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 815.01, 815.03, 815.05, 815.07, 816.06, 817.01, 817.02, 817.03, 818.01, 818.02, and 818.03 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 3. OIL SPILL CONTINGENCY PLANS

~~**§ 815.01. General Outline.**~~

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~~819 Oil Spill Response Organizations Rating~~

§ 815.03. Purpose and Scope.

(a) This subchapter sets forth planning requirements for oil spill prevention and response for tank vessels and marine facilities in California. (Nontank vessel planning requirements are covered in subchapter 4 of chapter 3.) These planning requirements specify that the ~~owner/operator~~ owner or operator of a tank vessel or marine facility must own or have contracted for on-water recovery and storage resources sufficient to respond to all spills up to the calculated ~~R~~response ~~P~~planning ~~V~~volume or the defined ~~D~~daily ~~R~~recovery ~~R~~rate, whichever is less, in the time frames specified in this subchapter. A tank vessel, vessel carrying oil as secondary cargo, or marine facility ~~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 applicable 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 ~~OSROs~~ 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 with non-rated ~~OSROs~~ oil spill response organizations may be used.

(b) The equipment that the ~~owner/operator~~ owner or operator ~~have~~has available must be applicable to the areas of intended use. This subchapter requires that trajectory analyses be conducted for marine facilities to determine the probable areas of the

coastline that could be impacted by a spill. ~~The applicable SP Tables shall be used for tank vessels.~~ Based on these trajectories ~~and tables~~ and the area contingency plans the ~~owner/operator~~ owner or operator ~~will~~must be able to ascertain the type of equipment that must be available, such as shallow-water skimmers, as well as the appropriate response strategies necessary to protect and clean up the shoreline types, including environmental sensitive sites, that could be affected. A ~~T~~tank vessel ~~owner/operator~~ 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 be compiled to contain all the required information, calculations, studies, maps and related data. A separate volume will be set up as a response manual and will contain only the information that response personnel will need at the time of a spill to facilitate the immediate notification and response actions that are mandated.

(d) To the greatest extent possible, California has endeavored to be consistent with the scope and intent of 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, state agencies, and local governments, with public participation, as required by the Oil Pollution Act of 1990 (33 ~~USC~~ United States Code section 2701, et seq.). Allowance has been made to accept response plans prepared for the ~~U.S.~~United States Coast Guard, or other appropriate agencies, in lieu of some of the information required by this subchapter. Any additional information required by this subchapter can be submitted simply as an addendum to the plans prepared for other agencies. Information developed to demonstrate compliance with other applicable ~~F~~federal, ~~S~~state, and ~~I~~international (e.g., International Maritime Organization) requirements may be used to demonstrate compliance with all or part of this subchapter.

Note: Authority cited: Sections 8670.28 and 8670.29, Government Code. Reference: Sections 8670.3, 8670.4, 8670.28 and 8670.29, Government Code.

~~§ 815.05. 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 definitions in Chapter 1:~~

~~(a) "Area Exercise" means an exercise of the Area Contingency Plan and selected oil spill contingency plans through the combination of tabletop and equipment deployment exercises in accordance with the National Preparedness for Response Exercise Program.~~

~~(b) *"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 timeframes 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.

(c) *"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.

(d) *"Full Scale Combination Exercise"* means an exercise of an oil spill contingency plan involving both the spill management response efforts and the actual deployment and operation of oil spill response equipment as it would be used in spill response efforts at a specific site.

(e) *"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.

(f) *"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.

(g) *"Letter of Approval"* means a letter or other written document issued by the Office of Spill Prevention and Response to the owner/operator of a vessel or marine facility plan holder following verification, inspection and if required by the Administrator, satisfactory performance in an announced and unannounced drill, and final review of the facility or vessel plan holder's contingency plan.

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

(i) *"Non-Dedicated Response Resources"* means those response resources listed by an OSRO for oil spill response activities that are not dedicated response resources.

(j) *"OSRO-owned and controlled resources"* means equipment owned by the OSRO and personnel who are employed directly by the OSRO.

(k) *"OSRO Rating Letter"* (ORL) means a written document issued by the Office of Spill Prevention and Response to an OSRO following verification, inspection and unless exempted by the Administrator, satisfactory performance in an announced and unannounced drill, and final review of the OSRO's application.

(*l*) *"Plan Holder"* means the owner/operator of a tank vessel, nontank vessel, marine facility, small marine fueling facility, or vessel carrying oil as secondary cargo

~~responsible for the development, submittal, update, maintenance of, and compliance with the oil spill contingency plan required under this subchapter.~~

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

~~(n) "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.~~

~~(o) *"Systems Approach"* means an assessment of the infrastructure and the support resources that an OSRO must have to mobilize, transport, deploy, sustain, and support the equipment resources necessary for the level of response for which Rated.~~

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

~~(q) *"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, 8670.29 and 8670.30, Government Code. Reference: Sections 8670.3, 8670.28, 8670.29 and 8670.30, Government Code.~~

§ 815.07. General Requirements.

(a) A tank vessel or marine facility 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 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~~ remain 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.

(2) 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.

(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 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 tank vessel~~, nor~~ or unload oil from a tank 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 tank vessel ~~owner/operator~~ owner or operator must provide the ~~owner/operator of the~~ marine terminal owner or operator with a copy of the letter acknowledging the receipt of the tank vessel's oil spill contingency plan by the Administrator, if the marine terminal ~~owner/operator~~ owner or operator 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~~ tank vessel owner or operator must provide the ~~owner/operator of the~~ marine terminal owner or operator with a copy of the letter approving the current oil spill contingency plan for that tank vessel if the terminal ~~owner/operator~~ owner or operator does not already have such a letter on file;.

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

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

(c) Each plan ~~shall~~must provide for the best achievable protection of coastal and marine resources and ~~shall~~must ensure that all areas addressed by the plan are at all times protected by prevention, response, containment and cleanup equipment and operations.

(d) Each plan ~~shall~~must be consistent with the California ~~State Marine~~ 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 ~~C~~contingency ~~P~~plans.

(e) Nothing in this subchapter ~~shall,~~ in any manner or respect~~,~~ impairs or limits the authority of the California Coastal 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 (16 ~~U.S.C.,~~United States Code ~~S~~section 1451 et seq.). Nor ~~shall~~ does this subchapter impair or limit the authority of the California Coastal 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.

(f) All plans must be written in English, and for tank vessel plans, if applicable, the response manual portion ~~shall~~must also be in a language that is understood by the crew members responsible for carrying out the plan.

Note: Authority cited: Sections 8670.28, 8670.29, 8670.30 and 8670.32, Government Code. Reference: Sections 8670.28, 8670.29, 8670.30 and 8670.32, Government Code.

§ 816. Plan Submittal, Review and Approval. – *No Changes*
§ 816.01. Plan Submittal. – *No Changes*
§ 816.02. Plan Format. – *No Changes*
§ 816.03. Plan Review and Approval. – *No Changes*
§ 816.04. Plan Implementation and Use. – *No Changes*
§ 816.05. Plan Updates. – *No Changes*

§ 816.06. Compliance Requirements/Penalties.

(a) Any person who knowingly, intentionally, or negligently violates any provision of this subchapter ~~shall~~ may be subject to criminal, civil, and/or administrative civil actions as prescribed in ~~Article 9, beginning with Section 8670.57 of the~~ Government Code sections 8670.57 through 8670.69.6. Actions which constitute a violation of this subchapter ~~shall~~ include, but are not ~~be~~ limited to, the following:

~~(a)~~(1) ~~f~~Failure to submit the plan in a timely manner;

~~(b)~~(2) ~~f~~Failure to implement any element of the plan as approved unless otherwise authorized by the Administrator or the ~~U.S.~~United States Coast Guard through the ~~U~~unified ~~C~~command;

~~(c)~~(3) ~~o~~Operating without an approved plan;

~~(d)~~(4) ~~f~~Failure to contract with an ~~OSRO~~ oil spill response organization ~~R~~rated by ~~OSPR~~ the Office of Spill Prevention and Response for booming, on-water recovery and storage, ~~shoreline~~ environmental sensitive site protection services; or

~~(e)~~(5) ~~f~~Failure to follow the direction or orders of the Administrator in connection with an oil spill, except as provided in ~~Section 8670.27 of the~~ Government Code section 8670.27.

Note: Authority cited: Sections 8670.28, 8670.29, 8670.30 and ~~8670.57-8670.69.6~~ 8670.57 through 8670.69.6, Government Code. Reference: Sections 8670.29, 8670.30, 8670.31 and ~~8670.57-8670.69.6~~ 8670.57 through 8670.69.6, Government Code.

§ 817. Marine Facility Contingency Plans. – *No Changes*

§ 817.01. Applicability.

(a) Plans.

(1) Oil spill contingency plans ~~shall~~must be prepared, submitted and used pursuant to the requirements of this subchapter for all marine facilities located in the marine waters (as defined in ~~S~~section ~~815.05~~790 of this ~~subchapter~~subdivision) of California, or where a ~~discharge~~ spill of oil could reasonably be expected to impact the marine waters of California.

~~(1)~~(2) A facility will be considered to have potential impact on marine waters based on the geographical and locational aspects of the site. Such aspects ~~shall~~must include proximity to marine waters or adjoining shorelines, land contour, and local drainage patterns. The existence of dikes, equipment or other structures used to prevent a spill from reaching marine waters will not necessarily affect the determination of which facilities are required to submit a plan.

~~(2)~~(3) Contingency plans ~~shall not be~~ are not required of facilities located outside of the zone as measured from the mean high tide line to three nautical miles offshore. Any pipelines connecting such facilities to the shoreline, however, will be subject to the contingency planning requirements of this subchapter.

(b) Exemptions~~/~~ and Evaluations.

(1) ~~Owners/operators~~ Owners or operators of platforms, with a reasonable ~~worst case~~worst-case spill of less than 250 barrels, may apply for an exemption from the contingency plan requirements if the following conditions are met:

(A) ~~t~~The platform has a plan approved by either the ~~Minerals Management Service (MMS)~~Bureau of Safety and Environmental Enforcement, or the California State Lands Commission ~~(SLC)~~; and

(B) ~~t~~The ~~MMS~~Bureau of Safety and Environmental Enforcement or ~~SLC~~ California State Lands Commission approved plan is submitted to the Administrator; and

(C) ~~t~~The Administrator determines that adequate response capability is available to address a spill and provide for the best achievable protection of coastal and marine resources.

(2) Any facility ~~owner/operator~~ owner or operator may request a determination from the Administrator whether their facility meets the definition of marine facility, on the basis that a spill from the facility could not reasonably be expected to impact marine waters.

(A) The request must be submitted to the Administrator at least 180 calendar days prior to the beginning of operation of the marine facility, and must provide specific, technical justification for the request.

(B) The Administrator ~~shall~~ will inspect the facility to determine if a spill from the facility could potentially impact marine waters before the request may be approved.

(C) The Administrator will review the request within 30 calendar days of receiving the request.

(D) If a decision is made that the facility meets the definition of marine facility, the facility ~~owner/operator~~ owner or operator must submit a contingency plan within 90 calendar days receipt of the decision.

(E) If a spill from a facility does occur which impacts marine waters, and the facility had previously received an evaluation that it does not meet the definition of marine facility, the evaluation is automatically revoked and the facility has 90 calendar days in which to meet the contingency plan and ~~C~~certificate of ~~F~~financial ~~R~~responsibility ~~(COFR)~~ requirements of this subdivision.

Note: Authority cited: Sections 8670.28, 8670.29 and 8670.30, Government Code. Reference: Sections 8670.28, 8670.29, 8670.30 and 8670.31, Government Code.

§ 817.02. Marine Facility Plan Content (Except for Those Small Marine Fueling Facilities Addressed in Section 817.03 of This Subchapter).

To the degree the information required by ~~S~~subsections 817.02(b) through (k) exists elsewhere, copies of the pre-existing information may be submitted. If the information provided is not sufficient to meet the requirements of this subchapter, additional information may be requested by the Administrator.

(a) Introductory Material.

(1) Each plan ~~shall~~must provide the following information:

(A) ~~n~~Name and address of the marine facility, and mailing address if different. The name and address of the facility ~~shall~~must be referenced in the plan title or on a title page at the front of the plan~~;~~.

(B) ~~n~~Name, address, phone number, fax number and e-mail address, if available, of the owner ~~and/or~~ and operator of the marine facility~~;~~.

(C) ~~n~~Name, address and phone number, fax number and e-mail address, if available, of the person to whom correspondence should be sent~~;~~.

(D) ~~a~~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 holder's management structure who has the 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 information contained in this contingency plan is true and correct and that the plan is both feasible and executable.”

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

(E) The California ~~C~~certificate of ~~F~~financial ~~R~~responsibility ~~(COFR)~~ number for the marine facility ~~shall~~must be included in the front of the plan. If ~~the COFR~~the number is not available when the plan is submitted because the marine facility is not yet operational, the ~~COFR~~ number must be provided as soon as it becomes available. The ~~COFR~~certificate of financial responsibility number must be provided before the plan can be approved.

(2) Each plan ~~shall~~must identify a ~~Q~~qualified ~~I~~individual, as defined in ~~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. 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 the plan holder. 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) 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. The certified spill management team ~~shall~~must be the appropriate tier classification pursuant to section 830.3 of subchapter 5.

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

(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) If the plan holder contracts for these services, documentation that the certified ~~S~~spill ~~M~~management ~~T~~team acknowledges this capacity ~~shall~~must be included in the plan.

(5) Each plan ~~shall~~must contain evidence of the contract or other approved means (as defined in ~~S~~section 790 of this subdivision) verifying 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. This requirement can be met by a copy of the basic written agreement with an abstract of the recovery ~~and/or~~ and cleanup capacities covered by the contract. A ~~P~~plan holder~~s~~ ~~shall~~must only contract with an ~~OSRO(s)~~ oil spill response organization that has received a ~~R~~rating by ~~OSPR~~the Office of Spill Prevention and Response (as specified in ~~S~~section 819 of this ~~subchapter~~subdivision) for the booming, on-water recovery and storage, and ~~shoreline~~ environmental sensitive site protection services as required.

(b) Marine Facility Description.

(1) Each plan ~~shall~~must describe the marine facility's design and operations with specific attention to those areas from which an oil spill could occur. This description ~~shall~~must include, at a minimum, the following information:

(A) ~~a~~A piping and instrumentation diagram, and a tank diagram including the location of pumps, valves, vents and lines; the number, and 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 or absence of containment structures and equipment; and the location of mooring areas, oil transfer locations, control stations, safety equipment, drip pans and the drainage for drip pans~~;~~.

(B) ~~a~~A description of the types, physical properties, health and safety hazards, maximum storage or handling capacity and current normal daily throughput of oil handled. A ~~material~~ safety data sheet ~~(MSDS)~~ or equivalent will meet some of these requirements and can be maintained separately at the facility providing the plan identifies its location~~;~~.

(C) ~~a~~A description of the normal procedures for transferring oil from or to a pipeline, tanker, barge or other vessel, or storage tank, and the amount, frequency and duration of oil transfers~~;~~.

(D) ~~t~~The marine facility's normal hours of operation.~~; and~~

(E) ~~f~~For an exploration or production facility, a complete description of those sections of the oil or gas lease field, gathering lines, storage tanks and processing facilities, under the control of the ~~owner/operator~~ owner or operator, a spill from which could reasonably be expected to impact the marine waters of California.

(2) Each plan ~~shall~~must describe the marine facility site and surrounding area, including, where appropriate, the following information (~~n~~Note: where maps/diagrams are required they may be submitted on electronic media, in ~~P~~portable ~~D~~document ~~F~~format ~~(PDF)~~):

(A) ~~a~~A map and description of site topography, including the drainage and diversion plans for the marine facility, such as sewers, storm drains, catchment, containment or diversion systems or basins, oil/water separators, and all watercourses into which surface runoff from the facility drains~~;~~.

(B) ~~v~~Vicinity maps showing any vehicular or rail access to the marine facility, pipelines to and from the facility, nearby residential, commercial or other populous areas, and access to private land necessary to respond to a spill~~;~~.

(C) ~~s~~Seasonal hydrographic and climatic conditions including wind speed and direction, air and water temperature, local tides, prevailing currents, and any local visibility problems~~;~~.

(D) ~~p~~Physical geographic features, including ocean depths and local bathymetry; beach types and other geological conditions, including type of soil and terrain; operational conditions such as physical or navigation hazards, traffic patterns, permanent buoys, moorings and underwater structures or other site-specific factors; and any other physical feature or peculiarity of local waters that call for special precautionary measures that may affect spill response~~;~~.

(E) ~~l~~Logistical resources within the geographic region covered by the plan, including facilities for fire services, medical services, and accommodations for spill response personnel.~~; and~~

(F) ~~s~~Shoreline access area, including piers, docks, boat launches and equipment and personnel staging areas.

(c) Prevention Measures.

Each plan ~~shall~~must address prevention measures in order to reduce the possibility of an oil spill occurring as a result of the operation of the marine facility. The prevention measures must eliminate or mitigate all the hazards identified in the ~~R~~risk and ~~H~~hazard ~~A~~analysis.

(1) Risk and Hazard Analysis.

(A) Each marine facility ~~shall~~must conduct a ~~R~~risk and ~~H~~hazard ~~A~~analysis to identify the hazards associated with the operation of the facility, including: operator error, the use of the facility by various types of vessels, equipment failure, and external events likely to cause an oil spill.

The ~~owner/operator~~ owner or operator may use one or more of the hazard evaluation methods identified by the American Institute of Chemical Engineers, or an equivalent method, including, but not limited to:

1. What-if analysis~~;~~.

2. Checklist analysis~~;~~.

3. Preliminary hazard analysis~~;~~.

4. Hazard and operability study~~;~~.

5. Failure mode and effect analysis.~~; or~~

6. Fault tree analysis.

(B) The chosen hazard evaluation method must be conducted in accordance with the guidelines established by the American Institute of Chemical Engineers as published in the “Guidelines for Hazard Evaluation Procedures”, second edition, copyright 1992, prepared for The Center For Chemical Process Safety.

1. The plan must include information regarding the expertise of the working group that develops the analysis.

2. The plan must include information that demonstrates to the Administrator that the analysis is appropriate to the marine facility and adequate according to the published procedures referenced in (B) above.

3. An ~~owner/operator~~ owner or operator may be found in violation of this section if the ~~R~~risk and ~~H~~hazard ~~A~~analysis does not adequately address the risks posed by the marine facility.

4. The Administrator may require that an analysis be updated if there are significant changes made to the marine facility. A significant change, as used in this paragraph, is one that would have an impact on the outcome of the Risk and Hazard Analysis.

5. Additional information regarding the analysis method used or the working group that conducted the analysis ~~shall~~must be made available to the Administrator upon request.

(C) Each plan ~~shall~~must include a summary of the results of the risk and hazard analysis. The summary ~~shall~~must include the following:

1. ~~t~~The hazard analysis method used, and a statement that the analysis is specific to the marine facility. If the analysis relies on a risk assessment at a similar facility, the summary ~~shall~~must specify how the two facilities are comparable;

2. ~~a~~An inventory of the hazards identified, including the hazards that resulted in the historical spills;

3. ~~a~~An analysis of the potential oil ~~discharges~~ spills, including the size, frequency, cause, duration and location of all significant spills from the marine facility as a result of each major type of hazard identified;

4. ~~t~~The control measures that will be used to mitigate or eliminate the hazards identified. The plan ~~shall~~must include time frames for implementing any control measures that cannot be functional immediately; and

5. ~~a~~A prediction of the potential oil spills that might still be expected to occur after any mitigating controls have been implemented.

(D) All supporting documentation used to develop the ~~R~~risk and ~~H~~hazard ~~A~~analysis summary ~~shall~~must be made available to the Administrator upon request.

(2) ~~Off-Site~~Offsite Consequence Analysis.

For the significant hazards identified in the ~~R~~risk and ~~H~~hazard ~~A~~analysis required under this section, the marine facility ~~shall~~must conduct a trajectory analysis to determine the

~~Off-Site~~offsite ~~C~~consequences of an oil spill. This analysis ~~shall~~must assume pessimistic water and air dispersion and other adverse environmental conditions such that the worst possible dispersion of the oil into the air or onto the water will be considered. This analysis is intended to be used as the basis for determining the areas and shoreline types for which response strategies must be developed. Some of the information required in this subsection may be drawn from the appropriate ~~Area~~ area ~~C~~contingency ~~P~~plans, completed by the ~~U.S.~~United States Coast Guard, ~~S~~state ~~A~~agencies, and ~~L~~local ~~G~~governments pursuant to the Oil Pollution Act of 1990. (Note: where maps/diagrams are required they may be submitted on electronic media, in ~~P~~portable ~~D~~document ~~F~~format ~~(PDF)~~). ~~The analysis, which shall~~A summary of the analysis must be ~~summarized~~ included in the plan~~,~~. ~~shall~~ The analysis must include at least the following:

(A) ~~a~~A trajectory, or series of trajectories (for pipelines, etc.), to determine the potential direction, rate of flow and time of travel of the reasonable ~~worst case~~worst-case oil spill from the facility to marine waters and to the shorelines, including shallow-water environments, that may be impacted. For purposes of this requirement, a trajectory or trajectories (projected for a minimum of 72 hours) that determine the outer perimeter of a spill, based on regional extremes of climate, tides, currents and wind with consideration to seasonal differences, ~~shall be~~ is sufficient~~;~~.

(B) ~~f~~For each probable shoreline that may be impacted, a discussion of the general toxicity effects and persistence of the ~~discharge~~ spill based on type of product; the effect of seasonal conditions on sensitivity of these areas; and an identification of which areas will be given priority attention if a spill occurs.

(C) For purposes of environmental sensitive site protection, the trajectory or trajectories must identify each geographic response area likely to be impacted within the first 12 hours.

(3) Resources at Risk from Oil Spills.

Based on the trajectory of the spilled oil as determined in the ~~Off-Site~~offsite ~~C~~consequence ~~A~~analysis, each plan ~~shall~~must identify the ~~environmentally~~ environmental, economically and culturally sensitive sites that may be impacted. Each plan ~~shall~~must identify and provide a map of the locations of these areas. Some of the information required in this subsection may be drawn from the appropriate ~~Area~~ area ~~C~~contingency ~~P~~plans, completed by the ~~U.S.~~United States Coast Guard, ~~S~~state ~~A~~agencies, and ~~L~~local ~~G~~governments pursuant to the Oil Pollution Act of 1990. (Note: where maps/diagrams are required they may be submitted on electronic media, in ~~P~~portable ~~D~~document ~~F~~format ~~(PDF)~~).

(A) The map of ~~environmentally~~ environmental sensitive sites ~~shall~~must include:

1. ~~s~~Shoreline types and associated marine resources;

2. ~~t~~The presence of migratory and resident marine bird and mammal migration routes, and breeding, nursery, stopover, haul-out, and population concentration areas by season;

3. ŧThe presence of aquatic resources including marine fish, invertebrates, and plants including important spawning, migratory, nursery and foraging areas;

4. ŧThe presence of natural terrestrial animal and plant resources in marine-associated environments;

5. ŧThe presence of state or federally-listed rare, threatened or endangered species;

6. ŧThe presence of commercial and recreational fisheries including aquaculture sites, kelp leases and other harvest areas.

(B) The map of the locations of economically and culturally sensitive sites ~~shall~~must include:

1. ~~p~~Public beaches, parks, marinas, boat ramps and diving areas;

2. ~~i~~Industrial and drinking water intakes, power plants, salt pond intakes, and other similarly situated underwater structures;

3. ~~o~~Off-shore oil and gas leases and associated drilling/production platforms;

4. ~~k~~Known historical and archaeological sites. If a plan holder has access to any confidential archaeological information, it must be submitted as a separate item and will be handled as confidential information as described in section 790.3 of chapter 1.

5. ~~a~~Areas of cultural or economic significance to Native Americans; and

6. ŧThe major waterways and vessel traffic patterns that are likely to be impacted.

(4) Required Prevention Measures.

Each marine facility ~~shall~~must take all prevention measures to reduce or mitigate the potential hazards identified in the ~~R~~risk and ~~H~~hazard ~~A~~analysis, and the potential impact those hazards pose to the resources at risk. Each plan ~~shall~~must include the following:

(A) ~~s~~Schedules, methods and procedures for testing, maintaining and inspecting pipelines and other structures within or appurtenant to the marine facility that contain or handle oil which may impact marine waters if a failure occurs. Any information developed in compliance with ~~Title~~ 30 ~~CFR,~~Code of Federal Regulations ~~P~~part 250.153; ~~Title~~ 33 ~~CFR,~~Code of Federal Regulations ~~P~~part 154; ~~Title~~ 49 ~~CFR,~~Code of Federal Regulations ~~P~~part 195; and/or ~~T~~title 5, ~~D~~division 1, ~~P~~part 1, ~~C~~chapter 5.5, ~~S~~sections 51010 through 51019.1 of the Government Code may be substituted for all or part of any comparable prevention measures required by this subsection.

(B) ~~m~~Methods to reduce spills during transfer and storage operations, including overfill prevention measures and immediate spill containment provisions. Any information developed in compliance with ~~Title 2, CCR~~California Code of Regulations, ~~title 2, Division 3, Chapter 1, Article 5,~~ ~~S~~sections 2300~~-2407~~ through 2407; ~~Title~~ 30 ~~CFR,~~Code of Federal Regulations ~~P~~part 250.154; and/or ~~Title~~ 33 ~~CFR,~~Code of Federal Regulations ~~P~~parts 154 and 156 may be substituted for all or part of any comparable prevention measures required by this subsection.

(C) ~~p~~Procedures to assure clear communication among all the parties involved during transfer operations. Any information developed in compliance with ~~Title 2, CCR~~California Code of Regulations, title 2, ~~D~~division 3, ~~C~~chapter 1, ~~A~~article 5; ~~Title 14, CCR~~California Code of Regulations, title 14, ~~D~~division 1, ~~S~~subdivision 4, ~~C~~chapter 3, ~~S~~subchapter 6; and/or ~~Title~~ 33 ~~CFR,~~Code of Federal Regulations ~~P~~parts 154 and 156 may be substituted for all or part of any comparable prevention measures required by this subsection~~;~~.

(D) ~~p~~Protection measures for areas within the marine facility that are subject to flooding~~;~~.

(E) ~~t~~The plan holder ~~shall~~must provide additional relevant information to the Administrator upon request.

(d) Containment Booming and On-~~w~~Water Recovery.

Each plan holder must have a contract or other approved means for containment booming and on-water recovery response resources up to their ~~R~~response ~~P~~planning ~~V~~volume for all potential oil spills from the marine facility. To determine the amount of response resources for containment booming and on-water recovery, each plan holder must calculate a ~~R~~response ~~P~~planning ~~V~~volume as outlined below:

(1) Reasonable ~~Worst Case~~Worst-Case Spill.

To calculate the ~~R~~response ~~P~~planning ~~V~~volume, it is first necessary to determine the reasonable ~~worst case~~ worst-case spill for each marine facility, as follows:

(A) For marine facilities (except on-shore pipelines ~~(~~not subject to ~~C~~chapter 6.67 (commencing with ~~S~~section 25270) or ~~C~~chapter 6.7 (commencing with ~~S~~section 25280) of ~~D~~division 20, Health and Safety Code) which are addressed in ~~S~~subsection (d)(1)(B), offshore platforms which are addressed in ~~S~~subsections (d)(1)(C) and (d)(1)(D), and offshore pipelines which are addressed in ~~S~~subsection (d)(1)(E):

1. ~~t~~The loss of the entire capacity of all in-line, break-out and portable storage tank(s), not subject to ~~C~~chapter 6.67 (commencing with ~~S~~section 25270) or ~~C~~chapter 6.7 (commencing with ~~S~~section 25280) of ~~D~~division 20, Health and Safety Code, needed for the continuous operation of the pipelines 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. ~~t~~The amount of additional spillage that could reasonably be expected to enter California marine waters during emergency shut-off, transfer or pumping operations if a hose(s) or pipeline(s) ruptures or becomes disconnected, or if some other incident occurs which could cause or increase the size of an oil spill. The spillage ~~shall~~must be calculated as follows: the maximum time to discover the release from the pipe or hose in hours, plus the maximum time to shut down flow from the pipe or hose in hours (based on historic ~~discharge~~ spill data or the best estimate in absence of historic ~~discharge~~ spill data for the marine 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 linefill drainage volume expressed in barrels.

3. The Administrator has the discretion to accept that a marine facility can operate only a limited number of the total pipelines at a time. In those circumstances, the reasonable ~~worst case~~ worst-case spill volume ~~shall~~must include the drainage volume from the piping normally not in use, in addition to the volume determined in (1) and (2), above.

(B) For on-shore pipelines not subject to ~~C~~chapter 6.67 (commencing with ~~S~~section 25270) or ~~C~~chapter 6.7 (commencing with ~~S~~section 25280) of ~~D~~division 20, Health and Safety Code, the largest volume in barrels, of the following:

1. The pipeline's maximum release time in hours (i.e., the time between pipeline rupture and discovery), plus the maximum shut-down response time in hours (based on historic discharge 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) in the response zone expressed in barrels. (As used in this subsection: 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 pressures pump station and a block valve, or between adjacent block valves; response zone means a geographic region either along a length of pipeline or including multiple pipelines, containing one or more adjacent line sections, for which the operator must plan for the deployment of, and provide spill response capabilities. The size of the zone is determined by the operator after considering available capabilities, resources, and geographic characteristics); or

2. The largest foreseeable discharge for the line section(s) within a response zone, expressed in barrels, based on the maximum historic discharge, if one exists, adjusted for any subsequent corrective or preventive action taken; or

3. If the response zone contains one or more break-out tanks, 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, expressed in barrels.

(C) For offshore platforms (except those drilling a new well which are addressed in ~~S~~subsection (d)(1)(D)):

1. ~~t~~Total tank storage and flow line capacity; plus

2. ~~t~~That portion of the total linefill capacity which could be lost during a spill, taking into account the availability and location of the emergency shut-off controls and the effect of hydrostatic pressure; plus

3. ~~t~~The amount of additional spillage that could reasonably be expected to enter marine waters during emergency shut-off, transfer or pumping operations if a hose or pipeline ruptures or becomes disconnected, or some other incident occurs which could cause or

increase the size of an oil spill. The calculation may take into consideration other safety devices, emergency reaction times and maximum transfer rates; plus

4. ~~t~~The daily production volume for ~~thirty (~~30~~)~~ calendar days from an uncontrolled blowout of the highest capacity well associated with the marine facility. In determining the daily discharge rate, the reservoir characteristics, casing/production tubing sizes, and historical production and reservoir pressure data ~~shall~~must be taken into consideration.

(D) For offshore platforms with active well drilling:
The ~~owner/operator~~ owner or operator of a platform at which a new well is being drilled must submit a proposed reasonable ~~worst case~~ worst-case oil spill calculation for platform operations to the Administrator. The proposed ~~worst case~~ worst-case ~~discharge~~ spill is the daily volume possible for ~~thirty (~~30~~)~~ calendar days from an uncontrolled blowout taking into consideration any known reservoir characteristics. The proposed calculation will be reviewed by the Administrator during the plan review and approval process to determine if it adequately addresses the oil spill potential of the new well system.

(E) For offshore pipelines, the largest volume in barrels of the following calculation:
~~1.~~ The pipeline system leak detection time, plus the shutdown response time, multiplied by the highest measured oil flow rate over the preceding 12-month period. For new pipelines, use the predicted oil flow rate. Add to this calculation the total volume of oil that would leak from the pipeline after it is shut in. This volume should be calculated by taking into account the effects of hydrostatic pressure, gravity, frictional wall forces, length of pipeline segment, tie-ins with other pipelines, and other factors.

(F) The calculations, and such parameters as flow rates, linefill capacities and emergency shutoff times, that are used to determine a marine facility's reasonable ~~worst case~~ worst-case spill ~~shall~~must be submitted as part of the plan. The Administrator may review and test these parameters as part of the drill conducted in accordance with ~~S~~subsection 816.03(b).

(2) Persistence and Emulsification Factors.

(A) The reasonable ~~worst case~~ worst-case spill volume is then multiplied by a persistence factor relative to the most persistent type of oil that may be spilled by the marine facility. The persistence factors relative to the type of oil spilled, are specified below:

Oil Group	Group 1	Group 2	Group 3	Group 4
Persistence Multiplier	.20	.50	.50	.50

(B) Emulsification Factors.

The volume determined from the calculation in Subparagraph (A) is then multiplied by one of the following emulsification factors, again, based on the type of oil.

Oil Group	Group 1	Group 2	Group 3	Group 4
Emulsification Multiplier	1.0	1.8	2.0	1.4

(C) Response Planning Volume.

The total determined by the above calculation is a Rresponse Pplanning Vvolumes.

1. The Rresponse Pplanning Vvolumes to be used to determine the amount of Rresponse Eequipment and Sservices that must be under contract or other approved means shallmust be the greater of the amount determined in Ssubsection 817.02(d)(1) and (2), or the Pplanning Vvolume for Oon-water Rrecovery calculated for the nearshore/inland environment in the marine facility's federal response plan pursuant to 33 CFRCode of Federal Regulations Ppart 154, Aappendix C, Ssection 7. The Pplanning Vvolume for Oon-Wwater Rrecovery is the adjusted volume from the federal calculation determined prior to establishing the response tiers utilizing the mobilization factors.

2. All calculations used to determine the Rresponse Pplanning Vvolumes shallmust be included in the plan.

(3) Response Capability Standards.
The equipment and personnel necessary to address the Rresponse Pplanning Vvolumes is brought to the scene of the spill over a period of time. The time frames are dependent upon the risk zone in which the marine facility is located and are specified in the tables in this section.

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 those under contract must be identified, and a call-out procedure in place to access this equipment, if the marine facility has a spill that exceeds the Rresponse Pplanning Vvolumes. 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 shallmust be the lesser of the amount necessary to address the Rresponse Pplanning Vvolumes determined in Ssection 817.02(d)(2)(C) or the Ddaily Rrecovery Rrate established by this Ssection at 817.02(d)(3)(B) below.

2. The amount of response resources and the time frames for delivery are specified in Ssubsection 817.02(d)(3)(B) below. The barrels per day capability figure is the total amount of on-water recovery equipment that must be at the scene of the spill at the hour specified which is measured from the time of notification, as described in this subchapter. All on-water recovery response resources shallmust 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 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 Ssubsection 817.02(f)(8), and as required by the California Occupational and Safety and Health Administration. In addition, these timeframes time frames do not account for delays that may occur due to weather or seastate sea state. The actual time necessary to deliver and deploy equipment willmust be assessed at the time of an incident or a drill and willmust take into account the prevailing conditions of weather and seastate sea state, as well as the site assessment requirements.

(B) Daily Recovery Rate.

1. Facilities located in High-Volume high volume Pports:

Delivery Time (Hours)	6	24	36	60
Bbls/Barrels Per Day Capability	23,437	31,250	46,875	78,125

i.a. in In addition, the facility/transfer facility transfer points within the Hhigh Vvolume Pports must have 3,125 barrels/ per day, or 10% percent of the reasonable worst case worst-case spill volume, whichever is less, of on-water recovery capability that can be mobilized and on-scene within two hours of notification;.

ii.b. if If a facility/transfer facility transfer point within a Hhigh Vvolume Pport maintains and can immediately deploy containment equipment for a 3,125 barrel spill, or 10% percent of the reasonable worst case worst-case spill volume, whichever is less, the initial on-water recovery capability can be on-scene within three hours rather than two hours.

2. Facility/Transfer Facility transfer Areas areas and the Santa Barbara Channel Area area.:

Delivery Time (Hours)	12	36	60
Bbls/Barrels Per Day Capability	19,531	35,156	66,406

i.a. in In addition, facility/transfer facility transfer points within a Facility/Transferfacility transfer Area area and the Santa Barbara Channel Area area must have 3,125 barrels/ per day, or 10% percent of the reasonable worst case worst-case spill volume, whichever is less, of on-water recovery capability that can be mobilized and on-scene within 2 hours of notification;.

ii.b. if If a facility/transfer facility transfer point within a Facility/Transferfacility transfer Area area or the Santa Barbara Channel Area area maintains and can immediately deploy containment equipment for a 3,125 barrel spill, or 10% percent of the reasonable worst case worst-case spill volume, whichever is less, the initial on-water recovery capability can be on-scene within three hours rather than two hours;.

iii.c. fFor those points where transfers occur infrequently, and where there is not permanent equipment present, the 3,125 barrels/ per day, or 10% percent of the reasonable worst case worst-case spill volume, whichever is less, on-water recovery capability shallmust be brought to the site at the time of transfer;.

iv.d. fFor infrequent transfers of non-persistent oil, the initial response requirement may be waived by application to the Administrator. The application for waiver must include a justification based on such factors as the location of the marine facility, proximity to response equipment, additional equipment in the immediate area, and the relative environmental sensitivity of the potential spill sites.

(C) Sufficient containment equipment shallmust be brought to the scene of the spill to address the daily recovery rates as designated in Ssection 817.02(d)(3)(B).

(D) The standards set forth in Ssubsection 817.02(d)(3)(B) were increased by a factor of 25% percent on July 1, 1997, and again on July 1, 2001. It was determined that this increase was feasible and necessary to meet the best achievable protection of the coast.

(E) The standards set forth in Ssubsection 817.02(d)(3)(B) will be reviewed by the Administrator to determine if increases to these amounts are feasible and necessary in order to meet the best achievable protection of the coast. The Administrator shall conduct a review and hold a public hearing prior to confirming the new standards to solicit input regarding the necessity of the proposed increase and any credits that may be allowed.

(4) Movement of Response Resources.

There may be times when it is necessary to move response equipment from one risk zone to another in order to respond to a catastrophic oil spill. However, the Administrator needs to ensure that sufficient response resources are available to address a reasonable risk within each zone. Therefore, when equipment is needed from one risk zone which may impact the plan holder's on-water containment and recovery at the 6-hour level, the plan holder or OSRO oil spill response organization shallmust make a request to the Administrator to temporarily reduce the Rresponse Ccapability Sstandards set forth in (d)(3) above, before the equipment can be moved. The Administrator shall only grant such a request after determining that sufficient response resources are available to address a reasonable risk within the zone from where the response equipment is being considered for removal.

(5) On-Water Response Equipment and Services.

(A) Each plan ~~shall~~must demonstrate that the marine facility ~~owner/operator~~ owner or operator has under contract or other approved means (as defined in ~~S~~section 790 of this subdivision), access to all the necessary response resources to comply with the ~~R~~response ~~C~~capability ~~S~~standards established in ~~S~~subsection 817.02(d)(3). The amount of response equipment required ~~shall~~must take into account the effective daily recovery capacity (~~EDRC,~~ 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 ~~815.05~~790 of this ~~subchapter~~subdivision) and for adequate booming and other shoreline protective resources to be owned or under contract or other approved means and available to provide ~~shoreline~~ protection of all environmental sensitive sites identified in the trajectory analysis conducted as part of the ~~Off-site~~offsite ~~C~~consequence ~~A~~analysis. 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 Rated OSRO~~ 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 type and capacity of storage and transfer equipment matched to the skimming capacity of the recovery systems~~;~~.

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

5. ~~t~~The effective daily recovery 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 effective daily recovery capacity for the skimming systems as a whole.

~~i.~~a. 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.

~~ii.~~b. 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.

6. ~~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. ~~v~~Vessels of opportunity reasonably available for oil spill recovery operations, including availability of shallow-draft vessels, procedures to equip the vessels, inventory all 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~~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~~;~~.

~~ii.~~b. ~~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~~;~~.

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

11. 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:

~~i.~~a. ~~a~~Adverse weather;

~~ii.~~b. ~~s~~Sea states, tides, winds and currents;

~~iii.~~c. ~~p~~Presence of debris or other obstacles; and

~~iv.~~d. ~~a~~Any other known environmental conditions that could restrict response efforts.

(C) The name(s) of the marine facility's certified spill management personnel team as described in subchapter 5 of this chapter.

(D) Any equipment and personnel identified in the plan must be available for response. Any necessary maintenance for the equipment, vacation periods for response personnel, or other eventuality 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 removed, 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.

(E) Non-floating Oil.

Marine facilities that handle non-floating oil must contract with one or more ~~R~~rated ~~OSRO(s)~~ oil spill response organizations to address the marine facility's ~~R~~response ~~P~~planning ~~V~~volume. Such equipment ~~shall~~must include, but is not limited to, the following:

1. ~~s~~Sonar, sampling equipment, or other methods for locating the oil on the bottom or suspended in the water column~~;~~.

2. ~~c~~Containment boom, sorbent boom, silt curtains, or other methods to reduce spreading on the bottom~~;~~.

3. ~~d~~Dredges, pumps, or other equipment necessary to recover oil from the bottom~~;~~.

4. ~~e~~Equipment necessary to assess the impact of such ~~discharges~~ spills~~; and~~.

5. ~~a~~Any other appropriate equipment necessary to respond to a ~~discharge~~ spill involving a non-floating oil.

(F) 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 Oil Spill Contingency Plan, the National Oil and Hazardous Substances Pollution Contingency Plan, the applicable federal ~~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. ~~f~~For use of a chemical agent, a description of the specific mechanisms in place to assess the environmental consequences of the chemical agent. This ~~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 chemical agents or non-mechanical methods, and the 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 method 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.

(G) The plan ~~shall~~must describe methods for tracking the movement of the ~~discharged~~ spilled oil; and

(H) The plan ~~shall~~must list the location 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.

(e) ~~Shoreline~~Environmental Sensitive Site ~~p~~Protection and Shoreline Cleanup.

Each plan must provide for shoreline protection of all potential spills from the marine facility.

(1) Shoreline Response Planning Volume.

Each plan ~~shall~~must demonstrate that the marine facility has access to all necessary equipment and services to address the response strategies appropriate to each shoreline that could potentially be impacted by a spill from the facility.

To determine the amount of equipment and services necessary a ~~R~~response ~~P~~planning ~~V~~volume must be calculated as outlined below:

(A) Multiply the reasonable ~~worst case~~ worst-case spill for the marine facility, as calculated in ~~S~~subsection 817.02(d)(1), by the appropriate persistence factor from the chart below for the most persistent type of oil that may be spilled:

Oil Group	Group 1	Group 2	Group 3	Group 4
Persistence Multiplier	.20	.50	.50	.50

(B) Emulsification Factors.
The volume determined from the calculation above is then multiplied by one of the following emulsification factors, again, based on the type of oil.

Oil Group	Group 1	Group 2	Group 3	Group 4
Emulsification Multiplier	1.0	1.8	2.0	1.4

(C) Total Shoreline Equipment Required.
The total determined by this calculation is a ~~R~~response ~~P~~planning ~~V~~volume.

1. The ~~R~~response ~~P~~planning ~~V~~volume to be used to determine the amount of ~~R~~response ~~E~~equipment and ~~S~~services that must be under contract ~~shall~~must be the

greater of the amount determined in Ssubsection 817.02(e)(1), or the adjusted Pplanning Vvolume for onshore recovery calculated for the nearshore/inland environment in the facility's federal response plan pursuant to 33 CFRCode of Federal Regulations Ppart 154., Appendix appendix C, Ssection 7.

2. All calculations used to determine the Rresponse Pplanning Vvolume shallmust be included in the plan.

(2) Shoreline Sensitive Site Protection Equipment and Services.

Each plan must identify, and ensure availability through a contract or other approved means (as defined in Ssection 790 of this subdivision), the capability of effecting shoreline environmental sensitive site protection strategies. Such protection strategies must be commensurate with the Rresponse Pplanning Vvolume calculated for potential shoreline impact, and must be capable of addressing all appropriate protection, and response strategies. The specific areas where equipment and services must be available for use shallmust be identified in the Off-Siteoffsite Cconsequence Aanalysis 12-hour trajectory.

(A) 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 shallmust be appropriate for use on the type of oil identified. Facilities that provide their own shoreline protection of environmental sensitive sites shallmust participate in the OSPROffice of Spill Prevention and Response's Ssensitive Ssite Sstrategy Eevaluation Pprogram, as described in Ssection 819.01 of this Ssubchapter. The following information shallmust be provided to the extent that the following information is provided by a Rrated OSRO oil spill response organization, evidence of a contract or other approved means with a Rrated OSRO oil spill response organization will suffice:

1. tThe amounts of all protective booming, shallow-draft vessels, and shoreline protection equipment necessary to address the specific types of shorelinessites that may be impacted;.

2. tThe location, inventory and ownership of the equipment to be used to fulfill the response requirements;.

3. tThe procedures for storage, maintenance, inspection and testing of spill response equipment under the immediate control of the operator.

(B) Each plan shallmust have under contract or other approved means sufficient trained personnel to respond to all oil spills up to the calculated Rresponse Pplanning Vvolume, which are to remain onscene on-scene until demobilized by the State lincident Ccommand or the Uunified Ccommand. For planning purposes, this shallmust include procedures to obtain sufficient personnel to maintain a response effort of at least 14 calendar days.

(C) Any equipment and personnel identified to meet the planning standard requirements must be available for response. Any necessary maintenance for the equipment,

vacation periods for response personnel, or other eventuality 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. The equipment owner ~~shall~~must notify the Administrator when the major equipment is back in service.

(3) (Reserved)

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

(A) Utilizing the equipment that must be under contract, each plan ~~shall~~must describe the methods that will be used to contain spilled oil and remove it from the environment. 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 for use on the type of oil identified. The description ~~shall~~must include:

1. ~~a~~All shoreline ~~clean-up~~ cleanup procedures and oil diversion and pooling procedures for the close-to-shore environment. These procedures ~~shall~~must include, where appropriate, methods for carrying out response operations and ~~clean-up~~ cleanup strategies in shallow-water environments, as identified in the trajectory analysis conducted as part of the ~~Off-site~~offsite ~~C~~consequence ~~A~~analysis~~;~~.

2. ~~m~~Methods for shoreside cleanup, including containment and removal of surface oil, subsurface oil and oiled debris and vegetation from all applicable shorelines, adjacent land and beach types.

3. ~~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.

(B) Protection, response and ~~clean-up~~ cleanup strategies will be specific to the type of oil spilled, the expected spill sites as identified in the ~~Off-Site~~offsite ~~C~~consequence ~~A~~analysis, and the resources at risk at those spill sites.

(C) Each plan must utilize all the strategies appropriate to the potential impact sites.

(D) Each plan ~~shall~~must have under contract or other approved means sufficient trained personnel to respond to all oil spills up to the ~~R~~response ~~P~~planning ~~V~~volume, which are to remain ~~onscene~~ on-scene until demobilized by the ~~State I~~incident ~~C~~command or the ~~U~~unified ~~C~~command.

(f) Response Procedures.

(1) Each plan ~~shall~~must describe the organization of the marine facility's spill response system and certified spill management team. 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~~ or the ~~U~~unified ~~C~~command ~~S~~structure as required by ~~subsection 5192(q)(3)(A), Title 8,~~ California Code of Regulations, title 8, subsection 5192(q)(3)(A).

(A) The plan holder may utilize the procedures as outlined in the appropriate ~~Area~~ area ~~C~~contingency ~~P~~plan when describing how the marine facility'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 Information Officer will be integrated into the ~~State I~~incident ~~C~~command ~~S~~system.

(C) Each plan ~~shall~~must describe the plan holder's 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 I~~incident ~~C~~command or ~~U~~unified ~~C~~command as well as the plan holder's response organization;

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

(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 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 describe how the plan holder will provide emergency services before the arrival of local, state or federal authorities on the scene, including:

(A) ~~p~~Procedures to control fires and explosions, and to rescue people or property threatened by fire or explosion;

(B) ~~p~~Procedures for emergency medical treatment and first aid;

(C) ~~p~~Procedures to control ground, marine and air traffic which may interfere with spill response operations;

(D) ~~p~~Procedures to manage access to the spill response site and the designation of exclusion, decontamination and safe zones; and

(E) ~~p~~Procedures to provide the required personnel protective gear for responders.

(5) Each plan ~~shall~~must describe equipment and procedures to be used by marine facility personnel to minimize the magnitude of a spill and minimize structural damage which may increase the quantity of oil spilled.

(A) Spill mitigation procedures ~~shall~~must include immediate containment strategies, methods to stop the spill at the source, methods to slow or stop leaks, and methods to achieve immediate emergency shutdown.

(B) For spill mitigation procedures the plan ~~shall~~must include prioritized procedures for marine facility personnel including specific procedures to shut down affected operations. Responsibilities of facility personnel should be identified by job title. A copy of these procedures should be maintained at the facility operations center. These procedures should address the following equipment and scenarios:

1. ~~f~~Failure of manifold and mechanical loading arm, other transfer equipment, or hoses, as appropriate~~;~~.

2. ~~t~~Tank overfill~~;~~.

3. ~~t~~Tank failure~~;~~.

4. ~~p~~Pipe rupture~~;~~.

5. ~~p~~Pipe leak, both under pressure and not under pressure, if applicable~~;~~.

6. ~~e~~Explosion ~~and/or~~ or fire~~; and~~.

7. ~~o~~Other equipment failure (e.g. pumping system failure, relief valve failure, etc.).

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

(A) cCommunication procedures;

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

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

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

(7) 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.

(8) Prior to beginning spill response operations ~~and/or clean up~~ and cleanup activities, a ~~S~~site ~~S~~safety ~~P~~plan must be completed. Each site safety plan ~~shall~~must include information as required pursuant to ~~Title 8, Section 5192(b)(4)(B) of the~~ California Code of Regulations, title 8, subsection 5192(b)(4)(B) including, but not limited to, a written respiratory protection program, written personal protective 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.

(g) Notification Procedures.

(1) Each plan ~~shall~~must include 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) ~~d~~Detail the procedures for reporting oil spills to all appropriate local, state, and federal agencies;

(B) ~~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 is unavailable.

(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, or other initial response resources if an ~~OSRO~~ oil spill response organization is not being used, immediately, but no longer than 30 minutes, after 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~~ his or 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) All phone numbers necessary to complete the immediate notification procedures must be included in the response manual.

(3) Each plan ~~shall~~must identify a call-out procedure to acquire the resources necessary to address spills that cannot be addressed by the equipment that the ~~owner/operator~~ owner or operator is required to have under contract. Procedures must allow for

initiation of the call-out within 24 hours of the incident and must begin as soon as a determination has been made that additional resources are necessary.

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

(A) ~~m~~Marine facility name and location~~;~~.

(B) ~~d~~Date and time of the incident~~;~~.

(C) ~~t~~The cause and location of the spill~~;~~.

(D) ~~a~~An estimate of the volume of oil spilled and the volume at immediate risk of spillage~~;~~.

(E) ~~t~~The type of oil spilled, and any inhalation hazards or explosive vapor hazards, if known~~;~~.

(F) ~~t~~The size and appearance of the slick~~;~~.

(G) ~~p~~Prevailing weather and sea conditions~~;~~.

(H) ~~a~~Actions taken or planned by personnel ~~onscene~~ on-scene~~;~~.

(I) ~~c~~Current condition of the marine facility~~;~~.

(J) ~~i~~Injuries and fatalities~~; and~~.

(K) ~~a~~Any other information as appropriate.

(5) Reporting of a spill as required by ~~S~~subsection 817.02(g)(2) ~~shall~~must not be delayed solely to gather all the information required by ~~S~~subsection 817.02(g)(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 ~~U~~unified ~~C~~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 ~~U~~unified ~~C~~command will meet the requirements of this subsection.

(h) 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 storage ~~shall~~must be no less than two times the calculated ~~R~~response ~~P~~planning ~~V~~volume up to the ~~D~~daily ~~R~~recovery ~~R~~rate as determined in ~~Section~~subsection 817.02(d)(3)(B).

(A) To meet the temporary storage requirement described in ~~S~~subsection (h)(1) above, the following amounts of storage ~~shall~~must be dedicated response resources (as defined in ~~S~~section ~~815.05(c)~~790 of this ~~subchapter~~subdivision) or OSRO-owned and

controlled response resources (as defined in ~~S~~section ~~815.05(k)~~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 response planning 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 response planning volume, whichever is less, ~~shall~~must be available at the scene of the spill within 6 hours of notification of a spill.

(B) The balance of the temporary storage requirement described in ~~S~~subsection (h)(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 cleanup operations, including sites available within the marine facility, or near the spill area.

(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.

(i) Oiled Wildlife Care Requirements.
Each plan ~~shall~~must describe 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) ~~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 geographic region covered by the plan. Standards and written protocols for wildlife care must comply with all applicable ~~S~~state and federal laws.

(j) Training.

(1) Each plan ~~shall~~must provide that all appropriate personnel employed by the marine facility ~~shall~~must receive training in the use and operation of oil spill response and ~~clean-up~~ cleanup equipment. The plan ~~shall~~must describe:

(A) ŧThe type and frequency of training that each individual in a spill response position receives to achieve the level of qualification demanded by their job description;.

(B) ŧThe procedures, if any, to train and use volunteers or other additional personnel in spill response operations as necessary for the size of the spill.

(2) Each plan shallmust describe the type and frequency of personnel training on methods to reduce operational risks. The description of the training shallmust include, if applicable, the following:

(A) aAny established training objectives that address potential spill sources and causes that were identified in the Risk and Hazard Analysis.

(B) ŧThe means of achieving any established training objectives, such as:

1. ŧTraining programs for the positions involved with the various aspects of the marine facility's operation that could result in a spill (e.g., position responsible for facility inspections or transfers);

2. aA training schedule, including adequate frequency, (e.g., initial training upon hire and annual refresher training) and type of training (workshops, classroom, videotape, on-the-job training, etc.) for each position trained, by job classification;

(C) aAny licenses, certifications or other prerequisites required to hold particular jobs.

(D) A plan holder whose marine facility is subject to and in compliance with California State Lands Commission training regulations; (Ttitle 2, Ddivision 3, Cchapter 1, Aarticle 5.3, CCRCalifornia Code of Regulations Ssections 2540 through 2548), shall will be considered in compliance with the training provisions of this subsection.

(3) Each plan shallmust provide for safety training as required by state and federal health and safety laws for all personnel likely to be engaged in oil spill response, including a program for training non-permanent responders such as volunteers or temporary help.

(4) The marine facility owner/operator owner or operator shallmust ensure that training records are maintained for 3 years. All such documentation must be made available to the Administrator upon request.

(k) Drills and Exercises.

(1) Each plan shallmust describe the small marine facility'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 in section 820.1 of subchapter 3.6 are met.

(3) A marine facility owner/operator owner or operator shallmust ensure that all of the response resources identified in the plan participate in equipment deployment exercises 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.

Note: Authority cited: Sections 8670.7, 8670.10, 8670.28, 8670.29, 8670.30 and 8670.32, Government Code. Reference: Sections 8670.7, 8670.10, 8670.25.5, 8670.28, 8670.29, 8670.30, 8670.31, 8670.32 and 8670.37.51, Government Code.

§ 817.03. Small Marine Fueling Facility Plan Content.

To the degree the information required by ~~S~~subsections 817.03(b) through (k) exists elsewhere, copies of the pre-existing information may be submitted. If the information provided is not sufficient to meet the requirements of this subchapter, additional information may be requested by the Administrator.

(a) Introductory Material.

(1) Each plan ~~shall~~must provide the following information:

(A) ~~n~~Name and address of the small marine fueling facility (as defined in ~~S~~section 790 of this subdivision), and mailing address if different. The name and address of the facility ~~shall~~must be referenced in the plan title or on a title page at the front of the plan~~;~~.

(B) ~~n~~Name, address, phone number, fax number and e-mail address, if available, of the owner ~~and/or~~ and operator of the small marine fueling facility~~;~~.

(C) ~~n~~Name, address, phone number, fax number and e-mail address, if available, of the person to whom correspondence should be sent~~;~~.

(D) ~~a~~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 holder's 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 information contained in this contingency plan is true and correct and that the plan is both feasible and executable.”

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

(E) The California ~~C~~certificate of ~~F~~financial ~~R~~responsibility ~~(COFR)~~ number for the small marine fueling facility ~~shall~~must be included in the front of the plan. If ~~the COFR~~this number is not available when the plan is submitted because the facility is not yet operational, the ~~COFR~~ number must be provided as soon as it becomes available. The

~~COFR~~certificate of financial responsibility number must be provided before the plan can be approved.

(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, and documentation that the ~~Q~~qualified ~~I~~individual acknowledges this capacity. 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 the plan holder, and documentation that the agent for services of process acknowledges this capacity. Such agent ~~shall~~must be located in California.

(4) 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. The certified spill management team ~~shall~~must be the appropriate tier classification pursuant to section 830.3 of subchapter 5.

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

(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) If the plan holder contracts for these services, documentation that the certified ~~S~~spill ~~M~~management ~~T~~team acknowledges this capacity ~~shall~~must be included in the plan.

(5) Each plan ~~shall~~must contain evidence of the contract or other approved means, ~~(~~as defined in ~~S~~section 790 of this subdivision~~)~~, verifying 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. Plan holders ~~shall~~must only contract with an ~~OSRO(s)~~oil spill response organization that has received a ~~R~~rating by ~~OSPR~~the Office of Spill Prevention and Response (as specified in ~~S~~section 819 of this subchapter) for the booming, on-water recovery and storage, and ~~shoreline~~ environmental sensitive site protection services as required.

(b) Small Marine Fueling Facility Description.

(1) Each plan ~~shall~~must describe the small marine fueling facility's design and operations with specific attention to those areas from which an oil spill could occur. This description ~~shall~~must include, at a minimum, the following information:

(A) For small marine fueling facilities (except for those mobile transfer units addressed under ~~S~~subsection (B) below):

1. ~~a~~A piping and instrumentation diagram, and a tank diagram including the location of pumps, valves, vents and lines; the number, and 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 or absence of containment structures and equipment; and the location of mooring areas, oil transfer locations, control stations, safety equipment, drip pans and the drainage for drip pans;

(B) For mobile transfer units:

1. ~~a~~An instrumentation and tank diagram of the mobile transfer unit tankage and fueling components:

(C) ~~a~~A description of the types, physical properties, health and safety hazards, maximum storage or handling capacity and current normal daily throughput of oil handled. A ~~material~~ safety data sheet ~~(MSDS)~~ or equivalent will meet some of these requirements and can be maintained separately at the small marine fueling facility providing the plan identifies its location;

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

(E) ~~t~~The small marine fueling facility's normal hours of operation.

(c) Prevention Measures.

Each plan ~~shall~~must address prevention measures in order to reduce the possibility of an oil spill occurring as a result of an oil transfer. The prevention measures must eliminate or mitigate all the hazards identified in the ~~R~~risk and ~~H~~hazard ~~Aa~~analysis.

(1) Risk and Hazard Analysis.

(A) Each plan ~~shall~~must provide a history of the significant spills from the small marine fueling facility for either the 10 year period prior to the date of plan submittal, or from the date the facility became operational, whichever is shorter. As used in this section, a significant spill is one which had a deleterious impact on the local environment, or caused the physical layout of the facility or the facility's operations procedures to be modified. This information ~~shall~~must include:

1. ~~a~~A written description of sites, equipment or operations with a history of oil spills;

2. ~~t~~The cause and size of any historical spill. The causes to be considered ~~shall~~must include such factors as operator error, or a failure of the system or subsystem from which the spill occurred;

3. ~~a~~A brief summary of the impact of the spills; and

4. ~~a~~A description of the corrective actions taken in response to any and all spills included in the historical data.

(B) Each small marine fueling facility ~~shall~~must conduct a ~~R~~risk and ~~H~~hazard ~~A~~analysis to identify the hazards associated with the operation of the small marine fueling facility, including operator error, the use of the facility by various types of vessels, equipment failure, and external events likely to cause an oil spill.

The ~~owner/operator~~ owner or operator may use the “What-If Analysis” hazard evaluation method or an equivalent method identified by the American Institute of Chemical Engineers.

(C) The chosen hazard evaluation method must be conducted in accordance with the guidelines established by the American Institute of Chemical Engineers as published in the “Guidelines for Hazard Evaluation Procedures”, second edition, copyright 1992, prepared for The Center For Chemical Process Safety.

1. The plan must include information regarding the expertise of the working group that develops the analysis.

2. The plan must include information that demonstrates to the Administrator that the analysis is appropriate to the small marine fueling facility and adequate according to the published procedures referenced in (C) above.

3. An ~~owner/operator~~ owner or operator may be found in violation of this section if the Risk and Hazard Analysis does not adequately address the risks posed by the small marine fueling facility.

4. The Administrator may require that an analysis be updated if there are significant changes made to the small marine fueling facility. A significant change, as used in this paragraph, is one that would have an impact on the outcome of the Risk and Hazard Analysis.

5. Additional information regarding the analysis method used or the working group that conducted the analysis ~~shall~~must be made available to the Administrator upon request.

(D) Each plan ~~shall~~must include a summary of the results of the Risk and Hazard Analysis. The summary ~~shall~~must include the following:

1. ~~t~~The hazard analysis method used, and a statement that the analysis is specific to the small marine fueling facility. If the analysis relies on a risk assessment at a similar facility, the summary ~~shall~~must specify how the two facilities are comparable;

2. ~~a~~An inventory of the hazards identified, including the hazards that resulted in the historical spills;

3. ~~a~~An analysis of the potential oil ~~discharges~~ spills, including the size, frequency, cause, duration and location of all significant spills from the small marine fueling facility as a result of each major type of hazard identified;

4. ~~t~~The control measures that will be used to mitigate or eliminate the hazards identified. The plan ~~shall~~must include time frames for implementing any control measures that cannot be functional immediately; and

5. ~~a~~A prediction of the potential oil spills that might still be expected to occur after any mitigating controls have been implemented.

(E) All supporting documentation used to develop the ~~R~~risk and ~~H~~hazard ~~A~~analysis summary ~~shall~~must be made available to the Administrator upon request.

(2) ~~Off-Site~~Offsite Consequence Analysis~~:~~.

For the significant hazards identified in the ~~R~~risk and ~~H~~hazard ~~Aa~~analysis required under this section, the small marine fueling facility (except for mobile transfer units, as defined in ~~C~~chapter 1, ~~S~~section 790 of this subdivision) ~~shall~~must conduct a trajectory analysis to determine the ~~Off-Site~~offsite ~~C~~consequences of an oil spill. This analysis ~~shall~~must assume pessimistic water and air dispersion and other adverse environmental conditions such that the worst possible dispersion of the oil into the air or onto the water will be considered. This analysis is intended to be used as the basis for determining the areas and shoreline types for which response strategies must be developed. Some of the information required in this subsection may be drawn from the appropriate ~~Area~~ area ~~C~~contingency ~~P~~plans completed by the ~~U.S.~~United States Coast Guard, ~~S~~state ~~A~~agencies, and ~~L~~local ~~G~~governments pursuant to the Oil Pollution Act of 1990. If information is available, the plan holder may make reference to that information (i.e., specify where the information can be found) and does not need to duplicate it in the plan. ~~The analysis, which shall~~A summary of the analysis must be ~~summarized~~ included in the plan~~,~~. The analysis ~~shall~~must include at least the following:

(A) ~~a~~A trajectory, or series of trajectories, to determine the potential direction, rate of flow and time of travel of the reasonable ~~worst case~~ worst-case oil spill from the small marine fueling facility to marine waters and to the shorelines, including shallow-water environments, that may be impacted. For purposes of this requirement, a trajectory or trajectories (projected for a minimum of 72 hours) that determine the outer perimeter of a spill, based on regional extremes of climate, tides, currents and wind with consideration to seasonal differences, ~~shall be~~ is sufficient~~;~~.

(B) ~~f~~For each probable shoreline that may be impacted, a discussion of the general toxicity effects and persistence of the ~~discharge~~ spill based on type of product; the effect of seasonal conditions on sensitivity of these areas; and an identification of which areas will be given priority attention if a spill occurs.

(C) For purposes of environmental sensitive site protection, the trajectory or trajectories must identify each geographic response area likely to be impacted within the first 12 hours.

(3) Resources at Risk from Oil Spills~~:~~.

Based on the trajectory of the spilled oil as determined in the ~~Off-Site~~offsite ~~C~~consequence ~~A~~analysis, each small marine fueling facility plan (except for mobile transfer units, as defined in ~~C~~chapter 1, ~~S~~section 790 of this subdivision) ~~shall~~must identify the ~~environmentally~~ environmental, economically and culturally sensitive sites that may be impacted. Each plan ~~shall~~must identify and provide a map of the locations of these areas. Some of the information required in this subsection may be drawn from

the appropriate ~~Area~~ area ~~C~~ccontingency ~~P~~pplans completed by the ~~U.S.~~United States Coast Guard, ~~S~~sstate ~~A~~aagencies, and ~~L~~llocal ~~G~~ggovernments pursuant to the Oil Pollution Act of 1990. If information is available, the plan holder may make reference to that information (i.e., specify where the information can be found) and does not need to duplicate it in the plan.

(A) The map of ~~environmentally~~ environmental sensitive sites ~~shall~~must include:

1. ~~s~~Shoreline types and associated marine resources~~;~~.

2. ~~t~~The presence of migratory and resident marine bird and mammal migration routes, and breeding, nursery, stopover, haul-out, and population concentration areas by season~~;~~.

3. ~~t~~The presence of aquatic resources including marine fish, invertebrates, and plants including important spawning, migratory, nursery and foraging areas~~;~~.

4. ~~t~~The presence of natural terrestrial animal and plant resources in marine-associated environments~~;~~.

5. ~~t~~The presence of state or federally-listed rare, threatened or endangered species~~;~~.

6. ~~t~~The presence of commercial and recreational fisheries including aquaculture sites, kelp leases and other harvest areas.

(B) The map of the locations of economically and culturally sensitive sites ~~shall~~must include:

1. ~~p~~Public beaches, parks, marinas, boat ramps and diving areas~~;~~.

2. ~~i~~Industrial and drinking water intakes, power plants, salt pond intakes, and other similarly situated underwater structures~~;~~.

3. ~~o~~Off-shore oil and gas leases and associated drilling/production platforms~~;~~.

4. ~~k~~Known historical and archaeological sites~~;~~.

5. ~~a~~Areas of cultural or economic significance to Native Americans~~; and~~.

6. ~~t~~The major waterways and vessel traffic patterns that are likely to be impacted.

(4) Required Prevention Measures.

(A) Each small marine fueling facility ~~shall~~must implement all prevention measures to reduce or mitigate the potential hazards identified in the Risk and Hazard Analysis.

(B) In addition, each plan ~~shall~~must include the following:

1. ~~s~~Schedules, methods and procedures for testing, maintaining and inspecting hoses, mobile transfer unit tankage and fueling components, and other structures within or appurtenant to the small marine fueling facility, that contain or handle oil which may impact marine waters if a failure occurs. Any information developed in compliance with ~~Title~~ 33 ~~CFR,~~Code of Federal Regulations ~~P~~part 154; ~~Title~~ 49 ~~CFR,~~Code of Federal

Regulations Ppart 195; and/or Ttitle 5, Ddivision 1, Ppart 1, Cchapter 5.5 of the Government Code may be substituted for all or part of any comparable prevention measures required by this subsection;

2. mMethods to reduce spills during transfer and storage operations, including overfill prevention measures and immediate spill containment provisions. Any information developed in compliance with Ttitle 2, CCRCalifornia Code of Regulations, Ddivision 3, Cchapter 1, Aarticle 5.5; and/or Title 33 CFR,Code of Federal Regulations Parts 154 and 156 may be substituted for all or part of any comparable prevention measures required by this subsection;

3. pProcedures to assure clear communication among all the parties involved during transfer operations. Any information developed in compliance with Title 2, CCRCalifornia Code of Regulations, title 2, Ddivision 3, Cchapter 1, Aarticle 5.5; Title 14, CCRCalifornia Code of Regulations, title 14, Ddivision 1, Ssubdivision 4, Cchapter 3, Ssubchapter 6; and/or Title 33 CFR,Code of Federal Regulations Pparts 154 and 156 may be substituted for all or part of any comparable prevention measures required by this subsection;

4. tThe plan holder shallmust provide additional relevant information to the Administrator upon request.

(d) Containment Booming and On-Water Recovery.

Each plan holder must have a contract or other approved means for containment booming and on-water recovery response resources up to their Rresponse Pplanning volume for all potential oil spills from the small marine fueling facility. To determine the amount of response resources for containment booming and on-water recovery, each plan holder must calculate a Rresponse Pplanning Vvolume as outlined below:

(1) Reasonable Worst Case Worst-Case Spill.

To calculate the Rresponse Pplanning Vvolume, it is first necessary to determine the reasonable worst case worst-case spill size as follows:

(A) For small marine fueling facilities (except for mobile transfer units which are addressed in Ssubsection (B) below):

1. tThe amount of additional spillage that could reasonably be expected to enter California marine waters during emergency shut-off, transfer or pumping operations if each hose or pipeline ruptures or becomes disconnected, or if some other incident occurs which could cause or increase the size of an oil spill. The spillage shallmust be calculated as follows: the maximum time to discover the release from the pipe or hose in hours, plus the maximum time to shut down flow from the pipe or hose in minutes or hours (based on historic discharge spill data or the best estimate in absence of historic discharge spill data for the 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 linefill drainage volume expressed in barrels.

(B) For mobile transfer units:

1. ~~t~~The total tank storage capacity.

(C) The calculations, and such parameters as flow rates, linefill capacities and emergency shutoff times, that are used to determine a small marine fueling facility's reasonable ~~worst case~~ worst-case spill ~~shall~~must be submitted as part of the plan. The Administrator may review and test these parameters as part of the drill conducted in accordance with ~~S~~subsection 816.03(b).

(2) Persistence and Emulsification Factors.

(A) The reasonable ~~worst case~~ worst-case spill volume is then multiplied by a persistence factor relative to the most persistent type of oil that may be spilled. The persistence factors are specified below:

Oil Group	Group 1	Group 2	Group 3	Group 4
Persistence Multiplier	.20	.50	.50	.50

(B) Emulsification Factors.

The volume determined from the calculation in ~~Subparagraph~~subsection (A) is then multiplied by one of the following emulsification factors, again, based on the type of oil.

Oil Group	Group 1	Group 2	Group 3	Group 4
Emulsification Multiplier	1.0	1.8	2.0	1.4

(C) Response Planning Volume.

The total determined by the above calculation is a ~~R~~response ~~P~~planning ~~V~~volume.

1. The ~~R~~response ~~P~~planning ~~V~~volume is used to determine the amount of ~~R~~response ~~E~~equipment and ~~S~~services that must be under contract.

2. All calculations used to determine the ~~R~~response ~~P~~planning ~~V~~volume ~~shall~~must be included in the plan.

(3) Response Capability Standards.

The standards set forth in this section 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 those under contract must be identified, and a call-out procedure in place to access this equipment, if the small marine fueling facility has a spill that exceeds these planning standards. The ~~owner/operator~~ owner or operator is ultimately responsible for addressing the entire volume of an actual spill regardless of the planning standards.

(A) Total Response Resources Required.

1. The total amount of on-water containment and recovery equipment and services required ~~shall~~must be the amount necessary to address the ~~R~~response ~~P~~planning ~~V~~volume determined in ~~S~~sections 817.03(d)(1) ~~&~~ and (2) as follows:

~~i.~~a. ~~s~~Sufficient on-water containment and recovery equipment and services to respond to 50~~%~~ percent of the calculated ~~R~~response ~~P~~planning ~~V~~volume within two hours of notification.

~~ii.~~b. ~~s~~Sufficient on-water containment and recovery equipment and services to respond to the remaining 50~~%~~ percent of the calculated ~~R~~response ~~P~~planning ~~V~~volume within 12 hours of notification.

2. 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 817.03(f)(5), and as required by the California Occupational and Safety Administration. In addition, these time frames do not account for delays that may occur due to weather or ~~seastate~~ 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 ~~seastate~~ sea state, as well as the site assessment requirements.

(4) Transfer Operations.

Each plan ~~shall~~must demonstrate that the small marine fueling facility, not including mobile transfer units, owns or has access to sufficient and appropriate boom, trained personnel and equipment, maintained in a stand-by condition, such that at least 600 feet of boom can and will be deployed for the most effective containment immediately, but no longer than 30 minutes after the discovery of a spill. Additionally, each plan holder ~~shall~~must identify the equipment, personnel and procedures such that an additional 600 feet of boom can and will be deployed within one hour for the most effective containment in the event of an oil spill. Response resources owned or under contract to the small marine fueling facility or vessel engaged in oil transfer operations may be used to meet these requirements.

(5) On-Water Response Equipment and Services.

(A) Each plan ~~shall~~must demonstrate that the small marine fueling facility owns or has under contract or other approved means (as defined in ~~S~~section 790 of this subdivision), access to all the necessary equipment, services, and personnel to comply with the Response Capability Standards established in ~~S~~subsection 817.03(d). The amount of response equipment required ~~shall~~must take into account the effective daily recovery capacity (as defined in ~~C~~chapter 1, ~~S~~section 790 of this subdivision) of the oil recovery 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 ~~U.S.~~United States Coast Guard ~~Area~~ area ~~C~~contingency ~~P~~plan), the plan ~~shall~~must provide for an adequate number of shallow-draft vessels (as defined in ~~S~~section ~~815.05~~790 of this ~~subchapter~~subdivision) and for adequate booming and other shoreline protective resources to be owned or under contract or other approved means and available to respond to provide ~~shoreline~~ protection of all environmental sensitive sites identified in the trajectory analysis conducted as part of the ~~Off-Site~~offsite ~~C~~consequence ~~A~~analysis. Additionally, the equipment identified ~~shall~~must also be appropriate for use on the type of oil identified. 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. ~~t~~The type and capacity of storage and transfer equipment matched to the skimming capacity of the recovery systems;

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

4. ~~t~~The effective daily recovery 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 effective daily recovery capacity for the skimming systems as a whole.

i. 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.

ii. 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.

5. ~~v~~Vessels designated for oil recovery operations, including skimmer vessels and vessels designed to tow and deploy boom and availability of shallow-draft vessels;

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

(C) Non-floating Oil.

Small marine fueling facilities and mobile transfer units that handle non-floating oil must contract with one or more ~~R~~rated ~~OSRO(s)~~ oil spill response organizations to address the marine facility's ~~R~~response ~~P~~planning ~~V~~volume. Such equipment ~~shall~~must include, but is not limited to the following:

1. ~~s~~Sonar, sampling equipment, or other methods for locating the oil on the bottom or suspended in the water column;

2. ~~c~~Containment boom, sorbent boom, silt curtains, or other methods to reduce spreading on the bottom;

3. ~~d~~Dredges, pumps, or other equipment necessary to recover oil from the bottom;

4. ~~e~~Equipment necessary to assess the impact of such ~~discharges~~ spills; and

5. ~~a~~Any other appropriate equipment necessary to respond to a ~~discharge~~ spill involving a non-floating oil.

(e) Environmental Sensitive Site ~~Shoreline~~ Protection and Shoreline ~~Clean-up~~ Cleanup.

Each plan must provide for shoreline protection and ~~clean-up~~ cleanup of all potential spills from the small marine fueling facility. 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 for use on the type of oil identified.

(f) Response Procedures.

(1) Each plan ~~shall~~must describe the organization of the small marine fueling facility's certified spill management team. 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~~ or the ~~U~~unified ~~C~~command ~~S~~structure as required by ~~subsection 5192(q)(3)(A), Title 8,~~ California Code of Regulations, title 8, subsection 5192(q)(3)(A).

(A) The plan holder may utilize the procedures as outlined in the appropriate ~~F~~federal ~~Area~~ area ~~C~~contingency ~~P~~plan when describing how the small marine fueling facility's chain of command will interface with the ~~State I~~incident ~~C~~command ~~S~~system which utilizes the ~~U~~unified ~~C~~command ~~S~~structure.

(2) Each plan ~~shall~~must describe how the plan holder will provide emergency services before the arrival of local, state or federal authorities on the scene, including:

(A) ~~p~~Procedures to control fires and explosions, and to rescue people or property threatened by fire or explosion;

(B) ~~p~~Procedures for emergency medical treatment and first aid;

(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 describe equipment and procedures to be used by small marine fueling facility personnel to minimize the magnitude of a spill and minimize structural damage which may increase the quantity of oil spilled.

(A) Spill mitigation procedures ~~shall~~must include immediate containment strategies, methods to stop the spill at the source, methods to slow or stop leaks, and methods to achieve immediate emergency shutdown.

(5) Prior to beginning spill response operations ~~and/or clean-up~~ and cleanup activities, a Site Safety Plan must be completed. Each Site Safety plan ~~shall~~must describe the procedures to be used for the development of the Site Safety Plan required pursuant to ~~Title 8, Section 5192(b)(4)(B) of the~~ California Code of Regulations, title 8, subsection 5192(b)(4)(B).

(g) Notification Procedures.

(1) Each plan ~~shall~~must include 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) ~~d~~Detail the procedures for reporting oil spills to all appropriate local, state, and federal agencies;

(B) ~~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 is unavailable.

(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*~~ telephonic contact with the ~~OSRO~~ oil spill response organization, or other initial response resources if an ~~OSRO~~ oil spill response organization is not being used, immediately, but no longer than 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) All phone numbers necessary to complete the immediate notification procedures must be included in the response manual.

(3) Each plan ~~shall~~must identify a call-out procedure to acquire the resources necessary to address spills that cannot be addressed by the equipment that the ~~owner/operator~~ owner or operator owns or has under contract. Procedures must allow for initiation of the call-out within 24 hours of the incident and must begin as soon as a determination has been made that additional resources are necessary.

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

(A) ~~s~~Small marine fueling facility name and location;

(B) ~~d~~Date and time of the incident;

(C) ~~t~~The cause and location of the spill;

(D) ~~a~~An estimate of the volume of oil spilled and the volume at immediate risk of spillage;

(E) ~~t~~The type of oil spilled, and any inhalation hazards or explosive vapor hazards, if known;

(F) ~~t~~The size and appearance of the slick;

(G) ~~p~~Prevailing weather and sea conditions;

(H) ~~a~~Actions taken or planned by personnel ~~onscene~~ on-scene;

(I) ~~c~~Current condition of the small marine fueling facility;

(J) ~~i~~Injuries and fatalities; and

(K) ~~a~~Any other information as appropriate.

(5) Reporting of a spill as required by ~~S~~subsection 817.03(g)(2) ~~shall~~must not be delayed solely to gather all the information required by ~~S~~subsection 817.03(g)(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 ~~U~~unified ~~C~~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 ~~U~~unified ~~C~~command will meet the requirements of this subsection.

(h) 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 storage ~~shall~~must be no less than two times the calculated ~~R~~reasonable ~~Worst Case~~ worst-case ~~S~~spill volume as determined in ~~Section~~subsection 817.03(d)(1).

(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 sites available within the small marine fueling facility or near the spill area.

(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.

(i) Oiled Wildlife Care Requirements.

Each plan ~~shall~~must describe 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) ~~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 geographic region covered by the plan. Standards and written protocols for wildlife care must comply with all applicable ~~S~~state and federal laws.

(j) Training.

(1) Each plan ~~shall~~must provide that all appropriate personnel employed by the small marine fueling facility ~~shall~~must receive training in the use and operation of oil spill response and ~~clean-up~~ cleanup equipment. The plan ~~shall~~must describe:

(A) ~~t~~The type and frequency of training that each individual in a spill response position receives to achieve the level of qualification demanded by their job description;

(2) Each plan ~~shall~~must describe the type and frequency of personnel training on methods to reduce operational risks. The description of the training ~~shall~~must include, if applicable, the following:

(A) any established training objectives that address potential spill sources and causes that were identified in the Risk and Hazard Analysis.

(B) the means of achieving any established training objectives, such as:

1. ~~a~~A training schedule, including adequate frequency, (e.g., initial training upon hire and annual refresher training) and type of training (workshops, classroom, videotape, on-the-job training, etc.) for each position trained;

(C) ~~a~~Any licenses, certifications or other prerequisites required to hold particular jobs.

(D) A plan holder whose small marine fueling facility is subject to and in compliance with California State Lands Commission training regulations~~;~~ (~~T~~title 2, ~~D~~division 3, ~~C~~chapter

1, ~~A~~article 5.3, ~~CCR~~California Code of Regulations ~~S~~sections 2540 through 2548~~)~~, ~~shall~~ will be considered in compliance with the training provisions of this subsection.

(3) Each plan ~~shall~~must provide for safety training as required by state and federal health and safety laws for all personnel likely to be engaged in oil spill response, including a program for training non-permanent responders such as volunteers or temporary help.

(4) The small marine fueling facility ~~owner/operator~~ owner or operator ~~shall~~must ensure that training records are maintained for three years. All such documentation must be made available to the Administrator upon request.

(k) Drills and Exercises.

(1) Each plan ~~shall~~must describe the small marine fueling facility'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) Drills ~~shall~~must be designed 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.

(3) 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.

Note: Authority cited: Sections 8670.7, 8670.28, 8670.29, 8670.30 and 8670.32, Government Code. Reference: Sections 8670.7, 8670.10, 8670.25.5, 8670.28, 8670.29, 8670.30, 8670.31, 8670.32 and 8670.37.51, Government Code.

§ 817.04. Inland Facility Oil Spill Contingency Plans – *No Changes*
§ 818. Tank Vessel Contingency Plans. – *No Changes*

§ 818.01. Applicability.

(a) Plans.

Unless tank 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 section by all tank vessels which transit in the marine waters (as defined in ~~S~~section ~~815.05~~790 of this ~~subchapter~~subdivision) of California, or conduct business in the state. Business in the state would include such transactions as lightering operations off the coast of California.

(b) Exemptions.

(1) This subchapter ~~shall~~ does not apply to a tank vessel that enters the marine waters of the state 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) ~~e~~Except for fuel, oil may be transferred to or from the tank vessel only if permission is obtained from the Administrator and one of the following conditions is met;

1. ~~t~~The transfer is necessary for the safety of the crew; or

2. ~~t~~The transfer is necessary to prevent harm to public safety or the environment; or

3. ~~a~~A contingency plan is approved or made applicable to the tank vessel.

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

(2) Operation Without a Plan.

(A) A tank vessel may enter marine waters without an approved contingency plan if the Administrator approves entrance under the plan of the terminal or tanker that is the destination of the tank vessel. The Administrator's approval can be communicated by telephone or facsimile and is subject to the following:

1. ~~t~~The operator of the terminal or tanker provides the Administrator with advance written assurance that the operator assumes full responsibility for the tank vessel while it is traveling to or from the terminal or tanker. Such assurance may be delivered by hand, by mail or by facsimile. If delivered by facsimile the original must follow;

2. ~~t~~The contingency plan includes all conditions pertinent to a tank vessel;

3. ~~t~~The tank vessel meets all the requirements of the terminal or tanker's contingency plan; and,

4. ~~t~~The tank vessel has not made a similar entrance into marine waters in the preceding 12 month period.

(B) A tank vessel in marine waters pursuant to ~~S~~subsection 818.01(b)(2) ~~shall~~must be operated in accordance with the tank vessel's operations manual. In the event of an oil spill, the tank vessel operator ~~shall~~must comply with the directions of the Administrator and the applicable contingency plan of the terminal or tanker.

(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 vessels engaged in innocent passage (as defined in ~~S~~section ~~815.05~~790 of this ~~subchapter~~subdivision) within the marine waters of California.

Note: Authority cited: Section 8670.28, Government Code. Reference: Sections 8670.30, 8670.33, and 8670.34, Government Code.

§ 818.02. Tank Vessel Plan Content (Except for Those Vessels Carrying Oil As Secondary Cargo Addressed in Section 818.03 of This Subchapter).

To the degree the information required by ~~S~~subsections 818.02(b) through (m) exists elsewhere, copies of the pre-existing information may be submitted. If the information provided is not sufficient to meet the requirements of this subchapter, additional information may be requested by the Administrator.

(a) Introductory Material.

(1) Each plan ~~shall~~must provide the following information for each tank vessel covered by the plan:

(A) ~~t~~The tank 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) tank 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 e-mail address, of the owner ~~and/or~~ and operator of the tank 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 e-mail address, of the person to whom correspondence should be sent;

(D) ~~t~~The tank vessel's classification, hull type, gross registered tonnage ~~(GRT)~~, maximum cargo amounts, length, draft and beam;

(E) ~~a~~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 holder's 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 information contained in this contingency plan is true and correct and that the plan is both feasible and executable.”
_____(signature), (title), (date)~~;~~

(F) ~~t~~The California ~~C~~ccertificate of ~~F~~financial ~~R~~responsibility ~~(COFR)~~ number for the tank vessel(s) covered by the plan ~~shall~~must be included in the front of the plan, or for fleet plans ~~shall~~must be listed separately in a subsection of the plan.

(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. 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 the plan holder. If the plan holder contracts for this service, documentation that the agent for services of process acknowledges this capacity ~~shall~~must be included in the plan. Such agent ~~shall~~must be located in California.

(4) 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. The certified spill management team ~~shall~~must be the appropriate tier classification, pursuant to section 830.3 of subchapter 5.

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

(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) If the plan holder contracts for these services, documentation that the certified ~~S~~spill ~~M~~management ~~T~~team acknowledges this capacity ~~shall~~must be included in the plan.

(5) Each plan ~~shall~~must contain evidence of the contract or other approved means (as defined in ~~S~~section 790 of this subdivision), verifying 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. This requirement can be met by a copy of the basic written agreement with an abstract of the recovery ~~and/or~~ and cleanup capacities covered by the contract. Plan holders ~~shall~~must only contract with an ~~OSRO(s)~~ oil spill response organization that has received a ~~R~~rating by ~~OSPR~~the Office of Spill Prevention and Response (as specified in ~~S~~section 819 of this subchapter) for the booming, on-water recovery and storage, and ~~shoreline~~ environmental sensitive site protection services as required.

(b) Tank Vessel Description.

(1) Each plan ~~shall~~must describe the tank vessel's design and operations with specific attention to those areas from which a spill could reasonably be expected to impact the

marine waters of California. This description ~~shall~~must include, at a minimum, the following information:

(A) general arrangement and tank diagrams, including the capacity of each cargo and fuel tank. Information regarding the age, design, and construction of the tank vessel ~~shall~~must be provided.

(B) a description of the types, physical properties and the health and safety concerns of the oil or product carried. A ~~material~~ safety data sheet ~~(MSDS)~~ or equivalent will meet these requirements and can be maintained separately aboard the tank vessel providing the plan identifies its location.

(c) Prevention Measures.

(1) Each plan holder ~~shall~~must take all appropriate prevention measures designed to reduce the possibility of an oil spill occurring as a result of collisions, groundings, explosions or operator error during the operation of the tank vessel. These prevention measures ~~shall~~must include, but not be limited to, the following:

(A) ~~d~~Documented safe practices in ship operations and a safe working environment;

(B) ~~s~~Safeguards against all identified risks and hazards;

(C) ~~p~~Properly documented and updated procedures related to safety and pollution prevention;

(D) ~~e~~Ensuring personnel are qualified, medically fit and hold proper licenses;

(E) ~~e~~Ensuring personnel know how to operate emergency equipment;

(F) ~~e~~Ensuring personnel are trained in emergency preparedness (e.g., fire and boat drills, oil spill response, etc.);

(G) ~~a~~Appropriate system monitoring duties are performed;

(H) ~~p~~Proper preventive maintenance, inspection and testing of equipment or systems, the failure of which could result in a hazardous situation. This includes, but is not limited to, emergency equipment, cargo system integrity, alarms and emergency shutdowns, oil transfer system integrity, and oily water separator;

(I) ~~i~~Internal and external audits to verify compliance of actual practice with documented systems, and to assure continuous review and improvement of safety and pollution prevention systems and processes.

(2) Submitting the following documents as appropriate, and maintaining compliance with the state requirements cited in subsection (c)(1)(C) above, will be considered a demonstration of compliance with this subsection (c):

(A) 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 tank vessel inspection, or verify that the tank

vessel has such a certificate or summary and that the certificate or summary is available for review.

(B) The ~~owner/operator~~ owner or operator ~~shall~~must also submit a valid Safety Management Certificate ~~(SMC)~~ for each vessel covered by the plan, as well as a Document of Compliance ~~(DOC)~~ 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 Operators ~~(AWO)~~ Responsible Carrier Program, if applicable.

(C) Where a plan holder's tank vessel is engaged in transfer operations at a facility subject to Public Resources Code section 8755, and the plan holder is in compliance with California State Lands Commission regulations for oil transfer operations, the plan holder ~~shall be~~ is considered in compliance with rules and regulations for the prevention of oil spills at marine terminals.

(d) 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 tank vessel 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 vessel's normal routes of travel including a list of each of the six ~~G~~geographic ~~R~~regions that the 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.~~

(e) Containment Booming and On-Water Recovery.

Each plan holder must provide a contract or other approved means for containment booming and on-water recovery response resources up to their ~~R~~response ~~P~~planning ~~V~~volume for all potential spills from the tank vessel that could reasonably be expected to impact the marine waters of California. Each plan must demonstrate response resources sufficient to address potential spills in each ~~G~~geographic ~~R~~response ~~Area~~ area ~~(GRA) if available, or each coastal zone of the area contingency plan(s) (ACP)~~ through which the tank 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, each plan holder must calculate a ~~R~~response ~~P~~planning ~~V~~volume as outlined below:

(1) Reasonable ~~Worst Case~~Worst-Case Spill.

To calculate the ~~R~~response ~~P~~planning ~~V~~volume, it is first necessary to determine the reasonable ~~worst case~~ worst-case spill for each tank vessel. The reasonable ~~worst case~~ worst-case spill is calculated as 25~~%~~ percent of the tank vessel's total cargo capacity.

(2) Persistence and Emulsification Factors.

(A) The reasonable ~~worst case~~ worst-case spill volume is then multiplied by a persistence factor relative to the most persistent type of oil that each tank vessel carries over the marine waters of California. The persistence factors are specified below:

Oil Group	Group 1	Group 2	Group 3	Group 4
Persistence Multiplier	.20	.50	.50	.50

(B) Emulsification Factors.
The volume determined from the calculation above is then multiplied by one of the following emulsification factors, again, based on the type of oil.

Oil Group	Group 1	Group 2	Group 3	Group 4
Emulsification Multiplier	1.0	1.8	2.0	1.4

(C) Response Planning Volume.
The total determined by this calculation is a ~~R~~response ~~P~~planning ~~V~~volume.

1. The ~~R~~response ~~P~~planning ~~V~~volumes to be used to determine the amount of equipment and services that must be under contract or other approved means, ~~shall~~must be the greater of the amount necessary to address the ~~R~~response ~~P~~planning ~~V~~volume as calculated in ~~S~~subsections 818.02(e)(1) ~~(2)~~ and (2) or the ~~P~~planning ~~V~~volume for ~~O~~on-water ~~R~~recovery for ~~I~~inland/~~N~~nearshore ~~E~~environment calculated for the vessel's federal response plan prepared pursuant to 33 ~~CFR,~~Code of Federal Regulations ~~P~~part 155, Appendix B. The ~~P~~planning ~~V~~volume for ~~O~~on-water ~~R~~recovery is the ~~A~~adjusted ~~V~~volume from the federal calculations determined prior to establishing response tiers utilizing the mobilization factors;

2. ~~t~~The calculations used to determine the ~~R~~response ~~P~~planning ~~V~~volume ~~shall~~must be included in the plan.

(3) Response Capability Standards.

The equipment and personnel necessary to address the ~~R~~response ~~P~~planning ~~V~~volume is brought to the scene of the spill over a period of time. The time frames are dependent upon the ~~GRA~~geographic response area or ~~G~~geographic ~~R~~region in which the tank vessel transits and is specified in the tables in this subsection.

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 those under contract must be identified and a call-out procedure in place to access this equipment if the tank vessel has a spill that exceeds the ~~R~~response ~~P~~planning ~~V~~volumes. 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 lesser of the amount necessary to address the ~~D~~daily ~~R~~recovery ~~R~~rates established in ~~S~~subsection 818.02(e)(3)(B) below or the ~~R~~response ~~P~~planning ~~V~~volume determined in ~~S~~subsection 818.02(e)(2)(C).

2. The amount of response resources and the time frames for delivery are specified in ~~S~~subsection 818.02(e)(3)(B)(4) below. The barrels per day capability figure is the total amount of on-water recovery equipment that must be at the scene of the spill at the hour specified which is measured from the time of notification, as described in 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 ~~U.S.~~United States Coast Guard ~~Area~~ area ~~C~~contingency ~~P~~plan), the plan ~~shall~~must provide for an adequate number of shallow-draft vessels (as defined in ~~S~~section ~~815.05~~790 of this ~~subchapter~~subdivision) to be owned or under contract or other approved means. 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 ~~S~~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 818.02(g)(8), and as required by the California Occupational ~~and~~ Safety and Health Administration. In addition, these time frames do not account for delays that may occur due to weather or ~~seastate~~ 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 ~~seastate~~ sea state, as well as the site assessment requirements.

(B) Daily Recovery Rate.

On-scene Times		**2 hours (i)**	**4 hours (ii)**	**6 hours (ii)**	**12 hours**	**18 hours**	**24 hours**	**36 hours**	**60 hours**
High Volume Ports	On-water Recovery (ft)	3,125	13,280	23,437	23,437	27,343	31,250	46,875	78,125

On-scene Times		2 hours (i)	4 hours (ii)	6 hours (ii)	12 hours	18 hours	24 hours	36 hours	60 hours
	Containment Booming (ft)	2,000							
Facility Transfer Areas & Santa Barbara Channel	On-water Recovery (ft)	3,125		6,250	19,531	23,437	25,390	35,156	66,406
Balance of the Coast	On-water Recovery (ft)	3,125		3,750	11,719	15,625	19,531	31,250	62,500

i. At the ~~facility/transfer~~ facility transfer points within facility transfer areas or during transfers at anchorage designations within the ~~H~~high ~~V~~volume ~~P~~ports, there must be 3,125 barrels~~/day~~ per day, or 10~~%~~ percent of the vessel's cargo capacity, whichever is less, of on-water recovery capability that can be mobilized and on-scene within two hours of notification. If a ~~facility/transfer~~ facility transfer point within a ~~H~~high ~~V~~volume ~~P~~port maintains and can immediately deploy containment equipment for a 3,125 barrel spill, or 10~~%~~ percent of the vessel's cargo capacity, whichever is less, 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 ~~Area~~ 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. Tank vessels that transit: 1) inward of the inland line of demarcation as described in 33 ~~CFR,~~Code of Federal Regulation ~~Section~~part 80.1142 for San Francisco harbor, and 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 initial 13,280 ~~bbls/~~barrels per day on-water recovery capability at the scene of the spill within four hours; and the initial 23,437 ~~bbls/~~barrels per day on-water recovery capability at the scene of the spill within six hours;

(C) Sufficient containment equipment ~~shall~~must be brought to the scene of the spill to address the ~~D~~daily ~~R~~recovery ~~R~~rates as designated in ~~S~~subsection 818.02(e)(3)(B).

(D) The standards set forth in ~~S~~subsection 818.02(e)(3)(A)(4), were increased by a factor of 25~~%~~ percent on July 1, 1997, and again on July 1, 2001. It was determined that this increase was feasible and necessary to meet the best achievable protection of the coast.

(E) The standards set forth in ~~S~~subsection 818.02(e)(3)(A)(4) will be reviewed by the Administrator to determine if increases to these amounts are feasible and necessary in order to meet the best achievable protection of the coast. The Administrator ~~shall~~ will conduct a review and hold a public hearing prior to confirming the new standards to solicit input regarding the necessity of the proposed increase and any credits that may be allowed.

(4) Movement of Response Resources.

There may be times when it is necessary to move response equipment from one risk zone to another in order to respond to a catastrophic oil spill. However, the Administrator needs to ensure that sufficient response resources are available to address a reasonable risk within each zone. Therefore, when equipment is needed from one risk zone which may impact the plan holder's on-water containment and recovery at the 6 hour level, the plan holder or ~~OSRO~~ oil spill response organization ~~shall~~must make a request to the Administrator to temporarily reduce the ~~R~~response ~~C~~capability ~~S~~standards set forth in (e)(3) above, before the equipment can be moved. The Administrator ~~shall~~ will only grant such a request after determining that sufficient response resources are available to address a reasonable risk within the zone from where the response equipment is being considered for removal.

(5) On-Water Response Equipment and Services.

(A) Each plan ~~shall~~must demonstrate that the tank 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 ~~R~~response ~~C~~capability ~~S~~standards for containment booming and on-water recovery established pursuant to ~~S~~subsection 818.02(e)(3). 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 ~~U.S.~~United States Coast Guard ~~Area~~ area ~~C~~contingency ~~P~~plan), the plan ~~shall~~must provide for an adequate number of shallow-draft vessels (as defined in ~~S~~section ~~815.05~~790 of this ~~subchapter~~subdivision) to be owned or under contract or other approved means. 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 effective daily recovery 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 effective daily recovery capacity for the skimming systems as a whole.

i. 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.

ii. 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.

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 by job category including a job description for each type of spill response position needed as indicated in the spill response organization scheme;

ii. ~~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

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

11. 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:

i. ~~a~~Adverse weather;

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

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

iv. ~~a~~Any other known environmental conditions that could restrict response efforts.

(C) Any equipment and personnel identified in the plan must be available for response. Any necessary maintenance for the equipment, vacation periods for response personnel, or other eventuality 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.

(D) Tank vessels that carry non-floating oil must contract with one or more ~~R~~rated ~~OSRO(s)~~ oil spill response organizations to address the ~~R~~response ~~P~~planning ~~V~~volumes. Such equipment ~~shall~~must include, but is not limited to the following:

1. ~~s~~Sonar, sampling equipment, or other methods for locating the oil on the bottom or suspended in the water column~~;~~.

2. ~~c~~Containment boom, sorbent boom, silt curtains, or other methods to reduce spreading on the bottom~~;~~.

3. ~~d~~Dredges, pumps, or other equipment necessary to recover oil from the bottom~~;~~.

4. ~~e~~Equipment necessary to assess the impact of such ~~discharges; and~~ spills.

5. ~~a~~Any other appropriate equipment necessary to response to a ~~discharge~~ spill involving a non-floating oil.

(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 Oil Spill Contingency Plan, the National Oil and Hazardous Substances Pollution Contingency Plan, the applicable ~~R~~regional ~~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. ~~f~~For use of chemical agents, a description of the specific mechanisms in place to assess the environmental consequences of the chemical agent. This ~~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 chemical agents or non-mechanical methods, and the 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 methods for tracking the movement of the ~~discharged~~ spilled oil~~; and~~.

(G) The plan ~~shall~~must include a list of location 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.

(f) ~~Shoreline~~Environmental Sensitive Site Protection and Shoreline Cleanup.

(1) Each plan must provide for ~~shoreline~~ environmental sensitive site protection in the ~~G~~geographic ~~R~~response ~~Plan Area~~ areas ~~(GRA)~~ or ~~G~~geographic ~~R~~regions where the tank vessel may transit. ~~Each plan shall demonstrate through contracts(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 SP Table (dated August 2013), incorporated by reference herein. 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~~
~~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.~~

~~(B)~~(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 ~~onscene~~ on-scene until demobilized by the State Incident Command or the ~~U~~unified ~~C~~command. For planning purposes, this ~~shall~~must include procedures to obtain sufficient personnel to maintain a response effort of at least 14 calendar days.

~~(C)~~(B) Any equipment and personnel identified to meet the contingency plan requirements must be available for response. Any necessary maintenance for the equipment, vacation periods for response personnel, or other eventuality 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~~,~~ if such movement 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 services for maintenance or repair if the Administrator has not disapproved such removal within 24 hours of notification.

4. The equipment owner ~~shall~~must notify the Administrator when the major equipment is back in service.

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

(A) 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 all the applicable strategies, and appropriate for use on the type of oil identified. The following information must be provided:

1. ~~m~~Methods for shoreside ~~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.

(g) Response Procedures.

(1) Each plan ~~shall~~must describe the organization of the tank vessel's spill response system and certified spill management team. 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~~ or the ~~U~~unified ~~C~~command ~~S~~structure as required by ~~subsection 5192(q)(3)(A), Title 8,~~ California Code of Regulations, title 8, subsection 5192(q)(3)(A).

(A) The plan holder may utilize the procedures as outlined in the appropriate ~~Area~~ area ~~C~~contingency ~~P~~plan when describing how the tank 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 holder's 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 I~~incident ~~C~~command or ~~U~~unified ~~C~~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 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 describe how the ~~owner/operator~~ owner or operator will provide onboard emergency services before the arrival of local, state or federal authorities on the scene, including:

(A) ~~p~~Procedures to control fires and explosions, and to rescue people or property threatened by fire or explosion;

(B) ~~p~~Procedures for emergency medical treatment and first aid; and,

(C) ~~p~~Procedures to provide the required personnel protective gear for responders.

(5) Each plan ~~shall~~must describe equipment and procedures to be used by the tank vessel's personnel to minimize the magnitude of a spill and minimize structural damage which may increase the quantity of oil spilled.

(6) 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.

(7) 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.

(8) Prior to beginning oil spill response operations and ~~clean-up~~ cleanup activities, a ~~S~~site ~~S~~safety ~~P~~plan must be completed. Each plan ~~shall~~must include information as required pursuant to ~~Title 8, Section 5192(b)(4)(B) of the~~ California Code of Regulations, title 8, subsection 5192(b)(4)(B) 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.

(h) Notification Procedures.

(1) Each plan ~~shall~~must include 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 is unavailable.

(B) ~~d~~Detail the procedures for reporting oil spills to all appropriate local, state and federal agencies within each of the ~~6~~ six ~~Geographical~~ geographic ~~R~~regions that the tank vessel transits~~;~~.

(C) ~~e~~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~~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 tank vessel transits immediately, but no longer than 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 ~~shall~~must identify a call-out procedure to acquire the resources necessary to address spills that cannot be addressed by the equipment that the ~~owner/operator~~

owner or operator is required to have under contract. Procedures must allow for initiation of the call-out within 24 hours of the incident and must begin as soon as a determination has been made that additional resources are necessary.

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

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

(B) ~~l~~Location of the incident;

(C) ~~d~~Date and time of the incident;

(D) ~~c~~Course, speed and intended track of the tank vessel;

(E) ~~t~~The nature of the incident;

(F) ~~a~~An estimate of the volume of oil spilled and the volume at immediate risk of spillage;

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

(H) ~~t~~The size and appearance of the slick;

(I) ~~p~~Prevailing weather and sea conditions;

(J) ~~a~~Actions taken or planned by personnel ~~onscene~~ on-scene;

(K) ~~c~~Current condition of the tank vessel;

(L) ~~i~~Injuries and fatalities; and

(M) ~~a~~Any other information as appropriate.

(5) Reporting of a spill as required by ~~Section~~subsection 818.02(h)(2) ~~shall~~must not be delayed solely to gather all the information required by ~~S~~subsection 818.02(h)(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 ~~U~~unified ~~C~~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 ~~United~~ unified ~~C~~command will meet the requirements of this subsection.

(i) 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 storage ~~shall~~must

be no less than two times the calculated ~~R~~response ~~P~~planning ~~V~~volume up to the ~~D~~daily ~~R~~recovery ~~R~~rate as determined in ~~S~~subsection 818.02(e)(3)(B).

(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 ~~815.05(c)~~790 of this ~~subchapter~~subdivision) or OSRO-owned and controlled response resources (as defined in ~~S~~section ~~815.05(k)~~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 response planning volume, whichever is less, ~~shall~~must be brought to the scene of the spill within four hours, of notification of a spill;

3. For ~~H~~high ~~V~~volume ~~P~~ports, 12,000 barrels, or two times the response planning volume, whichever is less, ~~shall~~must be available at the scene of the spill within 6 hours of notification of a spill; for all other risk zones 5,000 barrels, or two times the response planning 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 nondedicated 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 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.

(j) Oiled Wildlife Care Requirements.

Each plan ~~shall~~must describe 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) ~~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 geographic region covered by the plan. Standards and written protocols for wildlife care must comply with all applicable ~~S~~state and federal laws.

(k) Training.

(1) Each plan ~~shall~~must provide that all appropriate personnel directly responsible to the ~~owner/operator~~ owner or operator ~~shall~~must receive training in the use and operation of oil spill response and cleanup equipment. The plan ~~shall~~must describe:

(A) ~~t~~The type and frequency of training that each individual in a spill response position receives to achieve the level of qualification demanded by their job description;

(B) ~~t~~The procedures, if any, to train and use volunteers or other additional personnel in spill response operations as necessary for the size of the spill.

(2) Each plan ~~shall~~must describe the type and frequency of personnel training on methods to reduce operational risks. The description of the training ~~shall~~must include if applicable, the following:

(A) ~~t~~The means of achieving any established training objectives, such as:

1. ~~t~~Training programs for each position involved with the various aspects of the operation that could result in a spill (e.g., position responsible for tank vessel inspections or transfers)~~;~~.

2. ~~a~~A training schedule, including adequate frequency, (e.g., initial training upon hire and annual refresher training) and type of training (workshops, classroom, videotape, on-the-job training, etc.) for each position trained~~;~~.

(B) ~~l~~Licenses, certifications or other prerequisites to hold particular jobs.

(3) Each plan ~~shall~~must provide for safety training as required by state and federal health and safety laws for all personnel likely to be engaged in oil spill response, including a program for training non-permanent responders, such as volunteers or temporary help.

(4) The tank vessel ~~owner/operator~~ owner or operator ~~shall~~must ensure that training records are maintained for three years. All such documentation must be made available to the Administrator upon request.

(*l*) Drills and Exercises.

(1) Each plan ~~shall~~must describe the tank 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 are met. Onboard emergency procedure drills conducted aboard the tank vessel and properly logged may be credited.

(3) Drills ~~shall~~must be designed by the vessel ~~owner/operator~~ owner or operator to exercise either components of 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 required by section 828.1, the amount of boom required to be deployed is the amount needed for the site strategy or strategies per the drill scenario, but no more than the amount required at protection hour six pursuant to the Site Protection Table in section 828.1.

(m) Tank Vessel Emergency Services~~:~~.

(1) Notification Requirements~~:~~.
Any party responsible for a tank vessel as defined in this subdivision ~~shall~~must notify the ~~U.S.~~United States Coast Guard within one hour of a disability if the disabled vessel is within 12 miles of the shore of the state, pursuant to the requirements of Government Code ~~S~~section 8670.20(b).

(2) Equipment and Services~~:~~.
Tank vessel emergency services means all services rendered to save a vessel and cargo from any marine peril that could reasonably be expected to cause a ~~discharge~~ spill of oil into the marine waters of the state, and includes those actions necessary to control or stabilize the vessel or cargo.

(A) All tank vessels required to have a contingency plan pursuant to ~~S~~section 818.01~~(a)~~ must demonstrate sufficient tank vessel emergency service 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 ~~A~~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 (m). Any service provider must have the appropriate expertise, and all required equipment ready and available to respond within the following time frames:

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

~~(i.)~~a. ~~a~~An emergency services vessel of the appropriate size, configuration, and operating capability to ensure stabilization of a disabled vessel ~~shall~~must be ~~onscene~~ on-scene. The emergency services vessel must be capable of reaching the disabled vessel before the disabled vessel would run aground. In determining the time it would take for a 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~~ or steering;

(ii.)b. aA professional salvor, naval architect or other qualified person knowledgeable of stability, and hull stress assessments of the vessel shallmust be engaged in tank vessel emergency operations. These assessments shallmust be developed pursuant to the shipboard spill mitigation procedures as set forth in 33 CFR,Code of Federal Regulations Ppart 155.1035(c)).

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

(iv.)d. tThe vessel emergency services provider must be capable of performing emergency lightering operations, and must have the following equipment on-scene: fendering equipment; transfer hoses and connection equipment; portable pumps; and any ancillary equipment necessary to off-load the volume of the tank vessel's largest cargo tank in 24 hours of continuous operation;

(v.)e. dDewatering pumps, hoses, and power supplies sufficient to maintain vessel stability and prevent sinking shallmust be onscene on-scene.

2. wWithin 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 onscene on-scene;

(i)a. rResources for shoring, patching or making other emergency, temporary repairs to correct structural, stability, or mechanical problems on the vessel;

(ii)b. eEquipment necessary to tow an incapacitated vessel to a safe haven.

Note: Authority cited: Sections 8670.7, 8670.10, 8670.28, 8670.29, 8670.30 and 8780.32, Government Code. Reference: Sections 8670.7, 8670.10, 8670.20, 8670.25.5, 8670.27, 8670.28, 8670.29, 8670.30, 8670.31, 8670.32 and 8670.37.51, Government Code.

§ 818.03. Vessels Carrying Oil As Secondary Cargo (VCOASC) Plan Content.

To the degree the information required by Ssubsections 818.03(b) through (*l*) exists elsewhere, copies of the pre-existing information may be submitted. If the information provided is not sufficient to meet the requirements of this subchapter, additional information may be requested by the Administrator.

(a) Introductory Material.

(1) Each plan shallmust provide the following information for each vessel carrying oil as secondary cargo (VCOASC, as defined in Ssection 790 of this subdivision) covered by the plan:

(A) tThe vessel's name, country of registry, call sign, and official identification number;

(B) nName, address, phone number, fax number and e-mail address, if available, of the owner and/or and operator of the vessel(s). This information shallmust 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 e-mail address, if available, of the person to whom correspondence should be sent;

(D) ~~a~~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 holder's 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 information contained in this contingency plan is true and correct and that the plan is both feasible and executable."

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

(E) ~~t~~The California ~~C~~ccertificate of ~~F~~ffinancial ~~R~~rresponsibility ~~(COFR)~~ number for the tank vessel(s) covered by the plan ~~shall~~must be included in the front of the plan, or for fleet plans ~~shall~~must be listed separately in a subsection of the plan.

(2) Each plan ~~shall~~must identify a ~~Q~~qualified ~~I~~individual, as defined in ~~C~~cchapter 1, ~~S~~section 790 of this subdivision, and any alternates that may be necessary for the purpose of implementing the plan and documentation that the ~~Q~~qualified ~~I~~individual acknowledges this capacity. 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 the plan holder and documentation that the agent for services of process acknowledges this capacity. Such agent ~~shall~~must be located in California.

(4) Each plan ~~shall~~must identify and ensure by contract or other approved means a certified ~~S~~sspill ~~M~~mmanagement ~~T~~tteam, 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.

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

(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) If the plan holder contracts for these services, documentation that the ~~S~~spill ~~M~~management ~~T~~team acknowledges this capacity ~~shall~~must be included in the plan.

(5) Each plan ~~shall~~must contain evidence of the contract or other approved means (as defined in ~~S~~section 790 of this subdivision), verifying 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. Plan holders ~~shall~~must only contract with an ~~OSRO(s)~~ oil spill response organization that has received a ~~R~~rating by ~~OSPR~~the Office of Spill Prevention and Response (as specified in ~~S~~section 819 of this subchapter) for the booming, on-water recovery and storage, and ~~shoreline~~ environmental sensitive site protection services as required.

(b) ~~VCOASC~~Vessel Carrying Oil as Secondary Cargo Description.

(1) Each plan ~~shall~~must describe the vessel's design and operations with specific attention to those areas from which a spill could reasonably be expected to impact the marine waters of California. This description ~~shall~~must include, at a minimum, the following information:

(A) ~~a~~A piping and tank diagram including the location of valves, vents and lines; the age, design, and construction of the vessel; the range of oil products normally carried in each structure; and safety equipment;

(B) ~~a~~A description of the types, physical properties, health and safety hazards and maximum storage or handling capacity of the oil or product carried. A ~~material~~ safety data sheet ~~(MSDS)~~ or equivalent will meet some of these requirements and can be maintained separately aboard the vessel providing the plan identifies its location;

(C) ~~t~~The vessel's classification, hull type, gross registered tonnage ~~(GRT)~~, oil cargo capacity, length, draft and beam.

(c) Prevention Measures.

(1) Each plan holder ~~shall~~must take all appropriate prevention measures designed to reduce the possibility of an oil spill occurring as a result of allisions, collisions, groundings, explosions or operator error during the operation of the ~~VCOASC~~vessel carrying oil as secondary cargo. Each plan ~~shall~~must include a summary of the policies, programs, guidelines and/or procedures designed to implement the following:

(A) ~~m~~Methods to reduce spills during transfer and storage operations, including overfill prevention measures, and immediate spill containment provision. Any information developed in compliance with Title 33 ~~CFR,~~Code of Federal Regulations ~~P~~parts 154 and 156 may be substituted for all or part of any comparable prevention measures required by this subsection;

(B) ~~p~~Procedures to assure clear communication among all the parties involved during transfer operations;

(C) ~~u~~Use of vessel traffic service systems where available;

(D) ~~p~~Procedures to be used to avoid the known navigational hazards.

(E) Where a plan holder's ~~VCOASC~~vessel carrying oil as secondary cargo is engaged in transfer operations at a facility subject to Public Resources Code section 8755, and the plan holder is in compliance with California State Lands Commission regulations for oil transfer operations, the plan holder ~~shall be~~ is considered in compliance with the provisions of this subsection.

(F) The plan holder ~~shall~~must provide additional relevant information to the Administrator upon request.

(2) [Reserved]

(3) At the time the initial contingency plan is submitted, the ~~owner/operator~~ owner or operator ~~shall~~must either submit a Certificate O~~o~~f Inspection ~~(COI)~~ issued by the ~~USCG~~ United States Coast Guard or a certificate issued by a member of the International Association of Classification Societies certified by the International Maritime Organization ~~(IMO)~~ of the most recent vessel inspection, or verify that the vessel has such a certificate and that the certificate is available for review.

(4) The ~~owner/operator~~ owner or operator ~~shall~~must also submit a 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 Operators ~~(AWO)~~ Responsible Carrier Program, if applicable.

(d) 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 ~~VCOASC~~vessel carrying oil as secondary cargo 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 ~~VCOASC's~~vessel's normal routes of travel including a list of each of the six ~~G~~geographic ~~R~~regions that the ~~VCOASC~~vessel transits along these routes. ~~OSPR has developed Shoreline Protection Tables (SP Tables (see Section 790)), incorporated by reference herein and posted at OSPR's website) for VCOASC traffic in California's marine waters. Owners/operators shall meet the response resource and time frame requirements for the appropriate Small Harbor from the SP Tables when contracting for shoreline protection services.~~

(e) Containment Booming and On-Water Recovery.

Each plan holder must contract for containment booming and on-water recovery response resources up to their ~~R~~response ~~P~~planning ~~V~~volume for all potential spills from the ~~VCOASC~~vessel carrying oil as secondary cargo that could reasonably be expected to impact the marine waters of California. Additionally, each plan must also demonstrate response capability sufficient to address potential spills in each Ggeographic ~~R~~response ~~Area~~ area ~~(GRA), if available~~, or ~~G~~geographic ~~R~~region through which the vessel may transit. ~~(GRA's are geographic subdivisions of ACP area.)~~ To

determine the amount of response resources for containment booming and on-water recovery, each plan holder must calculate a ~~R~~response ~~P~~planning ~~V~~volume as outlined below:

(1) Reasonable ~~Worst Case~~Worst-Case Spill. To calculate the ~~R~~response ~~P~~planning ~~V~~volume, it is first necessary to determine the reasonable ~~worst case~~ worst-case spill for each vessel. The reasonable ~~worst case~~ worst-case spill is calculated as 30~~%~~ percent of the vessel's total cargo capacity of petroleum products.

(2) Persistence and Emulsification Factors.

(A) Persistence Factors. The reasonable ~~worst case~~ worst-case spill volume is then multiplied by a persistence factor relative to the most persistent type of oil that each ~~VCOASC~~vessel carrying oil as secondary cargo carries over the marine waters of California. The persistence factors are specified below:

Oil Group	Group 1	Group 2	Group 3	Group 4
Persistence Multiplier	.20	.50	.50	.50

(B) Emulsification Factors. The volume determined from the calculation above is then multiplied by one of the following emulsification factors, again, based on the type of oil.

Oil Group	Group 1	Group 2	Group 3	Group 4
Emulsification Multiplier	1.0	1.8	2.0	1.4

(C) Response Planning Volume. The total determined by this calculation is a ~~R~~response ~~P~~planning ~~V~~volume.

1. The ~~R~~response ~~P~~planning ~~V~~volume~~s~~ to be used to determine the amount of equipment and services required ~~shall~~must be the greater of the amount necessary to address the ~~R~~response ~~P~~planning ~~V~~volume as calculated in ~~S~~subsections 818.03(e)(1) ~~-~~ (2) and (2) or the ~~P~~planning ~~V~~volume for ~~O~~on-water ~~R~~recovery for ~~I~~inland/~~N~~near-shore ~~E~~environment calculated for the vessel's federal response plan prepared pursuant to 33 ~~CFR,~~Code of Federal Regulations ~~P~~part 155.1045. The ~~P~~planning ~~V~~volume for ~~O~~on-water ~~R~~recovery is the ~~A~~adjusted adjusted ~~V~~volume from the federal calculations determined prior to establishing response tiers utilizing the mobilization factors.

2. The calculations used to determine the ~~R~~response ~~P~~planning ~~V~~volume ~~shall~~must be included in the plan.

(3) Response Capability Standards.
The equipment and personnel necessary to address the ~~R~~response ~~P~~planning ~~V~~volume is brought to the scene of the spill over a period of time. The time frames are dependent upon the ~~GRA~~geographic response area or ~~G~~geographic ~~R~~region in which the ~~VCOASC~~vessel carrying oil as secondary cargo transits.

The standards set forth in this section 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 those under contract must be identified and a call-out procedure in place to access this equipment if the ~~VCOASC~~vessel carrying oil as secondary cargo has a spill that exceeds the ~~R~~response ~~P~~planning ~~V~~volumes. The ~~owner/operator~~ owner or operator is ultimately responsible for addressing the entire volume of an actual spill regardless of the planning volumes.

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

1. The total amount of on-water containment and recovery equipment and services required ~~shall~~must be the amount necessary to address the ~~R~~response ~~P~~planning ~~V~~volume determined in ~~S~~subsection 818.03(e)(2)(C), as follows:

~~i.~~a. ~~VCOASC~~ A vessel carrying oil as secondary cargo that transits in ~~H~~high ~~V~~volume ~~P~~ports ~~shall~~must have sufficient on-water containment and recovery equipment and services to respond to 10~~%~~ percent of the calculated ~~R~~response ~~P~~planning ~~V~~volume (as calculated in ~~S~~sections 818.03(e)(1)~~-(2)~~ and (2)) at the scene of the spill within two hours. There ~~shall~~must be sufficient on-water containment and recovery equipment and services to respond to the remaining ~~R~~response ~~P~~planning ~~V~~volume within 12 hours.

~~ii.~~b. ~~VCOASC~~ A vessel carrying oil as secondary cargo operating in ~~F~~facility ~~T~~transfer areas or the Santa Barbara Channel area ~~shall~~must have sufficient on-water containment and recovery equipment and services to respond to 10~~%~~ percent of the calculated ~~R~~response ~~P~~planning ~~V~~volume (as calculated in ~~S~~sections 818.03(e)(1)~~-(2)~~ and (2)) at the scene of the spill within 12 hours. There ~~shall~~must be sufficient on-water containment and recovery equipment and services to respond to the remaining ~~R~~response ~~P~~planning ~~V~~volume within 36 hours.

~~iii.~~c. ~~VCOASC~~ A vessel carrying oil as secondary cargo that transits along the ~~B~~balance of the ~~C~~coast, as defined in section 790 of this subdivision, ~~shall~~must have sufficient on-water containment and recovery equipment and services to respond to 10~~%~~ percent of the calculated ~~R~~response ~~P~~planning ~~V~~volume (as calculated in ~~S~~sections 818.03(e)(1)~~-(2)~~ and (2)) at the scene of the spill within 18 hours. There ~~shall~~must be sufficient on-water containment and recovery equipment and services to respond to the remaining ~~R~~response ~~P~~planning ~~V~~volume within 36 hours.

(4) Transfer Operations.
Each plan ~~shall~~must demonstrate that the ~~VCOASC~~vessel carrying oil as secondary cargo ~~owner/operator~~ owner or operator owns or has access to sufficient and appropriate boom, trained personnel and equipment, maintained in a stand-by condition, such that at least 600 feet of boom can and will be deployed for the most effective containment immediately, but no longer than 30 minutes after the discovery of a spill. Additionally, each plan holder ~~shall~~must identify the equipment, personnel and procedures such that an additional 600 feet of boom can and will be deployed within one hour for the most effective containment in the event of an oil spill. Response

resources owned or under contract to the marine facility or vessel engaged in oil transfer operations may be used to meet this requirement.

(5) On-Water Response Equipment and Services.

(A) Each plan ~~shall~~must demonstrate that the ~~VCOASC~~vessel carrying oil as secondary cargo ~~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 ~~R~~response ~~C~~capability ~~S~~standards for containment booming and on-water recovery established pursuant to ~~S~~subsection 818.03(e). 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 oil recovery 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 ~~U.S.~~United States Coast Guard ~~Area~~ area ~~C~~contingency ~~P~~plan), the plan ~~shall~~must provide for an adequate number of shallow-draft vessels (as defined in ~~S~~section ~~815.05~~790 of this ~~subchapter~~subdivision) to be owned or under contract or other approved means and available to respond to provide ~~shoreline~~ protection of all environmental sensitive sites identified in the trajectory analysis conducted as part of the ~~E~~environmental ~~C~~consequence analysis. 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. ~~t~~The manufacturer's rated capacities and operational characteristics for each major item of oil recovery equipment~~;~~.

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

4. ~~t~~The effective daily recovery 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 effective daily recovery capacity for the skimming systems as a whole.

i. 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.

ii. 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.

5. Identification of vVessels designated for oil recovery operations, including skimmer vessels and vessels designed to tow and deploy boom;.

6. pProcedures for storage, maintenance, inspection and testing of spill response equipment under the immediate control of the operator;.

(f) Environmental Sensitive Site Protection and Shoreline ProtectionCleanup.

(1) Each plan must provide for shoreline environmental sensitive site protection in the Small Harbor geographic response areas or geographic regions where the VCOASCvessel carrying oil as secondary cargo may transit. Each plan shallmust demonstrate through contracts(s) or other approved means, the response resources necessary to protect each type of shoreline and implement all applicable environmental sensitive sites protection strategies described in the area contingency plans, and in the time frames required by section 828.1. as outlined in the appropriate Small Harbor as listed in the SP Tables (see Section 790), incorporated by reference herein. The SP Tables shall be reviewed, and updated if needed, annually by OSPR staff, using the procedures as outlined in the Administrative Procedure Act.

(1) 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 small 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.

(2) Shoreline Clean-UpCleanup.

(A) Each plan shallmust describe methods to clean up spilled oil and remove it from the environment. The owner/operator owner or operator shallmust 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 all the applicable strategies, and appropriate for use on the type of oil identified. The description ~~shall~~must include:

1. ~~m~~Methods for shoreside ~~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.

(g) Response Procedures.

(1) Each plan ~~shall~~must describe the organization of the ~~VCOASC's~~vessel carrying oil as secondary cargo's certified spill management team. 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~~ 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).

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

(2) 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.

(3) Each plan ~~shall~~must describe how the ~~owner/operator~~ owner or operator will provide onboard emergency services before the arrival of local, state or federal authorities on the scene, including:

(A) ~~p~~Procedures to control fires and explosions, and to rescue people or property threatened by fire or explosion; and

(B) ~~p~~Procedures for emergency medical treatment and first aid~~;~~.

(4) Each plan ~~shall~~must describe equipment and procedures to be used by the ~~VCOASC~~vessel carrying oil as secondary cargo's personnel to minimize the magnitude of a spill and minimize structural damage which may increase the quantity of oil spilled.

(5) 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.

(6) 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.

(7) Each plan ~~shall~~must describe the procedures for the evaluation of health and safety concerns and the determination of site safety prior to beginning oil spill response operations and ~~clean-up~~ cleanup activities.

(h) Notification Procedures.

(1) Each plan ~~shall~~must include 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 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 ~~VCOASC~~vessel carrying oil as secondary cargo transits;

(C) ~~e~~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~~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 ~~VCOASC~~vessel carrying oil as secondary cargo transits immediately, but no longer than 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 ~~l~~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 ~~shall~~must identify a call-out procedure to acquire the resources necessary to address spills that cannot be addressed by the equipment that the ~~owner/operator~~ owner or operator is required to have under contract. Procedures must allow for initiation of the call-out within 24 hours of the incident and must begin as soon as a determination has been made that additional resources are necessary.

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

(A) The ~~VCOASC~~vessel carrying oil as secondary cargo's name, country of registry, call sign, and official number;

(B) The location of the incident;

(C) The date and time of the incident;

(D) The course, speed and intended track of the ~~VCOASC~~vessel carrying oil as secondary cargo;

(E) ~~t~~The nature of the incident;

(F) ~~a~~An estimate of the volume of oil spilled and the volume at immediate risk of spillage;

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

(H) ~~t~~The size and appearance of the slick;

(I) ~~p~~Prevailing weather and sea conditions;

(J) ~~a~~Actions taken or planned by personnel ~~onscene~~ on-scene;

(K) The current condition of the ~~VCOASC~~vessel carrying oil as secondary cargo;

(L) Any injuries ~~and~~ or fatalities; and

(M) ~~a~~Any other information as appropriate.

(5) Reporting of a spill as required by ~~S~~section 818.03(h)(2) ~~shall~~must not be delayed solely to gather all the information required by ~~S~~subsection 818.03(h)(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 ~~U~~unified ~~C~~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 ~~U~~unified ~~C~~command will meet the requirements of this subsection.

(i) Temporary Storage and Waste Management.

(1) Each plan ~~shall~~must identify sufficient temporary storage for all recovered oil or all oily waste, or identify facilities that would be able to accept the recovered oil or oily waste for recycling or other means of waste management. Sufficient storage ~~shall~~must be no less than two times the required ~~R~~response ~~C~~capability ~~S~~standards as determined in ~~S~~subsection 818.03(e)(3).

(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 hazardous waste products 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.

(j) Wildlife Rehabilitation Requirements.
Each plan ~~shall~~must describe 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) ~~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 geographic region covered by the plan. Standards and written protocols for wildlife care must comply with all applicable ~~S~~state and federal laws.

(k) Training.

(1) Each plan ~~shall~~must provide that all appropriate personnel directly responsible to the ~~owner/operator~~ owner or operator ~~shall~~must receive training in the use and operation of oil spill response and ~~clean-up~~ cleanup equipment. The plan ~~shall~~must describe:

(A) ~~t~~The type and frequency of training that each individual in a spill response position receives to achieve the level of qualification demanded by their job description~~;~~.

(B) ~~t~~The procedures, if any, to train and use volunteers or other additional personnel in spill response operations as necessary for the size of the spill.

(2) Each plan ~~shall~~must describe the type and frequency of personnel training on methods to reduce operational risks. The description of the training ~~shall~~must include, if applicable, the following:

(A) ~~t~~The means of achieving any established training objectives, such as:

1. ~~t~~Training programs for each position involved with the various aspects of the operation that could result in a spill (e.g., position responsible for vessel inspections or transfers)~~;~~.

2. ~~a~~A training schedule, including adequate frequency, (e.g., initial training upon hire and annual refresher training) and type of training (workshops, classroom, videotape, on-the-job training, etc.) for each position trained~~;~~.

(B) ~~l~~Licenses, certifications or other prerequisites to hold particular jobs.

(3) Each plan ~~shall~~must provide for safety training as required by state and federal health and safety laws for all personnel likely to be engaged in oil spill response, including a program for training non-permanent responders, such as volunteers or temporary help.

(4) The ~~VCOASC~~vessel carrying oil as secondary cargo ~~owner/operator~~ owner or operator ~~shall~~must ensure that training records are maintained for three years. All such documentation must be made available to the Administrator upon request.

(*l*) Drills and Exercises.

(1) Each plan ~~shall~~must describe the ~~VCOASC's~~vessel carrying oil as secondary cargo's drill and exercise program. The vessel ~~owner/operator~~ owner or operator ~~shall~~must conduct drills and exercises as necessary to ensure that the elements of the plan will function in an emergency, as described in section 820.1 of subchapter 3.6.

(2) Drills ~~shall~~must be designed to exercise either components of 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.

(3) 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.

Note: Authority cited: Sections 8670.7, 8670.10, 8670.28, 8670.29, 8670.30 and 8670.32, Government Code. Reference: Sections 8670.7, 8670.10, 8670.20, 8670.25.5, 8670.27, 8670.28, 8670.29, 8670.30, 8670.31, 8670.32 and 8670.37.51, Government Code.