MINUTE ITEM

This Calendar Item No C49 was approved as Minute Item No. 49 by the California State Lands Commission by a vote of 3 to 0 at its 04-05-04 meeting.

CALENDAR ITEM
**C49**

A )
) Statewide
S )

04/05/04
W 9777.263
L. Prabhu
G. Scott
M. Meier

## CONSIDER APPROVAL OF THE FORM TO BE USED TO IMPLEMENT THE STATE'S OIL TRANSFER AND TRANSPORTATION EMISSION AND RISK REDUCTION ACT OF 2002

### PROPOSAL:

Under Section 8783 of the Public Resources Code (P.R.C.), the Commission is required to develop a form to be used for reporting specified information by specified parties engaged in the internal shipment of oil. That form has been developed by Staff and is here presented to the Commission for adoption as a regulation in Section 2580 of Title 2, Division 3, Chapter 1, Article 5.6 of the California Code of Regulations.

### BACKGROUND

The Oil Transfer and Transportation Emission and Risk Reduction Act of 2002 (the Act) (Public Resources Code Sections 8780 through 8789) authorizes the Commission to collect information regarding the air emissions from tank vessels, barges and tugs involved in transporting internal shipments of oil and to report this information to the California State Legislature annually. P.R.C. Section 8783 requires the Commission, in consultation with the industry, to develop a form to be used by the owners of oil or responsible parties to report the air emissions from vessels engaged in the internal shipments. In addition to the air emissions, the information required to be reported on the form includes: the name, address, point of contact and telephone number of the responsible party; the name of the vessel transporting the oil; the type and amount of oil being transported; the source of crude oil; the name and location of the terminal that loads the vessel; the name of the terminal that discharged the tanker or barge; the dates of travel and the route; the type of engine and the fuel used to power the tanker or the barge-towing vessel; and an indication of whether the reason for the internal shipping of the oil was due to a temporary or partial shutdown of a refinery facility

As mandated by the Act, the proposed regulatory form would specify the items required by P.R.C. Section 8783(b) to be reported to the Commission for its compilation and subsequent report to the state legislature.

Commission staff developed a draft of the proposed form from the information in P.R.C. Section 8783. In compliance with the statute, Commission staff met with several members of the Western States Petroleum Association (WSPA) on March 4, 2003.

The WSPA is an association representing owners of oil in California. At the meeting on March 4, 2003, the Commission presented and extensively discussed the contents of the draft form. The parties involved agreed to study the matter further and meet at a later date to finalize the form. Commission staff and WSPA members met again on July 24, 2003. At this meeting, after extensive review, all concerned agreed to finalize the form as it is here presented and WSPA members recommended that the form be adopted as a regulation under the Administrative Procedures Act.

**STATUTORY AND OTHER REGULATIONS:**

A: Public Resources Code Sections 8780 through 8789

**PERMIT STREAMLINING ACT DEADLINE:**

N/A

**OTHER PERTINENT INFORMATION:**

1. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 CCR Section 10561), the Commission Staff has determined that this activity is exempt from the requirements of the CEQA because the activity is not a "project" as defined by the CEQA and the State CEQA guidelines.

   Authority: P.R.C. Section 21084 and 14 CCR Section 15300.

**EXHIBIT:**

A: Section 2580. The Oil Transfer and Transportation Emission and Risk Reduction Form

**IT IS RECOMMENDED THAT THE COMMISSION:**

1. FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061, BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY PUBLIC RESOURCES CODE SECTION 21065 AND TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15378.

2. FIND THAT THE AMENDMENT WILL NOT HAVE A SIGNIFICANT IMPACT ON THE CREATION OR ELIMINATION OF JOBS OR NEW OR EXISTING BUSINESSES WITH CALIFORNIA, NOR WILL THEY HAVE AN ADVERSE ECONOMIC IMPACT ON BUSINESSES, INCLUDING THE ABILITY OF CALIFORNIA BUSINESSES TO COMPETE WITH BUSINESSES IN OTHER STATES.

3. FIND THAT NO ALTERNATIVE WOULD BE MORE EFFECTIVE IN CARRYING OUT THE PURPOSE FOR WHICH THE AMENDMENT IS PROPOSED OR WOULD BE AS EFFECTIVE AND LESS BURDENSOME TO AFFECTED PRIVATE PERSONS THAN THE PROPOSED REGULATIONS.

4. ADOPT AS A REGULATION THE OIL TRANSFER AND TRANSPORTATION EMISSION AND RISK REDUCTION FORM AS SET FORTH IN EXHIBIT A.

5. AUTHORIZE THE COMMISSION STAFF TO MAKE MODIFICATIONS IN THE AMENDMENT IN RESPONSE TO RECOMMENDATIONS BY THE OFFICE OF ADMINISTRATIVE LAW.

6. DIRECT THE COMMISSION STAFF TO TAKE WHATEVER ACTION IS NECESSARY AND APPROPRIATE TO COMPLY WITH PROVSIONS OF THE GOVERNMENT CODE REGARDING ADOPTION OF REGULATIONS AND AMENDMENTS AND TO ENSURE THAT THE AMENDMENT BECOMES EFFECTIVE.

7. DIRECT THE COMMISSION STAFF TO TAKE WHATEVER ACTION IS NECESSARY AND APPROPRIATE TO COMPLY WITH AND TO ASSIST OTHERS IN COMPLYING WITH PROVISIONS OF SECTIONS 8780 THROUGH 8789 OF THE PUBLIC RESOURCES CODE.

## EXHIBIT A

### Title 2, Division 3, Chapter 1, Article 5.6. Oil Transfer and Transportation Emission and Risk Reduction

Section 2580. Oil Transfer and Transportation Emission and Risk Reduction Form

(a) Section 8783 of the Public Resources Code requires responsible parties engaged in the internal shipment of oil, as defined in Section 8782 of the Public Resources Code, to file, on a quarterly basis, a form developed by the California State Lands Commission providing information regarding those internal shipments.

(b) The following form "Oil Transfer And Transportation Emission And Risk Reduction Form" is herby incorporated by reference and shall be used by responsible parties engaged in the internal shipment of oil, as defined in Section 8782 of the Public Resources Code, to comply with the provisions of Section 8783 of the Public Resources Code:

# OIL TRANSFER AND TRANSPORTATION EMISSION AND RISK REDUCTION FORM

**Public Resources Code - Sections 8780 through 8789**
**1/1/2004**

**Submission Date:**

| Name of Vessel/Barge | IMO/Vessel ID No. |
|---|---|
| | |

| Name of Loading Terminal | Location |
|---|---|
| 1. | |
| 2. | |
| 3. | |

| Cargo Transported | Quantity (BBLS) | Source (Crude only) |
|---|---|---|
| 1. | | |
| 2. | | |
| 3. | | |

| Name of Discharge Terminal | Location |
|---|---|
| 1. | |
| 2. | |
| 3. | |

| Dates of Travel | | | | |
|---|---|---|---|---|
| Departure | Time | Route | Arrival | Time |
| | | | | |

| Engine Type (Tanker) | Engine Type (Barge/Tug) | Engine Fuel |
|---|---|---|
| | | |

| Engine Air Emissions (g/kw-hr) | | | |
|---|---|---|---|
| $NO_x$ | HC | PM | CO |
| | | | |

| Was the reason for shipping this cargo due to a temporary or partial shutdown of a key refinery facility? | Yes ☐ | No ☐ |
|---|---|---|

| | |
|---|---|
| Point of Contact | |
| Address | |
| | |
| | |
| Telephone No. | |
| Signature of Responsible Party | |

## INSTRUCTIONS

1. The responsible party of an "internal shipment" {Public Resources Code Section 8782(d)} of oil from either the San Francisco Bay area or Los Angeles/Long Beach areas or ports in between shall be responsible for filing the form with the California State Lands Commission's Marine Facilities Division. As provided by Public Resources Code Section 8788, the information provided by the responsible party through the form shall be kept confidential and reported only in the aggregate by the Commission, as provided by Public Resources Code Section 8784, in a manner that protects the competitive nature of the information.

2. **Loading Terminal** - The name of each terminal loading an internal shipment of oil.

3. **Location of Terminal** - Either 'A' - San Francisco Bay area; 'B' - Los Angeles/Long Beach area; or 'C' - name of port if not 'A' or 'B'.

4. **Cargo Transported** - Types indicated in broad categories, such as: CRUDE OIL, REFINED OIL, or OTHER (please specify).

5. **Source** - The source or origin of oil should be entered only if the oil shipped is crude oil.

6. **Dates of Travel** - The date and time of departure from the last loading terminal in areas 'A' or 'B' or 'C' *(see 3. above)* and the date and time of arrival at the first discharge terminal of the internal shipment.

7. **Route** - 'S' - Standard route using the Santa Barbara Channel Traffic Separation Schemes; 'O' - Offshore route at least 25 miles from the coastline; if neither 'S' nor 'O', a brief explanation.

8. **Engine Type** - The types of engines for main propulsion. Types include INTERNAL COMBUSTION, GAS TURBINE and STEAM.

9. **Engine Fuel** - The type of fuel used by the tanker or tug, e.g., DIESEL, FUEL OIL, HEAVY FUEL OIL, BUNKER 'C' or GAS OIL.

10. **Air Emissions** - For estimating air emissions, use either individual vessel emission factors or those found in USEPA's Document "Compilation of Air Pollutant Emission Factors, AP-42." Reported emissions are for main propulsion unit only and for the transit time of vessel or barge.

11. The responsible party should submit completed forms by mail or fax within 45 days of the end of each calendar quarter to: California State Lands Commission, Marine Facilities Division, 200 Oceangate, Suite 900, Long Beach, CA 90802. Fax (562) 499-6317.

Authority: Section 8783, Public Resources Code.