Geographic Region" means one of six ~~regions~~ areas along the California coast defined by the U.S. Coast Guard as the ~~f~~Federal ~~a~~Area ~~p~~Plan ~~z~~Zones. These ~~Coast Guard regions~~ areas are as follows:

(A) Area 1, North Coast: the Oregon border to the ~~Sanoma/Mendocino~~ Sonoma County line;

(B) Area 2, San Francisco Bay and the Delta: the ~~Sanoma/Mendocino/Sonoma~~ County line to the ~~Santa Cruz/San Mateo/Santa Cruz~~ 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/Santa Cruz~~ County line to the ~~San Luis Obispo/Monterey/San Luis Obispo~~ County line;

(D) Los Angeles/Long Beach, as follows:

(1) ~~Area 4, Northern Sector:~~ San Luis Obispo, Ventura and Santa Barbara Counties;

(2) ~~(E) Area 5, Southern Sector:~~ Los Angeles and Orange Counties; and

(E) ~~(F) Area 6, San Diego:~~ Orange/San Diego/Orange County line to the Mexico border.

(g)(3) "Geographic Response Areas" (GRA) means a subdivisions of an ACP Area area contingency plan, which are is based on natural basins or other natural features, landmarks, or general planning demarcations as described in the appropriate ACP area contingency plan.

(g)(4) "Geographic Response Plan" means a ~~plan~~ **document** addressing **specific oil spills to waters of the state other than marine waters, which includes response strategies and tactics** for ~~protecting specific sites~~ **areas with especially difficult or complex issues if impacted by an oil spill into waters of the state, and which is developed in partnership with** ~~by the state and/or by the federal government and in coordination with other local agencies, and private stakeholders, the U.S. Coast Guard, and the U.S. Environmental Protection Agency, as part of the Region 9 Regional Response Team.~~

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

(g)(6) "Group 1 Oil" see "Non-persistent Oil."

(h)(1) "Harbor Safety Committee" means a committee comprised of those individuals, appointed by the Administrator pursuant to sSection 8670.23 of the Government Code, to ~~determine harbor safety needs~~ charged with planning the safe navigation and operation of vessels 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. "HAZWOPER" means the Hazardous Waste Operations and Emergency Response requirements of section 5192 of Title 8 of the Code of Regulations.

(h)(3) "High Volume Ports" means either of the following:

(A) ~~F~~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) ~~F~~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 incident action pPlan may be oral or written.

(i)(2) "Incident Command System," commonly referred to as ICS, means a formal structure or framework, for example the U.S. Coast Guard *Incident Management Handbook (2014)* or the U.S. Environmental Protection Agency *Incident Management Handbook (2016)*, used for managing a pollution incident or other type of emergency.

~~(i)(2)~~(3) "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)(4) "Inland Facility" means a facility located in inland waters or where a spill may impact inland waters.

~~(i)(3)~~(5) "Inland Wwaters" or "inland waters of the state" means waters of the state other than marine waters, but not including groundwater.

(i)(6) "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 insofar 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)(4)(7) “Intangible Assets” means assets, such as trademarks, goodwill, patents, organization costs, computer programs, etc., which lack physical substance.

(i)(5)(8) “Involved Parties” means a responsible party, potentially responsible party, their agents and employees, including the operators of all tankers, tank barges, and nontank vessels docked at a marine facility or marine terminal which is the source of a discharge spill, 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) “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)(4)(2) “Liabilities,” as defined by generally accepted accounting principles 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)(3) “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)(4) “Line Haul Tug” means that tug that provides the primary power to push or pull a tank barge.

(l)(4)(5) “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)(6) “LOA” means the actual Length overall of a vessel measured in meters. This is the length for each vessel as listed in Lloyd’s Register or with the country of registry.

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

(l)(7)(8) “Long Tons” means a unit of weight equal to 2,240 pounds avoirdupois.

(m)(1) “Marine Facility” means: a facility located in marine waters or where a spill may 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.~~

(m)(2) “Marine Terminal” means any marine facility used for transferring oil to or from tankers or tank barges. This would include all piping not integrally connected to a tank facility as defined in Section 25270.2~~(4)~~ 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 tank barge or the master of a tanker or nontank vessel.

(m)(5) “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~~ spill could impact ~~marine waters of the state.~~

(m)(6) “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)(7) “MTU” means Mobile Transfer Unit.~~

(n)(1) "Navigational Aid" means any device used by a tanker, tank barge or nontank vessel that is intended to assist a navigator in determining the tanker, tank 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 Oil," also known as "Group 1 oil" means a petroleum-based oil, such as gasoline, diesel or jet fuel, that which evaporates relatively quickly and ~~is an oil with~~ at the time of shipment consists of hydrocarbon fractions of which:

(A) At least 50 percent of which, by volume, distills at a temperature of 340 degrees C (645 degrees F); and

(B) At least 95 percent of which, 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)(1) "Office of Spill Prevention and Response" means the office headed by the Administrator, a Chief Deputy Director of the California Department of Fish and Game, Office of Spill Prevention and Response Wildlife, as established pursuant to the Act.~~

(o)(2) "Offshore" means the area of 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 waters and shallow waters, as defined in this section.

(o)(3) "Offshore Marine Facility" ~~includes~~ means, 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)(4) "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)(5) "Oil In Bulk" means any volume of oil carried in the cargo tanks of a vessel or in a tank car. Bulk oil does not include oil carried in packaged form, and does not include residue or clingage remaining in the ~~cargo tanks~~ or tank car after the cargo oil has been ~~discharged~~ offloaded. 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)(6) "Oil Pollution Risk Area" or "~~OPRA~~", means a designated geographic location within a High Volume Port where an oil spill could occur. ~~OPRAs~~ Oil pollution risk areas are identified by latitude and longitude coordinates.

(o)(8)(7) "Oil Spill Contingency Plan" or "contingency plan" means ~~the~~ a detailed oil spill response and removal contingency plan prepared by the plan holder that addresses controlling, containing, and recovering an oil spill ~~required~~ pursuant to Sections 815.03 and 825.03 subchapter 3 or subchapter 4 of this subdivision. ~~chapter 3 of this subdivision.~~

(o)(9)(8) "Oil Spill Response Organization," commonly referred to as 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 ~~An oil spill response organization that has received a satisfactory~~ can apply for a rating from the Administrator for a particular rating level or service established pursuant to Section 819.01 of this subdivision.

(B) "~~OSRO~~" An oil spill response organization 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)(9) "Oil Transfer System" means that system as described in 33 ~~CFR Part~~ Code of Federal Regulations part 154, ~~Subpart (c)~~.

(o)(11)(10) "Operator" see "Owner or Operator,"

(o)(12)(11) "Operating" means, in terms of a tanker, tank barge, or nontank vessel, either:

(A) The transferring and/or transporting of oil; or

(B) That the tanker, tank barge, or nontank vessel is underway, or not at anchor, is not made fast to the shore or an anchored tanker, tank barge, or nontank vessel, or is not aground.

~~(o)(13)~~(12) "Operating Environment" means the ~~marine waters of the state defined~~such as ~~Sheltered wWaters, sShallow wWaters, and oOffshore,~~ and inland waters.

~~(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)(14)~~(13) "OSPR" means ~~these~~ the "Office of Spill Prevention and Response," ~~in the Department of Fish and Game.~~

~~(o)(15)~~(14) "OSRO" means see "Oil Spill Response Organization."

(o)(15) "OSRO-Owned and Controlled Resources" means equipment owned by the oil spill response organization and personnel who are employed directly by the oil spill response organization.

(o)(16) "OSRO Rating Letter," commonly referred to as an ORL, means a written document issued by the Administrator to an oil spill response organization following verification, inspection, satisfactory performance in an announced and unannounced drill, and final review of the oil spill response organization's application for a rating.

~~(o)(16)~~(17) "Owner or Operator" means any of the following:

(A) ~~i~~n the case of a tanker, tank barge, or nontank vessel, any person who owns, has ownership interest in, operates, charters by demise, or leases the tanker, tank barge, or nontank vessel;

(B) ~~i~~n the case of a ~~marine facility or a marine terminal,~~ any person who owns, has an ownership interest in, or operates the ~~marine facility or the marine terminal;~~

(C) ~~e~~xcept as provided in ~~subparagraph subsection (o)(17)(D) of this section,~~ in the case of any tanker, tank 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, tank barge, nontank vessel or ~~marine facility~~ immediately before the conveyance; or

(D) ~~a~~n entity of the state or local government which acquired ownership or control of a tanker, tank 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 ~~marine~~ waters;
of the state.

(E) "Owner" or "Operator" does not include a person who, without participating in the management of a tanker, tank barge, nontank vessel or ~~marine~~ facility, holds indicia of ownership primarily to protect his or her security interest in the tanker, tank 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.

(o)(17)(18) "Owners' eEquity," as defined by GAAP generally accepted accounting principles, means the difference between total assets and total liabilities.

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

(p)(2)(1) "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 45.0 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 10.0;

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

Note: Group 1 oils are classified as non-persistent oils, as defined in (n)(3).

(p)(3)(2) "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)(3) "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 section.

~~(p)(6)~~(4) “Pipeline” means any line or conduit used at any time to transport oil. A pipeline ~~will~~ may be considered a ~~marine facility~~ if it is ~~located in marine waters or where a discharge from the pipeline could impact marine waters~~ meets other criteria established in sections 817.01 and 817.04.

(p)(5) “Plan Holder” means the owner or 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)(6) “Plan Recipient” means a receiving agency and any other entity that has been designated in this subdivision to receive a copy of an oil spill contingency plan.

(p)(7) “Point of Transfer”, means a position either physically located on the receiving or transferring tanker, tank barge, or nontank vessel, or in the case of a response vessel, located within one-half (1/2) miles of the actual oil transfer operation.

(p)(8) “Port Authority” means the person, governmental agency or civilian organization responsible for the operation, control and administration of a port or harbor area.

(p)(9) “Production Facility” means any equipment attendant to onshore oil production or injection operations extending to the lease automatic custody transfer unit or other oil custody transfer point, 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, and which is not under the jurisdiction of the State Fire Marshal pursuant to section 51010 of the Government Code.

~~(p)(9)~~(10) “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)(10)~~(11) “Protection and Indemnity (~~P&I~~) Club,” commonly referred to as 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, tank barge, or nontank vessel operation, including oil spill costs, not covered by normal hull insurance.

~~(q)(1)~~ “QI” see “Qualified Individual”.

~~(q)(2)~~(1) “Qualified Individual (~~QI~~),” commonly referred to as QI, means a shore-based representative of a tanker, tank barge, nontank vessel or facility owner or operator. The ~~QI~~ qualified individual can be an individual or company that provides ~~QI~~ qualified individual services. The ~~QI~~ qualified individual 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, tank barge, nontank vessel or facility’s contingency plan. A person stationed on a fixed, ~~off-shore~~ offshore platform is considered to be shore-based

for purposes of this definition. A QI-qualified individual is not necessarily the responsible party unless otherwise considered a responsible party as defined in this chapter. The duties of the QI-qualified individual shall include:

(A) Activating and engaging in contracting with required oil spill response organizations;

(B) ~~acting as liaison~~ Coordinating with, and following the orders of, the State Incident Commander state on-scene coordinator and/or fFederal oOn-sScene cCoordinator through the uUnified cCommand during all phases of spill response. This would include the ability to make changes to the contingency plan when so ordered by the Administrator or the fFederal oOn-sScene cCoordinator;

(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, tank barge, nontank vessel or facility's contingency plan or specified by order of the Incident Commander-state on-scene coordinator and/or fFederal oOn-sScene cCoordinator.

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

(r)(1)(2) "Rated OSRO Oil Spill Response Organization" means an OSRO oil spill response organization that has received a satisfactory rating from the Administrator for a particular rating level or service established pursuant to sSection 819.01 of this subdivision.

(r)(2)(3) "Reasonable Worst Case Spill" means a volume of oil measured in barrels as is defined and determined in the chapters of this subdivision where the term is used chapter 3 of this subdivision: Marine Facility - subsection 817.02(d); Small Marine Fueling Facility - subsection 817.03(d); Tank Vessel - subsection 818.02(e); Vessel Carrying Oil As Secondary Cargo - subsection 818.03(e); Inland Facility - subsection 817.04(j); and Nontank Vessel – subsection 827.02(h).

(r)(3)(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 regional response team was established under pursuant to the fFederal Oil Spill Pollution Act of 1990 and is composed of representatives of the federal agencies enumerated in 40 CFR §40 Code of Federal Regulations, part 300.175(b), as well as state and local representatives.

(r)(4)(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)(5)(6) "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)(7) “Response Planning Area (RPA)” means the boundaries that are used for oil spill contingency plans and oil spill response organization ratings. These boundaries are the same as the California Office of Emergency Services Mutual Aid Regions and the boundaries of the Local Emergency Planning Committee Regions established by the State Emergency Response Commission. These boundaries are separate, but closely coincide with the U.S. Coast Guard Captain of the port area contingency plan regions that are used for marine facility and vessel contingency plans. The response planning area numbering and county boundaries are described below:

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

(B) 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.

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

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

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

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

~~(r)(6)~~(8) “Response Resources” means all the personnel, equipment, supplies, and services necessary to perform oil spill response activities.

~~(r)(7)~~(9) “Response Vessel” means any tanker, ~~barge or other waterborne craft~~vessel used in the course of response activities during an oil spill incident.

~~(r)(8)~~(10) “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, ~~tank~~barge, nontank vessel, or ~~marine~~facility;

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

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

(r)~~(9)~~(11) "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)~~(40)~~(12) "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: hHigh vVolume pPorts; fFacility tTransfer aAreas; or the bBalance of the cCoast; 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 Administrator's announced exercise program to test and evaluate the effectiveness of the ~~protection~~ response strategies developed in ~~the ACPs~~ area contingency plans or geographic response plans and Shoreline Protection Tables to protect the environmentally sensitive areas or 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-Draft Vessel" means:

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

(B) 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)~~(3)~~(4) "Shallow Waters" means ~~marine~~marine waters of the state landward of the mouth of a bay or breakwater that ~~have a depth of~~ are ~~six~~ six 6-foot deep or less at mean low tide excluding ~~O~~offshore and ~~S~~sheltered Waters, as defined.

(s)~~(4)~~(5) "Sheltered Waters" means marine waters of the state landward of the mouth of a bay or breakwater that ~~have a depth of~~ are greater than ~~six~~ six 6-foot deep at mean low tide, excluding ~~O~~offshore and ~~S~~shallow Waters, as defined.

(s)~~(5)~~(6) "Shifting" means to move or transfer a tanker, tank barge, or nontank vessel from one place or position in the harbor to another place or position in the harbor.

(s)(6)(7) "Shoreline Protection Tables" or commonly referred to as "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 its 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. The SP Tables are updated periodically through the regular rulemaking process of the Administrative Procedure Act.

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

(s)(8)(9) "Small Craft" means any vessel, other than a tanker or tank barge, thatwhich is less than 65 feet, 7-1/2 inches (20 meters) in length.

(s)(9)(10) "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) Hhas tank storage capacity not exceeding 20,000 gallons in any single storage tank or tank compartment; and

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

(s)(10)(11) "Small Marine Fueling Facility" means either of the following:

(A) aA mobile transfer unit, or

(B) aA fixed facility that is not a marine terminal, which dispenses primarily non-persistent oil, and may dispense small amounts of persistent oil, primarily to small craft, and meets all of the following criteria:

{1}. Hhas tank storage capacity greater than 20,000 gallons but not exceeding 40,000 gallons in any single storage tank or storage tank compartment; ;

{2}. Hhas total usable tank storage capacity not exceeding 75,000 gallons; and

{3}. Hhad an annual throughput volume of over-the-water transfer of oil that did not exceed 3,000,000 gallons during the most recent preceding 12-month period.

(s)(11)(12) "Small Vessel" see "Small Craft."

(s)(12)(13) "Spill" (or "Discharge") means any release of at least one barrel (42 gallons) of oil which impacts marine waters or inland waters waters of the state that was not authorized by a federal, state, or local governmental entity.

(s)(14) “Spill Management Team,” commonly referred to as SMT or incident management team, means command representatives and assigned personnel who are qualified and capable of integrating into an incident command system or unified command structure for managing a spill.

(s)(13)(15) “Staff” means the Administrator or any personnel within the Office of Spill Prevention and Response or the California Department of Fish and Game/Wildlife authorized to act on behalf of the Administrator.

(s)(14)(16) “State Fiscal Year” see “Fiscal Year.”

(s)(15) “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)(16)(17) “State Liaison Officer” means that person responsible for the coordination of information between the State Incident-on-scene coordinator/Commander/ or 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 Oil Spill Contingency Plan.

(s)(18) “State On-Scene Coordinator,” commonly referred to as SOSC, means a representative of the Administrator who implements the Administrator’s authority for managing an oil spill, consistent with the standardized emergency management system required by section 8607 of the Government Code.

(s)(19) “State Waters” see “Waters of the State.”

(s)(17)(20) “Static Bollard Pull” see “Bollard Pull.”

(s)(21) “Supply Chain of Oil” means oil exploration, oil well drilling operations, oil production, oil refining, oil storage, oil gathering, oil processing, oil transfer, oil distribution, or oil transportation associated with producing oil and delivering processed or refined oil to an end user. An end user is an individual or facility a person that is not part of the supply chain, who receives the oil to ultimately use or consume the oil and not for resale to resell or redistribution purposes redistribute the oil.

(s)(22) “Systems Approach” means an assessment of the infrastructure and the support resources that an oil spill response organization must have to mobilize, transport, deploy, sustain, and support the equipment resources necessary for the level of

response for which it is rated.

(t)(1) “Tabletop Exercise” or “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 discussion and roleplaying within an incident command for response to a simulated spill.

(t)(4)(2) “Tank Barge” see “Barge.”

(t)(2)(3) “Tank Ship”; see “Tanker.”

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

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

(t)(5)(6) “Terminal” see “Marine Terminal.”

(t)(6)(7) “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) “Transmission Pipeline” means a pipeline used to transport oil or petroleum products that is located on the downstream side of a lease automatic custody transfer unit (LACT unit) or other custody transfer location. A transmission pipeline does not include piping within a production facility or an in-plant pipeline system.

(t)(7)(9) “Transporting Oil in Bulk” see “Oil in Bulk.”

(t)(8)(10) “Tug” or “Tug Escort” see “Escort Tug.”

(u)(1) “Unannounced Drill” or “Unannounced Exercise” means an equipment deployment drill or tabletop exercise of an oil spill contingency plan or an oil spill response organization, initiated by the Office of Spill Prevention and Response without prior notice to the plan holder or oil spill response organization.

(u)(2) “Unified Command” ~~consists of~~ means the federal on-scene coordinator, the state on-scene coordinator, and a representative of the responsible party, if designated, who collectively manage a spill and agree upon an incident command system.

(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 a primary cargo, but does carry oil in bulk as cargo ~~or cargo residue~~.

(v)(3) "Vessel of Opportunity" means any ~~craft vessel~~ engaged in spill response activities that is otherwise not normally and substantially involved in spill response activities ~~other than spill response~~.

(v)(4) "Vessel Traffic Service (VTS) System," commonly referred to as VTS, means the system authorized pursuant to 33 ~~CFR Part~~Code of Federal Regulations 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)(1)(2)~~ (2) "Working Capital," as defined by ~~GAAP~~generally accepted accounting principles, means current assets minus current liabilities.

~~(w)(2)(3)~~ (3) "Working Days" means those days of the week that are not State of California 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.