

**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 3. OIL SPILL CONTINGENCY PLANS**

§ 817.04. Inland Facility Oil Spill Contingency Plans.

(a) Purpose and Scope

(1) This section describes the requirements for an owner or operator of an inland facility to have an oil spill contingency plan that provides the best achievable protection for potential oil spills into inland waters.

(2) 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 minimum standards that must be used to determine the amount of equipment and personnel that must be available for a spill. An inland facility owner or operator is ultimately responsible for mitigating, cleaning up, and remediating the effects of the entire volume of an actual spill regardless of the reasonable worst case spill volume listed in the contingency plan.

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(j) Inland Facility Description and Reasonable Worst Case Spill Volume

(1) The contingency plan shall describe the inland facility generally, and describe the inland facility's operations with specific attention to those locations from which an oil spill could occur and impact inland waters of the state. The contingency plan shall also provide the largest reasonable worst case spill volume of all the facilities covered by the plan, pursuant to (4) below.

(2) For a transmission pipeline, production facility, or other non-railroad facility, the description shall also include the following information as applicable:

(A) A general diagram or map of the facility site;

(B) Well locations by field, including the American Petroleum Institute well number for the well with the largest reasonable worst case spill volume;

(C) Relevant piping and tank diagrams (e.g., enhanced photographs or line drawings) including the location of pipelines; oil storage capacity of each structure covered under the plan and its age, design, construction and general condition; the range of oil products normally stored in each structure; the presence of containment structures and oil transfer locations;

(D) A description of the oil handled or transported, including physical properties, health and safety hazards, pour point, viscosity (API gravity), and type (e.g., ~~Group 5 non-~~floating oil). A safety data sheet can meet some of these requirements. This information

shall be maintained separately at the inland facility, and the contingency plan shall identify the stored location of the information;

(E) Maximum storage or handling capacity and current normal daily throughput of oil handled;

(F) A description of the normal procedures for transferring oil, and the amount, frequency and duration of the oil transfers;

(G) The inland facility's normal hours of operation;

(H) Vicinity maps showing any vehicular access to the inland facility, nearby residential, commercial or other populous areas and access to private land necessary to respond to a spill; and

(I) Geographic locations including latitude and longitude of relevant field offices and remote local offices, or any pre-identified incident command post locations.

(3) For a railroad, the contingency plan shall also describe the railroad's areas of transit from which an oil spill could impact inland waters of the state. This description shall include, at a minimum, the following information:

(A) A map of track routes and major rail facilities, that also indicates the high threat urban areas in California as defined by federal law (Title 49 Code of Federal Regulations Part 1580, Appendix A), and high hazard areas or local safety hazard sites designated and defined by the California Public Utilities Commission.

(B) A copy of the portions of the timetable or timetable instructions depicting the railroad's maximum speeds on tracks in California, as filed with the Federal Railroad Administration, on which oil in bulk may be transported.

(C) A description of the oil in bulk that may be transported as required by subsection (j)(2)(D) of this section.

(D) A list of the railcar types or models in which oil in bulk may be transported.

(E) A list, description, and map of any pre-staged spill response equipment and personnel for deployment of the equipment.

(4) The reasonable worst case spill volume for an inland facility, calculated in barrels, is as follows:

(A) Production Facility: 10 percent of the daily average of oil and condensate of the largest producing well (excluding produced water) as reported to the Department of Conservation, Division of Oil, Gas, and Geothermal Resources each year pursuant to sections 3406 and 3227 of the Public Resources Code. Although this volume does not include the water content (produced water), the owner or operator will be required to respond to and cleanup the impacts of produced water.

(B) Transmission Pipeline: Regardless of the following methodology used for determining the reasonable worst case spill volume for a transmission pipeline, the

calculations and parameters used shall be submitted as part of the contingency plan. The reasonable worst case spill volume is the largest of the following:

1. The pipeline's maximum release time in hours (i.e. the time between pipeline rupture and discovery), plus the maximum shutdown response time in hours (based on historic spill data or in the absence of such historic data, the operator's best estimate), multiplied by the maximum flow rate expressed in barrels per hour (based on the maximum daily capacity of the pipeline), plus the largest line drainage volume after shutdown of the line section(s). Line section means a continuous run of pipe that is contained between adjacent pressure pump stations, between a pressure pump station and a terminal or break-out tank, between a pressure pump station and a block valve, or between adjacent block valves; or
2. The largest foreseeable discharge for a line section based on the maximum historic spill, if one exists, adjusted for any subsequent corrective or preventive action taken; or
3. If there are one or more breakout tanks, then the capacity of the single largest tank or battery of tanks within a single secondary containment system, adjusted for the capacity or size of the secondary containment system.

(C) Railroad: The reasonable worst case spill volume for a railroad is based on the railroad's maximum speed in California as stated in the most recent timetable the railroad has filed with the Federal Railroad Administration, and the amount of oil in bulk transported. Regardless of speed or track class, the minimum reasonable worst case spill volume for a railroad is the largest single tank car the railroad may include in a consist. If a railroad moves more than one tank car in a consist then the reasonable worst case spill volume is based on the larger of either the volume of one tank car or a percentage of the total oil in bulk transported, as follows:

If the Maximum Speed per the Timetable is:	Then the RWCS volume is the higher of:
10 mph	One tank car or 1% of all oil in bulk
25 mph	One tank car or 5% of all oil in bulk
Greater than 25 mph	One tank car or 20% of all oil in bulk

(D) For an inland facility not otherwise described in subsections (A), (B), or (C):

1. The loss of the entire capacity of all in-line, break-out and portable storage tanks not subject to Chapter 6.67 (commencing with Section 25270; aboveground petroleum storage) or Chapter 6.7 (commencing with Section 25280; underground petroleum storage) of Division 20, Health and Safety Code, needed for the continuous operation, used for the purposes of handling or transporting oil, taking into account the existence

of volume limiting factors including, but not limited to, line pressure, gravity and the availability and location of the emergency shut-off controls; plus

2. The amount of additional spillage that could reasonably be expected to enter waters of the state during emergency shut-off, transfer or pumping operations if a pipeline or hose ruptures or becomes disconnected, or if some other incident occurs which could cause or increase the size of an oil spill. The spill shall be calculated as follows: the maximum time to discover the release from the pipeline or hose in hours, plus the maximum time to shut down flow from the pipeline or hose in hours (based on historic discharge data or the best estimate in absence of historic discharge data for the inland facility) multiplied by the maximum flow rate expressed in barrels per hour (based on the maximum relief valve setting or maximum system pressure when relief valves are not provided) plus the total line drainage volume expressed in barrels.

3. The Administrator has the discretion to accept that an inland facility may operate a limited number of the total pipelines or tanks at a time. In those circumstances, the reasonable worst case spill volume shall include the drainage volume from the pipelines normally not in use, in addition to the volumes determined in subsections (j)(4)(D)1. and 2. of this section.

(5) The plan holder shall update the reasonable worst case spill volume every calendar year, and any other time that a change in the reasonable worst case spill volume would constitute a significant change pursuant to subsection (u)(3).

(6) If the contingency plan covers multiple types of facilities, then the plan holder's reasonable worst case spill volume for the plan shall be the largest volume.

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(n) Inland On-Water Response Resources

(1)(A) If an owner or operator's facility poses an oil spill risk to inland waters designated as perennial in the National Hydrography Dataset, as described in subsection (b), then the contingency plan must demonstrate the response resources to perform containment (e.g. hard boom), recovery of spilled oil and oily waste (e.g. skimming), storage of recovered materials (e.g. tanks, bladders), shoreline protection, and implement any pre-identified response strategies to address the reasonable worst case spill volume into or threatening the waterway. These resources must be available within the time frames described in the Inland On-Water Response Times, Containment, Recovery & Storage table below. The response resources identified to meet the requirements for the first 6 hours must be dedicated response resources.

(B) If an owner or operator's inland facility poses an oil spill risk to inland waters designated as intermittent or ephemeral in the National Hydrography Dataset, as described in subsection (b), then the contingency plan only needs to demonstrate terrestrial response capabilities as described in subsection (m).

(C) The following table indicates the equipment and times within which inland water on-water response resources shall be deployed and operational within the first 24 hours of

a spill, drill or exercise for the containment, recovery, and temporary storage of the reasonable worst case spill (RWCS) volume.

TABLE – Inland On-Water Response Times, Containment, Recovery & Storage Amounts

Equipment	Deployment Within 6 hours (Dedicated)	Deployment Within 12 hours	Deployment Within 24 hours
Containment (hard boom)	1,000' boom	5,000' boom	10,000' boom
Recovery Capability (the lesser of)	820 bbls/day EDRC or 50% of RWCS volume	4,100 bbls/day EDRC or 75% of RWCS volume	8,200 bbls/day EDRC or 100% of RWCS volume
Temporary Storage (the lesser of)	820 bbls or 50% of RWCS volume	1,500 bbls or 75% of RWCS volume	3,000 bbls or 100% of RWCS volume

(2) The contingency plan must include the following information for each response resource listed in the plan:

(A) The personnel available to respond to a reasonable worst case spill, including:

1. A list by incident command system position, or a job description;
2. A match between personnel by job function and equipment to be used, including the plan for mobilization of such personnel; and
3. A description of how personnel to maintain a response effort of at least 14 calendar days would be rotated, retained, or acquired.

(B) The location, inventory and ownership of the equipment to be used to fulfill the on-water response requirements;

(C) The type and capacity of transfer and storage equipment matched to the skimming capacity of the recovery systems;

(D) The manufacturer's rated capacities and the operational characteristics for each major item of on-water recovery equipment;

(E) The effective daily recovery capacity for each major piece of on-water recovery equipment listed, and the effective daily recovery capacity for the skimming systems as a whole. For planning purposes, the capability of the recovery equipment is the manufacturer's rated capacity as derated by the effective daily recovery capacity;

1. A request may be submitted to the Administrator to review the effective daily recovery capacity for a piece of equipment if it can be shown that the equipment has a different capacity than the derating factor allows.

2. The Administrator's decision regarding a change in the effective daily recovery capacity for a piece of equipment will be issued as soon as administratively feasible.

(F) Any vacuum trucks and vessels designated for oil recovery operations, including skimming vessels and vessels designed to tow and deploy boom, and availability of shallow-draft vessels. Each must be designated by registration number or other unique identifier (e.g. VIN, vessel name, etc.);

(G) Adequate maintenance, inspection, and testing of response equipment that is under the immediate control of the operator; and

(H) Anticipate the need for equipment to monitor the movement of spilled oil, including aerial surveillance sufficient to direct skimming operations.

(3) Temporary Storage and Waste Management

(A) Each contingency plan shall identify storage for all recovered oil or all oily waste.

(B) Each contingency plan shall describe how recovered oil and waste will be legally handled and transported, and identify locations able to accept the recovered oil or oily waste for recycling or other means of waste management.

(C) All skimming systems operating at the incident shall have sufficient storage. Sufficient storage shall be no less than the effective daily recovery capacity for the equipment.

(4) ~~Group 5~~ Non-floating Oil

(A) For inland facilities that pose an oil spill risk to inland waters designated as perennial in the National Hydrography Dataset, as described in subsection (b), and that transport or handle ~~Group 5 non-floating~~ oil (defined as under "Persistent "Non-floating Oil" in section 790), then the contingency plan shall have evidence of a contract or other approved means with one or more ~~rated~~ oil spill response organizations with a non-floating oil rating or otherwise and demonstrate the means to recover ~~Group 5 non-floating~~ oil up to the reasonable worst case spill volume. Such equipment and resources shall include, but are not limited to, the following methods and equipment for:

1. Locating the oil suspended in the water column (e.g., sonar, sampling equipment, etc.) or on the bottom of the waterbody;

2. Reducing spreading on the bottom (e.g., containment boom, sorbent boom, silt curtains, etc.);

3. Recovering oil from the bottom (e.g., dredges, pumps, etc.);

4. Assessing the impact of such spills; and

5. Any other methods or equipment appropriate for responding to a spill involving a ~~Group 5~~ non-floating oil.

(5) Shoreline Protection

(A) The contingency plan must address the specific types of shorelines that may be impacted.

(B) The contingency plan must identify response resources appropriate for protecting shorelines, including:

1. Protective booming, shallow-draft vessels, and other shoreline protection equipment.
2. The location, inventory, and ownership of the equipment to be used to fulfill the shoreline protection requirements.

(C) The plan holder must be able to implement response strategies appropriate for each shoreline that could be impacted by a spill, as those strategies are identified in the offsite consequence analysis pursuant to subsection (k).

(D) The plan holder's records for storage, maintenance, inspection, and testing of shoreline protection response resources that are under the immediate control of the operator must be made available to the Administrator upon request.

(6) The contingency plan must include a narrative description of how containment, recovery, storage, and protection equipment, personnel and other response resources will be transported or delivered to a spill site. The description shall account for adverse environmental conditions, adverse weather, water currents or flow (e.g., cubic feet per second), winds, and any other conditions that may be reasonably anticipated which could hinder response efforts.

(7) The requirements of this subsection may be provided by a rated oil spill response organization with an on-water services rating (as described in section 819.02). To the extent the requirements are provided by a rated oil spill response organization, the contingency plan only needs to include evidence of a contract or other approved means with a rated oil spill response organization that will satisfy the requirements. However, if an inland facility owner or operator does not contract with a rated oil spill response organization for the requirements and capabilities described in this section and intends to meet these requirements with plan holder owned and controlled equipment and personnel, then the owner or operator must provide the information listed in this subsection, must comply with the oil spill response organization rating requirements pursuant section 819.01 of this subchapter, and the equipment identified in the plan must be rotated each year so all the owner or operator equipment is tested over the three year period.

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Note: Authority cited: Sections 8670.7.5, 8670.13, 8670.28, 8670.29 and 8670.32, Government Code. Reference: Sections 8670.7, 8670.10, 8670.25.5, 8670.27, 8670.28, 8670.29, 8670.30, 8670.30.5, 8670.31, 8670.32 and 8670.36, Government Code.