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

# 45-DAY COMMENT PERIOD
# ILLUSTRATION OF CHANGES

The California Department of Fish and Wildlife's Office of Spill Prevention and Response is proposing changes to sections 825.01, 825.03, 825.05, 825.07, 827.01, 827.02 of Title 14 of the California Code of Regulations. Those changes are illustrated as follows:

Added text is illustrated in single underline.
Deleted text is illustrated in ~~single strikeout~~.

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**TITLE 14. NATURAL RESOURCES**
**DIVISION 1. FISH AND GAME COMMISSION-DEPARTMENT OF FISH AND 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**

**~~§ 825.01. General Outline.~~**

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**§ 825.03. Purpose and Scope*.***

(a) This subchapter sets forth planning requirements for oil spill prevention and response for nontank vessels (300 gross tons or greater) in California. These planning requirements specify that the ~~owner/operator~~owner or operator of a nontank vessel must own or have contracted for on-water recovery and storage resources sufficient to respond to all spills up to the reasonable ~~worst case~~worst-case spill volume in the time frames specified. The nontank vessel ~~owner/operator~~owner or operator ~~shall~~must also demonstrate through contract~~s~~(s) or other approved means, the ~~shoreline protection~~ response resources necessary to protect ~~each type of shoreline and~~ all applicable environmental sensitive sites in the time frames required by section 828.1 ~~as outlined in the appropriate Shoreline Protection Tables (SP Tables, see Section 790, incorporated by reference herein and posted on OSPR's website)~~. Equipment in addition to that under contract must be identified, and a call-out procedure in place to access additional response resources if needed. For the purpose of meeting the ~~regulatory~~ requirements herein, contracts for booming, on-water recovery and storage, and ~~shoreline~~ environmental sensitive site protection services can only be made with ~~OSRO's~~ oil spill response organizations ~~R~~rated by the Office of Spill Prevention and Response. For other required services (e.g., shoreline ~~clean-up~~cleanup, waste management, spill response management, etc.) contracts or other approved means with non-rated ~~OSRO's~~oil spill response organizations may be used.

(b) The equipment that the ~~owner/operators~~owner or operator ~~have~~ has available must also be applicable to the areas of intended use. A ~~N~~nontank vessel ~~owner/operators~~owner or operator ~~shall~~must demonstrate adequate emergency services as described, by sufficient in-house capability or a signed, valid contract with a vessel emergency services provider.

(c) The information required by this subchapter must be submitted to the Office of Spill Prevention and Response ~~(OSPR)~~, and maintained by the ~~owner/operator~~owner or operator, in separate volumes. A principal volume ~~will~~must be compiled to contain all the required information, calculations, studies, maps and related data. A separate volume ~~will~~must be set up as ~~a~~ an initial response activity manual and ~~will~~must contain only the information that response personnel will need at the time of a spill to facilitate the required immediate notification and response actions ~~that are mandated~~.

(d) To the greatest extent possible, California has endeavored that this subchapter be consistent with the scope and intent of California's tank vessel oil spill contingency plan regulations, the enabling legislation Senate Bill 1644 (Chapter 964, Statutes of 1998), the ~~F~~federal oil spill response regulations, and the ~~Area~~ area ~~C~~contingency ~~P~~plans ~~(ACP)~~ completed by the ~~U.S.~~United States Coast Guard, ~~S~~state ~~Agencies~~ agencies, and local governments, with public participation, as required by the Oil Pollution Act of 1990 (Title 33 ~~USC~~ United States Code section 2701, et seq.). Consideration ~~shall~~will be given to the differences in environmental risk between spills from nontank vessels and tank vessels. Information developed to demonstrate compliance with other applicable ~~F~~federal, ~~S~~state, and ~~I~~international (e.g., International Maritime Organization, etc.) requirements may be used to demonstrate compliance with all or part of this subchapter to the extent that the information meets the requirements of this subchapter.

Note: Authority cited: Sections 8670.28 and 8670.29, Government Code. Reference: Sections 8670.28 and 8670.29, Government Code.

~~**§ 825.05. Definitions.**~~

~~In addition to the definitions in Chapter 1, Section 790 of this subdivision, the following definitions shall govern the construction of this subchapter. Where similar terms are defined, the following will supersede the definition in Chapter 1:~~

~~(a) "Dedicated Response Resources" means equipment and personnel committed solely to oil spill response, containment, and cleanup that are not used for any other activity that would adversely affect the ability of that equipment and personnel to provide oil spill response services in the time frames for which the equipment and personnel are Rated. Ratings of six hours or earlier require either dedicated response resources or OSRO-owned and controlled response resources, as specified in Section 819.04(b)(2) of this subchapter.~~

~~(b) "Equipment Deployment Exercise" means an exercise of oil spill response equipment identified in an oil spill contingency plan or an OSRO application, through its actual deployment and operation as it would be used in spill response efforts in an~~

~~environment of similar water depth, current velocity, tidal range, and substrate, where the equipment may need to be used in an actual oil spill response.~~

~~(c) "Implementation of the Plan" means that all essential provisions have been taken to enable the plan or any portion of the plan to become operational.~~

~~(d) "Innocent Passage" means navigation through the territorial sea for the purpose of traversing that sea without entering internal waters or calling at a roadstead or port facility outside internal waters. Passage shall be continuous and expeditious. However, passage includes stopping and anchoring, but only in so far as the same are incidental to ordinary navigation or are rendered necessary by distress or for the purpose of rendering assistance to persons, ships or aircraft in danger or distress.~~

~~(e) "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.~~

~~(f) "Marine Waters", means those California marine waters subject to tidal influence and includes all waterways used for waterborne commercial nontank vessel traffic to the Port of Stockton and the Port of Sacramento.~~

~~(g) "Nontank Vessel" means a vessel of 300 gross tons or greater, other than a tank vessel, not designed to carry oil as cargo.~~

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

~~(i) "Plan Holder" means the owner/operator of a nontank vessel responsible for the development, submittal, update, maintenance of, and compliance with the oil spill contingency plan required under this subchapter.~~

~~(j) "Plan Recipient" means a receiving agency and any other entity that has been designated in this subchapter to receive a copy of the nontank vessel oil spill contingency plan.~~

~~(k) "Reasonable Worst Case Spill" means a spill of the total volume of the largest fuel tank on the nontank vessel.~~

~~(*l*) "Shallow-Draft Vessel" means:~~

~~(1) for purposes of boom deployment, a vessel that must be able to operate in water depths of two feet or less;~~

~~(2) for purposes of skimming operations, a vessel and attendant skimming system that must be able to operate in water depths of three feet or less.~~

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

~~(n) "Unannounced Drill" means an exercise of an oil spill contingency plan or an OSRO application initiated by OSPR without prior notice to the plan holder or oil spill response organization.~~

~~Note: Authority cited: Sections 8670.28 and 8670.29, Government Code. Reference: Sections 8670.28 and 8670.29, Government Code.~~

**§ 825.07. General Requirements.**

(a) A nontank vessel of 300 gross tons or greater shallmust not operate in marine waters unless the owner or operator has an oil spill contingency plan prepared and submitted in accordance with this subchapter for the ~~G~~geographic ~~R~~regions (as defined in ~~S~~section 790 of this subdivision) the nontank vessel transits. A nontank vessel owner or operator who is required to submit an oil spill contingency plan pursuant to this subchapter ~~shall~~must:

(1) Identify and ensure by contract or other approved means (as defined in section 790 of this subdivision) a rated oil spill response organization (as specified in subchapter 3.5) for the booming, on-water recovery and storage, and ~~shoreline~~ environmental sensitive site protection services as required. An ~~OSRO's~~oil spill response organization's existing ~~Letter of Approval~~ rating approval letter issued from the Administrator ~~shall~~ remains valid unless revoked and shall ~~be~~ is deemed to meet the requirements of this subchapter for three years from the date of the letter's issuance.

(A) The spill management team may have an interim certification.

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

(C) 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.

(D) Within 90 calendar days after the effective date of subchapter 5 of this chapter, any owner or operator that currently has an approved contingency plan ~~shall~~must submit an Application for Certification of Plan Holder Spill Management Team form DFW 1005 (new 11/12/20), incorporated by reference herein, pursuant to section 830.7 of subchapter 5.

(E) An owner or operator that is required to have a new contingency plan ~~shall~~must submit an Application for Certification of Plan Holder Spill Management Team form DFW 1005 (new 11/12/20), incorporated by reference herein, pursuant to section 830.7 of subchapter 5, at the time of submission of a new contingency plan for review and approval.

(b) No person shall load oil onto a nontank vessel~~,~~ or unload oil from a nontank vessel unless the following conditions are met prior to transfer operations:

(1) ~~a~~After initial submittal but prior to approval of the contingency plan, the nontank vessel ~~owner/operator~~owner or operator must provide the ~~owner/operator~~owner or

operator of the marine facility or vessel providing fuel with a certified copy of the letter/~~certificate~~ acknowledging the receipt of the nontank vessel's oil spill contingency plan by the Administrator, if the owner or operator of the marine facility or vessel providing fuel does not already have such a letter on file;

(2) ~~a~~After approval of the initial submittal of the contingency plan, the ~~owner/operator of the~~ nontank vessel owner or operator must provide the ~~owner/operator~~owner or operator of the marine facility or vessel providing fuel with a copy of the letter approving the current oil spill contingency plan for that nontank vessel if the owner or operator of the marine facility or vessel providing fuel does not already have such a letter on file;

(3) ~~t~~The nontank vessel ~~owner/operator~~owner or operator must notify the owner or operator of the marine facility or vessel providing fuel of any change in the approval status not reflected by the letter on file at that marine facility; and

(4) ~~t~~The ~~owner/operator~~owner or operator of the nontank vessel must certify that a complete copy of the initial response activity manual for that nontank vessel is on board the nontank vessel.

(c) Each plan ~~shall~~must be consistent with the California Oil Spill Contingency Plan and not in conflict with the National Oil and Hazardous Substances Pollution Contingency Plan, or the applicable ~~F~~federal ~~Area~~ area Ccontingency Pplans.

(d) ~~n~~Nothing in this subchapter ~~shall~~, in any manner or respect, impairs or limits the authority of the California Coastal Commission or San Francisco Bay Conservation and Development Commission to review federal activities, federal development projects, or federally-permitted or licensed activities, as authorized pursuant to the Coastal Zone Management Act of 1972 (Title 16 ~~U.S.C.~~United States Code~~,~~ section 1451 et seq.). Nor ~~shall~~ does this subchapter impair or limit the authority of the California Coastal Commission or San Francisco Bay Conservation and Development Commission to ensure such activities or projects are performed in a manner that is consistent, to the extent required by applicable law, with the enforceable policies of the California Coastal Management Program. ~~Nothing in~~Nor does this subchapter ~~shall~~, in any manner or respect, impair or limit the authority of the California Coastal Commission to ensure that development activities or projects, in which nontank vessels under 300 gross tons are involved, are performed in a manner that is consistent, to the extent required by applicable law, with the enforceable policies of the California Coastal Act.

(e) All plans ~~shall~~must be written in English, and the initial response activity manual portion ~~shall~~must also be in a language that is understood by all crew members responsible for carrying out the plan.

Note: Authority cited: Sections 8670.28, 8670.29 and 8670.32, Government Code. Reference: Sections 8670.28, 8670.29, 8670.31 and 8670.32, Government Code.

**§ 826.01. Plan Submittal. – *No Changes.***
**§ 826.02. Plan Format. – *No Changes.***
**§ 826.03. Plan Review and Approval. – *No Changes.***
**§ 826.04. Plan Implementation and Use. – *No Changes.***

**§ 826.05. Plan Updates/Resubmission. – *No Changes.***
**§ 826.06. Compliance Requirements/Penalties. – *No Changes.***
**§ 827. Nontank Vessel Contingency Plans. – *No Changes.***

**§ 827.01. Applicability.**

(a) Plans~~:~~.

Unless nontank vessels are exempt as provided in ~~S~~subsection (b) below, oil spill contingency plans ~~shall~~must be prepared, submitted and used pursuant to the requirements of this subchapter by all nontank vessels, 300 gross tons or greater, which transit in marine waters (as defined in ~~S~~section ~~825.05~~790 of this ~~subchapter~~subdivision).

(b) Exemptions~~:~~.

(1) Contingency plans are not required for non-self propelled nontank vessels that do not carry any oil.

(2) This subchapter ~~shall~~ does not apply to a nontank vessel that enters marine waters because of imminent danger to the crew, or in an effort to prevent an oil spill or other harm to public safety or the environment. This exemption applies if the following are met:

(A) ~~t~~The operator and crew comply with all orders given by the Administrator or ~~his/her~~his or her designee, unless the orders are contradicted by orders from the ~~U.S.~~United States Coast Guard;

(B) ~~t~~The nontank vessel ~~shall~~must leave marine waters as soon as it is safe to do so, unless a contingency plan is approved or made applicable to its operation.

(3) Response Vessels.

Contingency plans are not required for dedicated response vessels, which are those vessels that are dedicated to conducting response activities for an oil spill incident exclusively.

(4) Innocent Passage.

Contingency plans are not required for nontank vessels engaged in innocent passage (as defined in ~~S~~section ~~825.05~~790 of this ~~subchapter~~subdivision) within marine waters.

Note: Authority cited: Sections 8670.28 and 8670.29, Government Code. Reference: Sections 8670.28 and 8670.29, Government Code.

**§ 827.02. Nontank Vessel Plan Content.**

A ~~N~~nontank vessel ~~owner/operators~~owner or operator ~~shall~~must submit an individual nontank vessel or fleet contingency plan which ~~shall~~must include all of the information required by ~~S~~subsections 827.02 (a) through (n) for each of the ~~G~~geographic ~~R~~regions the nontank vessel transits. Some of the documentation described in ~~S~~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~~owner or operator ~~shall~~must provide the following information for each nontank vessel covered by the plan:

(A) ~~t~~The nontank vessel's name, country of registry, year built, classification society, radio call sign, and Lloyd's ~~IMO~~International Maritime Organization identification number. For ~~U.S.~~United States flagged (registered) nontank vessels without a Lloyd's ~~IMO~~International Maritime Organization identification number, the vessel's official number (also known as the document number) ~~shall~~must be used;

(B) ~~n~~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~~must be referenced in the plan title or on a title page at the front of the plan;

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

(D) ~~t~~The nontank vessel's classification, hull type, gross tonnage, maximum fuel amounts, length, draft and beam;

(E) Certification Statement.

1. ~~Owner/operators~~The owner or operator ~~shall~~must 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~~must 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~~must 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) ~~t~~The California ~~C~~ccertificate of ~~F~~financial ~~R~~responsibility ~~(COFR)~~ number for the nontank vessel(s) covered by the plan ~~shall~~must be included in the front of the plan or for fleet ~~shall~~must be indexed separately in a subsection of the plan.

(G) Evidence of a contract or other approved means (as defined in ~~S~~section 790 of this subdivision), documenting that the oil spill response organization(s) ~~that are~~ named in

the plan ~~will~~must provide the requisite equipment and personnel in the event of an oil spill, for each ~~G~~geographic ~~R~~region the nontank vessel transits. Plan holders ~~shall~~must only contract with an OSRO(s)oil spill response organization that has received a Rrating by ~~OSPR~~the Office of Spill Prevention and Response (as specified in ~~S~~section 819.01 of this ~~subchapter~~subdivision) for the booming, on-water recovery and storage, and ~~shoreline~~ environmental sensitive site protection services as required.

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

(2) Each plan ~~shall~~must identify a ~~Q~~qualified ~~I~~individual (as defined in ~~C~~chapter 1, ~~S~~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 ~~Q~~qualified ~~I~~individual or company, and any identified alternates, acknowledge this capacity ~~shall~~must 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~~must also describe the process by which responsibility will be transferred from the ~~Q~~qualified ~~I~~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~~must 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~~must be included in the plan. Such agent ~~shall~~must be located in California.

(4)(A) Each plan ~~shall~~must 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~~must 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~~owner or operator ~~shall~~must 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~~must be provided to the Administrator upon request.

(2) Each plan ~~shall~~must 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~~must 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~~must be provided.

(c) Prevention Measures~~:~~.

(1) As applicable, the ~~owner/operator~~owner or operator ~~shall~~must either submit a Certificate ~~O~~of Inspection ~~(COI)~~ issued by the ~~U.S.~~United States 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 Tthe International Safety Management Code.

(A) The ~~owner/operator~~owner or operator ~~shall~~must 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~~International Maritime Organization Resolution A.741(18), or ~~shall~~must submit proof of compliance with the American Waterways Operator ~~(AWO)~~ Responsible Carrier Program, whichever is applicable. ~~ISM~~International Safety Management 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~~International Safety Management 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~~owner or operator ~~shall~~must 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~~must carry a seven-barrel spill kit for on-deck oil spills containing the following:

1. ~~s~~Sorbents sufficient to contain seven barrels of oil~~;~~.

2. ~~n~~Non-sparking hand scoops, shovels, and buckets~~;~~.

3. ~~c~~Containers suitable for holding seven barrels of recovered waste~~;~~.

4. ~~a~~A minimum of 15 gallons of a deck cleaning agent~~;~~.

5. ~~a~~Appropriate protective clothing to protect personnel from inhalation hazards, eye exposure, and skin contact~~;~~.

6. ~~n~~Non-sparking portable pumps with appropriate hoses.~~; and~~

~~7.~~(B) ~~t~~The equipment required in this section ~~shall~~must remain ready and pumps with appropriate hoses ~~shall~~must be ready for immediate use during bunkering operations.

~~(B)~~(C) The equipment, personnel and procedures sufficient to contain a 50 barrel spill ~~shall~~must 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~~owner or operator ~~shall~~must provide a list of contacts to call in the event of a drill, spill, or threatened ~~discharge~~ spill of oil~~, or discharge of oil~~. The plan ~~shall~~must:

(A) ~~i~~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. ~~t~~The individual or office to be contacted~~;~~.

2. ~~t~~Telephone number or other means of contact for any time of the day.~~; and~~

3. ~~a~~An alternate contact in the event the individual or office is unavailable.

(B) ~~d~~Detail the procedures for reporting oil spills to all appropriate local, state and federal agencies within each of the six ~~G~~geographic ~~R~~regions that the nontank vessel transits~~;~~.

(C) ~~e~~Establish a clear order of priority for notification.

(2) Immediate Notification.

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

(A) Each plan ~~shall~~must include a procedure for initiating telephonic contact with the ~~OSRO~~oil spill response organization in each of the six ~~G~~geographic ~~R~~regions that the nontank vessel transits immediately, but no longer than within 30 minutes, after the discovery of a ~~discharge~~ spill of oil or threatened ~~discharge~~ spill of oil.

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

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

(3) Each plan ~~should~~ must 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~~worst-case spill.

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

(A) ~~n~~Nontank vessel name, country of registry, call sign, and official number;

(B) ŀLocation of the incident;

(C) ɗDate and time of the incident;

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

(E) ŧThe nature of the incident;

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

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

(H) ŧThe size and appearance of the slick;

(I) þPrevailing weather and sea conditions;

(J) ɑActions taken or planned by personnel ~~on scene~~on-scene;

(K) ɕCurrent condition of the nontank vessel;

(L) ŀInjuries and fatalities; and

(M) ɑAny other information as appropriate.

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

(6) An updated estimate of the volume of oil spilled and the volume at immediate risk of spillage ~~shall~~must 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~~ or the Federal On-Scene Coordinator through the Unified Command ~~shall have~~ has 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~~must describe the vessel's drill and exercise program that meets the requirements of section 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 section 820.1 of subchapter 3.6 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~~owner or operator must be prepared to respond to a spill anywhere within the marine waters of California where the nontank vessel ~~operates~~transits. To determine the regions in which response equipment and personnel must be available, the ~~owner/operator~~owner or operator ~~shall~~must include in the plan a description of the ~~nontank~~ vessel's normal routes of travel including a list of each of the six ~~G~~geographic ~~R~~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~~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 ~~G~~geographic ~~R~~response ~~Plan Area~~ area ~~(GRA)~~ if available, or ~~G~~geographic ~~R~~region through which the nontank vessel may transit. ~~(GRA's~~Geographic response areas are geographic subdivisions of ~~ACP areas~~ area contingency plans~~)~~. To determine the amount of response resources for containment booming and on-water recovery the reasonable ~~worst case~~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~~must contain a copy of the contract or other approved means (as defined in ~~S~~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 ~~G~~geographic ~~R~~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~~cleanup capacities covered by the contract.

(2) Response Capability Standards.

The equipment and personnel necessary to address the reasonable ~~worst case~~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 ~~S~~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~~worst-case spill. The ~~owner/operator~~owner or 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~~must be the amount necessary to address the reasonable ~~worst case~~worst-case spill volume.

2. The time frames for response resource delivery are specified in ~~S~~subsection 827.02(h)(2)(B)~~,~~ below. Appropriate equipment to address the reasonable ~~worst case~~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 ~~S~~subsection 827.02(d) of this subchapter. All on-water recovery response resources ~~shall~~must 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~~ area ~~C~~contingency ~~P~~plan), the plan ~~shall~~must provide for an adequate number of shallow-draft vessels (as defined in ~~S~~section ~~825.05~~790 of this ~~subchapter~~subdivision) to be owned or under contract or other approved means and available to respond to provide ~~shoreline~~ protection of the environmental sensitive sites potentially impacted by a spill. Additionally, the equipment identified ~~shall~~must 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 ~~S~~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~~must be assessed at the time of an incident or a drill and ~~will~~must take into account the prevailing conditions of weather and sea state, as well as the site assessment requirements.

(B) Delivery Times for Nontank Vessels.

| **NONTANK VESSELS** | | | | | | |
|---|---|---|---|---|---|---|
| **On-scene Times** | | **2 hours (i)** | **4 hours (ii)** | **6 hours** | **12 hours** | **18 hours** |
| **High Volume Ports** | On-water Recovery (~~bbls~~barrels) | 2,500 ~~bbls~~ barrels or 10% whichever is less | Reasonable ~~Worst Case~~Worst-Case Spill (RWCS) | | | |

| | | | | | | |
|---|---|---|---|---|---|---|
| | Containment Booming (ft) | 2,000 ft | | | | |
| **- Facility Transfer Areas & Santa Barbara Channel - Ports of Stockton and Sacramento** | | 2,500 ~~bbls~~ barrels or 10% whichever is less | | RWCS | | |
| **Balance of the Coast** | | 2,500 ~~bbls~~ barrels or 10% whichever is less | | | RWCS | |

i. When conducting bunkering operations within the ~~H~~high ~~V~~volume ~~P~~ports and the ports of Stockton and Sacramento, there must be 2,500 barrels~~/~~ per day or 10~~%~~ percent 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 2,500 barrel spill, or 10~~%~~ percent 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 ~~O~~oil ~~P~~pollution ~~R~~risk ~~Areas~~ areas ~~(OPRAs)~~, which are found at the following latitude/longitude locations:

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

Suisun Bay-~~Bencia~~ 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~~Code of Federal Regulations ~~Section~~ part 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~~must have the on-water recovery capability to address the nontank vessel's reasonable ~~worst case~~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~~must have containment boom and associated deployment equipment for a 2,500 barrel spill pre-staged such that it can be immediately deployed.

(3) On-Water Response Equipment and Services.

(A) Each plan ~~shall~~must demonstrate that the nontank vessel ~~owner/operator~~owner or operator has under contract or other approved means (as defined in ~~S~~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 ~~S~~subsection 827.02(h)(2)~~(B)~~. The amount of response equipment required will take into account the effective daily recovery capacity (as defined in ~~C~~chapter 1, ~~S~~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~~ area ~~C~~contingency ~~P~~plan), the plan ~~shall~~must provide for an adequate number of shallow-draft vessels (as defined in ~~S~~section ~~825.05~~790 of this ~~subchapter~~subdivision) to be owned or under contract or other approved means and available to respond to provide ~~shoreline~~ protection of the environmental sensitive sites potentially impacted by a spill. Additionally, the equipment identified ~~shall~~must also be appropriate for use on the type of oil identified. The following information must be in the contingency plan, however ~~T~~to the extent that the ~~following~~ information is provided by a ~~R~~rated ~~OSRO~~oil spill response organization, evidence of a contract or other approved means with a ~~R~~rated ~~OSRO~~oil spill response organization will suffice:

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

2. ~~a~~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. ~~t~~The manufacturer's rated capacities and operational characteristics for each major item of oil recovery equipment;

4. ~~t~~The type and capacity of storage and transfer equipment matched to the skimming capacity of the recovery systems;

5. ~~t~~The derated capacity (as defined in ~~C~~chapter 1, ~~S~~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. Identification of ~~v~~Vessels designated for oil recovery operations, including skimmer vessels and vessels designed to tow and deploy boom, and availability of shallow-draft vessels;

7. Identification of ~~v~~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. ~~p~~Procedures for storage, maintenance, inspection and testing of spill response equipment under the immediate control of the operator;

9. ~~s~~Sufficient equipment to track the movement of ~~discharged~~ spilled oil including aerial surveillance sufficient to direct skimming operations.

10. Each plan ~~shall~~must describe the personnel available to respond to an oil spill, including:

i. ~~a~~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~~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~~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. ~~s~~Sufficient personnel to maintain a response effort of at least 14 calendar days.

(C) Each plan ~~shall~~must describe procedures for the transport of required equipment, personnel and other resources to the spill site. The description ~~shall~~must include plans for alternative procedures during adverse environmental conditions. Adverse environmental conditions to be considered ~~shall~~must include:

1. ~~a~~Adverse weather;

2. ~~s~~Sea states, tides, winds and currents;

3. ~~p~~Presence of debris or other obstacles; and

4. ~~a~~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~~ remains valid during the time that equipment has been removed from service for maintenance or repair.

~~(4)~~4. ~~t~~The equipment owner ~~shall~~must 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 California ~~State Marine~~ Oil Spill Contingency Plan, the National Oil and Hazardous Substances Pollution Contingency Plan, the applicable ~~Area~~ area ~~C~~contingency ~~P~~plan, and all applicable ~~S~~state laws and regulations. If a non-mechanical method of response is proposed, the plan ~~shall~~must include:

1. ~~m~~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 ~~C~~chemical ~~Agent~~ agent. This description ~~shall~~must include the mechanism for continuous monitoring of environmental effects for the first three calendar days after initial application, and periodic monitoring thereafter until the agent is inert or no longer operative;

3. ~~i~~Identification of all permits, approvals or authorizations needed to allow the use of non-mechanical methods, and the ~~time line~~timeline for obtaining them;

4. ~~a~~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. ~~t~~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. ~~u~~Upon request, the plan holder ~~shall~~must 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~~must describe the methods for tracking the movement of the ~~discharged~~ spilled oil; and

(G) The plan ~~shall~~must 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) Environmental Sensitive Site Protection and Shoreline ~~Protection~~Cleanup.~~:~~

(1) Each plan must provide for ~~shoreline~~ environmental sensitive site protection in the ~~G~~geographic ~~R~~response ~~Areas~~ areas ~~(GRA)~~ or ~~G~~geographic ~~R~~regions where 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 time frames 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)~~<br>~~*For Port Hueneme only, 75% dedicated boats and staff required~~ |
| ~~5~~ | ~~75% dedicated boats and staff~~ |
| ~~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)~~(A) Each plan ~~shall~~must have under contract or other approved means sufficient ~~personnel~~ response resources to implement the ~~shoreline~~ environmental sensitive site protection strategies described in the area contingency plans, and in the time frames required ~~from the appropriate SP tables~~ by section 828.1., ~~who~~ Response resources are to remain ~~on scene~~on-scene until demobilized by the ~~Sate~~State Incident Command or the Unified Command. For planning purposes, this ~~shall~~must include procedures to obtain sufficient personnel to maintain a response effort of at least 14 calendar days.

~~(A)~~(B) 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~~ remains 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. ~~t~~The equipment owner ~~shall~~must notify the Administrator when the major equipment is back in service.

~~(4)~~(2) Shoreline ~~Clean-Up~~Cleanup.

(A) Utilizing the equipment that must be under contract, ~~E~~each plan ~~shall~~must describe methods to clean up spilled oil and remove it from the environment. The ~~owner/operator~~owner or operator ~~shall~~must have a contract or other approved means to provide the appropriate shoreline ~~clean up~~cleanup 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~~must be appropriate to implement the applicable strategy, and appropriate for use on the type of oil identified. The following information must be provided:

1. ~~m~~Methods for shore side ~~clean-up~~cleanup, 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. ~~m~~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~~ area ~~C~~contingency ~~P~~plans may be used in lieu of developing comparable response procedures, if appropriate and approved by the Administrator.

(1) The ~~owner/operator~~owner or operator ~~shall~~must 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~~must also be included. Additionally, the plan ~~shall~~must describe the method to be used to integrate the plan holder's organization into the ~~State I~~incident ~~C~~command ~~S~~system and/or the ~~U~~unified ~~C~~command ~~S~~structure as required by ~~Title 8,~~ California Code of Regulations, title 8, ~~S~~subsection 5192(q)(3)(A). Each plan ~~shall~~must identify and ensure by contract or other approved means a certified ~~S~~spill ~~M~~management ~~T~~team, as described in subchapter 5 of this chapter. If the plan holder contracts for this service, documentation that the certified ~~S~~spill ~~M~~management ~~T~~team acknowledges this capacity ~~shall~~must be included in the plan.

(A) The plan holder may utilize the procedures outlined in the appropriate and most recent ~~Area~~ area ~~C~~contingency ~~P~~plan when describing how the nontank vessel's chain of command will interface with the ~~State I~~incident ~~C~~command ~~S~~system which utilizes the ~~U~~unified ~~C~~command.

(B) Each plan ~~shall~~must 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 Public Information Officer will be integrated into the ~~State I~~incident ~~C~~command ~~S~~system.

(C) Each plan ~~shall~~must 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 I~~incident ~~C~~command ~~S~~system.

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

(A) ~~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~~A central communications post if located away from the command post.~~; and~~

(C) ~~e~~Equipment and personnel staging areas.

(3) Each plan ~~shall~~must 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~~cleanup. The checklist, flowchart or decision tree ~~shall~~must describe the general order and priority in which key spill response activities are performed.

(4) Each plan ~~shall~~must detail the lines of communications between the responsible party, the ~~Q~~qualified ~~I~~individual and the on-scene commanders, response teams, local, state, and federal emergency and disaster responders, including:

(A) ~~c~~Communication procedures;

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

(C) ~~t~~The maximum broadcast range for each channel or frequency used; and

(D) ~~r~~Redundant and back-up systems.

(5) Each plan ~~shall~~must 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~~cleanup activities, a ~~S~~site ~~S~~safety ~~P~~plan must be completed. Each ~~S~~site ~~S~~safety ~~P~~plan ~~shall~~must include information as required pursuant to California Code of Regulations, ~~T~~title 8, ~~Section~~subsection 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~~must 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~~must be no less than two times the reasonable ~~worst case~~worst-case spill volume for the nontank vessel.

(A) To meet the temporary storage requirement described in ~~S~~subsection (1) above, the following amounts of storage ~~shall~~must be dedicated response resources (as defined in ~~S~~section ~~825.05(b)~~790 of this ~~subchapter~~subdivision) or OSRO-owned and controlled resources (as defined in ~~S~~section ~~825.05(i)~~790 of this ~~subchapter~~subdivision), as applicable to the appropriate risk zone:

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

2. 520 barrels of storage, or 20~~%~~ percent of the reasonable ~~worst case~~worst-case oil spill volume, whichever is less, ~~shall~~must be brought to the scene of the spill within four hours of notification of a spill~~;~~.

3. 12,000 barrels, or two times the reasonable ~~worst case~~worst-case oil spill volume, whichever is less, ~~shall~~must be available at the scene of the spill within ~~6~~ six hours of notification of a spill.

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

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

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

(4) Each plan ~~shall~~must 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~~must 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~~owner or operator ~~shall~~must provide information to include in the plan on how oiled wildlife care will be provided by one of the following approved means:

(1) ~~u~~Utilize the California Oiled Wildlife Care Network ~~(OWCN)~~ to meet oiled wildlife care requirements~~:~~; or

(2) ~~d~~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 ~~G~~geographic ~~R~~region covered by the

plan. Standards and written protocols for wildlife care must comply with all applicable ~~S~~state and federal laws.

(m) Drills and Exercises.

(1) Each plan ~~shall~~must describe the vessel's drill and exercise program that meets the requirements of section 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 section 820.1 of subchapter 3.6 of this subdivision are met.

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

(4) For a drill testing sensitive site protection capabilities, the amount of boom required to be deployed is the amount needed for the site strategy or strategies identified in the drill scenario, but no more than the amount required at protection hour six pursuant to the Site Protection Table in section 828.1.

(n) Nontank Vessel Emergency Services~~:~~.

(1) Notification Requirements~~:~~.

Any party responsible for a nontank vessel as defined in this subdivision ~~shall~~must notify the ~~U.S.~~United States Coast Guard within one hour of a disability (as defined in Government Code ~~S~~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~~ spill 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~~subsection 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~~must 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 ~~L~~letter of ~~I~~intent or a ~~C~~conditional ~~Agreement~~agreement, signed by the entity providing such services and attesting to the availability of the equipment and services required as specified in this ~~S~~subsection (n). Any service provider must have

the appropriate expertise, and all required ~~equipment~~ response resources ready and available to respond within the following time frames:

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

i. ~~a~~An emergency services vessel of the appropriate size, configuration, and operating capability to ensure stabilization of a disabled nontank vessel ~~shall~~must be ~~on scene~~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~~must be made based on the drift rate in the ~~worst case~~worst-case weather assuming the complete loss of power and/or steering;

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

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

iv. ~~d~~Dewatering pumps, hoses, and power supplies sufficient to maintain nontank vessel stability and prevent sinking ~~shall~~must be ~~on scene~~on-scene.

2. ~~w~~Within 18 hours of notification of the ~~U.S.~~United States Coast Guard, and to the extent necessary to avoid a pollution incident, the following must be ~~on scene~~on-scene:

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

ii. ~~e~~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.