

## MINUTE ITEM

This Calendar Item No. C43 was approved as Minute Item No. 43 by the California State Lands Commission by a vote of 3 to 6 at its 12-09-03 meeting.

## CALENDAR ITEM C43

A )  
    ) Statewide  
S )

12/09/03  
W 9777.263  
L. Prabhu  
G. Scott  
M. Meier

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

#### PROPOSAL

Under Section 8783 of the Public Resources Code (P.R.C.), the Commission is required to develop a form to be used for reporting specified information by specified parties engaged in the internal shipment of oil. That form has been developed by Staff and is here presented to the Commission for approval.

#### BACKGROUND

Assembly Bill No. 2083, which became effective on September 12, 2002, established the Oil Transfer and Transportation Emission and Risk Reduction Act of 2002 (the Act). Its provisions are found in P.R.C. Sections 8780 through 8789. The Act requires quarterly reports to be filed to the Commission by all Responsible Parties engaged in the internal shipment of oil. "Responsible Party" means the owner of, or person who takes responsibility for, oil being shipped. "Internal shipment of oil" is defined under P.R.C. Section 8782(d) as "...the loading, transporting by vessel, and offloading of oil that originates and terminates at the San Francisco Bay area and the Los Angeles and Long Beach are, or points in between." Lightering is expressly excluded. Under P.R.C. Section 8783(b), the information to be contained in the quarterly reports must include contact information about the Responsible Party; the name of the vessel used; the type, amount and source of the oil; the names and locations of the terminals where the oil is loaded and discharged; the dates of travel and route, the type of engine and fuel used; the estimated amount and type of emissions; an indication as to whether the shipment was due to a temporary or partial refinery shutdown; and the amount and location of ballast discharges.

In order to facilitate the reporting efforts of the Responsible Parties, P.R.C. Section 8783(a) also requires the Commission to develop a form to be used to collect the required information. P.R.C. Section 8783(d) further requires the Commission to consult with interested parties in the development of the required form. To that end, Staff developed a draft of the proposed form in compliance with the statute, and, as required, held extensive discussions regarding the form with several members of the Western States Petroleum Association (WSPA). WSPA is an association representing

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all owners of oil in California. Meetings took place on both March 4 and July 24, 2003. At the last meeting, after extensive discussion and review, all concerned agreed to finalize the form as it is here presented in Exhibit A, attached hereto (the Form).

Under those parts of the Administrative Procedures Act governing regulations and rulemaking, found in Sections 11340 through 11361 of the Government Code, the Form here presented should ordinarily be adopted as a regulation. It is the intent of Staff to present the Form for adoption as a regulation at the first opportunity. However, under Executive Order S-2-03, issued on November 17, 2003, all new regulatory actions have been temporarily suspended.

In order to assist those subject to the Act, Staff believes that the Form should, nevertheless, be offered to them as a means for them to comply with the provisions of the Act. To that end, the Form is here presented to the Commission for approval to be provided to Responsible Parties for their use.

**STATUTORY AND OTHER REGULATIONS:**

A: Public Resources Code Sections 8780 through 8789

**PERMIT STREAMLINING ACT DEADLINE:**

N/A

**OTHER PERTINENT INFORMATION:**

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

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

**EXHIBITS:**

A: The Oil Transfer and Transportation Emission and Risk Reduction Form

**IT IS RECOMMENDED THAT THE COMMISSION:**

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

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2. APPROVE THE OIL TRANSFER AND TRANSPORTATION EMISSION AND RISK REDUCTION FORM AS SET FORTH IN EXHIBIT A.
3. DIRECT THE COMMISSION STAFF TO TAKE WHATEVER ACTION IS NECESSARY AND APPROPRIATE BOTH TO COMPLY AND TO ASSIST OTHERS IN COMPLYING WITH PROVSIONS OF SECTION THROUGH 8789 OF THE PUBLIC RESOURCES CODE.

# EXHIBIT A

## OIL TRANSFER AND TRANSPORTATION EMISSION AND RISK REDUCTION FORM

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

Submission Date:

Name of Vessel/Barge	IMO/Vessel ID No.

Name of Loading Terminal	Location
1.	
2.	
3.	

Cargo Transported	Quantity (BBLs)	Source (Crude only)
1.		
2.		
3.		

Name of Discharge Terminal	Location
1.	
2.	
3.	

Dates of Travel				
Departure	Time	Route	Arrival	Time

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

Engine Air Emissions (g/kw-hr)			
NO <sub>x</sub>	HC	PM	CO

Was the reason for shipping this cargo due to a temporary or partial shutdown of a key refinery facility?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
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Point of Contact	
Address	
Telephone No.	
Signature of Responsible Party	

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