

AMENDED IN SENATE JUNE 9, 2010
AMENDED IN SENATE JUNE 1, 2010
AMENDED IN SENATE DECEMBER 16, 2009
AMENDED IN SENATE JULY 16, 2009
AMENDED IN SENATE JUNE 9, 2009
AMENDED IN ASSEMBLY MAY 18, 2009
AMENDED IN ASSEMBLY MAY 6, 2009
AMENDED IN ASSEMBLY APRIL 23, 2009
AMENDED IN ASSEMBLY APRIL 14, 2009
CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 234

Introduced by Assembly Member Huffman

February 5, 2009

An act to add Section 8670.17.3 to the Government Code, relating to oil spills.

LEGISLATIVE COUNSEL'S DIGEST

AB 234, as amended, Huffman. Oil spill prevention and response: transfer of oil.

The Lempert-Keene-Seastrand Oil Spill Prevention and Response Act generally requires the administrator for oil spill response, acting at the direction of the Governor, to implement activities relating to oil spill response, including drills and preparedness, and oil spill containment and cleanup, and to represent the state in any coordinated

response efforts with the federal government. Existing law requires the administrator to adopt and implement regulations regarding the equipment, personnel, and operation of vessels to and from marine terminals that are used to transfer oil.

This bill would require a transfer unit, as defined, *or an oil transfer operation, as defined*, to provide at the point of transfer of oil appropriate equipment and supplies for the containment and removal of oil spills in water adjacent to a transfer site. The bill would also require the transfer unit *or oil transfer operation* to have, among other things, equipment compatible with a vessel traffic advisory control system *and a high level alarm and tank overflow alarm to alert crew*.

Vote: majority. Appropriation: no. Fiscal committee: yes.
 State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 8670.17.3 is added to the Government
 2 Code, to read:
 3 8670.17.3. (a) For purposes of this section, the following
 4 definitions apply:
 5 (1) “#1 and #2 grade oils” have the same meaning as defined
 6 in Section 841(a) of Title 14 of the California Code of Regulations.
 7 (2) “Boom” has the same meaning as defined in Section 841(b)
 8 of Title 14 of the California Code of Regulations.
 9 ~~(3) “Transfer unit” has the same meaning as defined in Section~~
 10 ~~841(i) of Title 14 of the California Code of Regulations. “Transfer~~
 11 ~~unit” does not include an onshore terminal or offshore terminal~~
 12 ~~referred to in Section 2395 of Title 2 of the California Code of~~
 13 ~~Regulations.~~
 14 (3) “*Marine terminal*” means a facility, including a mobile
 15 transfer unit, other than a vessel, located on or adjacent to marine
 16 waters in California, used for transferring oil to or from a tank
 17 vessel or barge. The term includes all parts of the facility,
 18 including, but not limited to, structures, equipment, and
 19 appurtenances thereto used or capable of being used to transfer
 20 oil to or from a tank vessel or barge. A marine terminal includes
 21 all piping not integrally connected to a tank facility.
 22 (4) “*Oil transfer operation*” means any of the following:
 23 (A) An oil transfer, other than an internal vessel transfer,
 24 regardless of the quantity of oil being transferred, conducted within

1 *California marine waters, or a shore-based transfer where a spill*
2 *could impact California marine waters.*

3 (B) *A drydock-associated oil transfer including, but not limited*
4 *to, an oil transfer to or from a tank vessel or nontank vessel in*
5 *drydock.*

6 (C) *An oil transfer to or from a portable or fixed tank within a*
7 *drydock.*

8 (D) *An oil transfer to or from a drydock.*

9 (E) *A vessel engaged in an oil transfer operation.*

10 (5) *“Tank facility” means any one or combination of*
11 *aboveground storage tanks, including piping that is integral to*
12 *the tank, that contains crude oil or its fraction and that is used by*
13 *a single business entity at a single location or site. A pipe is*
14 *integrally related to an aboveground storage tank if the pipe is*
15 *connected to the tank and meets any of the following:*

16 (A) *The pipe is within the dike or containment area.*

17 (B) *The pipe is connected to the first flange or valve after the*
18 *piping exits the containment area.*

19 (C) *The pipe is connected to the first flange or valve on the*
20 *exterior of the tank, if state or federal law does not require a*
21 *containment area.*

22 (6) *“Transfer unit” means a tank vessel, nontank vessel, or*
23 *marine facility from which oil is transferred to another vessel or*
24 *marine facility that is not a marine terminal during an oil transfer*
25 *operation. “Transfer unit” does not include any of the following:*

26 (A) *An oil transfer to or from a marine terminal.*

27 (B) *An onshore facility as defined in subdivision (l) of Section*
28 *8750 of the Public Resources Code.*

29 (C) *A nontank vessel with a carrying capacity of less than 250*
30 *barrels.*

31 (D) *A public vessel as defined in Section 2701 of Title 33 of the*
32 *United States Code.*

33 (E) *A small craft refueling dock as defined in subdivision (ab)*
34 *of Section 8670.3.*

35 (b) (1) *A transfer unit or an oil transfer operation shall provide*
36 *at the point of transfer of oil appropriate equipment and supplies*
37 *for the containment and removal of spills of both persistent oil and*
38 *#1 and #2 grade oils in water adjacent to the transfer site. Prior to*
39 *beginning the oil transfer operation, the transfer unit or oil transfer*

1 *operation* shall preboom each oil transfer for the duration of the
2 entire transfer operation.

3 (2) In order to preboom transfers, the transfer unit *or oil transfer*
4 *operation* shall have, prior to the transfer, access to a boom four
5 times the length of the largest vessel involved in the transfer or
6 2,000 feet in length, whichever is less.

7 (3) The transfer unit shall deploy the boom so that it completely
8 surrounds the vessel and facility or terminal dock area directly
9 involved in the *oil transfer operation*, or the transfer unit *or oil*
10 *transfer operation* may preboom the portion of the vessel and
11 transfer area that will provide for maximum containment of any
12 oil spilled into the water.

13 (4) The boom shall be deployed with a minimum stand-off of
14 five feet away from the sides of a vessel measured at the waterline.
15 This stand-off may be modified for short durations needed to meet
16 the operational needs of a vessel, facility, or terminal.

17 (5) The transfer unit *or oil transfer operation* shall periodically
18 check the boom positioning and adjust it as necessary throughout
19 the duration of the transfer, and specifically during tidal changes
20 and significant wind or wave events.

21 (6) Within one hour of an oil spill, the transfer unit *or oil*
22 *transfer operation* shall be able to complete deployment of the
23 remaining boom, should it be necessary for containment,
24 protection, or recovery purposes.

25 (c) The transfer unit *or oil transfer operation* shall have
26 functional equipment that is compatible with any vessel traffic
27 advisory control system that is established along the California
28 coast.

29 (d) *A transfer unit engaged in an oil transfer operation shall*
30 *be equipped with a properly functioning high level alarm and tank*
31 *overflow alarm to alert crew. The high level alarm and tank*
32 *overflow alarm shall do all of the following:*

33 (1) *Be independent of each other.*

34 (2) *Alarm in the event of loss of power to the alarm system or*
35 *failure of electrical circuitry to the tank level sensor.*

36 (3) *Be able to be checked at the tank for proper operation prior*
37 *to each transfer or contain an electronic self-testing feature that*
38 *monitors the condition of the alarm circuitry and sensor.*

1 (4) *Have audible and visible alarm indicators that can be seen*
2 *and heard on the vessel where the oil transfer operation is*
3 *controlled.*

4 (5) *Alarm early enough to allow the person in charge of the oil*
5 *transfer operation to stop the transfer operation before an overflow*
6 *occurs.*

7 ~~(d)~~

8 (e) *The transfer unit or oil transfer operation, while in marine*
9 *waters, shall at all times have at least one person on the bridge*
10 *who is able to communicate fluently and effectively both in English*
11 *and in the language of the master of the vessel.*

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