

CALENDAR ITEM

82

MINUTE ITEM

This Calendar Item No. 82 was approved as Minute Item No. 82 by the State Lands Commission by a vote of 3 to 0 at its 9/23/92 meeting.

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CONSIDERATION OF REGULATIONS
GOVERNING ALL MARINE OIL TERMINALS IN CALIFORNIA

PROPOSAL

The Commission Staff is proposing adoption of a set of regulations governing all marine terminals in the state, pursuant to the Lempert-Keene-Seastrand Oil Spill Prevention and Response Act (the Act). This action would replace more limited regulations which the Commission adopted on September 23, 1991.

BACKGROUND

On September 24, 1990, the State of California enacted the Act, which established a comprehensive program for the prevention of and response to oil spills in California's marine waters. Among the provisions of the Act is Division 7.8 of the P.R.C., which directs the Commission to establish regulation and inspection programs governing all marine oil terminals in the state. To carry out these provisions, the Commission created the Marine Facilities Inspection and Management Division (the Division).

P.R.C. Section 8755, adopted as part of the Act, specifically requires the Commission to establish detailed, comprehensive marine terminal regulations ensuring the best achievable protection of public health and safety and of the environment. However, it was deemed inappropriate to adopt such regulations until after planning, review and coordination with other agencies were more advanced and until after a full evaluation of existing operations, technologies and safety programs was completed. Only then could the Commission determine what requirements would be appropriate and necessary to meet the standards of the statute.

Pending preparation and adoption of comprehensive regulations, the Commission, on May 1, 1991, adopted interim regulations on an emergency basis which established the Division's monitoring and inspection program and incorporated as Commission regulations

those relevant federal provisions governing oil transfer operations at marine terminals. Those emergency provisions, made permanent by the Commission on September 23, 1991, permitted immediate action to curtail the incidence of oil spills while work toward comprehensive regulations proceeded.

Attached as Exhibit "A" is the comprehensive set of regulations which would, in the opinion of Staff, provide the best achievable protection of public health and safety and of the environment, given current levels of knowledge and technology. The proposed regulations were prepared after an extensive review by staff of regulations, recommended practices and studies of the Federal Government and of other states and local authorities. In their preparation, Staff also reviewed guidelines and recommendations from international maritime safety organizations, forums and committees, and laws, regulations and industrial practices from foreign governments and ports with high levels of tanker ownership and traffic.

The Division also formed a Technical Advisory Group (TAG) in May 1991 to provide input towards the implementation of the provisions of the Act. The TAG, representing a wide cross section of the marine transportation and oil industries and other interested state and local agencies, provided extensive contributions, comments and recommendations to the development to the proposed text.

Finally, Division Staff members drew upon their own decades of personal, practical experience in operating and policing tank vessels and terminals to determine the scope and content of the proposal.

These proposed regulations are intended to enhance and complement the existing regulations so as to provide the best currently achievable protection standards as defined and prescribed in the Act. The Commission Staff believes, however, that it will have to continue studying existing and proposed measures, as well as technological developments in order to meet the required standards of the future. Staff also believes that, through P.R.C. Section 8756, the Legislature directed the Commission to engage in an ongoing reevaluation of regulations and oil transfer technology and operations to ensure continuous improvements in environmental protection.

PROPOSED REGULATIONS

The provisions of the proposed regulations are generally as follows:

1. Section 2300 would carry forward language now in a provision of the existing regulations, Section 2301, establishing the Division to perform the inspection and monitoring programs required under the Act.
2. Section 2305 would state the purpose of these regulations.
3. Section 2310 would provide for modifications or alternatives to or exemptions from the regulations to accommodate particular circumstances for specific terminals.
4. Section 2315 would provide definitions applicable to these regulations.
5. Section 2320 essentially would carry forward language in an existing section of the current regulations, Section 2303, delineating how the Division would carry out its inspection and monitoring program, with an added proviso for a periodic, thorough examination of each marine terminal. This section would also require terminal operators to ensure that employees or agents of the Division have access to all parts of the terminal and the tank vessel or barge necessary and appropriate in order to carry out the inspection and monitoring activities.
6. The language of Section 2325 would require that each terminal operator provide the Division with advance notification of oil transfers.
7. Section 2330 would require that a proper exchange of information essential for the safe conduct of oil transfer operations takes place between the terminal operator and operators of tank vessels or barges prior to their arrival at the terminal. This section would also require that persons in charge of oil transfer operations at the terminal and aboard the tank vessel or barge conduct a pre-transfer conference, so that both persons in charge clearly

- understand details and procedures of the oil transfer operation. The persons in charge are also required to verify that conditions and arrangements for the transfer are safe, prior to commencement of oil transfer operations.
8. Section 2335 would require that, for each transfer, there be a person in charge of terminal operations and a person in charge of vessel operations. Prior to the initiation of the transfer, both would be required to follow a detailed, specified checklist, called a Declaration of Inspection, in carrying out visual inspection of the facility and the vessel. Each would also initial each item on the Declaration which that person inspects, and both would then be required to execute the document.
 9. Section 2340 would provide a comprehensive list of requirements with which a terminal and a vessel must comply for conducting safe and pollution free oil transfers. Among the many issues addressed are moorings and connections; maintenance, connection, and use of hoses and loading arms; drains, scuppers, and small spill containment; emergency shutdown operations; communications; lighting; vapor recovery systems; fire fighting equipment; and protective booming. The actions of the persons in charge are also addressed, along with requirements for shutdown in the event of a spill.
 10. Section 2345 would require that operators of any tank vessel engaged in a transfer operation comply with specified prevention measures to guard adequately against dangers arising from fire.
 11. Section 2350 would provide that all terminal operators allow only authorized persons access to the terminal.
 12. Section 2355 would require that specified warning signs and notices be displayed at both the terminals and tank vessels or barges engaged in transfer operations.
 13. Section 2360 would provide that any repairs, maintenance, modifications, and work which requires the use of welding, burning, or other specified heat sources, called "hot work", be conducted in a safe manner. It would also permit such

work only after specified precautions have been taken and the necessary permits have been obtained from the Coast Guard.

14. Section 2365 would establish certain lighting requirement for operations in darkness or bad weather.
15. Section 2370 would establish certain communications requirements for all transfer operations.
16. Section 2375 would provide that all persons in charge of transfer operations at a terminal have specified minimum qualifications, experience, and knowledge. Persons in charge of tank vessels and barges would have valid licenses or certificates as appropriate.
17. Section 2380 would require that specified transfer equipment meet recognized standards. Equipment addressed includes hose assemblies, loading arms, closure devices, connections, monitoring devices, small discharge containment, and emergency shutdown and vapor control systems.
18. Section 2385 would require each terminal operator to have a comprehensive operations manual that describes how the operator meets the equipment and operating requirements under these regulations. The manual's contents are specified, and it would have to be approved by the Division.
19. Section 2390 would establish certain additional requirements for offshore terminals, defined as a facility where the vessel moors to buoys, rather than to a structure. The requirements would include provisions for a stand-by tug during mooring and unmooring, diver inspection of submarine hoses, maintenance of vacuum pressure in submerged pipelines when not in use, and minimum underkeel clearance.
20. Section 2395 would require specified protective booming for each transfer operation. Alternative measures would be permitted at offshore terminals.

CALENDAR ITEM NO. 82 (CONT'D)

21. Section 2400 would require terminal operators to comply with mitigation measures established pursuant to any environmental review prepared for the terminal's operation.
22. Section 2405 would provide direction to Staff as to how to proceed in the event regulatory violations are discovered. It would also authorize Staff to take certain enforcement action.

STATUTORY REFERENCES:

- A. Government Code Sections 8574.1 through 8574.10 and 8670.1 through 8670.72
- B. P.R.C. Sections 8750 through 8760.
- C. P.R.C. Section 21084

AB 884:
N/A

OTHER PERTINENT INFORMATION:

1. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Code Regs. 15061), the staff has determined that this activity is exempt from the requirements of the CEQA as a categorically exempt project. The project is exempt under Class 7, Actions by Regulatory Agencies for Protection of Natural Resources and Class 8, Actions by Regulatory Agencies for Protection of the Environment, 14 Cal. Code Regs. 15307 and 15308.

Authority: P.R.C. 21084 and 14 Cal. Code Regs. 15300.

2. Government Code Section 8574.10 requires that all regulations prepared pursuant to the Act must be submitted, prior to adoption, to the Review Subcommittee of the State Interagency Oil Spill Committee for review. If the Subcommittee makes recommendations regarding the regulations, the agency submitting the proposed regulations must make modifications in compliance with the recommendations or

make a determination, in writing, that the regulations as proposed more fully comply with the Act. The attached proposed regulations were submitted to the Review Subcommittee, and, while modifications were made in light of comments by individual Subcommittee members, no recommendations were made by the Subcommittee which require a response by the Commission.

EXHIBIT:

A. Copy of the Proposed Regulations

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CAL. CODE REGS. 15061 AS A CATEGORICALLY EXEMPT PROJECT, CLASS 7, ACTIONS BY REGULATORY AGENCIES FOR PROTECTION OF NATURAL RESOURCES AND CLASS I, ACTIONS BY REGULATORY AGENCIES FOR PROTECTION OF THE ENVIRONMENT, 14 CAL. CODE REGS. 15307 AND 15308.
2. FIND THAT NO ALTERNATIVE WOULD BE MORE EFFECTIVE IN CARRYING OUT THE PURPOSE FOR WHICH THE REGULATION IS PROPOSED OR WOULD BE AS EFFECTIVE AND LESS BURDENSOME TO AFFECTED PRIVATE PERSONS THAN THE PROPOSED REGULATION GIVEN THE REQUIREMENTS OF THE ACT.
3. REPEAL PREVIOUSLY ADOPTED REGULATIONS CONTAINED IN THE CALIFORNIA CODE OF REGULATIONS, TITLE 2, DIVISION 3, CHAPTER 1, ARTICLE 5, SECTIONS 2300 THROUGH 2304, INCLUSIVE.
4. ADOPT, AS SECTIONS 2300 THROUGH 2405, INCLUSIVE, IN THE CALIFORNIA CODE OF REGULATIONS, TITLE 2, DIVISION 3, CHAPTER 1, ARTICLE 5, REGULATIONS SUBSTANTIALLY IN THE FORM OF THOSE SET FORTH IN EXHIBIT "A", TO BECOME EFFECTIVE UPON THE THIRTIETH DAY FOLLOWING THEIR FILING WITH THE SECRETARY OF STATE.
5. AUTHORIZE STAFF TO MAKE MODIFICATIONS IN THE REGULATIONS IN RESPONSE TO NON-MATERIAL RECOMMENDATIONS BY THE OFFICE OF ADMINISTRATIVE LAW.

CALENDAR ITEM NO. 82 (CONT'D)

6. DIRECT STAFF TO TAKE WHATEVER ACTION IS NECESSARY AND APPROPRIATE TO COMPLY WITH PROVISIONS OF THE GOVERNMENT CODE REGARDING ADOPTION OF REGULATIONS AND TO ENSURE THAT THE REGULATIONS BECOME EFFECTIVE.
7. DIRECT STAFF TO TAKE WHATEVER ACTION IS NECESSARY AND APPROPRIATE TO IMPLEMENT THE PROVISIONS OF THE REGULATIONS AT SUCH TIME AS THEY BECOME EFFECTIVE.
8. WAIVE ANY AND ALL PROVISIONS IN ANY LEASE OR LEASE AMENDMENT REQUIRING A DECLARATION OF INSPECTION DIFFERENT FROM THAT REQUIRED UNDER THE REGULATIONS ADOPTED BY THIS ACTION.

CALENDAR PAGE	896
MINUTE PAGE	3561

EXHIBIT "A"

TABLE OF CONTENTS

(Not part of the text of the regulations)

Section	Page
§2300. The Marine Facilities Inspection and Management Division.	1
§2305. Purpose, Applicability and Date of Implementation.	1
§2310. Modifications, Alternatives or Exemptions.	2
(a) Petitions for Modifications, Alternatives or Exemptions.	2
(b) Response to Petitions.	2
(c) Approval of Petitions, Alternatives or Exemptions.	2
§2315. Definitions.	3
§2320. Inspections and Monitoring.	6
§2325. Notification.	9
§2330. Exchange of Information.	10
(a) Exchange of Information Prior to a Vessel's Arrival at a Terminal.	10
(b) Exchange of Information upon Arrival (Pre-transfer Conference)	12
§2335. Declaration of Inspection.	14
§2340. Requirements for all Transfer Operations.	16
§2345. Fire Prevention for Transfer Operations.	22
§2350. Unauthorized Visitors.	23
§2355. Warning Signs.	23
(a) Vessel Warning Signs.	23
(b) Terminal Warning Signs.	23
§2360. Permit to Work and Hot Work Permits.	24
(a) Permit to Work on Terminal.	24
(b) Permit to Work on Tank Vessel or Barge.	24
§2365. Lighting.	25
§2370. Communications.	25
§2375. Requirements for Persons in Charge.	26
(a) Terminal Person in Charge (TPIC).	26
(b) Vessel Person in Charge (VPIC).	27
§2380. Equipment Requirements.	28
(a) Hose Assemblies.	28
(b) Loading Arms.	30
(c) Closure Devices.	30
(d) Connection.	30
(e) Monitoring Devices.	31

(f) Small Discharge Containment.	31
(g) Discharge Removal.	37
(h) Emergency Shutdown.	32
(i) Vapor Control Systems.	34
§2385. Operations Manuals.	34
(a) Operations Manuals Requirements.	34
(b) Letter of Intent.	35
(c) Operations Manual: Approval.	35
(d) Operations Manual: Contents.	36
(e) Operations Manual: Offshore Terminals.	40
(f) Operations Manual: Amendment.	42
§2390. Additional Requirements at Offshore Terminals.	43
(a) Applicability.	43
(b) Tug Requirements.	43
(c) Mooring Masters.	44
(d) Assistant to Mooring Master.	44
(e) Diver Inspection of Submarine Hose.	44
(f) Pipeline Requirements.	45
(g) Underkeel Clearance.	45
§2395. Spill Containment for Transfer Operations.	45
(a) Applicability and Date of Implementation.	45
(b) General.	46
(c) Vessel Loading Operations at Onshore Terminals.	46
(d) Vessel Offloading Operations at Onshore Terminals.	47
(e) Transfer Operations at Offshore Terminals.	47
§2400. Mitigation Monitoring Requirements.	48
§2405. Enforcement.	48
(a) Authorized Agents or Employees.	48
(b) Apparent or Threatened Violations: Reporting and Records.	49
(c) Enforcement Actions: General.	49
(d) Discharge Threat.	50

ARTICLE 5. MARINE TERMINALS INSPECTION AND MANAGEMENT

§2300. The Marine Facilities Inspection and Management Division.

- (a) There is in the Staff of the California State Lands Commission the Marine Facilities Inspection and Management Division, which has the primary responsibility for carrying out the provisions of the Lempert-Keene-Seastrand Oil Spill Prevention and Response Act of 1990 within the Commission's jurisdiction.
- (b) The primary office of the Division is at 330 Golden Shore, Suite 210, Long Beach, California 90802-4246, telephone (310) 499-6312.

Authority: Sections 8751, 8755, and 8757, Public Resources Code.

Reference: Sections 8750, 8751, 8755 and 8757, Public Resources Code.

§2305. Purpose, Applicability and Date of Implementation.

- (a) The purpose of the regulations in Title 2, Division 3, Chapter 1, Article 5 of the California Code of Regulations is to provide the best achievable protection of the public health and safety and of the environment by using the best achievable technology.
- (b) The provisions of this article shall not apply to:
 - (1) Oil transfer operations conducted at offshore drilling and production platforms.
 - (2) Tank cleaning operations which begin after the removal of cargo or fuel from any tank vessel or barge.
- (c) Unless otherwise specified in these regulations, all of the provisions of these regulations become effective 30 days after they have been filed with the Secretary of State.

Authority: Sections 8751, 8755, and 8756, Public Resources Code.

Reference: Sections 8750, 8751, 8755, 8756 and 8757, Public Resources Code.

§2310. Alternative Requirements or Exemptions.

- (a) Petitions for Alternative Requirements or Exemptions.
 - (1) Any person subject to these regulations may submit a petition to the Division Chief for alternative

requirements or exemptions to the requirements of Article 5.

- (2) All petitions for alternative requirements or exemptions must be submitted in writing. A petition may be in any form, but it must contain all data and information necessary to evaluate its merits.

(b) Response to Petitions.

The Division Chief shall respond in writing to any petition for alternative requirements or exemptions within 30 days of receipt of the petition.

(c) Approval of Alternative Requirements or Exemptions.

- (1) Any person subject to these regulations may depart from the requirements of Article 5 if the Division Chief makes both of the following findings:
 - (A) Because of unusual circumstances or conditions compliance with the requirements of Article 5 would be ineffective in protecting the public health and safety and the environment; and
 - (B) The persons subject to these regulations can and will comply with alternative measures which will ensure an equivalent or greater level of protection of the public health and safety and the environment were the person to comply with the provisions of Article 5.
- (2) Any person subject to these regulations may be exempt from one or more of the requirements of Article 5 if the Division Chief finds that compliance with a requirement or requirements cannot be achieved at that terminal because of unusual circumstances or conditions at that terminal or because materials or personnel needed for compliance are unavailable.
- (3) If the Division Chief approves an alternative requirement or an exemption under this section, a letter of approval shall be issued to the petitioner setting forth the findings upon which the approval is based, and a copy of that letter shall be maintained at all times at the terminal with the terminal's operations manual required under §2385.
- (4) (A) The Division Chief may withdraw the letter of approval of an alternative requirement at any time if he or she makes any of the following findings:

(i) The unusual circumstances or conditions at the terminal upon which the approval was based no longer exists; or

(ii) The person or persons subject to these regulations have not regularly and consistently complied with the approved alternative requirement.

(B) The Division Chief may withdraw the letter of approval of an exemption at any time if he or she determines that compliance with the requirement or requirements of Article 5 can be achieved.

(C) Withdrawal of a letter of approval under this section shall be effective upon the receipt by the petitioner of written notification of the withdrawal.

Authority: Sections 8751, 8755, 8756, and 8758, Public Resources Code.

Reference: Sections 8750, 8751, 8755, 8756, and 8758, Public Resources Code.

§2315. Definitions.

Unless the context otherwise requires, the following definitions shall govern the construction of this article:

(a) "Administrator" means the administrator for oil spill response, as referenced in Public Resources Code §8750, subsection (a).

(b) "Apparent violation" means an act, course of action or omission which, in the opinion of an agent or employee of the Division authorized to make such a determination, appears to be in violation of one or more of the provisions of Article 5.

(c) "Barge" means any vessel that carries oil in commercial quantities as cargo, but is not equipped with a means of self-propulsion.

(d) "CFR" means the United States Code of Federal Regulations.

(e) "Commission" means the California State Lands Commission.

(f) "Division" means the Marine Facilities Inspection and Management Division of the California State Lands Commission.

- (g) "Division Chief" means the Chief of the Marine Facilities Inspection and Management Division or any employee of the Division authorized by the Chief to act on his behalf.
- (h) "Hot work" means work involving sources of ignition or temperatures sufficiently high to cause the ignition of a flammable gas mixture. This includes any work requiring the use of welding, burning or soldering equipment; blow torches; permitted power driven tools; portable electrical equipment which is not intrinsically safe or contained within an approved explosion proof housing; sand blasting equipment; or internal combustion engines.
- (i) "Hot work permit" means a document issued by the U.S. Coast Guard permitting specific hot work to be done during a specific time interval in a defined area.
- (j) "ISGOTT" means the most recent edition of the International Safety Guide for Oil Tankers and Terminals as it is modified from time to time.
- (k) "Marine terminal" means a facility, other than a vessel, located on or adjacent to marine waters in California, used for transferring oil to or from tank vessels or barges. The term references all parts of the facility including, but not limited to, structures, equipment and appurtenances thereto used or capable of being used to transfer oil to or from tank vessels or barges. For the purpose of these regulations, a marine terminal includes all piping not integrally connected to a tank facility. A tank facility means any one or combination of above ground storage tanks, including any piping which is integral to the tank, which contains crude oil or its fractions and which is used by a single business entity at a single location or site. A pipe is integrally related to an above ground storage tank if the pipe is connected to the tank and meets any of the following:
- (1) The pipe is within the dike or containment area;
 - (2) The pipe is connected to the first flange or valve after the piping exits the containment area; or
 - (3) The pipe is connected to the first flange or valve on the exterior of the tank, if state or federal law does not require a containment area.
- (l) "MARPOL 73/78" means the final act of the International Conference on Marine Pollution, 1973, including the International Convention for the Prevention of Pollution from Ships, 1973 and of the Protocol of 1978.

- (m) "Offshore marine terminal" means any marine terminal at which tank vessels or barges are made fast to a buoy or buoys.
- (n) "Oil" means any kind of petroleum, liquid hydrocarbons, or petroleum products or any fraction or residues therefrom, including, but not limited to, crude oil, bunker fuel, gasoline, diesel fuel, aviation fuel, oil sludge, oil refuse, oil mixed with waste, and liquid distillates from unprocessed natural gas.
- (o) "Onshore marine terminal" means any marine terminal at which tank vessels or barges are made fast to land structures or substantially land structures.
- (p) "Operator" when used in connection with vessels, marine terminals, pipelines, or facilities, means any person or entity which owns, has an ownership interest in, charters, leases, rents, operates, participates in the operation of or uses that vessel, terminal, pipeline, or facility.
"Operator" does not include any entity which owns the land underlying the terminal or the terminal itself, where the entity is not involved in the operations of the terminal.
- (q) "Spill" or "discharge" means any release of oil into marine waters which is not authorized by any federal, state, or local government entity.
- (r) "Tank vessel" or "tanker" means any self-propelled, waterborne vessel, constructed or adapted for the carriage of oil in bulk or in commercial quantities as cargo.
- (s) "Terminal" means marine terminal.
- (t) "Terminal person in charge" or "TPIC" means an individual designated by the terminal operator as the person in charge of a particular oil transfer operation at a particular terminal.
- (u) "Threatened violation" means any threatened act, course of action or omission which, if carried out, in the opinion of an agent or employee of the Division authorized to make such a determination, would appear to be in violation of one or more of the provisions of Article 5.
- (v) "Transfer" means any movement of oil to, from or within any part of the marine terminal or vessel by means of pumping, gravitation or displacement while oil is moving between the terminal and the vessel.

(w) "Transfer operations" means the following:

(1) For all terminals, all activities carried out with regard to a transfer, including, but not limited to:

(A) Preparation for transfer;

(B) Hookup and disconnect of hoses, mechanical loading arms and any other equipment used for transferring oil; and

(C) Steady pumping.

(2) For offshore terminals:

(A) All activities set forth in subsection (w)(1) of this section; and

(B) The procedures and maneuvers for mooring and unmooring of the tank vessel or barge to and from the buoy or buoys as described in the terminal operations manual.

(x) "Vessel" means every description of watercraft or other artificial contrivance, used or capable of being used, as a means of transportation on water and includes, but is not limited to, tank vessels and barges.

(y) "Vessel person in charge" or "VPIC" means the person in charge of the vessel's oil transfer operations.

Authority: Sections 8750, 8751, 8755, and 8756, Public Resources Code.

Reference: Sections 8750, 8751, 8755, and 8756, Public Resources Code.

§2320. Inspections and Monitoring.

(a) The Division shall carry out an inspection program which shall include the following:

(1) At least once a year, the Division shall cause to be carried out an inspection of each marine terminal in the state to determine whether all parts of the terminal are being maintained and operated in such a manner to ensure the public health and safety and the protection of the environment and in accordance with the operations manual required and approved under §2385 of these regulations and 33 CFR Part 154.

- (2) At least once every three years, the Division shall cause to be carried out a thorough examination of each marine terminal in the state to determine whether the structural integrity of the terminal, the oil transfer operations system and the safety equipment are designed and being maintained in a safe working condition.
 - (3) On a continuing basis, the Division shall monitor transfer operations at all marine terminals.
- (b) Every agent or employee of the Division shall, prior to the inspection of a marine terminal or monitoring of an oil transfer operation, or at the time the agent or employee arrives at the terminal or vessel to carry out inspection or monitoring activities, make every reasonable attempt to notify the TPIC or VPIC, as appropriate, of the intended activity.
- (c) (1) Every terminal operator shall provide to the Division access at any time to any and all parts of the operator's terminal.
- (2) (A) Every terminal operator shall provide to the Division access at any time to any and all documents, policies, guidelines and reports relating to testing, inspections, maintenance and operation of the terminal, including, but not limited to, the following:
- (i) A copy of the terminal operator's letter of intent;
 - (ii) A copy of the state approved terminal operations manual with its letter of adequacy;
 - (iii) The name of each person currently designated as a TPIC at that terminal;
 - (iv) The date and result of the most recent test or examination of each item tested or examined as required by 33 CFR 156.170;
 - (v) The hose information required by §2380, subsections (a)(1), (E), (F) and (G), including that marked on the hose;
 - (vi) The record of all inspections and examinations of the terminal by the U.S. Coast Guard and the Division within the last 3 years;

- (vii) The record of all safety related inspections and examinations of the terminal by the State Fire Marshall local fire department or any port police within the last 3 years;
 - (viii) Any current permits to work and hot work permits; and
 - (ix) The Declaration of Inspection required by §2335.
- (B) If policies, guidelines and reports described in subsection (A) of this section for a particular terminal are not available at the terminal except in an office or other location which is open and reasonably accessible only during reasonable business hours, the terminal operator shall not be required to provide the Division access to those policies, guidelines and reports except during reasonable business hours.
- (C) No terminal operator shall be required to provide access to policies, guidelines and reports except during reasonable business hours, during transfer operations, or during investigations resulting from emergency situations, including, but not limited to, oil discharge events or situations where an oil discharge involving the terminal may be imminent.
- (3) Each operator of any vessel shall provide to the Division access on board the vessel at any and all times the vessel is engaged in oil transfer operations at any terminal. Access shall be provided to any and all parts of the vessel necessary, as deemed by the employee or agent of the Division, to monitor any and all phases, aspects and parts of transfer operations for compliance with regulations of the State of California.
- (4) Access under subsections (c)(1), (2) and (3) of this section shall be provided without warrant or prior notification by the Division.
- (5) (A) If any duly authorized employee or agent of the Division is denied access, as specified in this section, to any part of the terminal or to any vessels at the terminal, the employee or agent shall immediately make every reasonable attempt to notify the TPIC or the VPIC, whichever is appropriate, that access has been denied.

- (B) No terminal may be used in transfer operations with any vessel during any period where any duly authorized employee or agent of the Division is denied access to that vessel.
- (6) If any duly authorized employee or agent of the Division is denied access as specified under this section, the Division shall do all of the following:
 - (A) Provide notification of the denial of access to the U.S. Coast Guard Marine Safety Office having jurisdiction;
 - (B) Provide notification of the denial of access to the Administrator; and
 - (C) Take whatever legal action is necessary or appropriate to obtain access.
- (d) In the event of an oil spill, the presence of any employee or agent of the Commission shall in no way relieve or alter any responsibility any operator of a terminal or vessel may have to report the discharge to the Office of Emergency Services, as required under Government Code §8670.25.5, and to comply with all applicable contingency plans and all requirements under the Government Code regarding response to oil spills.

Authority: Sections 8751, 8755, and 8757, Public Resources Code.

Reference: Sections 8670.1 through 8670.70, Government Code; Sections 8750, 8751, 8755, and 8756, Public Resources Code.

§2325. Notification.

- (a) Unless the Division and a terminal operator agree otherwise, at least four (4) hours, but not more than twenty four (24) hours, prior to the initiation of any transfer operation, the operator of the terminal where the transfer is to take place shall provide notice of the transfer to the Division. For barge operations, where the terminal operator has less than four (4) hours advance notice of the transfer, the terminal operator shall provide the Division with notice of the transfer as soon as possible after receiving notice of the anticipated transfer, but in any case prior to the initiation of transfer operations.
- (b) Notifications shall be made in person, by telephone or by facsimile machine to the local area Division field office.

For terminals located north of the boundary between Santa Barbara and San Luis Obispo counties, notifications are to be made to the Division field office in Vallejo, (707) 649-4732; facsimile number (707) 648-5371. For terminals located south of the boundary between Santa Barbara and San Luis Obispo Counties, notifications are to be made to the Division field office in Long Beach, (310) 499-6348; facsimile number (310) 499-6355.

- (c) The notification shall include the following:
- (1) The location of the transfer;
 - (2) The expected time of arrival of the vessel;
 - (3) Time anticipated for initiation of the transfer operations;
 - (4) The name of the tank vessel or barge involved; and
 - (5) The type or types of oil being transferred.
- (d) The terminal operator or TPIC shall promptly notify the local area Division field office of any report or notification received from the VPIC, that the tank vessel berthed at the terminal for the purpose of conducting a transfer operation does not have the ability to move away from the berth, under its own power, within 30 minutes, as described in §2340, subsection (a)(28)(A).

Authority: Sections 8751, 8755, and 8757, Public Resources Code.

Reference: Sections 8750, 8751, 8755, and 8757, Public Resources Code.

§2330. Exchange of Information.

- (a) Exchange of Information Prior to a Vessel's Arrival at a Terminal.
- (1) Prior to arrival of a tank vessel or barge at the terminal, the terminal operator shall acquire from the tank vessel or barge or its owners, operators or agents, and the vessel's owner, operator or agent shall provide, all of the following items of information which are applicable:
 - (A) Draft on arrival;

- (B) Maximum draft and trim expected during transfer operation;
 - (C) Whether tank cleaning or crude oil washing will be undertaken;
 - (D) Any repairs that could delay commencement of cargo transfer;
 - (E) Manifold details, including type and size;
 - (F) Quantity and nature of slops, dirty ballast to be transferred at the terminal and any contamination thereof by chemical additives;
 - (G) Any defect of hull, machinery, piping, valves or other equipment which may:
 - (i) Affect the safe maneuverability of the tank vessel or barge; or
 - (ii) Constitute a hazard to public health and safety and the environment; and
 - (H) Any other information pertinent to mooring and cargo transfer operations.
- (2) Prior to arrival at the terminal, the terminal operator shall provide as applicable to the operator of the tank vessel or barge, information which shall include but not be limited to:
- (A) Least depth of water expected at the berth while the vessel will be at the berth;
 - (B) The minimum number, length, size and material of mooring lines and emergency towing wires and accessories which the vessel should have available for mooring operations;
 - (C) Manifold/hose/mechanical loading arm details, including, but not limited to, type and size, used for oil transfer;
 - (D) Details and requirements concerning any vapor recovery system;
 - (E) Terminal requirements for crude oil washing and tank cleaning procedures;
 - (F) Any arrangements for the reception of slops or oil ballast residues;

- (G) Any particular features of a dock or mooring which is considered essential to bring to the notice of the Master of the tank vessel, crew of the barge, Pilot or Mooring Master;
 - (H) At offshore terminals, the number of tugs required and the number of mooring support vessels that will be provided for mooring and unmooring operations;
 - (I) At offshore terminals information on wind, sea, swell, current, tide, visibility and load limitations and terminal restrictions including conditions under which mooring will not be permitted and conditions requiring cessation of transfer operations and departure from the moorings; and
 - (J) Any other information pertinent to available port services, mooring and cargo transfer operations.
- (b) Exchange of Information upon Arrival (Pre-transfer Conference).
- (1) Transfer operations shall not commence until both persons in charge are present and mutually agree to commence transfer operations after having conducted a pre-transfer conference and completed the declaration of inspection.
 - (2) The TPIC and the VPIC shall hold a pre-transfer conference, to ensure that each person in charge clearly understands all information and procedures necessary for a safe and pollution-free transfer operation including, but not limited to, detailed information concerning the following:
 - (A) The quantities and temperatures of the products to be transferred;
 - (B) The cargo information listed in §2385, subsection (d)(2)(E) for the products to be transferred;
 - (C) The transferring and receiving systems, including, but not limited to, the following:
 - (i) The sequence of transfer operations;
 - (ii) Maximum allowable working pressure;
 - (iii) Maximum allowable product temperature;

- (iv) The control of line pressures;
 - (v) The location of pressure gauges;
 - (vi) Settings of relief valves and the direction of their discharge;
 - (vii) Communications between vessel and terminal to compare and confirm quantities transferred and received;
 - (viii) Limitations on the movement of loading hoses and mechanical loading arms;
 - (ix) The initial, maximum and topping off transfer rates;
 - (x) Tank changeover procedures;
 - (xi) Topping off procedures;
 - (xii) Transfer shutdown procedures; and
 - (xiii) Signals to be used for standby, slowdown transfer rate, stop transfer, and emergency shutdown in case of a breakdown of communications system.
- (D) Critical stages of the transfer operation;
 - (E) Federal, state, and local rules that apply to the transfer of oil;
 - (F) Emergency procedures;
 - (G) Discharge containment procedures;
 - (H) Discharge reporting procedures and requirements;
 - (I) Watch or shift arrangement; and
 - (J) Frequency and means of checking that communications systems are operating effectively.
- (3) In addition to the requirements of subsection (b)(2) of this section, the TPIC and VPIC shall verify the following during the pre-transfer conference:
- (A) The name or title and location of each person participating in the transfer operation;

- (B) That vessel's cargo tanks which are required by the Coast Guard to be inerted have an oxygen content in the vapor space of cargo tanks is of 8 percent by volume or less;
- (C) That inerted tanks will remain inerted throughout the transfer operation or, if not, that Coast Guard approved alternate safety procedures will be employed;
- (D) Whether tank cleaning or crude oil washing will be conducted during the transfer operation;
- (E) The number and sizes of hose connections or loading arms to be used;
- (F) Arrangements for the transfer of slops and/or oily ballast residues; and
- (G) The maximum transfer rate of vapor recovery systems used during the transfer operation.

Authority: Sections 8750, 8751, 8752, 8755, and 8757, Public Resources Code.

Reference: Sections 8750, 8751, 8752, 8755, and 8757, Public Resources Code.

§2335. Declaration of Inspection.

- (a) No person may transfer oil to or from a vessel unless both the TPIC and VPIC have filled out and signed a declaration of inspection described in subsection (c) of this section.
- (b) No person in charge may sign the declaration of inspection unless he or she has determined by visual inspection, unless visual inspection is precluded, and indicated by initialling in the appropriate space on the declaration of inspection form, that the terminal or vessel, as appropriate, meets the requirements of §2340.
- (c) The declaration of inspection may be in any form, but must contain at least the following:
 - (1) The name or other identification of the transferring vessel and the terminal;
 - (2) The address of the terminal;
 - (3) A list of the requirements in §2340, subsection (a), with each requirement set forth separately and with

spaces on the form following each requirement for the person in charge of the vessel or terminal, whichever is appropriate, to indicate by initialling that the requirement is met for the transfer operation; and

- (4) A space for the date, time of signing, signature, and title of each person in charge during transfer operations on the transferring vessel or terminal and space for the date, time of signing, signature, and title of each person in charge during transfer operations on the receiving terminal or vessel.
- (d) On completion of the transfer operation the TPIC and VPIC shall annotate the declaration of inspection with:
 - (1) The date and time of hookup for the transfer operation; and
 - (2) The date and time of disconnection upon completion of the cargo transfer.
- (e) The VPIC and TPIC shall each have a signed copy of the declaration of inspection available for inspection by any employee or agent of the Division during the transfer operation.
- (f) Each TPIC and VPIC who is different from the person who originally signed the declaration of inspection shall sign the declaration of inspection before assuming or re-assuming the duties of a person in charge. Prior to their signing or re-signing the declaration of inspection, each person in charge shall inspect the terminal or vessel, as appropriate, to ensure that the requirements of §2340, are being maintained.
- (g) The terminal operator shall retain a signed copy of the declaration of inspection for at least three (3) years from the date of signature.

Authority: Sections 8750, 8751, 8752, 8755 and 8757, Public Resources Code.

Reference: Sections 8750, 8751, 8752, 8755, 8757 and 8758, Public Resources Code.

§2340. Requirements for all Transfer Operations.

- (a) The respective requirements with which the terminal and vessel must comply and which must be set forth on the declaration of inspection and initialled separately by both

the TPIC and VPIC or both, as appropriate, as required by §2335, shall include, but not be limited to, the following:

- (1) The vessel's moorings are strong enough to hold during all expected conditions of surge, current, and weather and are long enough to allow adjustment for changes in draft, drift, and tide during the transfer operation.
- (2) Transfer hoses and loading arms are long enough to allow movement of the vessel while secured at the berth without placing strain on the hose, loading arm, or transfer piping system.
- (3) Each hose is supported in accordance with the operational recommendations of the Rubber Manufacturers Association's "HOSE TECHNICAL INFORMATION BULLETIN: No. IP-11-4; Oil Suction and Discharge Hose; Manual for Maintenance, Testing and Inspection," 1987 edition, to prevent kinking or other damage to the hose and strain on its coupling.
- (4) Each part of the transfer system is aligned to allow the flow of oil.
- (5) Each part of the transfer system not necessary for the transfer operation is securely blanked off. Each test cock, sampling or bleeder valve is closed and securely capped.
- (6) The end of each hose, loading arm and manifold that is not connected for the transfer of oil is blanked off with a bolt in at least every other hole and in no case less than four (4) bolts.
- (7) The transfer system is attached to a fixed connection on the vessel and the terminal.
- (8) Except when used to receive ballast as agreed within the pre-transfer conference, each overboard discharge or sea suction valve that is connected to the vessel's transfer or cargo tank system is sealed or lashed in the closed position.
- (9) Each transfer hose has no unrepaired loose covers, kinks, bulges, soft spots, or other defect which would permit the discharge of oil through the hose material and no gouges, cuts, or slashes that penetrate any layer of hose reinforcement. "Reinforcement" means the strength members of the hose, consisting of fabric, cord and/or metal.

- (10) Each hose or loading arm in use meets the requirements of §2380, subsections (a) and (b), respectively.
- (11) Each connection meets the requirements of §2380, subsection (d).
- (12) Any monitoring devices used to detect or limit the size of a discharge of oil, if installed, are operating properly.
- (13) The small discharge containment equipment for the terminal, required by §2380, subsection (f), is readily accessible or deployed as applicable and will be periodically drained.
- (14) The discharge containment equipment for the vessel is in place and will be periodically drained to provide the required capacity.
- (15) Each drain and scupper is securely closed by mechanical means.
- (16) All connections in the transfer system are leak free, except that a component in the transfer system, such as the packing glands of a pump which cannot be made leak free, shall not leak at a rate that exceeds the capacity of the discharge containment provided during the transfer operation.
- (17) The communications required by §2370 are operable for the transfer operation.
- (18) The emergency means of shutdown for the terminal, required by §2380, subsection (h) and the emergency means of shutdown for the vessel required by 33 CFR 155.780 are in position and operable.
- (19) There is a TPIC and a VPIC, and each:
 - (A) Meets the appropriate requirements of §2375 for persons in charge;
 - (B) Is at the site of the transfer operation and immediately available to the transfer personnel;
 - (C) Has in his or her possession a copy of the terminal operations manual or vessel transfer procedures, as appropriate; and
 - (D) Conducts the transfer operation in accordance with the terminal operations manual or vessel transfer procedures, as appropriate.

- (20) The personnel required, under the terminal operations manual and the vessel transfer procedures, to conduct the transfer operation:
- (A) Are on duty; and
 - (B) Conduct the transfer operation in accordance with the terminal operations manual or vessel transfer procedures, as appropriate.
- (21) At least one person is at the site of the transfer operation who fluently speaks the language or languages spoken by both persons in charge.
- (22) The TPIC and VPIC of transfer operations have held a pre-transfer conference as required by §2330, subsection (b).
- (23) The TPIC and VPIC of transfer operations agree when the transfer operation is to begin.
- (24) If any part of the transfer operation may take place between sunset and sunrise or during periods of reduced visibility, the lighting required by §2365 will be provided.
- (25) A transfer operation which includes collection of vapor emitted from a vessel's cargo tanks through a vapor recovery system not located on the vessel must have the following verified by the TPIC:
- (A) Each manual valve in the vapor collection system is correctly positioned to allow the collection of cargo vapor.
 - (B) A vapor collection hose or arm is connected to the vessel's vapor connection.
 - (C) The electrical insulating device recommended in chapter 6 of ISGOTT is fitted between the terminal vapor connection and the vessel vapor connection.
 - (D) The initial loading rate and the maximum transfer rate are confirmed by the TPIC and VPIC.
 - (E) The maximum and minimum operating pressures at the terminal vapor connection are confirmed by the TPIC and VPIC.
 - (F) The barge overflow control system, if compatible with the connection to the terminal, is connected to the terminal, is tested, and is operational.

- (G) The following have been performed not more than 24 hours prior to the start of the transfer operation:
- (i) Each alarm and automatic shutdown system has been tested and found to be operating properly; and
 - (ii) Hydrocarbon gas and oxygen analyzers have been checked for calibration by use of a span gas.
- (H) Each vapor recovery hose has no unrepaired loose covers, kinks, bulges, soft spots, or any other defect which would permit the discharge of vapor through the hose material, and no external gouges, cuts, or slashes that penetrate any layer of hose reinforcement.
- (I) The oxygen content of the tank vessel's cargo tanks, if inerted, is at or below 8 percent by volume.
- (26) Fire fighting equipment required in §2345 is in readiness.
- (27) Where required, the spill containment provisions in §2395, are being complied with.
- (28) The tank vessel has either of the following capabilities:
- (A) The tank vessel's boilers, main engines, steering machinery and other equipment essential for maneuvering are maintained in a condition so that the tank vessel has the capability to move away from the berth within 30 minutes under its own power; or
 - (B) Where the tank vessel does not have the capability specified in §2340, subsection (a)(28)(A), appropriate tug assistance is available so that the tank vessel can be moved away from the berth within 30 minutes.
- (29) Operations and practices are carried out in compliance with the following recommendations in ISGOTT:
- (A) Emergency towing wires are rigged forward and aft and the ends maintained not greater than 5 feet above the water (chapter 3).

- (B) Precautions regarding openings in superstructures are being observed (chapter 6).
 - (C) Precautions regarding flame screens are being observed (chapter 6).
 - (D) Precautions regarding unauthorized craft alongside a tank vessel or barge are being observed (chapter 6).
 - (E) Precautions regarding entry to pumprooms, pumproom ventilation and bilges, are being observed (chapter 2).
- (b) No person shall conduct an oil transfer operation unless the TPIC and VPIC have:
- (1) Conducted the pre-transfer conference required under §2330, subsection (b);
 - (2) Ensured that transfer connections have been made as specified in §2380, subsection (d);
 - (3) Ensured that discharge containment equipment on the terminal and on or around the tank vessel or barge required under §§2380 and 2395 are in position or on stand-by, as appropriate; and
 - (4) Filled out and signed the Declaration of Inspection as required by §2335, subsection (a).
- (c) No TPIC shall conduct a transfer operation with a tank vessel unless the tank vessel has either one of the capabilities of moving away from the berth within 30 minutes, as specified in §2340, subsection (a)(28).
- (d) During all transfer operations, the TPIC shall be in attendance at the terminal.
- (e) Each TPIC shall ensure that the means of operating the emergency shutdown is continually manned so that it can be activated in 30 seconds or less, as required in §2380, subsection (h)(5), while oil is being transferred between the terminal and the vessel.
- (f) All transfer operations shall be in accordance with operations manuals approved under §2385.
- (g) Each person conducting an oil transfer shall stop the transfer operation whenever oil from any source is discharged into the water or upon the adjoining shoreline. The transfer operation shall not resume unless authorized by the U.S. Coast Guard and the operator has complied with, or

is complying with, the contingency plan approved by the Administrator for the terminal where the transfer is taking place.

- (h) (1) Each person conducting a transfer operation shall stop the transfer operation whenever oil from any source is leaked onto the transfer operation work area, but not in the water, and shall not resume the transfer operation until after both of the following are completed:
 - (A) The oil leaked into the oil transfer work area has been cleaned up; and
 - (B) All necessary preventive measures have been taken to ensure that a similar leak of oil does not recur.
- (2) Transfer operations need not be stopped under subsection (h) of this section if all of the following occur:
 - (A) The leak is directly into the small discharge containment of the terminal or the discharge containment aboard the vessel;
 - (B) No oil is displaced outside of the small discharge containment of the terminal or the discharge containment of the vessel; and
 - (C) Immediate corrective action is taken to stop the leakage of oil.
- (i) Notwithstanding the provisions of subsections (g) and (h) of this section, the transfer operation may resume or may continue without interruption if both of the following occur:
 - (1) Continuation or resumption of the transfer operation is necessary to avoid further discharge of oil; and
 - (2) Both the TPIC and VPIC agree that continuation or resumption is necessary to avoid further discharge of oil.
- (j) The provisions of subsections (g), (h) and (i) of this section, are subject to any direction by the Administrator issued directly in response to the discharge into the water.

Authority: Sections 8750, 8751, 8752, 8755, and 8757, Public Resources Code.

Reference: Sections 8750, 8751, 8752, 8755, 8757, and 8758,
Public Resources Code.

§2345. Fire Prevention for Transfer Operations.

- (a) Immediately before or on arrival at a terminal at which it is intended to conduct an oil transfer operation, fire hoses shall be connected to the tank vessel's fire main, one forward and one aft of the tank vessel's manifold. Where monitors are provided, they shall be pointed towards the manifold and be ready for immediate use.
- (b) At least two type B-II portable fire extinguishers shall be placed near the manifold, one forward of and one aft of the manifold.
- (c) When oil is being transferred, pressure shall be maintained on the tank vessel's fire main from the tank vessel's fire pump. Where this is impracticable, the tank vessel's fire pump shall be in a standby condition and ready for immediate use. Fire mains shall be pressurized or be capable of being pressurized within 2 minutes.
- (d) The vessel's fire extinguishing equipment shall be operational and ready for immediate use.

Authority: Sections 8750, 8751, 8752, 8755, and 8757, Public Resources Code.

Reference: Sections 8750, 8751, 8752, 8755, and 8757, Public Resources Code.

§2350. Unauthorized Visitors.

- (a) Except for authorized agents or employees of federal, state or local governmental entities, anyone who does not have the TPIC's permission shall not be allowed access to the terminal.
- (b) Except for authorized agents or employees of federal, state or local governmental entities, anyone who does not have the VPIC's permission shall not be allowed access to the vessel.

Authority: Sections 8750, 8751, and 8755, Public Resources Code.

Reference: Sections 8750, 8751, 8752, and 8755, Public Resources Code.

§2355. Warning Signs.

(a) Vessel Warning Signs.

Any vessel berthed at a terminal for the purpose of conducting a transfer operation shall display warning signs and notices indicating emergency escape routes as recommended in chapter 4 of ISGOTT.

(b) Terminal Warning Signs.

The terminal operator shall ensure that:

- (1) Permanent notices and signs indicating that smoking and naked lights are prohibited are conspicuously displayed in the terminal and on the berth and similar permanent notices and signs are displayed at the entrance to the terminal area or shore approaches to the berth;
- (2) In buildings and other shore locations where smoking is allowed, appropriate notices are conspicuously displayed; and
- (3) Emergency escape routes from the tank vessel berth to a safe place on the shore are clearly indicated.

Authority: Sections 8750, 8751, and 8755, Public Resources Code.

Reference: Sections 8750, 8751, 8752, and 8755, Public Resources Code.

§2360. Permit to Work and Hot Work Permits.

(a) Permit to Work on Terminal.

- (1) No construction, repair, maintenance, dismantling or modifications of facilities shall be carried out at a terminal without the permission of the terminal operator. If a tank vessel or barge is moored at the terminal, the agreement of the Master or the VPIC, as appropriate, shall also be obtained if the work is on the berth.
- (2) In all cases, except for routine work of a non-hazardous nature, this permission shall be given in the written form of a permit to work.

(b) Permit to Work on Tank Vessel or Barge.

- (1) When any repair or maintenance is to be done on board a tank vessel or barge alongside a terminal, the Master or VPIC shall inform the terminal operator. Agreement shall be reached on the safety precautions to be taken, with due regard to the nature of the work.
- (2) Hot work on board a tank vessel or barge shall be prohibited until all applicable regulations and safety requirements have been met and a hot work permit has been issued by the U.S. Coast Guard.

Authority: Sections 8750, 8751, and 8755, Public Resources Code.

Reference: Sections 8750, 8751, 8752, and 8755, Public Resources Code.

§2365. Lighting.

- (a) Except as provided in subsection (c) of this section, for all transfer operations between sunset and sunrise and during times of reduced visibility, a terminal shall have fixed lighting that adequately illuminates the following:
 - (1) Each transfer connection point on the terminal;
 - (2) Each transfer connection point in use on any barge moored at the terminal to or from which oil is being transferred;
 - (3) Each transfer operations work area on the terminal; and
 - (4) Each transfer operations work area on any barge moored at the terminal to or from which oil is being transferred.
- (b) Where the illumination appears to the Division to be inadequate, the Division may require verification by instrument of the levels of illumination. On a horizontal plane 3 feet above the barge deck or walking surface, illumination must measure at least:
 - (1) 5.0 foot candles at transfer connection points; and
 - (2) 1.0 foot candle in transfer operations work areas.
- (c) For small or remote facilities, the Division may authorize operations with an adequate level of illumination provided by the vessel or by portable means.

Authority: Sections 8750, 8751, and 8755, Public Resources Code.

Reference: Sections 8750, 8751, 8752, and 8755, Public Resources Code.

§2370. Communications.

- (a) Each terminal shall have a means that enables continuous two-way voice communication between the TPIC and the VPIC.
- (b) The means required by subsection (a) of this section shall be usable and effective in all phases of the transfer operation and all conditions of weather at the terminal.
- (c) A terminal may use the voice communications system for emergency shutdown specified in §2380, subsection (h)(6)(B), to meet the requirement of subsection (a) of this section.
- (d) An alternate continuous two-way voice communication system shall be available in the event that the primary communications system is disabled.
- (e) Portable radio devices used in compliance with this section shall be intrinsically safe, as defined in the Institute of Electrical and Electronics Engineers Standard Dictionary, and meet Class I, Division I, Group D requirements as defined in the National Electric Code, Article 500.
- (f) The means of communication shall be continuously manned during a transfer operation by a person or persons who can immediately contact the TPIC and VPIC.
- (g) If the means of communications has not been used within a period of 60 minutes during a transfer operation, the means of communications shall be checked to ensure that it is operative.

Authority: Sections 8750, 8751, and 8755, Public Resources Code.

Reference: Sections 8750, 8751, 8752, 8755, 8757, and 8758, Public Resources Code.

§2375. Requirements for Persons in Charge.

(a) Terminal Person in Charge (TPIC).

(1) The TPIC of oil transfer operations shall have:

- (A) At least 48 hours of experience in oil transfer operations, including a minimum of 6 connections and transfers and 6 transfers and disconnects; and
 - (B) Sufficient experience at the terminal for the terminal operator to determine that this experience is adequate for being in charge of oil transfer equipment and procedures.
- (2) To meet the requirement of subsection (a)(1) of this section, the terminal operator shall determine that the TPIC knows and understands the following:
- (A) The hazards of each product that is transferred at the terminal;
 - (B) Title 2, Division 3, Chapter 1, Article 5 of the California Code of Regulations;
 - (C) The provisions in 33 CFR Parts 154 and 156;
 - (D) The terminal operating procedures as described in the terminal operations manual;
 - (E) Tank vessel and barge oil transfer systems, in general;
 - (F) Tank vessel and barge control systems, in general;
 - (G) Each terminal oil transfer control system to be used;
 - (H) Terminal vapor control system;
 - (I) Federal, state and local procedures for reporting discharges of oil; and
 - (J) The terminal's oil spill contingency plan.
- (3) The terminal operator shall designate in writing each person authorized to serve as a TPIC and advise the Division, in writing, of his or her designation.
- (4) Each TPIC shall carry evidence of their authorization to serve as a TPIC when they are engaged in transfer operations, unless such evidence is immediately available at the terminal.
- (b) Vessel Person in Charge (VPIC).
- (1) The VPIC of a tank vessel during transfer operations shall hold at least one of the following:

- (A) For U.S. tank vessels, a valid U.S. Coast Guard issued license as Master or Mate on inspected, mechanically propelled vessels as required by the U.S. Coast Guard for the tonnage of the vessel; Pilot of inspected mechanically propelled vessels; or Engineer; or
 - (B) For foreign tank vessels, a valid license or certificate authorizing service on that vessel as a Master, Mate, Pilot or Engineer.
- (2) The VPIC of a barge shall hold any valid U.S. Coast Guard issued license as specified in subsection (b)(1) of this section or shall hold a valid U.S. Coast Guard issued Merchant Mariners Document endorsed as Tankerman for the grade of cargo carried.

Authority: Sections 8750, 8751, and 8755, Public Resources Code.

Reference: Sections 8750, 8751, 8752, and 8755, Public Resources Code.

§2380. Equipment Requirements.

(a) Hose Assemblies.

- (1) Each hose assembly used for transferring oil shall meet the following requirements:
 - (A) The minimum design burst pressure for each hose assembly shall be:
 - (i) At least 600 pounds per square inch; and
 - (ii) At least four times the sum of the pressure of the relief valve setting (or four times the maximum pump pressure when no relief valve is installed) plus the static head pressure of the transfer system at the point where the hose is installed.
 - (B) The maximum allowable working pressure (MAWP) for each hose assembly shall be:
 - (i) At least 150 pounds per square inch; and
 - (ii) More than the sum of the pressure of the relief valve setting (or the maximum pump pressure when no valve is installed) plus the

static head pressure of the transfer system at the point where the hose is installed.

- (C) Each nonmetallic hose shall be usable for oil service.
 - (D) Each hose assembly shall have one of the following:
 - (i) Full threaded connections;
 - (ii) Flanges that meet standard B16.5, Steel Pipe Flanges and Flange Fittings, or standard B16.24, Brass or Bronze Pipe Flanges, of the American National Standards Institute (ANSI); or
 - (iii) Quick-connect couplings that meet American Society for Testing and Materials (ASTM) F-1122.
 - (E) Except as provided in subsection (F) of this section, each hose shall be marked near the two ends in the vicinity of the flanges, where it can best be seen, with the following:
 - (i) The products for which the hose may be used, or the words "oil service";
 - (ii) Maximum allowable working pressure;
 - (iii) Date of manufacture; and
 - (iv) Date of the latest annual test required by 33 CFR 156.170 with dates of previous tests obliterated.
 - (F) The information required by subsections (E)(iii) and (iv) of this section need not be marked on the hose if it is recorded elsewhere at the terminal and the hose is marked to identify it with that information.
 - (G) The hose burst pressure and the pressure used for the test required by 33 CFR 156.170 shall not be marked on the hose and shall be recorded elsewhere at the terminal.
- (2) Each hose used for transferring oil shall be inspected, maintained, handled and stored in accordance with the recommended practices in the Rubber Manufacturers Association's "HOSE TECHNICAL INFORMATION BULLETIN: No.

IP-11-4; Oil Suction and Discharge Hose; Manual for Maintenance, Testing and Inspection," 1987 edition.

(b) Loading Arms.

- (1) Each mechanical loading arm used for transferring oil and placed into service after June 30, 1973, shall meet the design, fabrication, material, inspection, and testing requirements in American National Standards Institute (ANSI) B31.3.
- (2) The manufacturer's certification that the standard American National Standards Institute (ANSI) B31.3 has been met shall be permanently marked on the loading arm or recorded elsewhere at the terminal with the loading arm marked to identify it with that information.
- (3) Each mechanical loading arm used for transferring oil shall have a means of being drained or closed before being disconnected.
- (4) Each mechanical loading arm shall be marked where it can best be seen, with the following:
 - (A) Maximum allowable working pressure; and
 - (B) Date of the latest annual test required by 33 CFR 156.170; dates of previous tests shall be obliterated.
- (5) Each mechanical loading arm shall have its maximum allowable lateral movement envelope limits conspicuously marked on the terminal at the position of the loading arm. The maximum allowable extension limits of the loading arm shall also be indicated visibly.

(c) Closure Devices.

The terminal shall have sufficient blank flanges or other means acceptable to the Division to blank off the ends of each hose or loading arm that is not connected for the transfer of oil. New, unused hose is exempt from this requirement.

(d) Connection.

- (1) Each person who makes a bolted connection for transfer operations shall:
 - (A) Use suitable material in joints and couplings to ensure a leak-free seal;

- (B) Use a bolt in every hole;
 - (C) Use bolts of the correct size in each bolted connection; and
 - (D) Tighten each bolt and nut uniformly to distribute the load and sufficiently to ensure a leak free seal.
- (2) A person who makes a connection for transfer operations shall not use any bolt that shows signs of strain or is elongated or deteriorated.
- (3) Except as provided in subsection (4) of this section, no person may use a connection for transfer operations unless it is:
- (A) A bolted or full threaded connection; or
 - (B) A quick-connect coupling that meets American Society for Testing and Materials (ASTM) F-1122, Standard Specifications for Quick Disconnect Couplings 1987.
- (4) No person may transfer oil to a vessel that has a fill pipe for which containment cannot practically be provided unless an automatic back pressure shutoff nozzle is used.
- (e) Monitoring Devices.

Monitoring devices shall be installed and maintained at the terminal if required by the U.S. Coast Guard Captain of the Port.

(f) Small Discharge Containment.

- (1) Except as provided in subsections (3) and (4) of this section, an onshore terminal shall have fixed catchments, curbing, or other fixed means to contain oil discharged at the following locations:
- (A) Each hose handling and loading arm area (that area on the terminal that is within the area traversed by the free end of the hose or loading arm when moved from its normal stowed or idle position into a position for connection); and
 - (B) Each hose connection manifold area.

- (2) The discharge containment means required by subsection (f)(1) of this section shall have a capacity of at least:
- (A) Two barrels if it serves one or more hoses of 6-inch inside diameter or smaller or one or more loading arms of 6-inch nominal pipe size diameter or smaller;
 - (B) Three barrels if it serves one or more hoses with an inside diameter of more than 6-inches, but less than 12 inches, or one or more loading arms with a nominal pipe size diameter of more than 6 inches, but less than 12 inches; or
 - (C) Four barrels if it serves one or more hoses of 12-inch inside diameter or larger or one or more loading arms of 12-inch nominal pipe size diameter or larger.
- (3) The terminal may use portable means of not less than $\frac{1}{2}$ barrel capacity each to meet the requirements of subsection (f)(1) of this section for part or all of the terminal if the Division finds that fixed means to contain oil discharges are not feasible.
- (4) A mobile terminal, such as a tank truck, may have portable means of not less than five gallons capacity to meet the requirements of subsection (f)(1) of this section, when conducting transfer operations to or from tank vessels or barges.

(g) Discharge Removal.

Each onshore terminal shall have a means to remove discharged oil from the containment system required by subsection (f)(1) of this section safely and quickly without discharging the oil into the water.

(h) Emergency Shutdown.

- (1) The terminal shall have an emergency means to shutdown and stop the flow of oil from the terminal to the tank vessel or barge.
- (2) A point in the transfer system at which the emergency means stops the flow of oil on the terminal shall be located near the dock manifold connection to minimize the loss of oil in the event of the rupture or failure of the hose, loading arm, or manifold valve.

- (3) For oil transfers, the means used to stop the flow under subsection (h)(1) of this section shall stop that flow within:
 - (A) 60 seconds on any terminal or portion of a terminal that first transferred oil on or before November 1, 1980; and
 - (B) 30 seconds on any terminal that first transfers oil after November 1, 1980.
- (4) The VPIC and TPIC shall each be capable of ordering or activating the emergency shutdown.
- (5) If the VPIC or TPIC orders an emergency shutdown, the shutdown shall be capable of being activated and shall be activated within 30 seconds of the order.
- (6) To meet the requirements of subsections (h)(4) and (5) of this section, the means to stop the flow of oil shall be either of the following:
 - (A) An electrical, pneumatic or mechanical linkage to the terminal; or
 - (B) A voice communications system continuously operated by a person on the terminal who at all times during the transfer can hear the communications and can, at any time, activate the emergency shutdown.

(i) Vapor Control Systems.

Any Vapor Control System at any marine terminal, shall meet the requirements of 33 CFR 154, Subpart E, or any other such federal regulations governing Vapor Control Systems.

Authority: Sections 8750, 8751, 8752, 8755, and 8757, Public Resources Code.

Reference: Sections 8750, 8751, 8752, 8755, 8757, and 8758, Public Resources Code.

§2385. Operations Manuals.

(a) Operations Manual Requirements.

- (1) No terminal may conduct transfer operations except in accordance with an operations manual approved by the Division.

- (2) Operators of terminals who hold a letter of adequacy issued by the U.S. Coast Guard for their operations manual, at the time the provisions of this article become effective, may continue to carry out transfer operations in accordance with that manual without Division approval until the earlier of the following:
 - (A) One year from the date this article becomes effective; or
 - (B) The letter of adequacy is invalidated by the U.S. Coast Guard.
- (3) Notwithstanding the provisions of subsection (b) of this section, each terminal operator shall submit to the Division, the following:
 - (A) Within 30 days of this article becoming effective, two copies of their current operations manual together with its letter of adequacy, for information purposes; and
 - (B) Within one (1) year of this article becoming effective, a new operations manual which meets the requirements of this section, for Division approval under subsection (c) of this section.
- (4) Operators of terminals shall maintain their operations manual so that it is:
 - (A) Current; and
 - (B) Readily available for examination by the Division.
- (5) Operators of terminals shall ensure that a sufficient number of copies of their operations manual are readily available for each TPIC and VPIC while conducting a transfer operation.

(b) Letter of Intent.

- (1) Any person who proposes to install a new marine terminal or proposes to assume control over the operation of an existing marine terminal shall, not less than 60 days prior to the intended assumption of operations, submit a letter of intent to operate the terminal to the Division.
- (2) The letter of intent required by subsection (b)(1) of this section may be in any form, but shall at least include the following:

- (A) The name, address, telephone number and facsimile number of the terminal operator;
 - (B) The name, address, berth number, telephone number and facsimile number (if any) of the terminal; and
 - (C) The proposed operations manual for the terminal.
- (3) The operator of any terminal for which a letter of intent has been submitted shall, within five (5) days of any change in operations or information or a termination of use of the terminal, advise the Division in writing of the changes and shall cancel, in writing, the letter for any terminal at which transfer operations can no longer be conducted.
- (c) Operations Manual: Approval.
- (1) The Division shall review and, within 30 days of submission, approve any operations manual which meets the requirements of this section. If the Division finds that the manual does not meet the requirements of this section, then it shall notify the submitting party within 30 days of the manual's submission.
 - (2) The approval by the Division is voided if the terminal operator:
 - (A) Amends the operations manual without following the procedures in subsection (f) of this section; or
 - (B) Fails to amend the operations manual when required by Division.
 - (3) Any terminal operator whose operations manual has been disapproved by the Division may appeal the disapproval to the Commission, provided that the appeal is submitted in writing to the Commission Executive Officer within 30 days after the operator receives notice of the disapproval.
- (d) Operations Manuals: Contents.
- (1) Each operations manual required by this section shall:
 - (A) Describe how the applicant meets the operating rules and equipment requirements specified in this article and in 33 CFR Parts 154 and 156, Subpart A; and

- (B) Describe the responsibilities of personnel under this section and under 33 CFR Parts 154 and 156, Subpart A, in conducting oil transfer operations.
- (2) Each operations manual required by this section shall contain all of the following:
- (A) Maps and diagrams showing the location and configuration of the terminal, including, at minimum, the following:
 - (i) Scale and direction;
 - (ii) A point on the map with its latitude and longitude taken with a geographic positioning system, with differential correction;
 - (iii) A site plan of the major structural components of the current facility, including, but not limited to, piers, mooring structures, buoys, manifolds, mechanical loading arms, pipelines, and pipeline end manifold (PLEM);
 - (iv) The location of the general and emergency shutdown system controls;
 - (v) Locations of any environmental and discharge monitoring devices;
 - (vi) Storage locations for pollution containment equipment including those deployed during transfer operations;
 - (vii) Configuration of boom containment and arrangements for boom stand-off for each type of transfer operation that takes place at the terminal;
 - (viii) Location and type of fire extinguishing, first aid and other safety equipment;
 - (ix) Location of facilities used for personnel shelter, if any;
 - (x) Locations of environmentally sensitive areas in the immediate vicinity of the terminal, if any;
 - (xi) Where applicable the locations of special shut-off valves and other safety

- equipment to be used in case of earthquakes;
- (xii) Locations of sump wells, if any, at or in the vicinity of the terminal;
 - (xiii) Emergency exit routes for personnel; and
 - (xiv) Bathymetry and sea floor characteristics;
- (B) A physical description of the terminal including a plan of the terminal showing mooring areas, transfer locations, control stations, and locations of safety equipment;
- (C) The hours of operation of the terminal;
- (D) The sizes, types, and number of tank vessels and barges to and from which the terminal can transfer oil at any time;
- (E) For each product transferred at the terminal:
- (i) Generic or chemical name; and
 - (ii) The following cargo information:
 - (aa) The name of the cargo, as listed under Appendix II of Annex II of MARPOL 73/78, Table 30.25-1 of 46 CFR 30.25-1, Table 151.05 of 46 CFR 151.05-1, or Table 1 of 46 CFR 153.
 - (ab) A description of the appearance of the cargo;
 - (ac) A description of the odor of the cargo;
 - (ad) The hazards involved in handling the cargo;
 - (ae) Instructions for safe handling of the cargo;
 - (af) The procedures to be followed if the cargo spills or leaks or if a person is exposed to the cargo; and
 - (ag) A list of fire fighting procedures and extinguishing agents effective with fires involving the cargo.

- (F) The minimum number of persons on duty during transfer operations and their duties;
- (G) The names and telephone numbers of terminal, U.S. Coast Guard, California State Office of Emergency Services, and other personnel who may be called by the employees of the terminal in an emergency;
- (H) A description of each communication system required by §2370 of these regulations;
- (I) A description of the facilities and the location of each personnel shelter, if any;
- (J) A description and instructions for the use of drip and discharge collection, and vessel slop reception facilities, if any;
- (K) A description of and instructions for seep monitoring from sump wells, if any;
- (L) A description of the operation of and the component location of each emergency shutdown system;
- (M) Quantity, types, locations, and instructions for use of oil discharge monitoring devices, if any;
- (N) Quantity, type, location, instructions for use, and time required for gaining access to and deployment of initial response containment equipment;
- (O) A description of the spill containment for transfer operations required under §2395 and, if applicable, the basis used for determining that the onshore marine terminal is subject to high velocity currents as defined in §2395, subsection (b)(3);
- (P) Quantity, type, location, and instructions for use of fire extinguishing equipment required by federal, state and local fire prevention regulations;
- (Q) The maximum relief valve setting or, where relief valves are not provided, maximum system pressure for each transfer system and the method used to determine that pressure;

- (R) Procedures for:
 - (i) Operating each mechanical loading arm including the limitations of each loading arm;
 - (ii) Transferring oil;
 - (iii) Completion of pumping; and
 - (iv) Emergencies;
 - (S) Procedures for reporting and initially containing oil discharges;
 - (T) A brief summary of applicable federal, state, and local oil pollution laws and regulations;
 - (U) Procedures for shielding portable lighting authorized by the Division under §2365;
 - (V) A description of the training and qualification program for TPIC's; and
 - (W) A list of all designated TPIC's for the terminal.
- (3) If a terminal collects vapors emitted from vessel cargo tanks for recovery, destruction, or dispersion, the operations manual shall contain a description of the vapor collection system at the terminal which includes the following:
- (A) A line diagram or simplified piping and instrumentation diagram (P&ID) of the terminal's vapor control system piping, including the location of each valve, control device, pressure-vacuum relief valve, pressure indicator, flame arrester and detonation arrester; and
 - (B) A description of the vapor control system's design and operation, including the:
 - (i) Vapor line connection;
 - (ii) Startup and shutdown procedures;
 - (iii) Steady state operating procedures;
 - (iv) Provisions for dealing with pyrophoric sulfide (for facilities which handle inerted vapors of cargoes containing sulfur);

- (v) Alarms, shutdown devices and Safety Analysis Function Evaluation (SAFE) chart as prescribed in the American Petroleum Institute's Recommended Practice 14C, September 1, 1986 edition; and
 - (vi) Pre-transfer equipment inspection requirements.
- (4) For ease of amendment, the terminal's operations manual shall be contained in a binder which allows easy replacement of pages. The terminal operator shall incorporate a dated copy of each amendment to the operations manual under subsection (f) of this section in each copy of the manual with the related existing requirement or add the amendment at the end of each manual if not related to an existing requirement. Language in the manual which no longer applies shall be removed from the manual.
- (5) The operations manual shall be written in the order specified in subsection (d)(2) and (d)(3) of this section or contain a cross-referenced index page in that order.
- (e) Operations Manual: Offshore Terminals.
- (1) Each operations manual for an offshore marine terminal shall contain all applicable provisions of subsection (d) of this section and shall also include at least the following:
- (A) Calculations with supporting data and other documentation to show that the charted water depth at each berth of the terminal is sufficient to provide at least a 6-foot net underkeel clearance at all times and under all conditions for each tank vessel or barge that the terminal expects to be moored at the terminal.
 - (B) A description of prevailing currents, tides, winds and other weather conditions most commonly experienced at the terminal and a description of the monitoring equipment, if any, employed at the terminal which relays information about wind, wave and current conditions at the terminal.
 - (C) A description of specific limiting wind, wave, current and meteorological conditions under which each of the following will occur:

- (i) Oil transfer operations will be shut down;
 - (ii) Departure of the tank vessel or barge from the mooring will be required; and
 - (iii) Mooring operations will be prohibited.
- (D) A description of the navigational aids, if any, provided for approach to the berth and times of operation;
 - (E) A description of mooring support vessels duties and services;
 - (F) A detailed description of mooring and unmooring maneuvers with supporting graphical illustrations for each berth of the terminal;
 - (G) A description of the duties and responsibilities of mooring masters and assistant mooring masters, including the numbers of such personnel that will be in attendance at mooring/unmooring/cargo transfer operations; and
 - (H) A description of each of the tugs available in compliance with §2390, subsection (b), including, at least, the following:
 - (i) Bollard pull; and
 - (ii) Towing and pushing arrangements.
- (2) The additional provisions required by subsection (e)(1) of this section may be incorporated under appropriate existing headings of the operations manual or may be added to the end of the manual.
- (f) Operations Manual: Amendment.
- (1) Using the following procedures, the Division may require the terminal operator to amend the operations manual if the Division finds that the operations manual does not meet the requirements of this section:
 - (A) The Division shall notify the terminal operator in writing of any inadequacies in the operations manual within 30 days of receipt of the manual.
 - (B) The terminal operator may submit written information, views, and arguments on and proposals

for amending the manual within 30 days from the date of the Division notice.

- (C) After considering all relevant material presented, the Division shall, within 30 days of receipt of the material submitted under subsection (f)(1)(B) of this section, notify the terminal operator of any amendment required or adopted, or rescind the notice.
- (2) The amendment becomes effective 30 days after the terminal operator receives the Division's notice, unless the terminal operator petitions the Division Chief to review the Division's notice, in which case its effective date is delayed pending a decision by the Division Chief. Petitions to the Division shall be submitted in writing.
- (3) If the Division finds that there is a condition requiring immediate action to prevent the discharge or risk of discharge of oil that makes the procedure in subsection (f)(1) of this section, impractical or contrary to the public interest, the Division may issue an amendment effective on the date the terminal operator receives notice of it. In such a case, the Division shall include a brief statement of the reasons for the findings in the notice. The owner or operator may petition the Division Chief to review the amendment, but the petition shall not delay the amendment.
- (4) The terminal operator may propose amendments to the operations manual by submitting any proposed amendments in writing to the Division.
- (5) The proposed amendment shall take effect upon approval by the Division or, if the Division takes no action within 30 days of its receipt, then at the end of that period. If the operator requests that immediate action be taken, the Division may provide immediate approval if it determines that circumstances warrant it, provided that such approval is conditioned upon subsequent review within 30 days of receipt of the proposed amendment.
- (6) The Division shall respond to proposed amendments submitted under subsection (f)(4) of this section by:
- (A) Approving or disapproving the proposed amendments;
- (B) Advising the terminal operator whether the request is approved, in writing;

- (C) Including any reasons in the written response if the request is disapproved; and
- (D) If the request is made under subsection (f)(5) of this section, immediately approving or rejecting the request.

- (7) Amendments which do not affect compliance with the requirements of this article, such as amendments to personnel and telephone number lists required by subsection (d)(2)(G) of this section do not require prior Division approval, but the Division shall be advised of such amendments as they occur.

Authority: Sections 8750, 8751, 8755, and 8758, Public Resources Code.

Reference: Sections 8750, 8751, 8755, 8757, and 8758, Public Resources Code.

§2390. Additional Requirements at Offshore Terminals.

(a) Applicability.

The provisions of §2390, shall apply only at offshore terminals.

(b) Tug Requirements.

- (1) During every mooring and unmooring operation, a tug or tugs shall be available and standing by in readiness to assist the tank vessel. The tug or tugs shall have bollard pull sufficient to assist the tank vessel.
- (2) At all times during a transfer operation a tug or tugs shall be available to the barge. The tug or tugs shall have bollard pull sufficient to assist the barge.

(c) Mooring Masters.

- (1) For the purpose of this section, a "mooring master" means a person who holds a valid U.S. Coast Guard issued license as Master or Mate and an endorsement as First Class Pilot for the area at which the terminal is located.
- (2) A mooring master shall be aboard every tank vessel or barge for every mooring and unmooring operation at that terminal.

CALIFORNIA RULE	940
MINUTE PAGE	3605

(d) Assistant Mooring Master.

- (1) For the purpose of this section, an "assistant mooring master" means a person who holds a valid U.S. Coast Guard issued license as Master or Mate and has experience in mooring and unmooring operations at that terminal. This person shall not be a member of the vessel's crew.
- (2) In addition to the requirement in subsection (c)(2) of this section, an assistant mooring master shall be aboard the tank vessel for every mooring and unmooring operation at that terminal.

(e) Diver Inspection of Submarine Hose.

Each terminal operator shall ensure that a diver inspection of any submerged hose string to be used has been conducted prior to every hookup if:

- (1) The submarine hose has not been lifted within 15 days of the last previous transfer; or
- (2) There has been a passage of a storm or seismic event affecting the area which may have damaged or covered the submarine hose.

(f) Pipeline Requirements.

- (1) At all times, offshore terminals shall have the capability of drawing and maintaining a vacuum on all submarine pipelines containing oil.
- (2) Except for submarine pipelines to a berth where a vessel is moored, at all times during mooring and unmooring operations at offshore terminals, a vacuum shall be maintained on submarine pipelines containing oil which:
 - (A) Serve the berth to be used; or
 - (B) Are in or near the vessel's approach path.

(g) Underkeel Clearance.

Each tank vessel or barge that conducts or is intending to conduct a transfer operation at an offshore terminal, shall at all times during the transfer operation and under all conditions have a net underkeel clearance of at least six (6) feet from the sea-floor and any known obstructions.

Authority: Sections 8750, 8751, and 8755, Public Resources Code.

Reference: Section 8670.17, Government Code; Sections 8750, 8751, and 8755, Public Resources Code.

§2395. Spill Containment for Transfer Operations.

(a) Applicability and Date of Implementation.

- (1) The provisions of §2395 apply only to oil transfer operations between vessels and terminals where the oil transferred is a persistent oil as defined in subsection (b)(1) of this section.
- (2) The provisions of §2395, become effective 180 days after these regulations have been filed with the Secretary of State.

(b) General.

- (1) For the purpose of this section, "persistent oil" means a petroleum-based oil that does not meet the distillation criteria for a non-persistent oil. "Non-persistent oil" means a petroleum-based oil, such as gasoline, diesel or jet fuel, which evaporates relatively quickly. Specifically, it is an oil with hydrocarbon fractions, at least 50 percent of which, by volume, distills at a temperature of 645 degrees Fahrenheit and at least 95 percent of which, by volume, distills at a temperature of 700 degrees Fahrenheit.
- (2) For the purpose of this section, the term "boom" means flotation boom or other effective barrier containment material suitable for containment of oil that is discharged on to the surface of the water.
- (3) For the purpose of this section, an "onshore marine terminal subject to high velocity currents" means an onshore terminal at which the maximum current velocities are 1.5 knots or greater for the majority of the days in the calendar year.

(c) Vessel Loading Operations at Onshore Terminals.

- (1) Prior to commencement of each transfer operation from the terminal to the vessel at an onshore terminal, the terminal operator shall deploy boom to enclose the water surface surrounding the vessel so as to provide common containment area for:

- (A) The entire vessel at the waterline; and
 - (B) Either of the following:
 - (i) The entire dock; or
 - (ii) Portions of the dock where oil may spill into the water.
- (2) To meet the requirements of subsection (c)(1)(B) of this section, where the face of the dock is capable of acting as an effective barrier on the inboard side of the vessel, the boom on that side may be deployed so that it provides containment between the vessel and the dock.
- (3) The boom shall be deployed so that it provides a stand-off of not less than 4 feet from the outboard side of the vessel.
- (4) For onshore marine terminals subject to high velocity currents, the terminal operator may provide sufficient boom appropriate to the conditions at the terminal, trained personnel and equipment, maintained in a standby condition at the berth for the duration of the entire transfer operation, so that a length of at least 600 feet of boom will be deployed for containment within 30 minutes of a spill as an alternative to the requirements set forth in subsections (c)(1) and (c)(2) of this section.
- (d) Vessel Offloading Operations at Onshore Terminals.
- (1) Prior to commencement of each transfer operation from the vessel to the terminal at an onshore terminal, the terminal operator shall deploy boom to enclose the water surface on the inboard side of the vessel, so as to provide common containment area for:
- (A) The vessel's entire inboard length, at the waterline; and
 - (B) Either of the following:
 - (i) The entire dock; or
 - (ii) Portions of the dock where oil may spill into the water.
- (2) Where the face of the dock is capable of acting as an effective barrier, the boom shall be deployed so that

it provides containment between the vessel and the dock.

- (3) For onshore marine terminals subject to high velocity currents, the terminal operator may provide sufficient boom appropriate to the conditions at the terminal, trained personnel and equipment, maintained in a standby condition at the berth for the duration of the entire transfer operation, so that a length of at least 600 feet of boom will be deployed for containment within 30 minutes of a spill as an alternative to the requirements set forth in subsections (d)(1) and (d)(2) of this section.

(e) Transfer Operations at Offshore Terminals.

Prior to commencement of each transfer operation at offshore terminals, the terminal operator shall provide either one of the following for the duration of the entire transfer operation:

- (1) Boom deployed to enclose the water surface on the transfer side of the vessels manifold, so as to provide containment for an area of the water surface that extends from at least 75 feet forward, to at least 75 feet astern of the manifold and outward to a distance of at least 50 feet beyond the position of the pipeline end manifold (PLEM); or
- (2) Sufficient boom appropriate to the conditions at the terminal, trained personnel and equipment, maintained in a stand-by condition at the berth, so that a length of at least 600 feet of boom will be deployed for containment within 30 minutes of a spill.

Authority: Sections 8750, 8751, 8752, 8755, 8757, and 8758, Public Resources Code.

Reference: Section 8670.28, Government Code; Sections 8750, 8751, 8752, 8755, 8757, and 8758, Public Resources Code.

§2400. Mitigation Monitoring Requirements.

If an environmental review is or has been conducted for all or any part of a terminal or for terminal operations pursuant to §§21002 through 21082.2 of the Public Resources Code and Title 14, California Code of Regulations, §15000 et seq., and a lead or responsible agency requires compliance with mitigation measures as a condition for installation or operation of that terminal, then:

- (1) The terminal operator shall comply with the required mitigation measures; and
- (2) If the mitigation measures relate to operation of the terminal, both the mitigation measures and monitoring program required shall be incorporated into the terminal operations manual.

Authority: Sections 8750, 8751, 8755 and 8758, Public Resources Code.

Reference: Sections 21002, 21004, 21067, 21069, 21081 and 21082.2, Public Resources Code; Sections 15051, 15052, and 15386, Title 14, California Code of Regulations.

§2405. Enforcement.

(a) Authorized Agents or Employees.

- (1) For the purposes of §2405, each of the following shall be referenced as "authorized agents or employees" of the Division:
 - (A) The Executive Officer of the Commission;
 - (B) The Assistant Executive Officer of the Commission;
 - (C) The Division Chief;
 - (D) The Assistant Chief of the Division;
 - (E) The Marine Terminal Safety Field Operations Supervisor of the Division;
 - (F) Any Marine Terminal Safety Supervisor of the Division;
 - (G) Any Marine Terminal Safety Specialist of the Division; or
 - (H) Any Marine Terminal Safety Inspector of the Division.
- (2) Any and all of the referenced agents or employees listed in subsection (a)(1) of this section, are authorized to make a determination as to apparent or threatened violations, as defined in §2315, subsection (b) and subsection (u) of Article 5.

(b) Apparent or Threatened Violations: Reporting and Records.

- (1) In the event that an authorized agent or employee of the Division determines that there is an apparent or threatened violation, he or she shall notify the TPIC or VPIC, as appropriate, of the apparent or threatened violation as soon as he or she has an opportunity to do so.
- (2) Each and every authorized agent or employee of the Division shall report to the Division any and all apparent or threatened violations.
- (3) The Division shall maintain records of all reported violations for a period of not less than five (5) years.
- (4) The Division shall, upon request, make available to the Administrator or the U.S. Coast Guard copies of records of violations.

(c) Enforcement Actions: General.

- (1) When the Executive Officer determines that any person has engaged in, is engaged in, or threatens to engage in an apparent or threatened violation, the Executive Officer may take any or all of the following actions:
 - (A) The Executive Officer may request that the Administrator do one or more of the following where appropriate:
 - (i) Issue an order under Government Code §8670.69.4 requiring that person to cease and desist;
 - (ii) Take whatever legal action that is necessary and appropriate, to obtain an order from the court enjoining the apparent or threatened violation; or
 - (iii) Initiate and pursue proceedings under Government Code §§8670.66 and 8670.67 to subject the person who has engaged in, is engaged in, or threatens to engage in the apparent or threatened violation to statutory penalties.
 - (B) The Executive Officer may do one or more of the following:

- (i) Take whatever legal action is necessary and appropriate to obtain an order from the court enjoining the apparent or threatened violation; or
 - (ii) If appropriate, take whatever action is necessary and appropriate to initiate and pursue proceedings under Government Code §8670.66 to subject the person who has engaged in, is engaged in, or threatens to engage in the apparent or threatened violation, to statutory penalties.
 - (2) The Executive Officer shall also notify the U.S. Coast Guard of any apparent violation which may also constitute violation of federal law or regulation.
- (d) Discharge Threat.
- (1) For the purpose of this section only, the term "discharge threat" means an apparent or threatened violation of regulations which, if unabated, would directly cause or substantially increase the risk of an unauthorized discharge of oil into marine waters during transfer operations at a terminal.
 - (2)
 - (A) In the event that an authorized agent or employee of the Division determines that there is a discharge threat, the agent or employee shall immediately notify the TPIC or VPIC, as appropriate, of the discharge threat.
 - (B) Upon receiving notification of a discharge threat, the TPIC or VPIC, as appropriate, shall take immediate action to eliminate the threat, either by correcting the apparent or threatened violation or by suspending transfer operations until the apparent or threatened violation is corrected.
 - (3) If the TPIC or VPIC does not take immediate action to eliminate the discharge threat, either by correcting the apparent or threatened violation or by suspending transfer operations until the apparent or threatened violation is corrected, then:
 - (A) The authorized agent or employee shall notify the Division of the immediate threat; and
 - (B) The Division shall then immediately notify:
 - (i) The U.S. Coast Guard;

947
3612

(ii) The Administrator; and

(iii) The District Attorney of the County in which the terminal is located.

(C) The Division may also take whatever legal action is necessary and appropriate to obtain an order from the superior court having jurisdiction over the terminal to abate the discharge threat.

Authority: Sections 8750, 8751, 8755 and 8760, Public Resources Code.

Reference: Sections 8670.66, 8670.67, 8670.69.4, Government Code; Sections 8750, 8751, 8755 and 8760, Public Resources Code.