

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

§ 815.03. Purpose and Scope.

(a) This subchapter sets forth planning requirements for oil spill prevention and response for tank vessels in California. (Nontank vessel planning requirements are covered in subchapter 4 of chapter 3.) These planning requirements specify that the owner or operator of a **tank vessel or vessel carrying oil as secondary cargo** must own or have contracted for on-water recovery and storage resources sufficient to respond to all spills up to the calculated response planning volume or the defined daily recovery rate, whichever is less, in the time frames specified in this subchapter. **An owner or operator of a tank vessel or vessel carrying oil as secondary cargo**, must also demonstrate through contract(s) or other approved means, the response resources necessary to protect all applicable environmental sensitive sites in the time frames required by section 828.1. 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 requirements herein, contracts for booming, on-water recovery and storage, and environmental sensitive site protection services can only be made with oil spill response organizations rated by the Office of Spill Prevention and Response. For other required services (e.g., shoreline cleanup, waste management, spill response management, etc.) contracts with non-rated oil spill response organizations may be used.

(b) The equipment that the **plan holder** has available must be applicable to the areas of intended use. A vessel **plan holder** 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, and maintained by the **plan holder**, in separate volumes. A principal volume must be compiled to contain all the required information, calculations, studies, maps and related data. A separate volume must be set up as a response manual and must contain only the information that response personnel will need at the time of a spill to facilitate the **required** immediate notification and response actions that are mandated.

(d) To the greatest extent possible, California has endeavored to be consistent with the scope and intent of the federal oil spill response regulations and the area contingency plans completed by the United States Coast Guard, state agencies, and local governments, with public participation, as required by the Oil Pollution Act of 1990 (33 United States Code section 2701, et seq.). Allowance has been made to accept response plans prepared for the 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 federal, state, and 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.

§ 815.07. General Requirements.

(a) A tank vessel owner or operator who is required to submit an oil spill contingency plan pursuant to this subchapter must:

(1) Identify and ensure by contract or other approved means (as defined in section 790 of this subdivision) a rated oil spill response organization (as specified in subchapter 3.5) for the booming, on-water recovery and storage, and environmental sensitive site protection services as required. An oil spill response organization's existing rating approval letter issued from the Administrator remains valid unless revoked and 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 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) An owner or operator that is required to have a new 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, at the time of submission of a new contingency plan for review and approval.

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

(1) After approval of the of the contingency plan, the tank vessel owner or operator must provide 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 or operator does not already have such a letter on file.

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

(3) 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 must provide for the best achievable protection of coastal and marine resources and 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 must be consistent with the California Oil Spill Contingency Plan and not in conflict with the National Oil and Hazardous Substances Pollution Contingency Plan, or the applicable federal area contingency plans.

(e) Nothing in this subchapter 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 United States Code section 1451 et seq.). Nor 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 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.

§ 816.01. Plan Submittal, Review and Approval.

(a) Plans

Unless otherwise exempt, each owner or operator of a tank vessel **or vessel carrying oil as secondary cargo** must provide an oil spill contingency plan for that tank vessel. The plan must be specific to an individual tank vessel or may be composed as follows:

(1) Tank Vessel Fleet Plans

Fleet contingency plans may be submitted by an owner/operator that has a number of tank vessels that transit the same or substantially the same routes in California marine waters.

(A) All prevention and response elements required pursuant to Sections 818.02(c) or 818.03(c) must be the same for **each** tank vessel included in the Fleet Plan.

(B) A separate appendix for each tank vessel covered by the Fleet Plan must be included as an attachment to the plan. However, only the Response Planning Volume (see Sections 818.02(e) and 818.03(e)) for the largest vessel in the Fleet Plan needs to be listed.

(2) Substitute Plans

(A) Plans of other Federal and State Agencies

Any plan, or appropriate section thereof, submitted to the Federal Environmental Protection Agency, the Minerals Management Service, the U.S. Coast Guard, the Department of Transportation - Research and Special Programs Administration, the California State Lands Commission, the California Coastal Commission, other states, or other appropriate agencies may be submitted in substitution for all or part of the plan required under this subchapter. This substitution may include documents submitted in compliance with the International Safety Management (ISM) Code. Any information required by this subchapter that is not included in the substitute plan must be submitted

as an appendix to that plan. The Administrator will determine if the use of a substitute plan is appropriate prior to final plan approval.

(B) OSRO Rating Letter:

An OSRO Rating Letter will be issued for the equipment, personnel, and services which may be provided to the owner/operator of a marine facility or tank vessel or nontank vessel. A copy of the Rating letter may be referenced or submitted in substitution for all or part of the response elements required under Sections 818.02 or 818.03.

1. An OSRO Rating does not guarantee the performance of an OSRO, nor does the use of an OSPR-Rated OSRO in a contingency plan relieve the plan holders of their ultimate statutory and regulatory responsibility to ensure the adequacy of the spill response resources identified in their contingency plan.

(b) Time frames:

(1) A tank vessel **or vessel carrying oil as secondary cargo** must submit a **contingency** plan, or an amendment or an update to a plan, that is received by OSPR at least **seven calendar** days prior to entering California marine waters.

(c) Receiving Agencies:

(1) One copy of the plan (**either hard copy or** electronic media - see Section 816.02) for each tank vessel shall be delivered to the Office of Spill Prevention and Response (OSPR). Delivery of the plan may be in person or by registered mail with return receipt requested, or the equivalent.

Additional **hard** copies shall be provided to an OSPR regional office upon request.

~~(2) Two copies of the plan (hard copy or electronic media) for each marine facility shall be delivered by the plan holder to the California State Lands Commission.~~

(2) Within two working days of a request from the Administrator, additional copies (hard copy or electronic media) shall be mailed by the plan holder to the State Oil Spill Technical Advisory Committee.

(3) Any additional copies shall be submitted within 2 working days of a request by the Administrator.

(d) Confidentiality

(1) A plan holder may request that proprietary information, including reports or studies, be kept confidential by following the process described in section 790.3 of chapter 1.

Note: Authority cited: Sections 8670.28, 8670.29, 8670.30 and 8670.31, Government Code.
Reference: Sections 8670.28, 8670.29, 8670.30, 8670.31 and 8670.36, Government Code.

§ 816.02. Plan Format.

OSPR does not accept paper copies of a contingency plan. All submittals of a new plan, five-year resubmittals, and plan updates must be made online as approved by OSPR administrator. Other documents required to be submitted with the contingency plan, such as evidence of the contracts or other approved means with Oil Spill Response Organizations and certified spill management teams,

or general arrangement and tank diagrams, must be scanned and submitted in an electronic format approved by the Administrator. Although not required, it is requested that the Table of Contents be linked to the different sections of the plan. Also, if a Federal Vessel Response Plan (VRP) or other non-California plan format is used, it is requested that the plan be electronically linked to the plan sections that comply with California's requirements. Each plan must be organized into separate volumes: a response manual and a principal volume or volumes with related appendices. The format for each is outlined below:

(a) Response Manual

A simplified response manual, suitable for on-scene use in the event of a spill which summarizes key notification information and the initial response actions specified in the plan must be prepared and submitted with each plan.

- (1) The response manual is a subset of the information provided in the principal volume of the plan.
- (2) The information contained in the response manual must be sufficient to direct on-scene response personnel through the first 24 hours of a response.

(b) Principal Volume of the Plan

- (1) The principal volume must include all the required information including a summary of the conclusions of all studies, calculations and analyses.
- (2) The principal volume of each plan must be organized to facilitate access to information, and must include:
 - (A) a detailed table of contents with chapters arranged, to the extent possible, in the same order in which the requirement for that information appears in Sections, 818.02 or 818.03;
 - (B) a system of numbered chapters, sections and appendices;
 - (C) a log sheet placed in the front of the plan for recording all amendments and updates; and
 - (D) amendments and updates that are consecutively numbered and dated.
- (3) If a fleet, the principal volume of the plan must include all the information generic to all tank vessels covered by the plan.

(c) Appendices

(1) Tank Vessel-Specific Appendix

If a fleet plan is used, each plan must include an appendix for each tank vessel covered by the plan. The vessel-specific appendix must provide the descriptive information regarding layout and design unique to that tank vessel.

(2) Geographic-Specific Appendix to Tank Vessel Plans

Each tank vessel plan must include an appendix to address the geographic-specific elements along the tank vessel's normal routes of travel. This appendix must include:

- (A) all required notification information for each Geographic Region in which the tank vessel operates;

(B) identification of the oil spill response organizations to be used in each of the six Geographic Regions, as defined in Chapter 1, Section 790 of this subdivision, along the tank vessel's normal routes of travel; and

(C) evidence of the written contract or other approved means (as defined in Section 790 of this subdivision) that will verify that the oil spill response organization and certified spill management team that are named in the plan will provide the requisite equipment and personnel in the event of an oil spill.

(d) Substitute Plans

If a substitute plan is submitted, such as a plan prepared for the State Lands Commission, the Minerals Management Service, the California Coastal Commission, or the United States Coast Guard, the following must also be submitted:

- (1) a listing of all the elements of the individual tank vessel or marine facility's contingency plan that will be replaced by elements in the substitute plan, with an index specifying the location of the required elements, by regulation section, within the substitute plan;
- (2) any required prevention or response element not included in the substitute plan must be submitted as an appendix to the substitute plan; and
- (3) a copy of the response manual required by this section.

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

§ 816.03. Plan Review and Approval.

(a) Timeframes

- (1) Each plan will be approved or denied within 30 **calendar** days after receipt by the Administrator.
- (2) Any state agency or committee that reviews the contingency plans shall submit any comments to the Administrator within 60 **calendar** days of receipt of the plan by the agency or committee.
- (3) The Administrator will determine whether each plan complies with the regulations governing the contingency planning process. If it is determined that a plan is inadequate a written explanation of deficiencies, and, if practicable, suggested modifications or alternatives will be sent to the plan holder.
- (4) Upon notification of a plan's deficiencies, the plan holder will have 30 calendar days to submit a new or modified plan. Such a re-submittal will be treated as a new submittal and processed according to the provisions of this section.

(b) Determination of Adequacy

- (1) A plan will be determined to be adequate if it provides for the best achievable protection of coastal and marine resources and meets the requirements of this subchapter. To be approved, the plan must also demonstrate that each **plan holder** maintains a level of readiness that will allow for effective implementation of the plan.
- (2) To be determined adequate, each plan must provide for all of the following:

(A) Prevention Measures:

1. for marine facilities, all prevention measures to reduce or eliminate the hazards that could result in an oil spill as identified in the Risk and Hazard Analysis;

2. for tank vessels, all prevention measures to reduce the possibility of an oil spill occurring as a result of allisions, collisions, groundings, explosions or operator error;

(B) Immediate notification and mobilization of response resources upon the discovery of a spill;

(C) Procedures for deployment and delivery of response equipment and personnel within the timeframes specified in Sections 818.02 or 818.03;

(D) Procedures to assure protection of the environment from oil spills;

(E) Procedures for timely and adequate cleanup of all spills, up to and including the reasonable worst case spill;

(F) Identification of response equipment, and the call-out procedures to acquire that equipment, to respond to any spill over and above the reasonable worst case spill, in a timely and efficient manner.

(G) All other prevention and response measures specified in Sections 818.02 or 818.03.

(3) In assessing the adequacy of a plan the Administrator will consider:

(A) The volume and types of oil addressed by the plan;

(B) The history and circumstances of prior spills from the tank vessel or vessel carrying oil as secondary cargo;

(C) Existing operating hazards;

(D) The sensitivity and value of the natural, cultural and commercial resources of the geographic area encompassed by the plan;

(E) The spill prevention, notification and response measures addressed in the plan; and

(F) The area-specific characteristics along a tank vessel's normal routes of travel that could affect response and cleanup operations, including: prevailing winds, current speed and direction, tidal fluctuations, and access to the potential spill response sites.

(4) Prior and subsequent to plan approval, the Administrator may make an on-site inspection and require a drill of all or part of any contingency plan submitted in order to determine the plan's adequacy.

(c) Public Review and Comment

Contingency plans will be made available for review by any interested member of the general public at a designated location.

(1) Any person interested in reviewing the plan shall contact the Administrator to request an appointment to review the plan at the office of OSPR. Copies of the plans will be provided at the cost of duplication.

(2) Any interested person may review a plan and submit written comments prior to the Administrator's approval of the initial plan or plan updates. Such comments will be taken into consideration in the Administrator's approval process. No comments will be accepted after final approval.

(d) Plan Approval

(1) A plan will be approved if it addresses all the elements specified in Sections 818.02 or 818.03, as appropriate, and complies with the adequacy criteria enumerated in this section.

(2) Any revised plan submitted by an owner or operator in response to a notification of inadequacy will be considered approved unless otherwise notified by the Administrator within the timeframes established in Section 816.03(a).

(3) Any comments submitted by other agencies or interested parties will be considered when approving or disapproving the plan.

(4) The plan holder will be notified when a plan has been approved. A Letter of Approval will be issued by the Administrator and will describe the conditions of approval, if any, and specify the expiration date of the Letter of Approval.

(5) A plan will be considered to be effective upon submittal unless and until the owner or operator is notified that the plan is inadequate. Exceptions to this requirement will be considered by the Administrator on a case-by-case basis.

(e) Interim Approval

(1) A plan may be approved with minor deficiencies as long as the following requisite elements are included in the plan:

(A) Information to clearly identify the tank vessel or marine facility, including but not limited to:

1. for tank vessels: vessel name, call sign, official number, classification and owner/operator name, address and phone number;
2. for marine facilities: name and address of facility, name, address and phone number of the owner/operator.

(B) A copy of the contract(s) or other approved means for the response resources that meet the requirements of this subchapter;

(C) Identification, including telephone number and facsimile number, of a Qualified Individual;

(D) Appropriate and adequate evidence of financial responsibility.

(2) An Interim Approval shall only remain valid for 30 calendar days.

(f) Denial or Revocation of Plan

(1) Approval will be denied or revoked if a plan does not comply or maintain compliance with the criteria set forth in this Subchapter.

(2) If approval of a contingency plan is denied or revoked, the Administrator will notify the plan holder in writing of the reasons for denial or revocation and provide an explanation of those actions necessary to secure approval.

(A) The plan holder will have 30 calendar days from notification of a denied plan to submit a new or revised plan that incorporates the recommended changes, during which time the plan is considered effective pending final approval. For a tank vessel plan, the Administrator may, however, revoke the plan and deny entry to the vessel if the plan has significant deficiencies that result in the inability of the plan holder to maintain a level of readiness as required by this subchapter.

(B) No tank vessel must operate in marine waters if it fails to gain approval of its contingency plan after the second submission until a subsequent submission is approved.

(C) If a plan holder fails to address plan deficiencies within 90 calendar days from notification of a denied plan, the Administrator may, without further notice, declare the plan null and void.

(g) Request for Reconsideration.

The plan holder may request reconsideration of a decision made by the Administrator regarding the denial of approval, denial of exemption, or revocation of a contingency plan by following the process described in section 790.5 of chapter 1.

(h) Proof of Approval

The Letter of Approval must be presented upon request to the operator of a marine facility prior to an oil transfer.

(i) Liability

Approval of a plan does not constitute an express assurance regarding the adequacy of the plan in the event of a spill nor does it constitute a defense to liability on the part of the operator or owner.

(j) Coastal Protection Review

(1) Within one year of the adoption of this section, and within 18 months of subsequent updates, the Administrator must conduct a comprehensive review of all the oil spill contingency plans for vessels.

(2) The comprehensive review must be conducted to assure that the plans, as a whole, provide the best achievable protection of coastal resources. Each plan will be reviewed in conjunction with all the plans submitted by tank vessels located in or using the same Geographical Region. The Geographic Regions to be used for the review of overall coastal protection are defined in Chapter 1, Section 790 of this subdivision.

(3) The Administrator must evaluate the contingency plans for each Geographical Region to determine if deficiencies exist in equipment, personnel, training and other elements determined to be necessary to ensure the best achievable protection for that region.

(4) If deficiencies are found to exist in overall protection, the Administrator must remand any contingency plans to the plan holder with recommendations for any amendments necessary to adequately protect coastal resources in that Geographical Region. Any plans returned for amendment

must be processed according to the procedures for initial submittal, review and approval of the contingency plan.

Note: Authority cited: Sections 8670.19, 8670.28 and 8670.31, Government Code. Reference: Sections 8670.19, 8670.28, 8670.29 and 8670.31, Government Code.

§ 816.04. Plan Implementation and Use.

(a) Availability

(1) Tank Vessel **and Vessel Carrying Oil as Secondary Cargo** Plans

(A) A complete copy of the tank vessel's contingency plan, including the response manual, must be maintained by the owner or operator.

(B) A complete copy of the tank vessel's approved response manual must be maintained on board the tank vessel at all times.

(2) The plan, or response manual, whichever is required, must be in a central location accessible to key response personnel at all times.

(3) A complete copy of the contingency plan, including the response manual, must be maintained by the Qualified Individual and available for use in the event of an incident.

(4) A complete copy of the contingency plan, including the response manual, must be maintained by the owner or operator and made available for review and inspection by all relevant state agencies upon request.

(5) Immediate Notification Information

(A) Immediate response and notification information must be summarized and posted in a conspicuous location with access to a telephone, or other similar means of communication.

(b) Implementation

(1) Each plan must be effective upon submittal. Any element of the plan that can not be implemented upon submittal must be covered by a timetable for implementation. Elements included in the timetable may include such items as the purchase of equipment, or the implementation of specific prevention measures. The timetable must also include an explanation for the delay, and provide for full implementation within six months of plan submittal, unless an extension is authorized by the Administrator.

(2) The owner or operator must implement the plan according to any timetable submitted as part of the plan.

(3) An owner or operator, or any of his/her agents and employees must use and implement the effective plan in the event of an oil spill or an oil spill drill.

(4) Any deviation from any major element of the contingency plan must be approved by the Administrator in advance of the change. A major element is one that will affect timely and adequate oil spill response.

(5) All involved parties, as defined, must carry out whatever direction is given by the Administrator in connection with the response, containment, and cleanup of a spill. A responsible party or potentially responsible party may refuse to accept a directive from the Administrator if:

(A) The directions of the Administrator are in direct conflict with directions from the Federal On-scene Coordinator; and/or

(B) The party reasonably, and in good faith, believes that the directions or orders given by the Administrator will substantially endanger the public safety or the environment.

(6) If a party refuses to accept the directive of the Administrator, the party must state the reason why they have refused at the time of refusal, and:

(A) The party that has refused a directive must follow up a verbal explanation of their refusal with a written notice to the Administrator explaining in full the reason(s) for refusing the directive. The written notice must be submitted within 48 hours of the refusal;

(B) The burden of proof must be on the party to demonstrate, by clear and convincing evidence, why refusal to follow orders was justified.

(7) Failure to implement the plan appropriately must constitute a violation of this subchapter.

(c) Coordination With Other Plans

(1) Each plan shall be consistent with the State Marine Oil Spill Contingency Plan and not in conflict with the National Contingency Plan.

(1) Beginning with the first review and resubmission, each plan submitted shall be consistent with the appropriate Area Contingency Plan(s) completed by the Coast Guard, State Agencies, and Local Governments as required by the Oil Pollution Act of 1990 that are in effect on January 15 of the year in which the contingency plan update is required.

Note: Authority cited: Sections 8670.28 and 8670.31, Government Code. Reference: Sections 8670.27, 8670.28, 8670.28.5, 8670.29, 8670.30(a)(2) and 8670.57-8670.69.6, Government Code.

§ 816.05. Plan Updates.

(a) Timeframes

(1) Update and Review

(A) The plan holder must ensure that all plans are up-to-date and complete. All plans must be resubmitted for review once every five years from the date of the most recent approval letter.

(B)1. If the most recently approved plan and all updates submitted since the last plan approval letter have not changed, on or before the 5 year resubmittal due date the owner/operator shall, in lieu of submitting a complete plan as described in Subparagraph (A) above, submit correspondence to the Administrator stating that the plan currently on file with OSPR is up-to-date and complete.

2. If the contingency plan on file is over five years old from the date of most recent approval letter (original submission or resubmittal) and there has been no correspondence to the Administrator

stating that the plan currently on file with the OSPR is up-to-date and complete, that plan will be revoked.

(C) The Administrator may require earlier or more frequent resubmission or updates than that required in Subparagraph (A). The owner or operator must be notified in writing if an earlier resubmission or update is required. The notice **must** include an explanation of the reasons for the resubmission or update. The circumstances that would warrant an earlier resubmission or update include, but are not limited to, the following:

1. A change in regulations;
2. The development of new oil spill response technologies as determined by the Administrator during any review of Response Capability Standards;
3. Deficiencies identified in the Administrator's review of all the oil spill contingency plans as part of the Coastal Protection Review;
4. An increased need to protect plant and wildlife habitat;
5. Deficiencies in oil spill response capability identified during an oil spill;
6. Deficiencies in oil spill response capability identified during an oil spill drill;
7. Significant changes to the tank vessel; and
8. Any other situation deemed appropriate by the Administrator where deficiencies in the ability to provide timely and effective oil spill response are identified.

(2) Unscheduled Updates

(A) The Administrator must be notified as soon as possible, but at least within 24 hours, of any significant change or update to an approved plan.

1. A significant change is one that could affect timely and adequate oil spill response including changes in ownership and Financial Responsibility coverage.
2. Changes which are not significant include minor changes in equipment, personnel, or operating procedures which do not affect timely and adequate oil spill response.
3. As soon as administratively feasible, the Administrator will approve any change that would benefit the public health and safety, improve environmental protection, or facilitate more effective response, containment and cleanup.

(b) Review and Approval of Plan Updates

(1) The Administrator may deny approval of a resubmitted plan, or updated section(s) of a plan if it is no longer adequate according to the adopted regulations and policies in effect at the time of resubmission.

(2) The review will be processed in accordance with the same timeframes and procedures for submission of the initial plan.

(c) Logging and Distributing the Revised Plan

(1) The plan holder must distribute the revised plan page(s) to all plan recipients within 15 calendar days of the Administrator's approval of the revisions.

(2) The log sheet, located in the front of the plan, must be used to record the date the amendment was received, the initials of the individual who received the amendment, and a description of the change.

(d) Each plan recipient must incorporate and utilize all updated materials as provided by the plan holder.

Note: Authority cited: Sections 8670.28 and 8670.31, Government Code. Reference: Sections 8670.19, 8670.28 and 8670.31, Government Code.

§ 816.06. Compliance Requirements/Penalties.

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

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

(b) Failure to implement any element of the plan as approved unless otherwise authorized by the Administrator or the United States Coast Guard through the unified command;

(c) Operating without an approved plan;

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

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

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

§ 818. Tank Vessel Contingency Plans.

§ 818.01. Applicability.

(a) Plans.

Unless tank vessels are exempt as provided in subsection (b) below, oil spill contingency plans 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 section 790 of this 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.

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(1) This subchapter 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) The operator and crew comply with all orders given by the Administrator or his or her designee, unless the orders are contradicted by orders from the United States Coast Guard;

(B) 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. The transfer is necessary for the safety of the crew; or
2. The transfer is necessary to prevent harm to public safety or the environment; or
3. A contingency plan is approved or made applicable to the tank vessel.

(C) The tank vessel 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. 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. The contingency plan includes all conditions pertinent to a tank vessel;
3. The tank vessel meets all the requirements of the terminal or tanker's contingency plan; and,
4. 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 subsection 818.01(b)(2) must be operated in accordance with the tank vessel's operations manual. In the event of an oil spill, the tank vessel operator 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 section 790 of this 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 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 must provide the following information for each tank vessel covered by the plan:

(A) The tank vessel's name, country of registry, year built, classification society, radio call sign, and Lloyd's International Maritime Organization identification number. For United States flagged (registered) tank vessels without a Lloyd's International Maritime Organization identification number, the vessel's official number (also known as the document number) must be used;

(B) Name, address, phone number, **fax number** and e-mail address, of the owner and operator of the tank vessel(s). This information must be referenced in the plan title or on a title page at the front of the plan;

(C) The name, address, phone number, **fax number** and e-mail address, of the person to whom correspondence should be sent;

(D) The tank vessel's classification, hull type, gross registered tonnage, maximum cargo **or fuel** amounts, length, draft and beam;

(E) 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 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 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) The California certificate of financial responsibility number for the tank vessel(s) covered by the plan must be included in the front of the plan, or for fleet plans must be listed separately in a subsection of the plan.

(2) Each plan must identify a qualified individual, as defined in chapter 1, section 790 of this subdivision, and any alternates that may be necessary for the purpose of implementing the plan. If the plan holder contracts for this service, documentation that the qualified individual or company, and any identified alternates, acknowledge this capacity must be included in the plan. If an alternate or

alternates are identified in the plan, then the plan must also describe the process by which responsibility will be transferred from the qualified individual to an alternate. During spill response activities, notification of such a transfer must be made to the State Incident Commander at the time it occurs.

(3) Each plan must provide the name, address, telephone number and e-mail address 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 must be included in the plan. Such agent must be located in California.

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

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

(2) 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.

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

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

(b) Tank Vessel Description.

(1) Each plan 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 must include, at a minimum, the following information:

(A) 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 must be provided.

(B) A description of the types, physical properties and the health and safety concerns of the oil or product carried. A safety data sheet 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 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 must include, but not be limited to, the following:

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- (A) Documented safe practices in ship operations and a safe working environment;
- (B) Safeguards against all identified risks and hazards;
- (C) Properly documented and updated procedures related to safety and pollution prevention;
- (D) Ensuring personnel are qualified, medically fit and hold proper licenses;
- (E) Ensuring personnel know how to operate emergency equipment;
- (F) Ensuring personnel are trained in emergency preparedness (e.g., fire and boat drills, oil spill response, etc.);
- (G) Appropriate system monitoring duties are performed;
- (H) 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) 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 or operator must either submit a Certificate of Inspection issued by the 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 or operator must also submit a valid Safety Management Certificate for each vessel covered by the plan, as well as a Document of Compliance to demonstrate compliance with the performance elements in the International Safety Management Code subject to International Maritime Organization Resolution A.741(18), or must submit proof of compliance with the American Waterways Operators 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 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 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 or operator must include in the plan a description of the vessel's normal routes of travel including a list of each of the six geographic regions that the vessel transits along these routes.

(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 response planning 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 geographic response area through which the tank vessel may transit. To determine the amount of response resources for containment booming and on-water recovery, each plan holder must calculate a response planning volume as outlined below:

(1) Reasonable Worst-Case Spill.

To calculate the response planning volume, it is first necessary to determine the reasonable worst-case spill for each tank vessel. The reasonable 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 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 response planning volume.

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

2. The calculations used to determine the response planning volume must be included in the plan.

(3) Response Capability Standards.

The equipment and personnel necessary to address the response planning volume is brought to the scene of the spill over a period of time. The time frames are dependent upon the geographic response area or geographic 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 response planning volumes. The 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 must be the lesser of the amount necessary to address the daily recovery rates established in subsection 818.02(e)(3)(B) below or the response planning volume determined in subsection 818.02(e)(2)(C).

2. The amount of response resources and the time frames for delivery are specified in 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 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 United States Coast Guard area contingency plan), the plan must provide for an adequate number of shallow-draft vessels (as defined in Section 790 of this subdivision) to be owned or under contract or other approved means. Additionally, the equipment identified must also be appropriate for use on the type of oil identified.

4. The time frames for equipment delivery and deployment as specified in this subsection do not take into account the time required to conduct a health and safety assessment of the site as set forth in subsection 818.02(g)(8), and as required by the California Occupational Safety and Health Administration. In addition, these time frames do not account for delays that may occur due to weather or sea state. The actual time necessary to deliver and deploy equipment will be assessed at the time of an incident or a drill and will take into account the prevailing conditions of weather and sea state, as well as the site assessment requirements.

(B) Daily Recovery Rate.

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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
	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 points within facility transfer areas or during transfers at anchorage designations within the high volume ports, there must be 3,125 barrels 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 point within a high volume 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 oil pollution risk areas, which are found at the following latitude/longitude locations:

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

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

Carquinez Bridge: 38 3.6N; 122 13.6W

Deep Water Channel: 38 2.5N; 122 21.9W

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

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

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

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

San Mateo Bridge: 37 35.1N; 122 15.0W

For the Los Angeles/Long Beach Harbor:

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

ii. Tank vessels that transit: 1) inward of the inland line of demarcation as described in 33 Code of Federal Regulation 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, must have the initial 13,280 barrels per day on-water recovery capability at the scene of the spill within four hours; and the initial 23,437 barrels per day on-water recovery capability at the scene of the spill within six hours;

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

(D) The standards set forth in 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 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 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 oil spill response organization must make a request to the Administrator to temporarily reduce the response capability standards set forth in (e)(3) above, before the equipment can be moved. The Administrator 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 must demonstrate that the tank vessel **plan holder** has under contract or other approved means (as defined in section 790 of this subdivision), access to all necessary response resources to comply with the response capability standards for containment booming and on-water recovery established pursuant to subsection 818.02(e)(3). The amount of response equipment required will take into account the effective daily recovery capacity (as defined in chapter 1, section 790 of this subdivision) of the equipment.

(B) The equipment identified for a specific area must be appropriate for use in that area given the limitations of the geography, bathymetry, water depths, tides, currents and other local environmental

conditions. For those areas that require shallow-water response capability (refer to the relevant United States Coast Guard area contingency plan), the plan must provide for an adequate number of shallow-draft vessels (as defined in section 790 of this subdivision) to be owned or under contract or other approved means. Additionally, the equipment identified must also be appropriate for use on the type of oil identified. The following information must be in the contingency plan, however, to the extent that the information is provided by a rated oil spill response organization, evidence of a contract or other approved means with a rated oil spill response organization will suffice:

1. The location, inventory and ownership of the equipment to be used to fulfill the response requirements of this subchapter.
2. A complete inventory of any nonmechanical response equipment and supplies, including the type and toxicity of each chemical agent, with procedures for storage and maintenance.
3. The manufacturer's rated capacities and operational characteristics for each major item of oil recovery equipment.
4. The type and capacity of storage and transfer equipment matched to the skimming capacity of the recovery systems.
5. The effective daily recovery capacity (as defined in chapter 1, section 790 of this subdivision) for each major piece of on-water recovery equipment listed, as well as the 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 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 Vessels of opportunity reasonably available for oil spill recovery operations, including availability of shallow-draft vessels, procedures to equip the vessels, inventory equipment, and train personnel.
8. Procedures for storage, maintenance, inspection and testing of spill response equipment under the immediate control of the operator.
9. Sufficient equipment to track the movement of spilled oil including aerial surveillance sufficient to direct skimming operations.
10. Each plan must describe the personnel available to respond to an oil spill, including:
 - i. 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 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. Sufficient personnel to maintain a response effort of at least 14 calendar days.

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

i. Adverse weather;

ii. Sea states, tides, winds and currents;

iii. Presence of debris or other obstacles; and

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

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

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

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

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

4. Equipment necessary to assess the impact of such spills.

5. Any other appropriate equipment necessary to respond to a 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 regional area contingency plan, and all applicable state laws and regulations. If a non-mechanical method of response is proposed, the plan must include:

1. Methods of deployment or application.
 2. For use of chemical agents, a description of the specific mechanisms in place to assess the environmental consequences of the chemical agent. This 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. 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 plan for protecting resources at risk, areas of public concern and the public from any adverse effects of the non-mechanical methods used.
 5. The projected efficacy of each type of non-mechanical method proposed for use taking into account the type of spilled material and the projected environmental conditions of the potential spill site.
 6. Upon request, the plan holder 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 must describe methods for tracking the movement of the spilled oil.
- (G) The plan 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) Environmental Sensitive Site Protection and Shoreline Cleanup.
- (1) Each plan must provide for environmental sensitive site protection in the geographic response areas or geographic regions where the tank vessel may transit.
- (A) Each plan must have under contract or other approved means sufficient response resources to implement the environmental sensitive site protection strategies described in the area contingency plans, and in the time frames required by section 828.1. Response resources are to remain on-scene until demobilized by the State Incident Command or the unified command. For planning purposes, this must include procedures to obtain sufficient personnel to maintain a response effort of at least 14 calendar days.
- (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 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 must notify the Administrator when the major equipment is back in service.

(2) Shoreline Cleanup.

(A) Each plan must describe methods to clean up spilled oil and remove it from the environment. The owner or operator must have a contract or other approved means to provide the appropriate shoreline 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 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. 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; and
2. Measures to be taken to minimize damage to the environment from land operations during a spill response, such as impacts to sensitive shoreline habitat caused by heavy machinery or foot traffic.

(g) Response Procedures.

(1) Each plan 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 must also be included. Additionally, the plan must describe the method to be used to integrate the plan holder's organization into the incident command system or the unified command structure as required by 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 contingency plan when describing how the tank vessel's chain of command will interface with the incident command system which utilizes the unified command.

(B) Each plan 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 incident command system.

(C) Each plan 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 incident command system.

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

(A) A central command post sufficient to accommodate the incident command or unified command as well as the plan holder's response organization;

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

(C) Equipment and personnel staging areas.

(3) Each plan 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 must describe the general order and priority in which key spill response activities are performed.

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

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

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

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

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

(A) Communication procedures;

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

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

(D) Redundant and back-up systems.

(7) Each plan 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 cleanup activities, a site safety plan must be completed. Each plan must include information as required pursuant to 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 must include a list of contacts to call in the event of **an exercise**, drill, spill, or threatened spill of oil. The plan must:

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

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

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

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

(2) Immediate Notification.

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

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

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

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

(3) Each plan must identify a call-out procedure to acquire the resources necessary to address spills that cannot be addressed by the equipment that the 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 must provide a checklist of the information to be reported in the notification procedures, including but not limited to:

(A) Tank vessel name, country of registry, call sign, and **vessel identification** number;

(B) Location of the incident;

(C) Date and time of the incident;

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

(E) The nature of the incident;

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

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

(H) The size and appearance of the slick;

(I) Prevailing weather and sea conditions;

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

(K) Current condition of the tank vessel;

(L) Injuries and fatalities; and

(M) Any other information as appropriate.

(5) Reporting of a spill as required by subsection 818.02(h)(2) must not be delayed solely to gather all the information required by subsection 818.02(h)(4).

(6) An updated estimate of the volume of oil spilled and the volume at immediate risk of spillage 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 or the Federal On-Scene Coordinator through the unified command has the option of increasing or decreasing this time frame, as needed. Updated spill volume information included in the Incident Action Plan developed through the unified command will meet the requirements of this subsection.

(i) Temporary Storage and Waste Management.

(1) Each plan 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 must be no less than two times the calculated response planning volume up to the daily recovery rate as determined in subsection 818.02(e)(3)(B).

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

1. Sufficient storage to support the skimming systems 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, must be brought to the scene of the spill within four hours, of notification of a spill;

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

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

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

(3) Each plan 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 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 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.

The owner or operator must provide information to include in the plan on how oiled wildlife care will be provided by one of the following approved means:

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

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

(k) Training.

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

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

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

1. 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 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) Licenses, certifications or other prerequisites to hold particular jobs.

(3) Each plan 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 **plan holder** must ensure that training records are maintained for three years. All such documentation must be made available to the Administrator upon request.

(l) Equipment Deployment Drills and Tabletop Exercises.

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

(4) Environmental Sensitive Site Protection. When an oil spill contingency plan lists plan holder-owned environmental sensitive site protection response resources, a drill must be conducted at least once every three years. 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.

(m) Tank Vessel Emergency Services.

(1) Notification Requirements.

Any party responsible for a tank vessel as defined in this subdivision must notify the 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 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 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 section 818.01 must demonstrate sufficient tank vessel emergency service capability as outlined in this section.

(B) Availability of the following equipment and services 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 letter of intent or a conditional agreement, signed by the entity providing such services and attesting to the availability of the equipment and services required as

specified in this subsection (m). Any service provider must have the appropriate expertise, and all required equipment ready and available to respond within the following time frames:

1. Within 12 hours of notification of the United States Coast Guard;

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

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

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

d. The 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;

e. Dewatering pumps, hoses, and power supplies sufficient to maintain vessel stability and prevent sinking must be on-scene.

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

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

b. Equipment 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 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.

§ 818.03. Vessels Carrying Oil As Secondary Cargo Plan Content.

To the degree the information required by subsections 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 must provide the following information for each vessel carrying oil as secondary cargo (as defined in section 790 of this subdivision) covered by the plan:

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

(B) Name, address, phone number, **fax number** and e-mail address, if available, of the owner and operator of the vessel(s). This information must be referenced in the plan title or on a title page at the front of the plan;

(C) The name, address, phone number, **fax number** and e-mail address, if available, of the person to whom correspondence should be sent;

(D) 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 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 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 certificate of financial responsibility number for the tank vessel(s) covered by the plan must be included in the front of the plan, or for fleet plans must be listed separately in a subsection of the plan.

(2) Each plan must identify a qualified individual, as defined in chapter 1, section 790 of this subdivision, and any alternates that may be necessary for the purpose of implementing the plan and documentation that the qualified individual acknowledges this capacity. If an alternate or alternates are identified in the plan, then the plan must also describe the process by which responsibility will be transferred from the qualified individual to an alternate. During spill response activities, notification of such a transfer must be made to the State Incident Commander at the time it occurs.

(3) Each plan must provide the name, address, telephone number and **facsimile number e-mail address** 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 must be located in California.

(4) Each plan must identify and ensure by contract or other approved means a certified spill management team, as described in subchapter 5 of this chapter. The certified spill management team 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 spill management team acknowledges this capacity must be included in the plan.

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

(b) Vessel Carrying Oil as Secondary Cargo Description.

(1) Each plan 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 must include, at a minimum, the following information:

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

(C) The vessel's classification, hull type, gross registered tonnage, oil cargo capacity, length, draft and beam.

(c) Prevention Measures.

(1) Each plan holder 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 vessel carrying oil as secondary cargo. Each plan must include a summary of the policies, programs, guidelines and/or procedures designed to implement the following:

(A) 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 Code of Federal Regulations parts 154 and 156 may be substituted for all or part of any comparable prevention measures required by this subsection;

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

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

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

(E) Where a plan holder's 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 is considered in compliance with the provisions of this subsection.

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

(2) [Reserved]

(3) At the time the initial contingency plan is submitted, the owner or operator must either submit a Certificate of Inspection issued by the United States Coast Guard or a certificate issued by a member of the International Association of Classification Societies certified by the International Maritime Organization 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 or operator must also submit a Safety Management Certificate to demonstrate compliance with the performance elements in the International Safety Management Code subject to International Maritime Organization Resolution A.741(18), or must submit proof of compliance with the American Waterways Operators Responsible Carrier Program, if applicable.

(d) Planning for the Location of Response Resources.

The owner or operator must be prepared to respond to a spill anywhere within the marine waters of California where the vessel carrying oil as secondary cargo transits. To determine the regions in which response equipment and personnel must be available, the owner or operator must include in the plan a description of the vessel's normal routes of travel including a list of each of the six geographic regions that the vessel transits along these routes.

(e) Containment Booming and On-Water Recovery.

Each plan holder must contract for containment booming and on-water recovery response resources up to their response planning volume for all potential spills from the 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 geographic response area, or geographic region through which the vessel may transit. To determine the amount of response resources for containment booming and on-water recovery, each plan holder must calculate a response planning volume as outlined below:

(1) Reasonable Worst-Case Spill. To calculate the response planning volume, it is first necessary to determine the reasonable worst-case spill for each vessel. The reasonable 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 spill volume is then multiplied by a persistence factor relative to the most persistent type of oil that each 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 response planning volume.

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

2. The calculations used to determine the response planning volume must be included in the plan.

(3) Response Capability Standards.

The equipment and personnel necessary to address the response planning volume is brought to the scene of the spill over a period of time. The time frames are dependent upon the geographic response area or geographic region in which the 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 vessel carrying oil as secondary cargo has a spill that exceeds the response planning volumes. The 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 must be the amount necessary to address the response planning volume determined in subsection 818.03(e)(2)(C), as follows:

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

b. A vessel carrying oil as secondary cargo operating in facility transfer areas or the Santa Barbara Channel area must have sufficient on-water containment and recovery equipment and services to respond to 10 percent of the calculated response planning volume (as calculated in sections

818.03(e)(1) and (2)) at the scene of the spill within 12 hours. There must be sufficient on-water containment and recovery equipment and services to respond to the remaining response planning volume within 36 hours.

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

(4) Transfer Operations.

Each plan must demonstrate that the vessel carrying oil as secondary cargo 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 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 must demonstrate that the vessel carrying oil as secondary cargo owner or operator has under contract or other approved means (as defined in section 790 of this subdivision) access to all necessary response resources to comply with the response capability standards for containment booming and on-water recovery established pursuant to subsection 818.03(e). The amount of response equipment required will take into account the effective daily recovery capacity (as defined in chapter 1, section 790 of this subdivision) of the 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 United States Coast Guard area contingency plan), the plan must provide for an adequate number of shallow-draft vessels (as defined in section 790 of this 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 environmental consequence analysis. Additionally, the equipment identified must also be appropriate for use on the type of oil identified. The following information must be in the contingency plan, however, to the extent that the information is provided by a rated oil spill response organization, evidence of a contract or other approved means with a rated oil spill response organization will suffice:

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

2. The manufacturer's rated capacities and operational characteristics for each major item of oil recovery equipment.

3. The type and capacity of storage and transfer equipment matched to the skimming capacity of the recovery systems.
4. The effective daily recovery capacity (as defined in chapter 1, section 790 of this subdivision) for each major piece of on-water recovery equipment listed, as well as the 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 Vessels designated for oil recovery operations, including skimmer vessels and vessels designed to tow and deploy boom.
6. Procedures for storage, maintenance, inspection and testing of spill response equipment under the immediate control of the operator.

(f) Environmental Sensitive Site Protection and Shoreline Cleanup.

(1) Each plan must provide for environmental sensitive site protection in the geographic response areas or geographic regions where the vessel carrying oil as secondary cargo may transit. Each plan must demonstrate through contract(s) or other approved means, the response resources necessary to implement all applicable environmental sensitive site protection strategies described in the area contingency plans, and in the time frames required by section 828.1.

(2) Shoreline Cleanup.

(A) Each plan must describe methods to clean up spilled oil and remove it from the environment. The owner or operator must have a contract or other approved means to provide the appropriate shoreline 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 must be appropriate to implement all the applicable strategies, and appropriate for use on the type of oil identified. The description must include:

1. 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; and
2. Measures to be taken to minimize damage to the environment from land operations during a spill response, such as impacts to sensitive shoreline habitat caused by heavy machinery or foot traffic.

(g) Response Procedures.

(1) Each plan must describe the organization of the vessel carrying oil as secondary cargo's certified spill management team. An organizational diagram depicting the chain of command must also be included. Additionally, the plan must describe the method to be used to integrate the plan holder's organization into the incident command system or the unified command structure as required by California Code of Regulations, title 8, subsection 5192(q)(3)(A).

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

(2) Each plan 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 must describe the general order and priority in which key spill response activities are performed.

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

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

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

(4) Each plan must describe equipment and procedures to be used by the 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 must detail the lines of communications between the responsible party, the qualified individual and the on-scene commanders, response teams, local, state, and federal emergency and disaster responders, including:

(A) Communication procedures;

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

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

(D) Redundant and back-up systems.

(6) Each plan 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 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 cleanup activities.

(h) Notification Procedures.

(1) Each plan must include a list of contacts to call in the event of a drill, spill, or threatened spill of oil. The plan must:

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

1. The individual or office to be contacted;

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

3. An alternate contact in the event the individual is unavailable.

(B) Detail the procedures for reporting oil spills to all appropriate local, state, and federal agencies within each of the six geographic regions that the vessel carrying oil as secondary cargo transits;

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

(2) Immediate Notification.

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

(A) Each plan must include a procedure for initiating telephonic contact with the oil spill response organization in each of the six geographic regions that the vessel carrying oil as secondary cargo transits immediately, but no longer than 30 minutes, after the discovery of a spill of oil or threatened spill of oil.

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

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

(3) Each plan must identify a call-out procedure to acquire the resources necessary to address spills that cannot be addressed by the equipment that the 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 must provide a checklist of the information to be reported in the notification procedures, including but not limited to:

(A) The 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 vessel carrying oil as secondary cargo;

(E) The nature of the incident;

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

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

(H) The size and appearance of the slick;

(I) Prevailing weather and sea conditions;

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

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

(L) Any injuries or fatalities; and

(M) Any other information as appropriate.

(5) Reporting of a spill as required by section 818.03(h)(2) must not be delayed solely to gather all the information required by subsection 818.03(h)(4).

(6) An updated estimate of the volume of oil spilled and the volume at immediate risk of spillage 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 or the Federal On-Scene Coordinator through the unified command has the option of increasing or decreasing this time frame, as needed. Updated spill volume information included in the Incident Action Plan developed through the unified command will meet the requirements of this subsection.

(i) Temporary Storage and Waste Management.

(1) Each plan 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 must be no less than two times the required response capability standards as determined in subsection 818.03(e)(3).

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

(3) Each plan 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 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 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 must describe how oiled wildlife care will be provided by one of the following approved means:

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

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

(k) Training.

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

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

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

1. 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 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) Licenses, certifications or other prerequisites to hold particular jobs.

(3) Each plan 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 vessel carrying oil as secondary cargo owner or operator must ensure that training records are maintained for three years. All such documentation must be made available to the Administrator upon request.

(f) Equipment Deployment Drills and Tabletop Exercises.

(1) Each plan must describe the vessel carrying oil as secondary cargo's drill and exercise program. The vessel owner or operator 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 must be designed to exercise either components of or the entire response plan. Such drills, individually or in combination, must ensure that the entire plan is exercised at least once every three years.

(3) Environmental Sensitive Site Protection. When an oil spill contingency plan lists plan holder-owned environmental sensitive site protection response resources, a drill must be conducted at least once every three years. 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.