

CALIFORNIA CODE OF REGULATIONS
TITLE 14. NATURAL RESOURCES
DIVISION 1. FISH AND GAME COMMISSION – DEPARTMENT OF FISH AND GAME
SUBDIVISION 4. OFFICE OF OIL SPILL PREVENTION AND RESPONSE

**15-DAY COMMENT PERIOD
ILLUSTRATION OF CHANGES**

The Department of Fish and Wildlife's Office of Spill Prevention and Response is proposing additional changes to section 827.02 of title 14 of the California Code of Regulations. Those changes are illustrated as follows:

For the 45-day public comment period, added text was illustrated in single underline; deleted text in ~~single strikethrough~~. These illustrations remain.

For this additional 15-day public comment period, added text is illustrated in *double underline and italics*; deleted text in ~~*double strikethrough and italics*~~. The illustrations from the 45-day comment period remain.

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

§ 827.02. Nontank Vessel Plan Content.

Nontank vessel owner/operators shall submit an individual nontank vessel or fleet contingency plan which shall include all of the information required by Subsections 827.02 (a) through (n) for each of the Geographic Regions the nontank vessel transits. Some of the documentation described in Subsection 826.01(a)(2) may be used in lieu of developing comparable documentation to fulfill certain required contingency plan elements if the documentation meets the requirements of this subchapter.

Note: Subsections 827.02(a) through (f) contain the nontank vessel-specific elements of an oil spill contingency plan.

(a) Introductory Material:

(1) The owner/operator shall provide the following information for each nontank vessel covered by the plan:

(A) the nontank vessel's name, country of registry, year built, classification society, radio call sign, and Lloyd's IMO identification number. For U.S. flagged (registered) nontank vessels without a Lloyd's IMO identification number, the vessel's official number (also known as the document number) shall be used;

(B) name, address, phone number, fax number and email address if available of the owner and/or operator of the nontank vessel(s). This information shall be referenced in the plan title or on a title page at the front of the plan;

(C) the name, address, phone number, fax number and email address if available of the person to whom correspondence should be sent;

(D) the nontank vessel's classification, hull type, gross tonnage, maximum fuel amounts, length, draft and beam;

(E) Certification Statement

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

“I certify, to the best of my knowledge and belief, under penalty of perjury under the laws of the state of California, that the nontank vessel-specific information contained in this contingency plan is true and correct and that the plan as a whole is both feasible and executable.”

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

(F) the California Certificate of Financial Responsibility (COFR) number for the nontank vessel(s) covered by the plan shall be included in the front of the plan or for fleet shall be indexed separately in a subsection of the plan.

(G) Evidence of a contract or other approved means (as defined in Section 790 of this subdivision), documenting that the oil spill response organization(s) that are named in the plan will provide the requisite equipment and personnel in the event of an oil spill, for each Geographic Region the nontank vessel transits. Plan holders shall only contract with an OSRO(s) that has received a Rating by OSPR (as specified in Section 819.01 of this subchapter) for the booming, on-water recovery and storage, and shoreline protection services required.

(H) a copy of the nontank vessel's oil transfer procedures, in English.

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

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

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

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

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

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

(b) Nontank Vessel Fuel and Tankage Description/Capacity:

(1) The owner/operator shall provide information on the type(s) of fuel(s) normally used by each nontank vessel covered by the plan. A material safety data sheet (MSDS) or equivalent for each type of fuel used shall be provided to the Administrator upon request.

(2) Each plan shall provide information on the total fuel capacity and the capacity of the largest fuel tank, of each nontank vessel covered by the plan.

(3) Each plan shall provide general arrangement and fuel tank diagrams for each vessel in the plan. Information regarding the age, design, and construction of the nontank vessel shall be provided.

(c) Prevention Measures:

(1) As applicable, the owner/operator shall either submit a Certificate Of Inspection (COI) issued by the U. S. Coast Guard, or a summary of certificates issued by a member of the International Association of Classification Societies of the most recent nontank vessel inspection, or verify that the nontank vessel has such a certificate or summary and that the certificate is available for review.

(2) Nontank Vessels Subject to The International Safety Management Code

(A) The owner/operator shall also submit a copy of their Safety Management Certificate to demonstrate compliance with the performance elements in the International Safety Management (ISM) Code subject to IMO Resolution A.741(18), or shall submit proof of compliance with the American Waterways Operator (AWO) Responsible Carrier Program, whichever is applicable. ISM Code requirements currently apply to: passenger ships, including passenger high speed craft; oil tankers; chemical tankers; gas carriers; bulk carriers; and cargo high-speed craft of 500 gross tons or greater.

(B) ISM Code requirements will apply to other cargo ships and mobile offshore drilling units of 500 gross tons or greater on July 1, 2002, and the owner/operator shall submit a copy of their Safety Management Certificate on or before that date.

(3) Bunkering Operations

(A) When conducting bunkering operations in marine waters, a nontank vessel shall carry a seven-barrel spill kit for on-deck oil spills containing the following:

1. sorbents sufficient to contain seven barrels of oil;
2. non-sparking hand scoops, shovels, and buckets;
3. containers suitable for holding seven barrels of recovered waste;
4. a minimum of 15 gallons of a deck cleaning agent;

5. appropriate protective clothing to protect personnel from inhalation hazards, eye exposure, and skin contact;
6. non-sparking portable pumps with appropriate hoses; and
7. the equipment required in this section shall remain ready and pumps with appropriate hoses shall be ready for immediate use during bunkering operations.

(B) The equipment, personnel and procedures sufficient to contain a 50 barrel spill shall be present on-site during all transfer operations and deployable immediately in the event of an oil spill. Response resources owned or under contract to the marine facility or tank vessel engaged in oil transfer operations may be used to meet this requirement.

(d) Notification Procedures:

(1) The owner/operator shall provide a list of contacts to call in the event of a drill, threatened discharge of oil, or discharge of oil. The plan shall:

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

1. the individual or office to be contacted;
2. telephone number or other means of contact for any time of the day; and
3. an alternate contact in the event the individual or office is unavailable.

(B) detail the procedures for reporting oil spills to all appropriate local, state and federal agencies within each of the six Geographic Regions that the nontank vessel transits;

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

(2) Immediate Notification

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

(A) Each plan shall include a procedure for ~~contacting~~ initiating telephonic contact with the OSRO in each of the six Geographic Regions that the nontank vessel transits immediately, but no longer than within 30 minutes, after the discovery of a discharge of oil or threatened discharge of oil.

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

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

(3) Each plan should identify a call-out procedure to acquire equipment in addition to that under contract, to access this equipment if the nontank vessel has a spill that exceeds its reasonable worst case spill.

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

(A) nontank vessel name, country of registry, call sign, and official number;

(B) location of the incident;

(C) date and time of the incident;

(D) course, speed and intended track of the nontank vessel;

(E) the nature of the incident;

(F) an estimate of the volume of oil spilled and the volume at immediate risk of spillage;

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

(H) the size and appearance of the slick;

(I) prevailing weather and sea conditions;

(J) actions taken or planned by personnel on scene;

(K) current condition of the nontank vessel;

(L) injuries and fatalities; and

(M) any other information as appropriate.

(5) Reporting of a spill as required by Subsection 827.02(d)(2) shall not be delayed solely to gather all the information required by Subsection 827.02(d)(4).

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

(e) Shipboard Drills and Exercises

Note: Spill management team and response organization drills and exercises are addressed in Section 827.02(m) of this subchapter.

(1) Each plan shall describe the vessel's drill and exercise program that meets the requirements of ~~Section 820.01(a)~~ 820.1 of subchapter 3.6, to ensure that the elements of the plan will function in an emergency.

(2) Training sessions may constitute creditable drills and exercises if all requirements of Subsections 820.01(a) (“Drills and Exercises”), section 820.1 of subchapter 3.6 of this subdivision are met. Onboard emergency procedure drills conducted aboard the nontank vessel and properly logged may be credited.

(f) (reserved)

Note: Subsections 827.02(g) through (n) contain the response elements of an oil spill contingency plan.

(g) Planning for the Location of Response Resources:

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

(h) Containment Booming and On-Water Recovery:

(1) Each plan holder must provide a contract or other approved means for the containment booming and on-water recovery response resources up to their reasonable worst case spill volume for all potential spills from the nontank vessel that could reasonably be expected to impact marine waters. Each plan must demonstrate response resources sufficient to address potential spills in each Geographic Response Area (GRA) if available, or Geographic Region through which the nontank vessel may transit. (GRA's are geographic subdivisions of ACP areas). To determine the amount of response resources for containment booming and on-water recovery the reasonable worst case spill volume must be determined, which is the total volume of the single largest fuel tank of all the nontank vessels covered by the plan.

Each plan shall contain a copy of the contract or other approved means (as defined in Section 790 of this subdivision), documenting that any oil spill response organization(s) that are named in the plan will provide the requisite equipment and personnel in the event of an oil spill, for each Geographic Region the nontank vessel transits. This requirement can be met by a copy of the basic written agreement with an abstract of the recovery and/or clean-up capacities covered by the contract.

(2) Response Capability Standards

The equipment and personnel necessary to address the reasonable worst case spill are brought to the scene of the spill within a period of time. The time frames are dependent upon the risk zone in which the nontank vessel is located and is specified in Subsection (B), below.

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

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

1. The total amount of on-water recovery equipment and services required shall be the amount necessary to address the reasonable worst case spill volume.

2. The time frames for response resource delivery are specified in Subsection 827.02(h)(2)(B), below. Appropriate equipment to address the reasonable worst case spill volume must be capable of being at the scene of the spill at the hour specified which is measured from the time of notification, as described in Subsection 827.02(d) of this subchapter. All on-water recovery response resources shall be capable of being deployed and operable within one hour of arrival at the scene of the spill or drill but no later than the designated time frame for each risk zone.

3. The equipment identified for a specific area must be appropriate for use in that area given the limitations of the geography, bathymetry, water depths, tides, currents and other local environmental conditions. For those areas that require shallow-water response capability (refer to the relevant Area Contingency Plan), the plan shall provide for an adequate number of shallow-draft vessels (as defined in Section 825.05 of this subchapter) to be owned or under contract or other approved means and available to respond to provide shoreline protection of the sensitive sites potentially impacted by a spill. Additionally, the equipment identified shall also be appropriate for use on the type of oil identified.

4. The time frames for equipment delivery and deployment as specified in this subsection do not take into account the time required to conduct a health and safety assessment of the site as set forth in Subsection 827.02(j)(6), and as required by the California Occupational Safety and Health Administration. In addition, these time frames do not account for delays that may occur due to weather or sea state. The actual time necessary to deliver and deploy equipment will be assessed at the time of an incident or a drill and will take into account the prevailing conditions of weather and sea state, as well as the site assessment requirements.

(B) Delivery Times

NONTANK VESSELS						
On-scene Times		2 hour (i)	4 hours (ii)	6 hours	12 hours	18 hours
High Volume Ports	On-water Recovery (bbls)	2500 bbls or 10% whichever is less	Reasonable Worst Case Spill (RWCS)			
	Containment Booming (ft)	2,000				
-Facility Transfer Areas & Santa Barbara Channel -Ports of Stockton and Sacramento		2500 bbls or 10% whichever is less		RWCS		
Balance of the Coast		2500 bbls or 10% whichever is less			RWCS	

i. When conducting bunkering operations within the High Volume Ports and the ports of Stockton and Sacramento, there must be 2500 barrels/day or 10% of the nontank vessel's total fuel capacity, whichever is less, of on-water recovery capability that can be mobilized and on-scene within two hours of notification. If containment equipment for a 2500 barrel spill, or 10% of the nontank vessel's total fuel capacity, whichever is less, can immediately be deployed, the initial on-water recovery capability can be on-scene within three hours rather than two hours.

The 2,000 feet of containment boom is required within one-half (1/2) mile of identified Oil Pollution Risk Areas (OPRAs), which are found at the following latitude/longitude locations:

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

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

Carquinez Bridge: 38 3.6N; 122 13.6W

Deep Water Channel: 38 2.5N; 122 21.9W

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

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

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

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

San Mateo Bridge: 37 35.1N; 122 15.0W

For the Los Angeles/Long Beach Harbor:

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

ii. Nontank vessels that transit: 1) inward of the inland line of demarcation as described in 33 CFR Section 80.1142 for San Francisco harbor; 2) inwards of a six nautical mile radius of Long Beach Light (LLNR 3025) [33-43.4N, 118-11.2W] outside the entrance to the Los Angeles/Long Beach Harbors on the Los Angeles and Long Beach Harbor Chart #18751, shall have the on-water recovery capability to address the nontank vessel's reasonable worst case spill volume at the scene of the spill within four hours.

iii. In addition nontank vessels, when not conducting bunkering operations, but when operating in the Ports of Stockton and Sacramento shall have containment boom and associated deployment equipment for a 2500 barrel spill pre-staged such that it can be immediately deployed.

(3) On-Water Response Equipment and Services

(A) Each plan shall demonstrate that the nontank vessel owner/operator has under contract or other approved means (as defined in Section 790 of this subdivision), access to all necessary response resources to comply with the required containment booming and on-water recovery established pursuant to Subsection 827.02(h)(2)(B). The amount of response equipment required will take into account the effective daily recovery capacity (as defined in Chapter 1, Section 790 of this subdivision) of the equipment.

(B) The equipment identified for a specific area must be appropriate for use in that area given the limitations of the geography, bathymetry, water depths, tides, currents and other local environmental conditions. For those areas that require shallow-water response capability (refer to the relevant Area Contingency Plan), the plan shall provide for an adequate number of shallow-draft vessels (as defined in Section 825.05 of this subchapter) to be owned or under contract or other approved means and available to respond to provide shoreline protection of the sensitive sites potentially impacted by a spill. Additionally, the equipment identified shall also be appropriate for use on the type of oil identified. To the extent that the following information is provided by a Rated OSRO, evidence of a contract or other approved means with a Rated OSRO will suffice:

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

2. a complete inventory of any nonmechanical response equipment and supplies, including the type and toxicity of each chemical agent, with procedures for storage and maintenance;
3. the manufacturer's rated capacities and operational characteristics for each major item of oil recovery equipment;
4. the type and capacity of storage and transfer equipment matched to the skimming capacity of the recovery systems;
5. the derated capacity (as defined in Chapter 1, Section 790 of this subdivision) for each major piece of on-water recovery equipment listed, as well as the derated capacity for the skimming systems as a whole.
 - i. A request may be submitted to the Administrator to review the derated capacity for a piece of equipment if it can be shown that the equipment has a different capacity than the derating factor allows.
 - ii. The Administrator's decision regarding a change in the derated capacity for a piece of equipment will be issued as soon as administratively feasible.
6. vessels designated for oil recovery operations, including skimmer vessels and vessels designed to tow and deploy boom, and availability of shallow-draft vessels;
7. vessels of opportunity reasonably available for oil spill recovery operations, including availability of shallow-draft vessels, procedures to equip the vessels, inventory equipment, and train personnel;
8. procedures for storage, maintenance, inspection and testing of spill response equipment under the immediate control of the operator;
9. sufficient equipment to track the movement of discharged oil including aerial surveillance sufficient to direct skimming operations.
10. Each plan shall describe the personnel available to respond to an oil spill, including:
 - i. a list of the name(s) of the certified spill management team personnel as described in subchapter 5 of this chapter and their relevant qualifications including a discussion of spill response training and experience, regulatory awareness and compliance, and supervision;
 - ii. a list by job category including a job description for each type of spill response position needed as indicated in the spill response organization scheme;
 - iii. a match between personnel by job category, and the equipment proposed for use (including equipment appropriate for shallow-water environments), including the plan for mobilization of such personnel; and
 - iv. sufficient personnel to maintain a response effort of at least 14 days.

(C) Each plan shall describe procedures for the transport of required equipment, personnel and other resources to the spill site. The description shall include plans for

alternative procedures during adverse environmental conditions. Adverse environmental conditions to be considered shall include:

1. adverse weather;
2. sea states, tides, winds and currents;
3. presence of debris or other obstacles; and
4. any other known environmental conditions that could restrict response efforts.

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

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

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

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

(4) the equipment owner shall notify the Administrator when the major equipment is back in service.

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

1. methods of deployment or application;
2. For the use of chemical agents, a description of the specific mechanisms in place to assess the environmental consequences of the Chemical Agent. This description shall include the mechanism for continuous monitoring of environmental effects for the first three days after initial application, and periodic monitoring thereafter until the agent is inert or no longer operative;
3. identification of all permits, approvals or authorizations needed to allow the use of non-mechanical methods, and the time line for obtaining them;

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

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

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

(F) The plan shall describe the methods for tracking the movement of the discharged oil; and

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

(i) Shoreline Protection:

Each plan must provide for shoreline protection in the Geographic Response ~~Plan~~ Areas (GRA) or Geographic Regions the nontank vessel may transit. Each plan shall demonstrate through contract(s) or other approved means, the response resources necessary to protect each type of shoreline and all applicable environmentally and culturally sensitive sites in the timeframes required, as outlined in the appropriate Shoreline Protection Tables (SP Tables, see Section 790, incorporated by reference herein and posted on OSPR's website). The SP Tables shall be reviewed and updated as needed (e.g., to reflect updates to the ACPs, etc.). Updates to the SP Tables will be processed by OSPR staff using the procedures outlined in the Administrative Procedure Act.

(1) Percentages of Dedicated Shoreline Protection Resources

The following table lists the applicable percentage of dedicated shoreline protection boats and staff that are required for each Geographic Region:

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

ACP	% DEDICATED RESOURCES FOR SHORELINE PROTECTION
6	50% dedicated boats and staff

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

(2) Shoreline Protection Requirements for Vessels Operating in Small Harbors

Included in the SP Tables is a listing of Small Harbors throughout the state. The requirements in the Small Harbor Table apply to all vessels over 300 GT that operate in the Small Harbors as listed. The following apply to the Small Harbor Table only:

(A) Non-dedicated resources are allowed for shoreline protection for the vessels that operate in these harbors.

(B) The amounts of boom, boats and staff, as listed, are required for the vessels that operate in these harbors. In some locations additional response resources may be required for included or adjacent sensitive sites if this has been identified in the applicable ACPs.

(C) Resource requirements can be met either with pre-positioned equipment (as identified in the owner/operator's Contingency Plan) or by a contract with a Rated OSRO. Advance notice to the OSRO is required before the plan holder can begin operating in the harbor.

(D) Unless otherwise specified in the Small Harbor Table, anytime that a vessel over 300 GT operates in these small harbors, that vessel shall have a contract or other approved means for a minimum of 2,500 feet of boom that can be deployed in 6 hours.

(E) An owner/operator may propose lesser amounts of shoreline protection resources than that listed in the Small Harbor Table, for carrying out planned projects in the Balance of the Coast, upon petitioning and approval of the Administrator. The proposal may be tested by the Administrator anytime prior or subsequent to plan approval.

(3) Each plan shall have under contract or other approved means sufficient personnel to implement the shoreline protection strategies in the time frames required from the appropriate SP tables, who are to remain on scene until demobilized by the State Incident Command or the Unified Command. For planning purposes, this shall include procedures to obtain sufficient personnel to maintain a response effort of at least 14 days.

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

1. The equipment owner must notify the Administrator when major equipment is removed from service for a period of 24 hours or more for maintenance or repair. Major equipment is that which, if moved, would affect timely implementation of the plan. Notification must be made prior to removing equipment for regularly scheduled maintenance, and within 24 hours of removing equipment for unscheduled repairs.
2. The equipment owner must demonstrate that backup equipment is available during the time that the primary response equipment is out of service. Backup equipment may be provided from the owner's own inventory, or may be made available from another responder.
3. A plan shall remain valid during the time that equipment has been removed from service for maintenance or repair if the Administrator has not disapproved such removal within 24 hours of notification.
4. the equipment owner shall notify the Administrator when the major equipment is back in service.

(4) Shoreline Clean-Up

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

1. methods for shore side clean-up, including containment and removal of surface oil, subsurface oil and oiled debris and vegetation from all applicable shorelines, adjacent land and beach types; and
2. measures to be taken to minimize damage to the environment from land operations during a spill response, such as impacts to sensitive shoreline habitat caused by heavy machinery or foot traffic.

(j) Response Procedures:

Some of the documentation from the most recent Area Contingency Plans may be used in lieu of developing comparable response procedures, if appropriate and approved by the Administrator.

(1) The owner/operator shall include in the plan a description of the organization of the nontank vessel's certified spill management team and spill response system. An organizational diagram depicting the chain of command shall also be included. Additionally, the plan shall describe the method to be used to integrate the plan holder's organization into the State Incident Command System and/or the Unified Command Structure as required by Title 8, California Code of Regulations, Subsection 5192(q)(3)(A). Each plan shall identify and ensure by contract or other approved means

a certified Spill Management Team, as described in subchapter 5 of this chapter. If the plan holder contracts for this service, documentation that the certified Spill Management Team acknowledges this capacity shall be included in the plan.

(A) The plan holder may utilize the procedures outlined in the appropriate and most recent Area Contingency Plan when describing how the nontank vessel's chain of command will interface with the State Incident Command System which utilizes the Unified Command.

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

(C) Each plan shall describe the plan holders' safety program, as it relates to an oil spill incident, and the method by which their Safety Officer will be integrated into the State Incident Command System.

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

(A) a central command post sufficient to accommodate the State Incident Command or Unified Command as well as the plan holder's response organization;

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

(C) equipment and personnel staging areas.

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

(4) Each plan shall detail the lines of communications between the responsible party, the Qualified Individual and the on-scene commanders, response teams, local, state, and federal emergency and disaster responders, including:

(A) communication procedures;

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

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

(D) redundant and back-up systems.

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

(6) Prior to beginning oil spill response operations and clean-up activities, a Site Safety Plan must be completed. Each Site Safety Plan shall include information as required

pursuant to Title 8, Section 5192(p)(8)(D)(2) of the California Code of Regulations including, but not limited to, a written respiratory protection program, written personal protection equipment program, written health and safety training program, written confined space program and permit forms, direct reading instrument calibration logs, and written exposure monitoring program.

(k) Temporary Storage and Waste Management:

(1) Each plan shall identify sufficient temporary storage for all recovered oil or all oily waste, and identify facilities that would be able to accept the recovered oil or oily waste for recycling or other means of waste management. Sufficient temporary storage shall be no less than two times the reasonable worst case spill volume for the nontank vessel.

(A) To meet the temporary storage requirement described in Subsection (1) above, the following amounts of storage shall be dedicated response resources (as defined in Section 825.05(b) of this subchapter) or OSRO-owned and controlled resources (as defined in Section 825.05(i) of this subchapter), as applicable to the appropriate risk zone:

Sufficient storage to support the skimming systems shall be brought to the scene of the spill during the first four hours of response:

520 barrels of storage, or 20% of the reasonable worst case oil spill volume, whichever is less, shall be brought to the scene of the spill within four hours of notification of a spill;

12,000 barrels, or two times the reasonable worst case oil spill volume, whichever is less, shall be available at the scene of the spill within 6 hours of notification of a spill.

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

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

(3) Each plan shall describe site criteria and methods used for temporary storage of recovered oil and oily wastes generated during response and clean-up operations, including known available sites.

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

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

(l) Oiled Wildlife Care Requirements: The owner/operator shall provide information to include in the plan on how oiled wildlife care will be provided by one of the following approved means

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

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

(m) Drills and Exercises

(1) Each plan shall describe the vessel's drill and exercise program that meets the requirements of ~~Section 820.01(a)~~ 820.1 of subchapter 3.6, to ensure that the elements of the plan will function in an emergency.

(2) Training sessions may constitute creditable drills and exercises if all requirements of ~~Subsections 820.01(a) ("Drills and Exercises")~~ section 820.1 of subchapter 3.6 of this subdivision are met.

(3) Drills shall be designed by the nontank vessel owner/operator to exercise either individual components of the plan or the entire response plan. Such drills, individually or in combination, shall ensure that the entire plan is exercised at least once every three years.

(n) Nontank Vessel Emergency Services:

(1) Notification Requirements:

Any party responsible for a nontank vessel as defined in this subdivision shall notify the U.S. Coast Guard within one hour of a disability (as defined in Government Code Section 8670.20(b)) if the disabled nontank vessel is within 12 miles of the shore of the state.

(2) Equipment and Services:

Nontank vessel emergency services means all services rendered to save a nontank vessel and cargo from any marine peril that could reasonably be expected to cause a discharge of oil into the marine waters, and includes those actions necessary to control or stabilize the nontank vessel or cargo.

(A) All nontank vessels required to have a contingency plan pursuant to Section 827.01(a) must demonstrate sufficient nontank vessel emergency services means capability as outlined in this section;

(B) Availability of the following equipment and services shall be demonstrated by sufficient in-house capability or a signed, valid contract or other approved means with a vessel emergency services provider or by other means approved by the Administrator.

For the purpose of this subsection, a plan holder can demonstrate the availability of equipment and services, in lieu of a signed, valid contract or sufficient in-house capability, by a Letter of Intent or a Conditional Agreement, signed by the entity providing such services and attesting to the availability of the equipment and services required as specified in this Subsection (n). Any service provider must have the appropriate expertise, and all required equipment ready and available to respond within the following time frames:

1. Within 12 hours of notification of the U.S. Coast Guard:

i. an emergency services vessel of the appropriate size, configuration, and operating capability to ensure stabilization of a disabled nontank vessel shall be on scene. The emergency services vessel must be capable of reaching the disabled nontank vessel before the disabled nontank vessel would run aground. In determining the time it would take for a nontank vessel to run aground, an estimate shall be made based on the drift rate in the worst case weather assuming the complete loss of power and/or steering;

ii. a professional salvor, naval architect or other qualified person knowledgeable of stability, and hull stress assessments of the nontank vessel shall be engaged in nontank vessel emergency operations. These assessments shall be developed pursuant to the shipboard spill mitigation procedures as set forth in 33 CFR, Part 155.1035(c)).

iii. a private firefighting capability that will respond to casualties in the area(s) in which the nontank vessel will operate. This capability shall be a supplement to the firefighting capability on board the nontank vessel;

iv. dewatering pumps, hoses, and power supplies sufficient to maintain nontank vessel stability and prevent sinking shall be on scene.

2. within 18 hours of notification of the U.S. Coast Guard, and to the extent necessary to avoid a pollution incident, the following must be on scene:

i. resources for shoring, patching or making other emergency, temporary repairs to correct structural, stability, or mechanical problems on the nontank vessel;

ii. equipment necessary to tow an incapacitated nontank vessel to a safe haven.

Note: Authority cited: Sections 8670.5, 8670.7, 8670.10, 8670.20, 8670.25, 8670.25.5, 8670.28, 8670.29 and 8670.32, Government Code. Reference: Sections 8670.10, 8670.12, 8670.20, 8670.25, 8670.25.5, 8670.28, 8670.29, 8670.31 and 8670.32, Government Code.