California State Lands Commission
Marine Facilities Division

Stakeholders Meeting
Introductions and Welcome

* Laura Kovary, Chief

* Debra French, Assistant Division Chief
MFD Goals & Visions

* Improve Communication
  * Maritime Industry
  * Marine Oil Terminals

* Work closely with other Federal, State and Local Agencies
  * USCG
  * State Fire Marshall
  * OSPR
  * Local Fire Departments
* Article 5.0 Regulation Updates
  * Internal focus group started January, 2014
  * First time MFD will be having an “Informal Comment Period”
  * Clarifying language
  * Including additional chapters of ISGOTT
  * Safety Management Systems
  * MOTEMS operational sections relocated to Article 5.0
* Marine Invasive Species Regulation Updates
  * Article 4.8 completely new Bio-fouling Regs
  * Article 4.7 currently working on language (expect end of 2015)
  * Article 4.9 enforcement regulations (process will be more clear – 2015)
  * “Informal Comment Period” began November 17th, 2014
Regulatory Updates

- MOTEMS 2016
  - Effective January 1, 2017
  - Seismic division updated
  - Geotechnical division updated
  - LNGTEMS introduced
  - Operational sections removed and relocated to Article 5.0
  - Informal Comment Period began November 17th, 2014
Informal Comment Period
For Article 5.0

* Draft of Article 5.0 proposed text available at MFD Website (http://www.slc.ca.gov/Division_Pages/MFD/MFD_Home_Page.html)

* Informal Comment Period begins November 17, 2014 and closes on December 31, 2014

* Send written comments to CSLC.MFDREGULATIONS@SLC.CA.GOV

* Added definitions and revised language throughout Article 5.0

* Re-Located Sections
  * New §2402 – Alternative Requirements was relocated from §2310
Informal Comment Period
For Article 5.0

* **Re-Located Sections - continued**

  * New §2316 - Letter of Intent was separated from §2385(b), and became its own section

  * §2390 – Additional Requirements at Offshore Terminals was relocated to §2385(e)

  * §2405 – Notifications regarding Apparent Violations - modified

  * §2406 – Notifications regarding Threatened Violations - modified

  * §2407 – Classification of Violations - modified
Informal Comment Period For Article 5.0

* **New Sections**

  * §2346 – Fire Prevention and Protection for Terminals
  * §2347 – Safety Management Systems (SMS)
  * §2408 – Violation Notice
  * §2409 – Primary Enforcement Procedures
Insulating Flanges

Presented by:
Richard Hernandez
Insulating Flanges

* Installing and Maintaining Insulating Flanges

  * §2341 Requirements to Prevent Electrical Arcing at Marine Oil Terminals

  * It is not recommended that a multimeter/voltmeter be used to test for resistance across insulated flange assemblies and fittings since the results will likely be unreliable, especially with pipe segments that are attached to buried facilities.
§2341 Requirements to Prevent Electrical Arcing at Marine Oil Terminals

- Cargo and Vapor Control Hose Connections
  - Each cargo hose string or vapor control hose used during a transfer operation shall have either an insulating flange joint or a single length of non-conducting hose to ensure electrical discontinuity between the terminal and vessel.
Insulating Flanges

* 2341Testing of Insulating Flanges
  * measure electrical resistance between the metal pipe on the terminal side of the flange and the end of the hose or arm when suspended
  * Test shall be conducted at intervals not exceeding 3 months
  * Infrequent transfers – tests shall be performed 7 days prior to transfer
* The terminal shall maintain records for at least one year:
  * Test dates
  * Measurements of resistance
  * Name and designation of person conducting the test
* Insulating Flanges
  * Minimum Resistance shall be less than 1000 ohms for metallic cargo or vapor recovery arm or hose string
  * No vessel-to-shore electrical bonding cables or wires shall be used for a transfer operation.
Insulating Flanges
(Insulating kit on left, no kit on right)
**Insulating Flanges**

- 2341(b) Insulating Flange Joints on Metallic Cargo or Vapor Control Arms.
2341(c) Cargo and Vapor Hose Connections. Each cargo hose shall have insulating flange or a non-conductive hose.
BREAK

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15 MINUTES
Marine Oil Terminal Operations Manual

Presented by:
Laura Kovary
Marine Oil Terminal Operations Manual

Article 5.0 - §2385 - Operations Manual Requirements:

* Marine Oil Terminals shall have a written, comprehensive and up to date Terminal Operation Manual
  * Working/Living document
  * Shall include procedures and practices
  * Current drawings relevant to the specific terminal
  * Current soundings (bathymetry)
* MFD Marine Terminal Operations Manual review process
  * More extensive
  * Submittal shall be directly from Terminal Manager to Division Chief
Operations Manual and MOTEMS:

* Every MOT shall have a current Operations Manual
  * Pre-construction operations
  * Addendum required for operations during construction
  * Final Operations Manual – upon completion of construction
Marine Invasive Species Program

Presented by:
Nicole Dobrosk
Marine Invasive Species Program

- Nonindigenous species – organisms moved from one location to another through human activity
- Commercial shipping accounts for up to 79.5% of coastal species introductions to North America
- Two primary vectors – ballast water and vessel biofouling

![Biofouling organisms](image)
Ballast Water Management
(Public Resources Code § 71204.3)

- Retain all ballast water on board
- Exchange ballast water prior to discharge
  - Distance from shore dictated by last port of call and source of ballast water
- Use Commission approved alternative management method
- Discharge to shore-based facility (none available)
- Discharge at same location where ballast water originated
- Under extraordinary circumstances, use Commission approved alternative exchange area
  - Established in consultation with USCG
Ballast Water Retention

* Most protective ballast water management strategy available
* 84% of arrivals to CA retain all ballast on board
Ballast Water Exchange

- Arrivals from within PCR, ballast water from within PCR: Exchange >50 NM
- Arrivals from within PCR, ballast water from outside PCR: Exchange >200 NM
- Arrivals from outside PCR: Exchange >200 NM

No exemption for deviation and delay of voyage
Alternative Management Methods

- Use of USCG accepted Alternative Management System (AMS)
  - Foreign type approved ballast water treatment systems
  - USCG determination that AMS are “at least as effective as ballast water exchange”
  - Letter of approval for use in CA – May 21, 2013
- Other methods approved by Commission on a per voyage or per vessel basis
  - e.g. potable water as ballast
Use of AMS in California

- Treatment system must be on list of USCG accepted AMS
  - Go to homeport.uscg.mil
- Reporting required for discharge of treated ballast into California waters
  - Ballast Water Treatment Annual Reporting Form
  - Supplemental Ballast Water Treatment Reporting Form
- 45 vessels currently using AMS to manage ballast water prior to discharge in CA waters
Update on Performance Standards

* 2013 ballast water technology assessment report
  * No shipboard or shore-based ballast water treatment technologies available to meet the standards
  * SB 814 - delay implementation for two years

<table>
<thead>
<tr>
<th>Ballast water capacity of vessel</th>
<th>Standards apply to new vessels in this size class constructed on or after:</th>
<th>Standards apply to all other vessels in this size class beginning on:</th>
</tr>
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<tbody>
<tr>
<td>&lt;1500 metric tons</td>
<td>January 1, 2016</td>
<td>January 1, 2018</td>
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<tr>
<td>1500-5000 metric tons</td>
<td>January 1, 2016</td>
<td>January 1, 2016</td>
</tr>
<tr>
<td>&gt;5000 metric tons</td>
<td>January 1, 2016</td>
<td>January 1, 2018</td>
</tr>
</tbody>
</table>
Update on Performance Standards

* 2014 ballast water technology assessment report
  * No shipboard or shore-based ballast water treatment technologies available to meet the standards
  * Additional time is necessary for collection of discharge data from shipboard ballast water treatment systems
  * Commission funding a study of the feasibility of shore-based ballast water treatment

* Standards and implementation set in statute
  * Any changes require legislative action
Reporting Requirements

- Ballast Water Reporting Form
  - Each voyage
  - Due upon departure
  - Commission will accept in advance
    - Send amended form if operations change
- Hull Husbandry Reporting Form
  - Within 60 days of notification from Commission
- Treatment Technology Reporting Forms
  - Annual form – Within 60 days of notification
  - Supplemental form – Upon departure
### Ballast Water Reporting Form

**1. VESSEL INFORMATION**

- **Vessel Name:** [Blank]
- **IMO Number:** [Blank]
- **Owner:** [Blank]
- **Type:** [Blank]
- **GT:** [Blank]
- **Call Sign:** [Blank]
- **Flag:** [Blank]

**2. VOYAGE INFORMATION**

- **Arrival Port:** [Blank]
- **Arrival Date (DD/MM/YYYY):** [Blank]
- **Last Port:** [Blank]
- **Country of Last Port:** [Blank]
- **Next Port:** [Blank]
- **Country of Next Port:** [Blank]

**3. BALLAST WATER USAGE AND CAPACITY**

- **Total Ballast Water on Board:** [Blank]
- **Volume:** [Blank] m³
- **Units:** [Blank]
- **No. of Tanks in Ballast:** [Blank]

**4. BALLAST WATER MANAGEMENT**

- **Total No. Ballast Water Tanks to be discharged:** [Blank]
- **Of tanks to be discharged, how many:** [Blank]
- **Underwent Exchange:** [Blank]
- **Underwent Alternative Management:** [Blank]

**5. BALLAST的历史：**

- **Record all tanks to be deballasted in port state of arrival (enter additional tanks on page 2). IF NONE, GO TO #6**

<table>
<thead>
<tr>
<th>BW SOURCE</th>
<th>BW MANAGEMENT PRACTICES</th>
<th>BW DISCHARGE</th>
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</thead>
<tbody>
<tr>
<td>DATE</td>
<td>PORT or LAT. LONG</td>
<td>VOLUME (units)</td>
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<tr>
<td>m3</td>
<td>C</td>
<td>m3</td>
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Ballast Water Tank Codes: Forepeak = FP, Aftpeak = AP, Double Bottom = DB, Wing = WT, Toppiece = TS, Cargo Hold = CH, Other = O

**6. RESPONSIBLE OFFICER’S NAME AND TITLE:**

dept homeland security USCG, CS-5652 (06-04)

**Indicate use of alternative method or reason for lack of management (e.g. safety)**

“ALT” ≠ Safety
Research

- Ballast water sampling tool
- Plankton bulk viability assay
- Shore-based ballast water treatment feasibility study
- Contingency/emergency ballast water treatment
- Indicative tests of ballast water treatment system performance
- Surveys of biofouling on vessels and evaluating emerging regulatory policies
Upcoming Proposed Regulations

* Article 4.7 – Ballast water sampling for discharge standards
* Article 4.8 – Biofouling management
* Article 4.9 – Enforcement regulations

For more information:
nicole.dobroski@slc.ca.gov
www.slc.ca.gov
Informal Comment Period
Article 4.8

Presented by:
Chris Scianni
Biofouling Management to Minimize the Transfer of Nonindigenous Species From Vessels Operating in California Waters
Informal Comment Period
Article 4.8
Why regulate vessel biofouling?

Biofouling believed to be responsible for:

- 42.6% of coastal nonindigenous species globally (Hewitt and Campbell 2010)
- Up to 60% of coastal NIS in California (Ruiz et al. 2011)
- Strong financial incentive to minimize biofouling on hulls (drag = fuel)
- Little to no incentive for niche areas (e.g. thrusters, sea chests)
Informal Comment Period
Article 4.8

Regulation Development Inputs:

1. Vessel-reported data on maintenance and operational practices
   * Hull Husbandry Reporting Form
Informal Comment Period
Article 4.8

* Regulation Development Inputs:

2. Biofouling research
Informal Comment Period
Article 4.8

* Regulation Development Inputs:

3. Technical Advisory Group Involvement
Informal Comment Period
Article 4.8

Provisions of Proposed Rule:

1. Record-Keeping
   a. Biofouling Management Plan
   b. Biofouling Record Book
   c. Hull Husbandry Reporting Form
Informal Comment Period
Article 4.8

**Provisions of Proposed Rule:**

2. Biofouling Management
   a. Hulls: Reliance on best practices
   b. Niche areas:
      - Manage appropriately
      - Document it
   c. Obviously Excessive Biofouling
Informal Comment Period
Article 4.8

* **Provisions of Proposed Rule:**

3. Extended Residency Periods
   a. 45+ days in one port
   b. Manage biofouling prior to arriving to CA
Informal Comment Period
Article 4.8

* Provisions of Proposed Rule:

4. Alternatives
   a. Petition
   b. Response
   c. Approval
Informal Comment Period
Article 4.8

* **Next Steps:**
  * Informal Comment Period
    (November 17, 2014 – December 31, 2014)
  * Send Comments to:
    CSLC.MFDRegulations@slc.ca.gov
  * Formal Rulemaking (early 2015)

* Questions now?

* Technical Questions Later?
  * Chris.Scianni@slc.ca.gov
BREAK

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15 MINUTES
Marine Invasive Species Program

Presented by:

Chris Brown
Marine Invasive Species Program

* Preview of Enforcement Regulations
* Ballast Water Sampling
Ballast Water Management
(Public Resources Code § 71204.3)

* Retain all ballast water on board
* Exchange ballast water prior to discharge
  * Distance from shore dictated by last port of call and source of ballast water
* Use Commission approved alternative management method
* Discharge to shore-based facility (none available)
* Discharge at same location where ballast water originated
* Under extraordinary circumstances, use Commission approved alternative exchange area
  * Established in consultation with USCG
Compliance of Ballast Discharges

Volume of Ballast Water Discharge (MMT)

- Total Compliant
- Total Noncompliant

Approximately 90% of all discharged ballast water in California is managed in compliance with the law.

Noncompliant discharges occur as either:
- Exchange performed in the incorrect location
- Incorrect location information supplied on BWRF
- Discharge made with no exchange conducted (highest risk)
Noncompliant Discharges

Volume Ballast Discharged (MMT)

- Exchanged Wrong Location
- No Exchange
- Incorrect Management Info
Proposed Enforcement Regulations

PRC § 71216(a) states:

...“a person who intentionally or negligently fails to comply with the requirements of this division may be liable for an administrative civil penalty in an amount that shall not exceed twenty-seven thousand five hundred dollars ($27,500) for each violation. Each day of a continuing violation constitutes a separate violation.”
General Breakdown of Penalty Structure:

1. Class 1 (operational)
   - **Minor** – a vessel incorrectly exchanges ballast water within 10% of the limits
   - **Moderate** – a vessel incorrectly exchanges ballast water between 10-50% of the limits
   - **Major (I)** – a vessel incorrectly exchanges ballast water more than 50% of the limits
   - **Major (II)** – a vessel does not exchange water before discharging at receiving port
General Breakdown of Penalty Structure:

2. Class 2 (administrative)
   • Occurs as a result of a vessel failing to properly maintain required documents (e.g. ballast water management plan) on board.

3. Class 3
   • Occurs as a result of a vessel failing to submit required reporting form (e.g. Ballast Water Reporting Form) in the given time period after receiving official notification.
Ballast Water Sampling

• There is a need to start sampling vessels that are discharging treated water

• Current testing of BWTS under normal vessel operation is extremely limited and data are difficult to obtain.
• You can help!
Compliance Testing

• **Types of Testing**

  – Indicative Testing (red light/green light)
    • Allow vessels/ship owners to self-check for compliance
    • Detection of gross exceedance
    • IMO recommends using as a first step in assessing compliance

  – Full-scale Testing
    • Accurate counts of organisms
Pros
• Fast
• Measures gross exceedance
• Relatively simple
• Can be used by existing inspection personnel

Cons
• Confidence in numeric correlations
• Definition of gross exceedance
• Enforceability
• Grey areas – “Medium risk” or “yellow light”
• Only measuring one organism type
Types of Indicative Tests

- **In-Line** – Good for monitoring while vessel is under way or BWTS is operating. Maybe of limited use to PSC?

- **Hand held** – Mobile, relatively inexpensive, PSC officers and vessel crew can be easily trained to operate.
Full Scale Compliance Testing

Pros
- Accurate counts of discharge organisms
- Enforceable

Cons
- Time Consuming
- Expensive
- Requires additional personnel with special training
Next Steps

- Currently developing specific protocols for the collection, handling, & analysis of ballast water samples
  - Based on
    - ETV protocols
    - IMO G8 shipboard testing protocols

- Provide transparency to the vessel owners, operators, and treatment vendors

Draft regulations recently underwent peer review and we are currently reviewing for updates and making any necessary revisions. Rulemaking process anticipated to begin in early 2015.
For more information

Christopher Brown
Chris.Brown@slc.ca.gov
916-574-0236
Emergency Reporting

Presented by:
Ron Maria
Emergency Reporting

- Earthquake

- Power Interruptions, etc.

- Form Samples to be completed by terminal managers in event of an emergency
California State Lands Commission
Marine Facilities Division
Northern California Field Office
750 Alfred Nobel Drive, Suite 201
Hercules, CA 94547-1897
Phone: (510) 741-4950
Fax: (510) 741-4970

Date: ____________________   Time: ____________________

Number of pages (including cover sheet): ____________________

EMERGENCY NOTIFICATION

On ____________________ at / about ____________________

The following event occurred that may have affected your Marine Terminal:

☐ EARTHQUAKE / SEISMIC EVENT
☐ TSUNAMI ADVISORY / ALERT
☐ ELECTRICAL OUTAGE
☐ HURRICANE / HIGH WINDS
☐ TERRORIST ATTACK
☐ EXCESSIVE RAIN / FLOODING

Please complete the following Facility Incident Self-Assessment Checklist form and fax to: (510) 741 – 4970.

Thank you for your cooperation.

Northern California Field Office Supervisor
Northern California Field Office
Cell phone (510) 908-4473
California State Commission
Facility Incident Self-Assessment Checklist

* Incidents may include: Fires, explosions, earthquakes, tsunamis, vessel breakaways, terrorism.

| Date completed: |
| Facility Name: |
| Address (Street, City, Zip): |
| Point of Contact: |
| Contact Number(s): |
| Dock(s): |

An asterisk (*) is listed by each item that represents a potential issue. If your answer coincides with the asterisk, please provide additional details in the comments section to describe the current situation and your plans to manage the situation created by the issue.

1. **Firefighting**
   a. Dock/Facility firefighting systems are fully operational
   b. Mutual aid/municipal firefighting

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   Comments:

2. **Security**
   a. Perimeter fencing is intact and entryways/gates secured or manned
   b. Available means for 24-hour monitoring of security
   c. Available for 24-hour access control

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   Comments:

3. **Facility Services**
   a. Key facility utilities are operational, including power, nitrogen, air and water (as appropriate).
   b. Oil/HAZMAT response services (on-site and through an OSRO if required) are confirmed available.

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   Comments:

4. **Facility Integrity**
   a. The integrity of all Marine Terminal transfer systems has been confirmed.
   b. All alert/warning and telephone systems are tested and operational
   c. Integrity/operation of all mooring systems and dock structure confirmed. MOTEMS Section 3102E.4 provides inspection guidance.
   d. Facility is in compliance with all other aspects of their Facility Operations Manual.

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   Comments:

5. **Expected dates/times:**
   a. Ready for cargo transfers to begin:
   b. Ready for inspection by SLC personnel:

   Comments:

6. **Other Comments:**

Please fax your completed form within 24 hours to the following contact for your area:

**Northern California**
Hercules field office
Fax: (510) 741-4970
Phone: (510) 741-4950

**Southern California**
Long Beach field office
Fax: (562) 499-6355
Phone: (562) 499-6348
Tsunami Plan

Presented by:
Laura Kovary
Tsunami Plan

* Requirements under MOTEMS §3103F.5.7

* Each Marine Oil Terminal shall have a “tsunami plan” describing what actions will be performed, in the event of a tsunami
Tsunami Plan Format (recommended)

* Tsunami Categories
  * Local, Regional, or Distant Source
* Tsunami Center Definitions
  * (see Action Plan)
* Any websites that may assist terminal personnel
  * Office of Emergency Management
  * NOAA – West Coast Tsunami Warning Center
  * Other local, state, or federal websites
Tsunami Plan

* Identify who will monitor or receive notices for your facility
  * should be more than 1 person
  * Check with NOAA and USCG

* Tsunami Action Plan
  * Information Statement
  * Tsunami Watch
  * Tsunami Advisory
  * Tsunami Warning
Tsunami Plan

* Evacuation Plan as appropriate
Introduction to the Informal Comment Period of MOTEMS

Presented by:
Dr. Avinash Nafday
Highlights of the Proposed MOTEMS 2016

- MOTEMS 2016 Express Terms on MFD Website (http://www.slc.ca.gov/Division_Pages/MFD/MFD_Home_Page.html)

- Informal Comment Period begins November 17, 2014 and closes on December 31, 2014

- Send written comments to CSLC.MFDREGULATIONS@SLC.CA.GOV

- Include “MOTEMS 2016” in Comments Subject Title
MOTEMS Update Cycle

* Chapter 31F of the California Building Code (CBC) Enforceable since 2006

* MOTEMS Updated per CBC’s Triennial Cycle

* The Current MOTEMS 2013 - In effect from January 1, 2014

* The Proposed Updates are for MOTEMS 2016, to be effective in January 1, 2017
Evaluate Adequacy of Spill Prevention Measures

- Review all hazards associated with MOT Operations and likely to cause an Oil Spill – From the MOT’s Oil Spill Contingency Plan

- Review the magnitude of potential oil spill releases and Assess Public Health, Safety and Environmental Consequences

- Evaluate adequacy of Design, Operational and Administrative Spill Prevention Measures

- Recheck Spill Prevention Measures - if MOT is modified or any new hazard with significant impact is identified
Oil Spill Exposure Classification

* MOT Oil Spill Risk Categories - High, Medium, Low

* Based in part on potential “exposed total volume of oil during transfer”

* Stored and flowing volumes prior to Emergency Shutdown System (ESD) stops the flow of oil

* Total Volume not just from pipelines alone

* Closure time shall include ESD valve closure time Plus Time Required to Activate ESD Valve
Revision of Seismic Provisions

* MOTEMS 2013, Seismic requirements revised – Divisions 3, 4 and 7

* Simplified approach to obtain earthquake ground motion parameters and response spectra

* Rational approach to classify regular and irregular configurations

* Comprehensive revision of analytical procedures & plastic hinge length guidance
MOTEMS Division 6 Replaced

- MOTEMS 2013, Division 6 – Geotechnical - proposed language has been entirely replaced
- Both Static and Seismic requirements addressed
- Kinematic loading from lateral ground spreading and combination with inertial load addressed
- Soil Structure Interaction Section updated
- Removed Simplified Soil-Structure Interaction method - Division 4
Peer Review Requirements

* Peer Review, if required, to be performed by an External Independent Source

* Procedure for “Peer Review” explained

* Credentials of “Peer Reviewer” defined

* Interactions between the Engineer-Of-Record, Peer Reviewer and MFD Clarified
MOTEMS Audit Cycles

- Objective – Alignment of Above Water Inspection, Underwater Inspection and MOTEMS Audit Cycles

- MOTEMS 2016, Division 2 Proposes new approach to align these time cycles – Based on Underwater Inspection Cycle
Clarified that Offshore Marine Terminals are Governed by MOTEMS in Division 1

- Offshore Moorings – Guidance Provided in Division 5

- Requirements for Submerged Pipelines to Offshore MOT’s provided in Division 6
LNG Transfer at Marine Terminals

* Lempert-Keene-Seastrand Act – Definition of “Oil” covers Liquefied Natural Gas (LNG)

* Specific requirements for LNG transfer at Onshore Marine Terminals provided in Division 12 – may become CBC Chapter

* Offshore Marine Terminals transferring LNG to be addressed on a Case-By-Case Basis
We welcome your comments on the proposed text

Submit written comments to:
CSLC.MFDREGULATIONS@SLC.CA.GOV

Proposed Text Available at:
http://www.slc.ca.gov/Division_Pages/MFD/MFD_Home_Page.html