

West Coast Oil Transfer Regulations Table

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Table of Contents

TOPIC	PAGE
Applicability	2
Definition of Oil to which transfer regulations apply	3
Definition of Transfer	3
Definition of Facility	4
Definition of Vessel	5
Federal laws and regulations incorporated by reference	6
Training Requirements	7
Planning Required	8
Personnel Required	9
Duties of Personnel	10
Work Hour Restrictions/Rest Requirements	11
Receiving Facility/Vessel Procedures	12
Delivering Facility/Vessel Procedures	13
Communications	14
Emergency Shutdown Procedures	15
Pre-booming Requirements	15
Record Keeping Requirements	16
Inspection/Monitoring Procedures	17
Enforcement	18
Other	19

Regulation	Alaska	California	Oregon	Washington	US Federal
Applicability	<p>AS 46.04.030 or AS 46.04.055, 18 AAC 75.400(a).</p> <p>Facilities – any type of "Oil Terminal Facility", "oil terminal facility" means an onshore or offshore facility of any kind, and related appurtenances, including but not limited to a deepwater port, bulk storage facility, or marina, located in, on, or under the surface of the land or waters of the state, including tide and submerged land, that is used for the purpose of transferring, processing, refining, or storing oil; a vessel, other than a non-tank vessel, is considered an oil terminal facility only when it is used to make a ship-to-ship transfer of oil, and when it is traveling between the place of the ship-to-ship transfer of oil and an oil terminal facility.</p> <p>Exemptions – Natural Gas exploration, production, storage and transport facility and a oil terminal facility which has less than an effective storage capacity of 5,000 barrels of crude oil or 10,000 barrels of non-crude oil. (AS 46.04.050)</p> <p>Vessels – All non-tank vessels over 400 gross tons and all vessels that carry or transport oil, both persistent and non-persistent, as cargo.</p> <p>Exemptions - Any public vessels and vessel only conducting vessel to vessel fuel transfers (vessel still might require a non-tank c-plan). (AS 46.04.050) and (18 AAC 75.280(a)).</p>	<p>OSPR:</p> <p>Sections 8670.17 and 8670.18, Government Code. Section 840.1, California Code of Regulations (CCR):</p> <p>(a)The provisions of this subchapter shall apply to: (1) all oil transfer operations other than internal vessel transfers regardless of the quantity being transferred, conducted within California marine waters, or a shore-based transfer where a spill could impact California marine waters, except as noted in (b) below; and (2) all dry dock associated oil transfers including, but not limited to, oil transfers to or from a tank vessel or non-tank vessel in dry dock; oil transfers to or from tanks (portable and/or fixed) within the dry dock; and oil transfers to or from the dry dock; and (3) all vessels engaged in oil transfer operations. For the purpose of this subchapter, a vessel is not limited to the definition in Chapter 1, Section 790, of this subdivision and includes tank vessels and non-tank vessels.</p> <p>(b) This subchapter does not apply to: (1) Non-tank vessels with an oil carrying capacity of less than 250 barrels; (2) oil transfers to or from a marine terminal;</p> <p>(3) small craft refueling docks as defined in Chapter 1, Section 790 of this subdivision; (4) public vessels as a public vessels are defined in 33 United States Code (USC) 2701; (5) dedicated oil spill response vessels when conducting response operations in a response area; (6) vessels of opportunity as defined in Chapter 1, Section 790 of this subdivision; or (7) internal vessel transfers."</p> <p>STATE LANDS:</p> <p>1. Marine Terminals Inspection and Management: Regulations governing operations, transfer procedures, operations manuals, equipment etc. at marine oil terminals. Statutes - Public Resources Code §§ 8750 through 8760. Regulations - Title 2, Division 3, Chapter 1, Article 5, §§ 2300 through 2407.</p> <p>2. Regulations regarding testing and maintenance of pipelines at marine oil terminals. Statutes - Public Resources Code §§ 8750 through 8760. Regulations - Title 2, Division 3, Chapter 1, Article 5.3, §§ 2560 through 2571.</p>	<p>Oregon has no specific oil transfer regulations.</p>	<p>WAC 317-40-020: Refueling (bunkering) of self-propelled covered vessels 300 gross tons and larger in state waters.</p>	<p><u>33 CFR 154.100</u> (a) This part applies to each facility that is capable of transferring oil or hazardous materials, in bulk, to or from a vessel, where the vessel has a total capacity, from a combination of all bulk products carried, 250 barrels or more. (c) Upon a determination by the COTP under Sec. 154.1016 that an MTR facility, as defined in subpart F, could reasonably be expected to cause substantial harm to the environment by discharging oil into or on the navigable waters, adjoining shorelines, or exclusive economic zone, subpart F of this part is applicable to the facility. (d) Notes sections of this part which apply to mobile facilities.</p> <p><u>33 CFR 155.100:</u> (a) Subject to the exceptions provided for in paragraph (b) and (c) of this section, this part applies to each ship that: (1) Is operated under the authority of the United States, wherever located; or (2) Is operated under the authority of a country other than the United States while in the navigable waters of the United States, or while at a port or terminal under the jurisdiction of the United States.</p> <p><u>33 CFR Part 156, Subpart A:</u> Oil & Hazardous Material Transfer Operations; applies to the transfer of oil or hazardous materials on the navigable waters or contiguous zone of the US to, from, or within each vessel with a capacity of 250 bbls or more, except transfer operations within a public vessel. (Continues page 19)</p>

PLEASE NOTE: The Province of British Columbia and the State of Hawaii do not have specific transfer regulations. Voluntary guidelines for Tank Truck to Marine Vessel Oil Transfers, developed by the Canadian Coast Guard and Environment Canada, are available at http://www.pacific.ccg-gcc.gc.ca/er/oiltransfer/index_e.htm

Regulation	Alaska	California	Oregon	Washington	US FEDERAL
Definition of Oil	<p>AS 46.04.900(12) : "oil" means oil of any kind in any form, whether crude, refined or a petroleum by-product, including but not limited to petroleum, fuel oil, gasoline, lubricating oils, oily sludge, oil refuse, oil mixed with other wastes, crude oils, liquefied natural gas, propane, butane, or other liquid hydrocarbons regardless of specific gravity.</p> <p>Note: Under AS 46.04.050 Exemptions: Natural gas (LNG) production, refineries, storage and transport facilities, including vessels, are exempted from AS 04.030 and 040, i.e. Contingency plans and COFR statutes. Vessels that carry LNG are considered normal non-tank vessels and are required to have a non-tank c-plan, not the normal oil as cargo c-plan.</p>	<p>OSPR: Section 8670.3, Government Code Section 790, CCR "Oil means any kind of petroleum, petroleum-based liquid hydrocarbons, petroleum products or any fraction or residues there from. This shall include, but is 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."</p> <p>STATE LANDS: Same</p>	N/A	WAC 317-40-030(1): Propulsion fuel only.	<p><u>40 CFR 112.2</u>: Oil means oil of any kind or in any form, including, but not limited to: fats, oils, or greases of animal, fish, or marine mammal origin; vegetable oils, including oils from seeds, nuts, fruits, or kernels; and, other oils and greases, including petroleum, fuel oil, sludge, synthetic oils, mineral oils, oil refuse, or oil mixed with wastes other than dredged spoil.</p> <p><u>33 CFR 154.105</u>: Oil means oil of any kind or in any form, including but not limited to, petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredged spoil.</p>
Definition of Transfer	<p>No clear definition of a "transfer". In 18 AAC 75.025 (a), Transfer Requirements, states: The owner or operator of an oil terminal facility railroad, oil tank vessel, or oil barge shall take all appropriate measures to prevent spills or overfilling during a transfer or oil, including reduced loading rates at the beginning and end of a transfer.</p>	<p>OSPR: Sections 8670.17 and 8670.18, Government Code. Section 841, California Code of Regulations (CCR) "Transfer" or a Transfer Operation means the transfer of oil." STATE LANDS: "Transfer" means any movement of oil including movements of bunker fuel, between the terminal and the vessel by means of pumping, gravitation or displacement. The term "transfer" also includes those movements of oil to, from or within any part of the terminal or vessel that are directly associated with the movement of oil or bunker fuel between the terminal and the vessel.</p>	N/A	WAC 317-40-030 (1): Transfer of propulsion fuel to a covered vessel by a facility or delivering vessel.	<p><u>33 CFR 154.105</u>: Transfer means any movement of oil or hazardous material to, from, or within a vessel by means of pumping, gravitation, or displacement. A transfer is considered to begin when the person in charge on the transferring vessel or facility and the person in charge on the receiving facility or vessel first meet to begin completing the declaration of inspection as required by Sec. 156.150 of this chapter.</p> <p>A transfer is considered to be complete when all the connections for the transfer have been uncoupled and secured with blanks or other closure devices and both of the persons in charge have completed the declaration of inspection to include the date and time the transfer was complete.</p>

Regulation	Alaska	California	Oregon	Washington	US FEDERAL
Definition of Facility	<p><u>AS 46.04.900(8)</u> - "exploration facility" means a platform, vessel, or other facility used to explore for hydrocarbons in or on the waters of the state or in or on land in the state; the term does not include platforms or vessels used for stratigraphic drilling or other operations that are not authorized or intended to drill to a producing formation</p> <p><u>AS 46.04.900(14)</u> - "oil terminal facility" means an onshore or offshore facility of any kind, and related appurtenances, including but not limited to a deepwater port, bulk storage facility, or marina, located in, on, or under the surface of the land or waters of the state, including tide and submerged land, that is used for the purpose of transferring, processing, refining, or storing oil; a vessel, other than a non-tank vessel, is considered an oil terminal facility only when it is used to make a ship-to-ship transfer of oil, and when it is traveling between the place of the ship-to-ship transfer of oil and an oil terminal facility</p> <p><u>AS 46.04.900(19)</u> - "production facility" means a drilling rig, drill site, flow station, gathering center, pump station, storage tank, well, and related appurtenances on other facilities to produce, gather, clean, dehydrate, condition, or store crude oil and associated hydrocarbons in or on the water of the state or on land in the state, and gathering and flow lines used to transport crude oil and associated hydrocarbons to the inlet of a pipeline system for delivery to a marine facility, refinery, or other production facility. The definition used for general reference of a facility is the Oil Terminal Facility definition.</p>	<p>OSPR: Section 8670.3, Government Code, Section 790, CCR "Marine facility" means: i) A drill ship, semi-submersible drilling platform, jack-up type drilling rig, or any other floating or temporary drilling platform. ii) Any facility of any kind, other than a vessel, which; (1) is or was used for the purposes of exploring for, drilling for, producing, storing, handling, transferring, processing, refining, or transporting oil, including pipelines, and (2) is located in marine waters, or is located where a discharge could impact marine waters. iii) The following facilities are not included in the definition of "marine facility": (1) facilities which are subject to Chapter 6.67 (commencing with Section 25270) or Chapter 6.75 (commencing with Section 25280) of Division 20 of the Health and Safety Code; or (2) facilities which are placed on a farm, nursery, logging site, or construction site and do not exceed a 20,000 gallon capacity in any single storage tank; or (3) small craft refueling docks."</p> <p>STATE LANDS: "Marine terminal" means a facility, including a mobile transfer unit, 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.</p>	<p><u>340-141-0005(19)</u> "Facility" means a pipeline or any structure, group of structures, equipment or device, other than a vessel located on or near navigable waters of a state, that is used for producing, storing, handling, transferring, processing or transporting oil in bulk and that is capable of storing or transporting 10,000 or gallons of oil per day. "Facility does not include:</p> <p>(a) A railroad car, motor vehicle or other rolling stock while transporting oil over the highways or rail lines of this state;</p> <p>(b) An underground storage tank regulated by the Department of Environmental Quality or a local government under ORS 466.706-466.882, 466.994 or</p> <p>(c) Any structure, group of structures equipment or device, other than a vessel located on or near navigable waters of a state, that is used for producing, storing, handling, transferring, processing or transporting oil in bulk and that is capable of storing or transporting 10,000 or gallons of oil per day but does not receive oil from tank vessels, barges or pipelines.</p>	<p><u>WAC 317-40-030</u> <u>WAC 317-05-020(8)</u>: Any structure, group of structures, equipment, pipeline or device, other than a vessel, located on or near the navigable waters of the state that transfers oil in bulk to or from a tank vessel or pipeline, that is used for producing, storing, handling, transferring, processing, or transporting oil in bulk. Does not include: railroad cars or motor vehicles transporting oil over the highways or rail lines of the state, retail vehicle motor fuel outlets, exempt agricultural activities, underground storage tanks, and marinas.</p>	<p><u>40 CFR 112.2</u>: Facility means any mobile or fixed, onshore or offshore building, structure, installation, equipment, pipe, or pipeline (other than a vessel or a public vessel) used in oil well drilling operations, oil production, oil refining, oil storage, oil gathering, oil processing, oil transfer, oil distribution, and waste treatment, or in which oil is used, as described in Appendix A to this part. The boundaries of a facility depend on several site-specific factors, including, but not limited to, the ownership or operation of buildings, structures, and equipment on the same site and the types of activity at the site.</p> <p><u>33 CFR 154.105</u>: Facility means either an onshore or offshore facility, except for an offshore facility operating under the jurisdiction of the Secretary of the Department of Interior, and includes, but is not limited to, structure, equipment, and appurtenances thereto, used or capable of being used to transfer oil or hazardous materials to or from a vessel or public vessel. Also included are facilities that tank clean or strip and any floating structure that is used to support an integral part of the facility's operation. A facility includes federal, state, municipal, and private facilities.</p>

Regulation	Alaska	California	Oregon	Washington	US FEDERAL
Definition of Vessel	<p>AS 46.04.900(28) - "vessel" includes tank vessels, oil barges, and non-tank vessels.</p> <p>AS 46.04.900(11) - "non-tank vessel" means a self-propelled watercraft of more than 400 gross registered tons; in this paragraph, "watercraft" includes commercial fishing vessels, commercial fish processor vessels, passenger vessels, and cargo vessels, but does not include a tank vessel, oil barge, or public vessel</p> <p>AS 46.04.900(13) - "oil barge" means a vessel which is not self-propelled and which is constructed or converted to carry oil as cargo in bulk</p> <p>AS 46.04.900(20) - "public vessel" means a vessel that is operated by and is either owned or bareboat chartered by the United States, a state or a political subdivision of that state, or a foreign nation, except when the vessel is engaged in commerce</p> <p>AS 46.04.900(23) - "self-propelled" means propelled either by machinery aboard the vessel, or by a tug or other vessel secured into the cargo-carrying vessel through special hull design</p> <p>AS 46.04.900(26) - "tank vessel" means a self-propelled waterborne vessel that is constructed or converted to carry liquid bulk cargo in tanks and includes tankers, tank ships, and combination carriers when carrying oil; the term does not include vessels carrying oil in drums, barrels, or other packages, or vessels carrying oil as fuel or stores for that vessel.</p>	<p>OSPR: Section 8670.3, Government Code Section 790, CCR "Tank barge" means any vessel that carries oil in commercial quantities as cargo but is not equipped with a means of self-propulsion. "Tank ship" means any vessel that is constructed or adapted for the carriage of oil in bulk or in commercial quantities as cargo. "Tank vessel" means a tank ship or tank barge. "Vessel" means any watercraft or ship of any kind, including every structure adapted to be navigated from place to place for the transportation of merchandise or persons.</p> <p>STATE LANDS: "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.</p>	<p>OAR 340-141-0005 (5) "Cargo vessel" means a self-propelled ship in commerce, other than a tank vessel of 300 or more gross tons. "Cargo vessel" does not include a vessel used solely for commercial fish harvesting. (11) "Covered vessel" means a tank vessel, self-propelled tank vessel, cargo vessel or passenger vessel. (44) "Self propelled tank vessel" means a tank vessel that is capable of moving under its own power. (47) "Tank vessel" means a ship that is constructed or adapted to carry, or that carries, oil in bulk as cargo or cargo residue.</p>	<p>WAC 317-40-030 (2), (3), (7) and (10): Self-propelled cargo, tank, and passenger vessels 300 gross tons and larger.</p>	<p><u>40 CFR 112.2</u>: Vessel means every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water, other than a public vessel.</p> <p><u>33 CFR 154.105</u>: Tank vessel means a vessel that is constructed or adapted to carry, or that carries, oil or hazardous material in bulk as cargo or cargo residue, and that-- (a) Is a vessel of the United States; (b) Operates on the navigable waters of the United States; or (c) Transfers oil or hazardous material in a port or place subject to the jurisdiction of the United States.</p>

Regulation	Alaska	California	Oregon	Washington	US FEDERAL
Federal laws incorporated by reference	<p>18 AAC 75.425(e)(3)(A): Part 3 - Supplemental Information: The supplemental information section must provide background and verification information, including (A) facility description and operational overview - a general description of the oil storage, transfer, exploration, or production activities of the operation, including ...any other information required by the department to evaluate the response capability of a vessel, including an approved loading manual that meets the requirements of 46 C.F.R. 45.105, amended through October 1, 1990. No other specific Federal Law or Regulation incorporated by reference, but 18 AAC 75.007 (c) states: If a requirement of 18 AAC 75.005 - 18 AAC 75.090 and a corresponding requirement of federal law differ and application of the requirement of 18 AAC 75.005 - 18 AAC 75.090 would not be preempted by federal law, the more stringent requirement applies.</p>	<p>OSPR: Sections 8670.17 and 8670.18, Government Code. Section 842, CCR “(a) Unless found to conflict with regulations of this subchapter, and to the extent that they govern the transportation or transfer of oil, the following regulations promulgated by the United States Coast Guard are incorporated by reference: (1) 33 Code of Federal Regulations (CFR) Part 151, Vessels Carrying Oil, Noxious Liquid Substances, Garbage, Municipal or Commercial Waste, and Ballast Water. (2) 33 CFR Part 154, Facilities Transferring Oil or Hazardous Material in Bulk. (3) 33 CFR Part 155, Oil or Hazardous Material Pollution Prevention Regulations for Vessels. (4) 33 CFR Part 156, Oil and Hazardous Material Transfer Operations. (5) 46 CFR Part 34, Firefighting Equipment.”</p> <p>STATE LANDS: 33 CFR Part 154; 33 CFR 156.170; 33 CFR155.720; 33 CFR155.780; 33 CFR710; 33 CFR; 46 CFR Parts 7, 10 and 13; 46 CFR30.25-1; 46 CFR 153. 49 CFR Part 195.</p>	<p>Operation manuals and other prevention documents prepared to meet federal requirements under 33 CFR 154, 33 CFR 156, 40 CFR 109, 40 CFR 112 or the Federal Oil Pollution Act of 1990.</p>	<p>WAC 317-40-040: 33 CFR, Parts 155 & 156 and 46 CFR 12, 15 &35</p>	<p>Not applicable.</p>

Regulation	Alaska	California	Oregon	Washington	US FEDERAL
Training requirements	<p>No specific statute or regulation on Oil Transfer training and/or certification, but 18 AAC 75.007 (d) and (h):</p> <p>(d) - The owner or operator shall ensure that all personnel are appropriately and regularly trained regarding company and state pollution prevention measures that are applicable to each person's duties. After completing a training course or program, each participant shall sign and date a statement that lists the course content.</p> <p>(h) - The owner or operator shall prepare and maintain records to document training, inspections, tests, maintenance, and repairs required by 18 AAC 75.005 - 18 AAC 75.090. Unless specified otherwise, records must be kept for at least three years and must be available for inspection and copying by the department upon request.</p>	<p>OSPR: Sections 8670.17 and 8670.18, Government Code. Section 844(c)(2) and 844.3(c)(2)CCR No formal training or certification required. Language is included in the CCR sections listed which requires: "...sufficient boom, trained personnel and equipment, maintained in a stand-by condition at the point of transfer, such that at least 600 feet of boom, or an amount sufficient to meet the containment requirements in subsection (1), above, whichever is greater, can and will be deployed for the most effective containment immediately, but no longer than 30 minutes, after discovery of a spill."</p> <p>STATE LANDS: Yes, for supervisory, operations, maintenance, management, and indirect operations personnel at marine oil terminals.</p> <p>Statutes - Public Resources Code §§ 8750 through 8760. Regulations -Title 2, Division 3, Chapter1, Article 5.3, §§ 2540 through 2546</p>	N/A	<p>WAC 317-40-050(1): Receiving vessel training must include pre-load planning, penalties for non-compliance, vessel oil transfer procedures, English phrases and hand signals, and emergency shut-down procedures.</p> <p>WAC 173-180C: Comprehensive training and certification program for facility personnel.</p>	<p>33 CFR 154.710: No person may serve, and the facility operator may not use the services of a person, as person in charge of facility transfer operations unless: (c) The person has completed a training and qualification program established by the facility operator and described in the Operations Manual in accordance with Sec. 154.310(a)(21), that provides the person with the knowledge and training necessary to properly operate the transfer equipment at the facility, perform the duties described in paragraph (d) of this section, follow the procedures required by this part, and fulfill the duties required of a person in charge during an emergency, except that the COTP may approve alternative experience and training requirements for new facilities; and(e) Training conducted to comply with the hazard communication programs required by OSHA of the Department of Labor (29 CFR 1910.1200) or the Environmental Protection Agency (EPA) (40 CFR 311.1), or to meet the requirements of subpart F of this part may be used to satisfy the requirements in paragraphs (c) and (d) of this section, as long as the training addresses the requirements in paragraphs (c) and (d) of this section.</p> <p>33 CFR 155.710:(a) On each tank ship required to be documented under the laws of the United States, the operator or agent of the vessel, or the person who arranges and hires a person to be in charge either of a transfer of liquid cargo in bulk or of cargo-tank cleaning, shall verify to his or her satisfaction that each person designated as a PIC(1) Has sufficient training and experience with the relevant characteristics of the vessel on which he or she is engaged--including the cargo for transfer, the cargo-containment system, the cargo system (including transfer procedures, and shipboard-emergency equipment and procedures), the control and monitoring systems, the procedures for reporting pollution incidents, and, if installed, the Crude-Oil Washing (COW), inert-gas, and vapor-control systems--to safely conduct a transfer of fuel oil, a transfer of liquid cargo in bulk, or cargo-tank cleaning; and (3) Except as provided in paragraph (g) of this section and 46 CFR 13.113 (a) or (c), holds a Tankerman-PIC endorsement issued under 46 CFR part 13 that authorizes the holder to supervise the transfer of fuel oil, the transfer of liquid cargo in bulk, or cargo-tank cleaning, as appropriate to the product. 155.710 (b) reiterates this statement for tank barges; (c) for foreign tank ships, and (d) for foreign tank barges.</p> <p>46 CFR 13.121: (a) This section prescribes the requirements, beyond those in Sec. Sec. 10.203 and 10.303 of this chapter, applicable to schools offering courses required for a tankerman endorsement and courses that are a substitute for experience with transfers of liquid cargo in bulk required for the endorsement.</p>

Regulation	Alaska	California	Oregon	Washington	US FEDERAL
Planning requirement	<p>AS 46.04.030, Oil Discharge Prevention and Contingency Plans, - (a) A person may not cause or permit the operation of an oil terminal facility in the state unless an oil discharge prevention and contingency plan for the facility has been approved by the department and the person is in compliance with the plan. (b) A person may not cause or permit the operation of a pipeline or an exploration or production facility in the state unless an oil discharge prevention and contingency plan for the pipeline or facility has been approved by the department and the person is in compliance with the plan. This subsection does not apply to an exploration facility used solely to explore for shallow natural gas by means of drilling a well on a lease authorized under AS 38.05.177. (c) Except as provided in (n) of this section, a person may not operate a tank vessel or an oil barge within the waters of the state, or cause or permit the transfer of oil to or from a tank vessel or an oil barge, unless an oil discharge prevention and contingency plan for the tank vessel or oil barge has been approved by the department and the person is in compliance with the plan.</p> <p>Article 4, 18 AAC 75.400-496, Oil Discharge Prevention and Contingency Plans and Non-Tank Vessel Plans: (a) A person who is subject to AS 46.04.030 or AS 46.04.055 (j) must file an application for approval of an oil discharge prevention and contingency plan as required under 18 AAC 75.400 - 18 AAC 75.420 and meet the applicable requirements of 18 AAC 75.425 - 18 AAC 75.495. A person who is subject to AS 46.04.055 (f) must file an application for approval of a non-tank vessel plan as required under 18 AAC 75.400 - 18 AAC 75.420 and meet the applicable requirements of 18 AAC 75.426 - 18 AAC 75.496. The application must be made (1) for an oil terminal facility, by the owner or operator of the facility; (2) for a tank vessel, oil barge, or any other vessel transporting liquid bulk oil cargo, by (A) the charterer, if the vessel or barge is chartered by demise; (B) the operator of the vessel; (C) the owner of the vessel or barge, if the agents or employees of the owner retain control and responsibility for the operation of the vessel or barge; or (D) in any other case, the person with primary operational control; (3) for an exploration or production facility, whether mobile or fixed, by the lease holder or the operator; (4) for a pipeline, by the lease holder or the operator; (5) for a non-tank vessel, by (A) the charterer, if the non-tank vessel is chartered by demise; (B) the operator; (C) the owner, if the agents or employees of the owner retain control and responsibility for the operation of the non-tank vessel; or (D) in any other case, the person with primary operational control; or (6) for a railroad tank car, by the railroad transporting the railroad tank car.</p>	<p>OSPR: Sections 8670.28, 8670.29 and 8670.30, Government Code. Section 817.02(d)(3)(F) and 818.02(d)(3)(F)CCR “(F) Transfer Operations: Each plan holder shall own or have under contract the equipment, and shall have the personnel and procedures sufficient to contain a 50 barrel spill. These response resources shall be present on site during all vessel transfer operations and deployable immediately in the event of an oil spill.”</p> <p>STATE LANDS: None</p>	<p>340-141 Oil Spill Contingency Planning and Fees 340-141-0140 Plan Content Requirements 340-141-0160 (3) Spill prevention strategies must at minimum provide all of the following: (a) Documentation of the types and frequency of spill prevention training provided to applicable personnel; (b) Evidence that the facility has an operations manual (c) Evidence of a maintenance and inspection program that includes: (E) Maintenance and inspection records of the storage and transfer facilities and related equipment (e) A description of the use of containment boom at facilities transferring persistent oil, including: (E) Minimization of post-shutdown residual drain out from pipes, including criteria for locating valves, identification of all valves (including types and means of operation) that may be open during a transfer process and any other techniques for reducing drain out; 340-141-0170 (3) Vessel owners or operators will make maintenance and inspection records and oil transfer procedures available to the Department upon request.</p>	<p>WAC 173-181 and WAC 317-10: Contingency plans are required for state-designated facilities and covered vessels.</p> <p>WAC 173-180D: Prevention plans are required for state-designated facilities.</p>	<p>40 CFR 109: Criteria for State, Local, and Regional Oil Removal Contingency Plans</p> <p>40 CFR 112: Oil Pollution Prevention, specifically 112.3: Requirement to prepare and implement a Spill Prevention, Control, and Countermeasure Plan</p> <p>33 CFR 154, Subpart F, Response Plans for Oil Facilities and Subpart G: Additional Response Plan Requirements of a TAPS Facility operating in Prince William Sound</p> <p>33 CFR 155, Subpart D, Response Plans for Vessels and Subpart E, Additional Response Plan Requirements for Tankers loading cargo at a facility permitted under the TAPS Act.</p>

Regulation	Alaska	California	Oregon	Washington	US FEDERAL
Personnel required	<p>No specific statute or regulation on Personnel Required to Conduct a Transfer, but <u>18 AAC 75.007(d)</u>:</p> <p>(d) - The owner or operator shall ensure that all personnel are appropriately and regularly trained regarding company and state pollution prevention measures that are applicable to each person's duties. After completing a training course or program, each participant shall sign and date a statement that lists the course content.</p>	<p>OSPR: <u>Sections 8670.17 and 8670.18, Government Code.</u> <u>Section 8443.1CCR</u> The only required personnel listed in the regulations is the "Person in Charge": "<u>843.1 PERSONS IN CHARGE: DESIGNATION AND QUALIFICATION.</u> (a) A separate "person in charge" must be designated for the oil transfer operations of the transfer unit and for the oil transfer operations of the receiving unit. (b) No person may serve as person in charge of oil transfer operations unless: (1) The person in charge meets the requirements set forth in 33 CFR 154.710, 33 CFR 155.710 and 33 CFR 156.115, whichever is appropriate. (2) The person in charge has been designated in writing in accordance with 33 CFR 155.820 as set forth in 33 CFR 154.730, and 33 CFR 155.715."</p> <p>STATE LANDS: No regulatory requirement. However, the operations manual has to state the number of persons that will be on duty during transfer operations. The operations manual is approved by the Commission.</p>	N/A	<p>Persons in Charge (PIC) per federal requirements. <u>WAC 317-40-050(4)</u>: In addition, on receiving vessel: Point of Transfer Watch and Deck Rover.</p>	<p><u>46 CFR 35.35-1</u>: Persons on duty: (a) On each tank ship required to be documented under the laws of the United States, the owner, managing operator, master, and person in charge of the vessel, and each of them, shall ensure that: (1) Enough ``Tankerman-PICs" or restricted ``Tankerman-PICs", and ``Tankerman-Assistants", authorized for the classification of cargo carried, are on duty to safely transfer liquid cargo in bulk or safely clean cargo tanks; and (2) Each transfer of liquid cargo in bulk and each cleaning of a cargo tank is supervised by a person qualified to be the person in charge of the transfer or the cleaning under subpart C of 33 CFR part 155. (b) On each United States tank barge subject to inspection (similar requirements for sufficient personnel on duty). (c) On each foreign tank ship (similar requirements for sufficient personnel on duty). (d) On each foreign tank barge (similar requirements for sufficient personnel on duty).</p> <p><u>33 CFR 156.120</u>: Requirements for Transfer: A transfer is considered to begin when ... (s) There is a person in charge on the transferring vessel or facility and the receiving vessel or facility; (u) The personnel required, under the facility operations manual and the vessel transfer procedures, to conduct the transfer operation; and (v) 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.</p> <p><u>33 CFR 156.115</u>: Person in charge Limitations (a) No person may serve as the person in charge of transfer operations on more than one vessel at a time during transfers between vessels or between two or more vessels and a facility unless authorized by the COTP. (b) No person may serve as the person in charge of both a vessel and a facility during transfer operations unless authorized by the COTP.</p> <p><u>33 CFR 155.700</u>: Designation of person in charge: Each operator or agent of a vessel with a capacity of 250 or more barrels of fuel oil, cargo oil, hazardous material, or liquefied gas as regulated in Table 4 of 46 CFR part 154, or each person who arranges for and hires a person to be in charge of a transfer of fuel oil, of a transfer of liquid cargo in bulk, or of cargo-tank cleaning, shall designate, either by name or by position in the crew, the person in charge (PIC) of each transfer to or from the vessel and of each tank-cleaning.</p> <p><u>33 CFR 155.750</u>: Contents of transfer procedures: (a) The transfer procedures required by Sec. 155.720 must contain, either in the order listed or by use of a cross-reference index page: (3) The number of persons required to be on duty during transfer operations;</p>

Regulation	Alaska	California	Oregon	Washington	US FEDERAL
Duties of Personnel	<p>No specific statute or regulation on Duties of Transfer Personnel, but <u>18 AAC 75.007(d)</u>: (d) - The owner or operator shall ensure that all personnel are appropriately and regularly trained regarding company and state pollution prevention measures that are applicable to each person's duties. After completing a training course or program, each participant shall sign and date a statement that lists the course content.</p>	<p>OSPR: The regulations do not prescribe duties that are required of personnel involved in oil transfer operations. We do, however, require that the personnel be listed and that their duties be described in the Oil Transfer Procedures or Operations Manual (see below).</p> <p>STATE LANDS: As stated in the operations manual. Generally, as directed by the Terminal Person In Charge.</p>	N/A	<p>PIC duties per federal requirements. <u>WAC 317-40-050(4)</u>: Point of Transfer Watch monitors transfer at point of connection to delivering vessel or facility. Deck Rover monitors for oil spills on deck and along side the vessel.</p>	<p><u>33 CFR 155.750</u>: Contents of transfer procedures: (a) The transfer procedures required by Sec. 155.720 must contain, either in the order listed or by use of a cross-reference index page: (4) The duties by title of each officer, person in charge, tankerman, deckhand, and any other person required for each transfer operation;</p> <p><u>33 CFR 156.120</u>: Requirements for transfer: No person shall conduct an oil or hazardous material transfer operation unless (the requirements of (a) through (ee) of this section are met.)</p> <p><u>46 CFR 35.35-35</u> : Duties of person in charge of transfer: The person in charge of the transfer of liquid cargo in bulk, fuel oil in bulk, or bunkers in bulk shall control the transfer as follows: (a) Supervise the operations of cargo-system valves. (b) Commence transfer of cargo at slow rate of cargo flow. (c) Observe cargo connections for leakage. (d) Observe pressure on cargo system. (e) If transfer is loading (rather than discharging), observe rate of loading to avoid overflow of tanks. (f) Comply with 33 CFR 156.120 and 156.150.</p>

Regulation	Alaska	California	Oregon	Washington	US FEDERAL
Work hour restrictions & rest requirements	<p>The State of Alaska has no specific requirements for rest, or any restrictions on working hours of seaman involved in oil transfers. However, when an operator of a petroleum carrier submits an application for Oil Discharge Prevention Contingency Plan (ODPCP) under <u>18AAC.400-18AAC495</u>, the applicant must demonstrate how the plan holder will meet State requirements. The standards used to demonstrate these requirements are almost always U.S. federal requirements as defined by 33CFR and 46 CFR and all other applicable Federal and International standards or laws that may apply. Such is the case with the Standards of Training and Crew Watch keeping (STCW) practices that almost all carriers in the State prescribe as their standard in their approved ODPCP. All others out line the restrictions on work time and rest time that reflect STCW standards.</p>	<p>OSPR: <u>Sections 8670.17 and 8670.18, Government Code.</u> <u>Section 843.9 CCR</u> (a) No shore-side person involved in a transfer operation may work more than 16 hours in any 24 hour period, or more than 40 hours in any 72 hour period, except in an emergency. (b) No vessel person involved in a transfer operation may work more than 15 hours in any 24 hour period, or more than 36 hours in any 72 hour period, except in an emergency. (c) For purposes of this section, "work" includes any administrative duties associated with the vessel or transfer operation whether performed on board the vessel or onshore. (d) For purposes of this section, "emergency" is limited to those situations which threaten life, damage to property or have adverse impact on the public health or safety."</p> <p>STATE LANDS: Not more than 16 hours in any 24 hour period, or more than 40 hours in any 72 hour period or more than 72 hours in any period of seven consecutive days. Statutes - Public Resources Code §§ 8750 through 8760. Regulations -Title 2, Division 3, Chapter1, Article 5, §2376</p>	N/A	<p><u>WAC 317-40-085:</u> Receiving and delivering vessel personnel involved in bunkering transfer must comply with OPA 90 work hour restrictions.</p>	<p><u>33 CFR 156.210</u> General: (d) On vessels conducting lightering operations in a designated lightering zone, a licensed individual or seaman may not work, except in an emergency or a drill, more than 15 hours in any 24-hour period, or more than 36 hours in any 72-hour period, including the 24-hour and 72-hour periods prior to commencing lightering operations.</p> <p><u>46 CFR 15.1111</u> Work hours and rest periods (a) After January 31, 1997, each person assigned duty as officer in charge of a navigational or engineering watch, or duty as a rating forming part of a navigational or engineering watch, on board any vessel that operates beyond the Boundary Line shall receive a minimum of 10 hours of rest in any 24-hour period.</p> <p>Also see:</p> <p>(a) Title 46 United States Code (46 USC) Part F – Manning of Vessels</p> <p>(b) Title 46 Code of Federal Regulations (46 CFR) Part 15 – Manning Requirements</p> <p>(c) USCG Marine Safety Manual, Volume III, Chapters 20 through 26 – Marine Industry Personnel</p>

Regulation	Alaska	California	Oregon	Washington	US FEDERAL
Receiving facility/vessel procedures	<p><u>18 AAC 75.025</u> –Transfer requirements (a) The owner or operator of an oil terminal facility, railroad, oil tank vessel, or oil barge shall take all appropriate measures to prevent spills or overfilling during a transfer of oil, including reduced loading rates at the beginning and end of a transfer. (b) Unless it is technically unfeasible to do so, an oil containment boom appropriate for local conditions must be deployed in an effective manner around an oil tank vessel or barge during the transfer of crude oil and other persistent products. (c) Except for crude oil washing, tank cleaning operations may not be conducted during cargo offloading. (d) The owner or operator shall ensure that each person involved in a transfer is capable of clearly communicating orders to stop a transfer at any time during the transfer. (e) A positive means must be provided to stop a transfer in the shortest possible time consistent with the best commercially available technology. (f) Before beginning a transfer to or from an area not protected by secondary containment, the owner or operator shall ensure that all valves in the transfer system have been checked to ensure that they are in the correct position, and that all manifolds not in use are blank flanged or capped. Where feasible, the owner or operator shall also inspect for damage or defects all piping and hoses used in the transfer before and at least once during each transfer. (g) The lowermost drain and all outlets of any tank car or tank truck must be examined for leakage before filling and before departure. All tank car or tank truck manifolds must be blank flanged or capped, and valves must be secured before leaving the transfer area. <u>18 AAC 75.425(e)(3)(A)</u> - facility description and operational overview - a general description of the oil storage, transfer, exploration, or production activities of the operation, including:(i) the number, type, and oil storage capacity of each container covered under the plan and its installation date, design, construction, and general condition; (ii) the type and amount of oil stored in each container; (iii) for vessels, a general chart showing routes normally used for the transportation of oil products within state waters, and the frequency of use for each route; (iv) for a railroad, a map showing the location of each main line, siding, and yard area; (v) for vessels, plans or diagrams that identify cargo, bunker, and ballast tanks, all tank capacities, cargo piping, ballast piping, winches, emergency towing equipment, power plants, manifold pipe size, containment structures and equipment, and a description of the method of containing a discharge from fuel oil tank vent overflow and fill pipes; (vi) a description of the normal procedures for the loading or transfer of oil from or to a pipeline, facility, tank vessel, oil barge, railroad tank car, or storage tank; (vii) for a production facility, a description of the flow and gathering lines and processing facilities; (viii) for vessels, a description of the methods for retention and disposal of oily wastes and bilge slops; (ix) for a railroad, a description of railroad tank cars and locomotives normally in service, including type, number and capacity, general piping diagrams, location of valves, and tank volumes; and (x) any other information required by the department to evaluate the response capability of a vessel, including an approved loading manual that meets the requirements of 46 C.F.R. 45.105, amended through October 1, 1990.</p>	<p>OSPR: <u>Sections 8670.17 and 8670.18, Government Code.</u> <u>Section 843.8 CCR:</u> This CCR section has a detailed listing of all the pre-transfer requirements, for both the receiving facility/vessel and the delivering facility/vessel. (See also below).</p> <p>STATE LANDS: No regulations governing vessel procedures as these are covered by the CFRs. However, "All vessels docked at any marine facility in the state shall comply with the terms of the operations manual of the marine facility." (PRC 8758 (g). All operations manuals must be approved by the Commission.</p>	<p>Possess a USCG approved operations manual (<u>340-141-0160</u>)</p>	<p><u>WAC 317-40-050:</u> See above, plus pre-loading plan, vessel access, tank soundings and communication.</p>	<p><u>46 CFR Part 35: Operations, Subpart 35.35, Cargo Handling</u></p> <p><u>33 CFR 154, Facilities; Subpart D: Facility Operations</u> No person may operate a facility unless the equipment, personnel, and operating procedures of that facility meet the requirements of this part.</p> <p><u>33 CFR 155.720:</u> The operator of a vessel with a capacity of 250 or more barrels of oil, hazardous material, or liquefied gas as regulated in Table 4 of 46 CFR part 154 shall provide transfer procedures that meet the requirements of this part and part 156 of this chapter for transferring-- (a) To or from the vessel; and (b) From tank to tank within the vessel.</p> <p><u>33 CFR 156.120:</u> Requirements for transfer</p>

Regulation	Alaska	California	Oregon	Washington	US FEDERAL
Delivering facility/vessel procedures	Same as Receiving Facility/Vessel Procedures	<p>OSPR: Sections 8670.17 and 8670.18, Government Code. Section 843.2, 843.3, 843.4 and 843.8 CCR Section 843.2: (a) The operator of each vessel required by 33 CFR 155.720 to have oil transfer procedures shall ensure that such procedures are current and shall require vessel personnel to use the oil transfer procedures during each oil transfer operation. (b) The operator of each marine facility required by 33 CFR 154.300 to have an operations manual shall ensure that the manual=s procedures are current and shall require facility personnel to use the operations manual during each oil transfer operation.” Section 843.2: Lists the where the manuals must be kept and that they must be made available for inspection. Section 843.3: Detailed list of the contents of the required manuals. Section 843.8: A detailed listing of all the pre-transfer requirements, for both the receiving facility/vessel and the delivering facility/vessel. (See also above)</p> <p>STATE LANDS: No regulations governing vessel procedures as these are covered by the CFRs. However, “All vessels docked at any marine facility in the state shall comply with the terms of the operations manual of the marine facility.” (PRC 8758 (g)). All operations manuals must be approved by the Commission.</p>	Possess a USCG approved operations manual (340-141-0160)	WAC 317-40-080: Federal requirements plus pre-transfer conference [WAC 317-40-070] and topping off procedures [WAC 317-40-080(6)]	Same as Receiving Facility/Vessel Procedures

Regulation	Alaska	California	Oregon	Washington	US FEDERAL
Communication	<p><u>18 AAC 75.025(d)</u> - The owner or operator shall ensure that each person involved in a transfer is capable of clearly communicating orders to stop a transfer at any time during the transfer.</p> <p><u>18 AAC 75.425 (e) (3) (A)(vi)</u> - a description of the normal procedures for the loading or transfer of oil from or to a pipeline, facility, tank vessel, oil barge, railroad tank car, or storage tank</p>	<p>OSPR: <u>Sections 8670.17 and 8670.18, Government Code.</u> <u>Section 843.7 CCR</u> (a) During oil transfers, the transfer unit and receiving unit must have continuous two-way voice communication between the persons in charge of the transfer operations on both the transfer unit and receiving unit. (b) Portable communication devices used to comply with paragraph (a) of this section during the transfer of flammable or combustible liquids must be intrinsically safe, as defined in Title 2, Division 3, Chapter 1, Article 5 of the California Code of Regulations, Section 2370(e). (c) The primary communication system required by paragraph (a) of this section must be usable and effective in all phases of the transfer operation and all weather conditions. If this communications system fails, the transfer operation shall be discontinued, as described in the Declaration of Inspection (Section 843.8(z) of this subchapter). The transfer operation shall not resume until the continuous two-way voice communication system is restored.” STATE LANDS: <u>2 CCR § 2370:</u> (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, 1984 edition, published by the Institute of Electrical and Electronics Engineers, available from the American Society of Mechanical Engineers, 22 Law Drive, Box 2300, Fairfield, New Jersey and meet Class I, Division I, Group D requirements as defined in the National Electric Code, Article 500, 1996 edition published by NFPA, 1 Batterymarch Park, P.O. Box 9101, Quincy, Massachusetts 02269-9101. (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.</p>	N/A	<p><u>WAC 317-40-050(8):</u> Federal requirements plus advance notification of topping off, and English phrases and hand signals.</p>	<p><u>33 CFR 155.785</u> (a) Each tank vessel must have a means that enables continuous two-way voice communication between the persons in charge of the transfer operations on both vessels. (b) Both PICs must agree to use it. (c) The communications system must be usable and effective in all phases of the transfer operation and all conditions of weather. (d) Portable radio devices used during the transfer of flammable or combustible liquids must be intrinsically safe</p> <p><u>33 CFR 154.560:</u> Same as above, except applies to facilities</p> <p><u>33 CFR 156.120</u> Requirements for Transfer: (q): Compliance with 154.560 & 155.780; (v): One person on site who speaks language of PICs; (w)(13): pre-determined radio frequency; and (x): Both PICs agree to begin transfer</p>

Regulation	Alaska	California	Oregon	Washington	US FEDERAL
Emergency shutdown procedures	18 AAC 75.025(e) - A positive means must be provided to stop a transfer in the shortest possible time consistent with the best commercially available technology. Also, 18 AAC 75.425 (e) (3) (A)(vi) - a description of the normal procedures for the loading or transfer of oil from or to a pipeline, facility, tank vessel, oil barge, railroad tank car, or storage tank Also, 18 AAC 75.425 (e) (3) (A)(x) - any other information required by the department to evaluate the response capability of a vessel, including an approved loading manual that meets the requirements of 46 C.F.R. 45.105, amended through October 1, 1990	OSPR: 2 CCR § 2370: (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 STATE LANDS: As described in the terminal's Operations Manual.	340-141-0160 Facility rapid pump and valve shutdown procedures and minimization of post shut down residual drain-out.	WAC 317-40-065: Immediate shut-down in case of a spill, initiated by anyone observing a spill or potential for a spill.	<u>33 CFR Sec. 154.550: Emergency shutdown</u> (a) The facility must have an emergency means to stop the flow of oil or hazardous material from the facility to the vessel; (b) this emergency means must be located near the dock manifold connection; and (c) the means used must stop that flow within 30 seconds on any facility that first transfers oil after November 1, 1980. <u>33 CFR Sec. 155.780: Emergency shutdown:</u> (a) A tank vessel must have on board an emergency means to stop the flow of oil or hazardous material. (b) The means to stop the flow may be a pump control, a quick-acting, power actuated valve, or an operating procedure. (c) The means to stop the flow must be operable from the cargo deck, cargo control room, or the usual operating station of the person in charge of the transfer operation. <u>33 CFR Sec. 156.120 (r)</u> The emergency means of shutdown required above is in position and operable.
Pre-booming requirements	18 AAC 75.025(b) - Unless it is technically unfeasible to do so, an oil containment boom appropriate for local conditions must be deployed in an effective manner around an oil tank vessel or barge during the transfer of crude oil and other persistent products.	OSPR: Sections 8670.17 and 8670.18, Government Code. Sections 844(c) and 844.3(c) CCR Requires either pre-booming or sufficient standby booming, as described, that can be deployed within 30 minutes after the discovery of a spill. Only applies to persistent oil, and #1 and #2 grade oils (as defined). STATE LANDS: Yes, for transfers of 'persistent oil'. Not required for areas that experience currents of 1.5 knots or greater for the majority of the days in the year, but they should have the capability of deploying at least 600 feet of boom within 30 minutes. Statutes - Public Resources Code §§ 8750 through 8760. Regulations -Title 2, Division 3, Chapter1, Article 5, §§2396 and 2396	N/A unless listed in their spill prevention plan (340-141-0160)	None.	<u>33 CFR 154.545</u> Discharge containment equipment. (d) The COTP may require a facility to surround each vessel conducting an oil or hazardous material transfer operation with containment material before commencing a transfer operation if:(1) The environmental sensitivity of the area requires the added protection; (2) The products transferred at the facility pose a significant threat to the environment; (3) The past record of discharges at the facility is poor; or (4) The size or complexity of the transfer operation poses a significant potential for a discharge of oil or hazardous material; and (5) The use of vessel containment provides the only practical means to reduce the extent of environmental damage.

Regulation	Alaska	California	Oregon	Washington	US FEDERAL
Record-keeping requirements	<p>18 AAC 75.007(h) - The owner or operator shall prepare and maintain records to document training, inspections, tests, maintenance, and repairs required by 18 AAC 75.005 - 18 AAC 75.090. Unless specified otherwise, records must be kept for at least three years and must be available for inspection and copying by the department upon request.</p> <p>18 AAC 75.465, Proof of an Approved Plan:</p> <p>(a) The owner or operator of an oil terminal facility may not cause or permit the transfer of oil to or from a vessel, barge, or railroad tank car unless</p> <p>(1) the operator of the vessel, barge, or railroad tank car has produced for inspection by the facility owner or operator the original certificate or a true photocopy of the original, approving the oil discharge prevention and contingency plan or non-tank vessel plan for that operation; and</p> <p>(2) the operator of the vessel, barge, or railroad tank car has certified, on a certification log form supplied by the department and maintained by the owner or operator of the oil terminal facility, that a copy of the response action plan section of the current approved oil discharge prevention and contingency plan, or the original certificate or a true photocopy of the original non-tank vessel plan approval certificate, for that vessel or barge is on board the vessel or barge. (b) The owner or operator of an oil terminal facility shall certify on the certification log form that the operator of the vessel or barge has complied with (a)(1) and (2) of this section. The facility owner or operator shall maintain the log on a monthly basis and shall submit the log for the previous month to the department within the first five days of the following month. Service is effective upon personal delivery or transmittal by facsimile or on the date of mailing by certified mail to the department. The department will retain copies of all log forms received under this subsection for three years after receipt.</p> <p>(c) On the first working day after the operator of a vessel or railroad tank car fails to comply with the requirements of (a)(1) or (2) of this section, the oil terminal facility owner or operator shall report that failure to the department by telephone or facsimile.</p> <p>(d) Verification and entry on the certification log form referred to under (b) of this section is required for each separate loading or unloading operation of a vessel at an oil terminal facility.</p>	<p>OSPR:</p> <p>Sections 8670.17 and 8670.18, Government Code, Section 843.8(z) CCR</p> <p>"...a written Declaration of Inspection (DOI) which shall include the following, in addition to the requirements of 33 CFR 156.150(c):</p> <p>(1) identification of each unit= OSRO;</p> <p>(2) acknowledgment by each unit that their OSRO has been notified in advance;</p> <p>(3) emergency shut-down procedures;</p> <p>(4) agreed-upon hand and/or sound signals that initiate and complete the shut-down of the transfer operation.</p> <p>(5) The Declaration of Inspection shall be filled out and signed by each person in charge and relief person in charge. Each person in charge 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 transfer unit or receiving unit, as appropriate, to ensure that the requirements of this subchapter are being maintained;"</p> <p>STATE LANDS:</p> <p>Yes, different for different items.</p>	<p>340-141-0170 Vessel inspection records and oil transfer procedures must be available upon request.</p> <p>340-141-160 Facilities Documentation of types and frequency of oil spill prevention training and maintenance and inspection records.</p>	<p>WAC 317-40-090: Training records, Declaration of Inspection from pre-transfer conference, and work hour records.</p>	<p>33 CFR Sec. 154.740</p> <p>Each facility operator shall make available for examination by the COTP: Names and certification information for PICs; equipment test and hose information; records of previous COTP inspections; the Declaration of Inspection; records of repairs to the vapor control system (VCS) over the last 3 years; records of all shutdowns to the VCS in the last 3 years, and certified plans and specifications for the VCS; and documentation that the portable radios are intrinsically safe.</p> <p>33 CFR Sec. 155.820</p> <p>The vessel operator shall keep a written record available for inspection by the COTP or OCMI of:</p> <p>(a) The name of each person currently designated as a person in charge of transfer operations.</p> <p>(b) The date and result of the most recent test and inspection of each item tested or inspected as required by Sec. 156.170 of this chapter;</p> <p>(c) The hose information required by Sec. 154.500(e) and (g) of this chapter unless that information is marked on the hose; and</p> <p>(d) The Declaration of Inspection as required by Sec. 156.150(f) of this chapter.</p>

Regulation	Alaska	California	Oregon	Washington	US Federal
Inspection/ Monitoring procedures	<p>AS 46.04.060, Inspections - (a) In addition to other rights of access or inspection conferred upon the department by law or otherwise, the department may at reasonable times and in a safe manner enter and inspect oil terminal facilities, pipelines, exploration and production facilities, tank vessels, and oil barges in order to (1) ensure compliance with the provisions of this chapter; or (2) participate in an examination of the structural integrity and the operating and mechanical systems of those vessels, barges, pipelines, and facilities by federal and state agencies with jurisdiction. (b) When the department determines that no federal or state agencies with jurisdiction are performing timely and adequate inspections of an oil terminal facility, pipeline, exploration or production facility, tank vessel, or oil barge, it may perform its own inspection of the structural integrity and operating and mechanical systems of a facility, pipeline, tank vessel, or oil barge by using personnel with qualifications in the areas being inspected. Sec. 46.04.065. Compliance verification for non-tank vessels and for trains and related facilities and operations. In addition to other rights of access or examination conferred upon the department by law or otherwise, to ensure compliance with the provisions of this chapter relating to oil pollution control, the department may at reasonable times and in a safe manner enter and examine (1) non-tank vessels; and (2) trains, railroad tracks, associated facilities, and railroad operations. 18 AAC 75.007(h) - The owner or operator shall prepare and maintain records to document training, inspections, tests, maintenance, and repairs required by 18 AAC 75.005 - 18 AAC 75.090. Unless specified otherwise, records must be kept for at least three years and must be available for inspection and copying by the department upon request. 18 AAC 75.465(2)(b) - the operator of the vessel, barge, or railroad tank car has certified, on a certification log form supplied by the department and maintained by the owner or operator of the oil terminal facility, that a copy of the response action plan section of the current approved oil discharge prevention and contingency plan, or the original certificate or a true photocopy of the original non-tank vessel plan approval certificate, for that vessel or barge is on board the vessel or barge. (b) The owner or operator of an oil terminal facility shall certify on the certification log form that the operator of the vessel or barge has complied with (a)(1) and (2) of this section. The facility owner or operator shall maintain the log on a monthly basis and shall submit the log for the previous month to the department within the first five days of the following month. Service is effective upon personal delivery or transmittal by facsimile or on the date of mailing by certified mail to the department. The department will retain copies of all log forms received under this subsection for three years after receipt. 18 AAC 75.480, Inspections - To verify compliance with the provisions of AS 46.04.030 , AS 46.04.055 , and 18 AAC 75.400 - 18 AAC 75.496, the department may conduct announced and unannounced inspections of a vessel, barge, pipeline, or other operation that is subject to the requirements of AS 46.04.030 , AS 46.04.055 , and 18 AAC 75.400 - 18 AAC 75.496. If practicable, an inspection under this section will be coordinated with other regulatory agencies. (b) Based on the results of an inspection made under this section, the department will, in its discretion, take appropriate action under 18 AAC 75.490.</p>	<p>OSPR: Sections 8670.17 and 8670.18, Government Code. Sections 844.2 and 844.5 CCR Requires notification of OSPR staff at least 24 hours before the start of transfer operations. Details how the notification is to be made and the information required in the notification. Section 840.1(c) CCR c) Both the transfer unit and the receiving unit may be monitored by Staff during any phase of the oil transfer operation.”</p> <p>STATE LANDS: All transfers require notification to the Commission. Terminals and vessels shall allow access to the Commission's Inspectors to any and all parts of the terminal and to those areas of a vessel engaged in a transfer, to ensure that oil is being transferred in accordance with the approved facility operations manual. Statutes - Public Resources Code §§ 8750 through 8760. Regulations -Title 2, Division 3, Chapter1, Article 5, § 2325</p>	<p>340-141-0170 Vessel inspection records and oil transfer procedures must be available upon request.</p>	<p>No advance notification requirements in state law or regulation. WAC 317-40-140: Authorizes bunker operations monitoring (inspections).</p>	<p>46 CFR Sec.35.35-20, Inspection before transfer of cargo: Before the transfer of liquid cargo in bulk, the person in charge of the transfer shall inspect the vessel to ensure that warnings are displayed, there is no repair work underway, valves and connections comply with standards, there are no open flames and boiler and galley fires are safe, the receiving terminal is ready, sea valves are closed, tank openings are closed and tank level measuring devices are in order, and the vapor control system is in order.</p>

Regulation	Alaska	California	Oregon	Washington	US Federal
Enforcement	<p>AS 46.04.030(f) and (g) - Upon request of a plan holder or on the department's own initiative, the department, after notice and opportunity for hearing, may modify its approval of a contingency plan if the department determines that a change has occurred in the operation of a facility or vessel necessitating an amended or supplemented plan, or the operator's discharge experience demonstrates a necessity for modification. The department, after notice and opportunity for hearing, may revoke its approval of a contingency plan if the department determines that (1) approval was obtained by fraud or misrepresentation; (2) the operator does not have access to the quality or quantity of resources identified in the plan; (3) a term or condition of approval or modification has been violated; or (4) the person is not in compliance with the contingency plan and the deficiency materially affects the plan holder's response capability. (g) Failure of a holder of an approved or modified contingency plan to comply with the plan, or to have access to the quality or quantity of resources identified in the plan or to respond with those resources within the shortest possible time in the event of a spill is a violation of this chapter for purposes of AS 46.03.760 (a), 46.03.765, 46.03.790, and any other applicable law. If the holder of an approved or modified contingency plan fails to respond to and conduct cleanup operations of an un-permitted discharge of crude oil with the quality and quantity of resources identified in the plan and in a manner required under the plan, the holder is strictly liable, jointly and severally, for the civil penalty assessed under AS 46.03.758, 46.03.759, or 46.03.760 against any other person for that discharge. 18 AAC 75.490 - (a) If a plan holder fails to comply with an approved oil discharge prevention and contingency plan or non-tank vessel plan, demonstrates an inability to maintain continuous access to the quality or quantity of resources identified in the plan, fails to respond with those resources in the shortest possible time if a discharge occurs, or is in any other way subject to the terms of AS 46.04.030 (f)(1) - (4) or AS 46.04.055, the department may (1) revoke the approval of the plan after notice and opportunity for hearing under (c) of this section; (2) suspend its approval of the plan after notice and opportunity for hearing under (c) of this section, stating the conditions under which the department will reinstate the approval and allow operations to resume; (3) order the plan holder to file an application to amend the plan within a specified time under 18 AAC 75.415; or (4) take other necessary action to correct the failure to comply. (b) If a plan holder fails to apply for an amendment as required under (a)(3) of this section, the department may revoke the approval of the plan after notice and opportunity for hearing under (c) of this section. (c) If the department issues a notice of intent to revoke an approval under this chapter, the plan holder may request an adjudicatory hearing under 18 AAC 15.195 - 18 AAC 15.340.</p>	<p>OSPR: Article 9, Government Code, beginning with Section 8670.57 Any person who knowingly, intentionally, or negligently violate any provisions of the Chapter 7.4 of the Government Code, or any regulations promulgated there under, are subject to criminal, civil, and/or administrative civil actions as prescribed in Article 9 of the Government Code, commencing with Section 8670.57 et sec.</p> <p>STATE LANDS: Class 1: Violations each of which could not directly result in a discharge of oil or pose a threat to public health and safety and the environment. Class 2: Violations each of which could result in a discharge of oil or pose a threat to public health and safety and the environment under certain circumstances, in combination with other violations or over time. Class 3: 1. Violations each of which could, by itself, directly result in a discharge of oil or pose a threat to public health and safety and the environment: or 2. Violations of Section 2320, sub. (c), concerning access by the Division to the terminal, terminal records, or vessels at the terminal. If a single person or entity has committed a number of Class 2 violations at the same time which, taken together, could directly result in a discharge of oil or pose a threat to public health and safety and the environment, then each violation shall be considered a separate Class 2 violation and the total combination of violations may be considered a separate Class 3 violation. If a single person or entity has committed three (3) Class 1 violations in any twelve-month period, five (5) in any 24-month period, or seven (7) in any 36-month period, that series of violations may be considered a single Class 2 violation. If a single person or entity has committed three (3) Class 2 violations in any twelve-month period, five (5) in any 24-month period, or seven (7) in any 36-month period, that series of violations may be considered a single Class 3 violation. Penalties: The Administrator may issue an order under Government Code §8670.69.4 requiring that person to cease and desist; Take whatever legal action that is necessary and appropriate, to obtain an order from the court enjoining the apparent or threatened violation; or initiate and pursue proceedings under Government Code §§8670.66 or 8670.67 to subject the cited party to statutory penalties. The Executive Officer of the Commission may do one or more of the following: Take whatever legal action is necessary and appropriate to obtain an order from the court enjoining the apparent or threatened violation; or If appropriate, take whatever action is necessary and appropriate to initiate and pursue proceedings under Government Code §8670.66 to subject the cited party to statutory penalties. The Executive Officer shall notify the U.S. Coast Guard of any apparent violation which may also constitute violation of federal law or regulation.</p> <p>Statutes - Public Resources Code §§ 8750 through 8760.</p> <p>Regulations -Title 2, Division 3, Chapter1, Article 5, §§ 2405, 2406 and 2407</p>	None	WAC 317-40-150: Violations of law or regulations could result in termination of operations, requirements for additional qualified personnel, and/or notices/orders/penalties.	<p>14 USC 89 - The Coast Guard may make inquiries, examinations, inspections, searches, seizures, and arrests upon the high seas and waters over which the United States has jurisdiction, for the prevention, detection, and suppression of violations of laws of the United States.</p> <p>33 CFR PART 6—Protection and Security of Vessels, Harbors, and Waterfront Facilities</p>

Regulation	Alaska	California	Oregon	Washington	US Federal
Other	<p>Please recognize that the State of Alaska has no specific requirements for many areas in our regulations, an example is explained under the section on "Rest, or any restrictions on working hours of seaman involved in oil transfers".</p> <p>As stated in that section when an operator of a petroleum carrier submits an application for Oil Discharge Prevention Contingency Plan (ODPCP) under 18AAC.400-18AAC495, the applicant must demonstrate how the plan holder will meet State requirements. The standards used to demonstrate these requirements are almost always U.S. federal requirements as defined by 33CFR and 46 CFR and all other applicable Federal and International standards or laws that may apply. This approach allows the plan holder to demonstrate how his/her particular operation can, and will meet State requirements through the application of accepted standards for the industry. And, it allows the plan holder to utilize existing processes that are part of the particular activity the plan holder is engaged in without undue duplication.</p> <p>Therefore, once an ODPCP is approved and the plan holder is engaged in his/her business the ODPCP becomes a supporting document for the application and enforcement of State regulations and law should the need arise.</p>	<p>OSPR: Sections 8670.17 and 8670.18, Government Code. Sections 844.6 and 844. CCR In addition to the requirements listed above which apply to all oil transfer operations, there are additional requirement for lightering operations.</p>		<p>Current regulations only cover vessel refueling by delivery vessels and state-designated facilities. Oil cargo and bulk lube oil transfers are not covered. Vessel refueling by mobile facilities is not covered.</p>	<p>Applicability of US Federal regulations to transfer operations, continued from page 2: <u>40 CFR, Part 112.1:</u> (a)1) This part establishes procedures, methods, equipment, and other requirements to prevent the discharge of oil from non-transportation-related onshore and offshore facilities into or upon the navigable waters of the United States or adjoining shorelines. (b) Except as provided in paragraph (d) of this section, this part applies to any owner or operator of a non-transportation-related onshore or offshore facility engaged in drilling, producing, gathering, storing, processing, refining, transferring, distributing, using, or consuming oil and oil products, which due to its location, could reasonably be expected to discharge oil in quantities that may be harmful, as described in part 110 of this chapter, into or upon the navigable waters of the United States or adjoining shorelines. <u>46 CFR 12.101:</u> This part describes the various tankerman endorsements issued by the Coast Guard and prescribes the requirements for obtaining an endorsement as a ``Tankerman-PIC," ``Tankerman-PIC (Barge)," ``Tankerman-Assistant," or ``Tankerman-Engineer" to a merchant mariner's document.</p>