

**NOTICE OF PROPOSED ACTION
TO
BUILDING STANDARDS
OF THE
CALIFORNIA STATE LANDS COMMISSION**

**REGARDING AMENDMENTS TO THE 2010 CALIFORNIA BUILDING CODE
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 2**

CHAPTER 31F MARINE OIL TERMINALS

Notice is hereby given that the California Building Standards Commission (CBSC) on behalf of CALIFORNIA STATE LANDS COMMISSION (CSLC) proposes to adopt, approve, codify, and publish changes to building standards contained in the California Code of Regulations (CCR), Title 24, Part 2. The CALIFORNIA STATE LANDS COMMISSION is proposing building standards related to Chapter 31F Marine Oil Terminals.

PUBLIC COMMENT PERIOD

The CSLC Staff will hold a public hearing at 10:00 a.m., on September 11, 2012, at the Port of Long Beach Board Room, 925 Harbor Plaza, Long Beach, CA 90802. The location is wheelchair accessible. At the hearing, any person may present statements or arguments orally or in writing, relevant to the proposed regulatory action described in the Informative Digest. It is requested, but not required, that persons making oral comments at the hearing submit a written copy of their testimony at the hearing they attend.

This Notice of Proposed Action, Express Terms and Initial Statement of Reasons are also displayed on the CSLC website.

Written comments will be accepted by the California State Lands Commission regarding the proposed changes until 5:00 pm on September 11, 2012.

Please address your comments to: Ravindra Varma
California State Lands Commission
Marine Facilities Division
200 Oceangate, Suite 900
Long Beach, CA 90802

Written comments may also be submitted by facsimile to the attention of Ravindra Varma, by facsimile to (562) 499-6317 or by e-mail to ravi.varma@slc.ca.gov. All written comments submitted via e-mail must include **"Title 24, Chapter 31F Comments"** in the subject line of the e-mail.

POST-HEARING MODIFICATIONS TO THE TEXT OF THE REGULATIONS

Following the public comment period, the CSLC may adopt the proposed amendments to the building standards substantially as proposed in this notice or with modifications that are sufficiently related to the original proposed text and notice of proposed changes. If modifications are made, the full text of the proposed modifications, clearly indicated, will be made available to the public for at least 15 days prior to the date on which the CSLC adopts, amends, or repeals the regulation(s). The CSLC will accept written comments on the modified building standards during the 15-day period, if applicable.

NOTE: To be notified of any modifications, you must submit written/oral comments or request that you be notified of any modifications.

AUTHORITY AND REFERENCE

Authority Cited: Section 8755, 8756, and 8757, Public Resources Code
Reference(s): Section 8750, 8751, 8755, and 8757, Public Resources code

Public Resources Code (P.R.C.) Section 8755 directs the California State Lands Commission to adopt rules, regulations and guidelines for reviewing the location, type character, performance standards, size and operation of all existing and proposed marine oil terminals within the state.

Public Resources Code (P.R.C.) Section 8756 provides for periodic review and modification of regulations that the Commission has adopted, so that marine oil terminals within the Commission's jurisdiction always provide best achievable protection of the public health and safety, and the environment. The Commission Staff inspects the marine oil terminals pursuant to Title 2 CCR, Section 2320, made under the authority of the Public Resources Code 8757.

INFORMATIVE DIGEST

This regulatory action updates Chapter 31F, Marine Oil Terminals, of the 2010 California Code of Regulations, Title 24, Part 2, California Building Code which became effective January 1, 2011. The following Sections, Tables and Figures of the 2010 California Code of Regulations, Title 24, Part 2, Chapter 31F will be affected by the proposed regulatory action:

Section/Table/Figure:	Title:
3101F.2	Purpose.
3101F.4	Overview.
3101F.6.2	Division review.
3102F.1.2	Audit and inspections types.
Table 31F-2-2	MAXIMUM INTERVAL BETWEEN UNDERWATER AUDIT INSPECTIONS (YEARS) ¹
3102F.1.5	Baseline inspection.
3102F.3	Audit.
3102F.3.1	Objective.
3102F.3.2	Overview.
3102F.3.3.1	Initial audit.
3102F.3.3.2	Subsequent audits.
3102F.3.4.4	Seismic structural analyst.
3102F.3.4.6	Mechanical inspection team.
3102F.3.4.7	Divisional representation.
3102F.3.5	Scope of inspection.
3102F.3.5.1	Above water structural inspection.
Table 31F-2-3	UNDERWATER INSPECTION LEVELS OF EFFORT [2.2]
Table 31F-2-4	SCOPE OF UNDERWATER INSPECTIONS [2.2]
3102F.3.5.2	Underwater structural inspection.
3102F.3.5.4	Mechanical electrical equipment.
Figure 31F-2-1	EXAMPLE, STATEMENT OF TERMINAL OPERATING LIMITS
Table 31F-2-5	CONDITION ASSESSMENT RATINGS (CAR) [2.2]
3102F.3.6.2	Mooring and berthing.
3102F.3.6.3	Structure.
Table 31F-2-6	COMPONENT DEFICIENCY REMEDIAL ACTION PRIORITIES (RAP)
Table 31F-2-7	STRUCTURAL FOLLOW-UP ACTIONS [2.2]
Executive Summary Table (ES-1)	GLOBAL STRUCTURAL CONDITION ASSESSMENT RATINGS (CAR)
Executive Summary Table (ES-2)	COMPONENT DEFICIENCY REMEDIAL ACTION PRIORITIES (RAP)
Table 31F-2-8	POST-EVENT RATINGS AND REMEDIAL ACTIONS [2.2]
3102F.3.6.4	Mechanical and electrical systems.

Section/Table/Figure:	Title:
3102F.3.7	Follow-up actions.
3102F.3.8	Documentation and reporting.
3102F.3.9	Action plan implementation report.
3102F.4.4	Post-Event ratings.
3102F.4.5	Follow-up actions.
3103F.5.2.1.2	Survival condition.
3103F.6.1	General.
3103F.6.7	Berthing velocity and angle.
3103F.8.7	Berthing load (B_e).
3103F.8.8	Earthquake loads (E).
Table 31F-3-14	SAFETY FACTORS FOR ROPES*
3103F.10	Mooring hardware.
3103F.10.1	Quick release hooks.
3104F.2.1	Design earthquake motions.
3104F.5	Nonstructural components.
3104F.5.1	Mass contribution.
3104F.5.2	Seismic loads.
3104F.6	Nonstructural critical systems assessment.
3104F.7	Symbols.
3104F.8	References.
3105F.1.3	Mooring/berthing risk classification.
Table 31F-5-1	MOORING/BERTHING RISK CLASSIFICATION
3105F.1.4	New MOTs.
3105F.1.5	Analysis and design of mooring components.
3105F.2	Mooring analyses.
3105F.2.1	Manual procedure.
3105F.2.2	Numerical procedure.
3105F.3.2	Passing vessels.
3105F.3.3	Seiche.
3105F.4	Berthing analysis and design.
3105F.4.3.1	Continuous fender system.
Table 31F-5-2	CONTACT LENGTH
3105F.4.4	Longitudinal and vertical berthing forces.
Table 31F-5-3	COEFFICIENT OF FRICTION
3105F.4.5	Design and selection of new fender systems.
3105F.5	Layout of new MOTs.
3105F.7	References.
3106F.5	Soil structure interaction.
3107F.2.1.2	Knowledge factor (k).
3107F.2.5.4	Plastic rotation.
3107F.2.5.7	Shear design.
3108F.2.2	Fire plan (N/E).
3108F.3.2	Emergency shutdown systems.
Table 31F-8-2	FIRE HAZARD CLASSIFICATIONS
3108F.4	Fire detection.
3108F.5	Fire alarms.
3108F.6	Fire suppression.
3108F.6.2	Fire hydrants.
3108F.6.3	Fire water.
3108F.6.6	Supplemental Fire Suppression Systems (E).
3108F.7	References.
3109F.3	Pipeline stress analysis (N/E).
3109F.4	Anchors and supports.
3109F.5.1	Valves and fittings.
3109F.6	Utility and auxiliary piping systems.
3109F.7	References.

Section/Table/Figure:	Title:
3110F.9	References.
3111F.8	Illumination (N/E).
3111F.9	Communications and control systems.
3111F.9.1	Communication systems (N/E).
3111F.9.2	Overfill monitoring and controls (N/E).
3111F.10.1	Corrosion assessment (N/E).
3111F.10.2	Inspection, testing and records (N/E).
3111F.11	References.

Additionally, the following new Sections will be created:

Section	Title:
3101F.7	Alternatives.
3108F.7	Critical systems seismic assessment (N/E).
3110F.9	Equipment & systems maintenance (N/E).
3110F.10	Pumps (N/E).
3110F.11	Critical systems seismic assessment (N/E).
3111F.5.1	Emergency power systems.
3111F.9.3	Monitoring systems (N/E).
3111F.11	Critical systems seismic assessment (N/E).

SUMMARY OF EXISTING LAWS:

As under Section 6111 of the Public Resources Code (PRC), the CSLC is not to adopt building standards directly. The CSLC Staff is proposing to adopt the amendments to the 2010 California Code of Regulations (CCR), Title 24, Part 2, Chapter 31F, Marine Oil Terminals.

PRC Section 8755 states, in part, "...the Commission shall adopt, rules, regulations, guidelines, and Commission leasing policies for reviewing the location, type, character, performance standards, size, and operation of all existing and proposed marine oil terminals within the state, whether or not on lands leased from the Commission, and all other marine facilities on lands under lease from the Commission to minimize the possibilities of a discharge of oil. Rules, regulations, and guidelines adopted by the Commission shall not conflict with regulations of the Administrator or the Coast Guard. The Commission shall ensure rules, regulations, guidelines, and Commission lease covenants provide the best achievable protection of public health and safety and the environment..."

The Commission Staff has determined that the proposed amendments to the standards will effectuate these mandates.

SUMMARY OF EXISTING REGULATIONS:

The 2010 California Code of Regulations (CCR), Title 24, Part 2, Chapter 31F, Marine Oil Terminals are the only regulations relating to engineering analysis, design, rehabilitation, inspection, or maintenance of marine oil terminals. These regulations work in conjunction with other regulations made under the authority of the Public Resources Code, Section 8755 so that operators of marine oil terminals always provide best achievable protection to public health and safety, and the environment. Other regulations that have been made under this legislative authority and work in conjunction with Title 24, Chapter 31F are:

Title 2, California Code of Regulations, Article 5 – Marine Terminals; Inspection and Monitoring

Title 2, California Code of Regulations, Article 5.1 – Marine Terminal; Physical Security

Title 2, California Code of Regulations, Article 5.3 – Marine Terminal; Personnel Training and Certification

Title 2, California Code of Regulations, Article 5.5 – Marine Terminal Oil pipelines

SUMMARY OF EFFECT:

Cost or savings to any state agency: None

Cost to any local agency or school district which must be reimbursed in accordance with Government Code Sections 17500 through 17630: None

Other non-discretionary savings imposed on local agencies: None

Cost or savings in federal funding to the state: None

COMPARABLE FEDERAL STATUTE OR REGULATIONS:

None

POLICY STATEMENT OVERVIEW:

As mandated in PRC 8750-8760 the Commission is charged with the responsibility to protect the public health and safety and the environment in the operations of the marine oil terminals. The CSLC Staff has determined the proposed amendments to the existing standards will better meet the mandates of these PRC Sections and provide a better level of protection of the public health and safety and the environment than currently exists. The proposed regulatory action adds eight new sections and modifies other sections of the Title 24, Chapter 31F. These are non monetary benefits which will accrue as a result of this regulatory action.

EVALUATION OF CONSISTENCY:

The proposed action is consistent and compatible with existing regulations, as they are amendments to it.

OTHER MATTERS PRESCRIBED BY STATUTE APPLICABLE TO THE AGENCY OR TO ANY SPECIFIC REGULATION OR CLASS OF REGULATIONS

None

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

The Commission Staff has determined that the proposed regulatory action would not impose a new reimbursable mandate to local governments, mandate on local agencies or school districts.

ESTIMATE OF COST OR SAVINGS

- A. Cost or Savings to any state agency: No
- B. Cost to any local agency required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: No
- C. Cost to any school district required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: No
- D. Other nondiscretionary cost or savings imposed on local agencies: No
- E. Cost or savings in federal funding to the state: No

Estimate: See attached Form 399

INITIAL DETERMINATION OF SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESSES

Not Applicable

INITIAL DETERMINATION OF NO SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESSES

The CSLC Staff has made the initial determination that the amendment of this regulation will not have a significant statewide adverse economic impact on businesses, including the ability of California businesses to compete with business in other states.

DECLARATION OF EVIDENCE

The majority of the 102 proposed amendments to California Code of Regulations, Title 24, Part 2, Chapter 31F, Marine Oil Terminals correct, update, streamline or make more precise the existing standards and basically have no economic effect on the regulated community. The existing standards require significant actions that have associated costs. Any costs generated by these proposed amendments will be a small incremental portion of the cost incurred as a result of the existing standard and are balanced by a number of proposed amendments that provide significant cost savings benefits, while improving safety and increasing environmental protection.

FINDING OF NECESSITY FOR THE PUBLIC'S HEALTH, SAFETY, OR WELFARE

PRC 8755 states, in part, that "...The commission (CSLC) shall ensure that the rules, regulations, guidelines, and Commission lease covenants provide the best achievable protection of public health and safety and the environment..." The Commission Staff has determined these proposed amendments to the standards help provide the protection mandated and finds that as per Gov. Code 11346.3(d) it is necessary for the protection of public health and safety and the environment, or welfare of the people of the state that regulations apply to businesses.

COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

The CSLC Staff is not aware of any significant cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. The purpose of these proposed amendments to existing standards is to correct, clarify, streamline or make more precise the existing standards. These changes will continue to ensure that the facilities regulated by these standards are fit-for-purpose and provide the best achievable protection of the public health, safety, environment and improvements in the State's petroleum infrastructure.

ASSESSMENT OF EFFECT OF REGULATIONS UPON JOBS AND BUSINESS EXPANSION, ELIMINATION OR CREATION

The CSLC has assessed whether or not and to what extent this proposal will affect the following:

- The creation or elimination of jobs within the State of California.

The proposed amendments to CCR, Title 24, Part 2, Chapter 31F will not create jobs within California, because they mainly only correct, or modify or clarify the existing Code and do not change the overall effect.
- The creation of new businesses or the elimination of existing businesses within the State of California.

The proposed amendments to CCR, Title 24, Part 2, Chapter 31F will not create new businesses or eliminate existing businesses within California.
- The expansion of businesses currently doing business with the State of California.

The proposed amendments to CCR, Title 24, Part 2, Chapter 31F will not affect the expansion of businesses currently doing business within California.

- The benefits of the regulation to the health and welfare of California residents, worker safety, and the state's environment.

The proposed amendments to CCR, Title 24, Part 2, Chapter 31F are beneficial to the health and welfare of California residents, worker safety, and the State's environment because they clarify and enhance the existing regulation, which "establishes minimum engineering, inspection and maintenance criteria for MOTs in order to protect public health, safety and the environment."

INITIAL DETERMINATION OF SIGNIFICANT EFFECT ON HOUSING COSTS

The Commission Staff has made an initial determination that this proposal would not have a significant effect on housing costs.

CONSIDERATION OF ALTERNATIVES

In accordance with the Government Code Section 11346.5, subdivision (a)(13), the Commission must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of Commission Staff would be more effective in carrying out the purpose for which this action is proposed or would be more effective and less burdensome to affected private persons and equally effective in implementing the statutory provisions of the Lempert-Keene-Seastrand Oil Spill Prevention and Response Act.

To date, no other alternatives have been presented to or considered by the Commission Staff, regarding the proposed amendments to the California Code of Regulation, Title 24, Part 2, chapter 31F, Marine Oil Terminals.

The CSLC invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing(s) or during the written comment period.

AVAILABILITY OF RULEMAKING DOCUMENTS

All of the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public review, by contacting the person named below. This Notice of proposed Action, the Express Terms and Initial Statement of Reasons can be accessed from the California State lands Commission website at:

http://www.slc.ca.gov/Division_Pages/MFD/MFD_Home_Page.html

Interested parties may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or at the California State Lands Commission website, as above.

CSLC CONTACT PERSON FOR PROCEDURAL AND ADMINISTRATIVE QUESTIONS

General questions regarding procedural and administrative issues should be addressed to:

Ravindra Varma, Supervisor, Planning Branch
California State Lands Commission
Marine Facilities Division
200 Oceangate, Suite 900
Long Beach, CA 90802
562-499-6400
562-499-6317 (fax)
ravi.varma@slc.ca.gov

Please direct requests for copies of the proposed Express Terms, the Initial Statement of Reasons, the Modified Text of the proposed standards, if any, or other information upon which the rulemaking is based to Ravindra Varma at the above address.

PROPOSING STATE AGENCY CONTACT PERSON FOR SUBSTANTIVE AND/OR TECHNICAL QUESTIONS ON THE PROPOSED CHANGES TO BUILDING CODE

Specific questions regarding the substantive and/or technical aspects of the proposed changes to the building code should be addressed to:

Dr. Avinash Nafday, P.E., Lead Engineer
California State Lands Commission
Marine Facilities Division
200 Oceangate, Suite 900
Long Beach, CA 90802
562-499-6312
562-499-6317 (fax)
avinash.nafday@slc.ca.gov