

MINUTE ITEM
This Calendar Item No. C55 was approved as
Minute Item No. 55 by the California State Lands
Commission by a vote of 3 to 0 at its
12-16-02 meeting.

**CALENDAR ITEM
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**CONSIDERATION OF REGULATIONS TO IMPLEMENT A PHYSICAL
SECURITY PROGRAM AT MARINE OIL TERMINALS IN THE STATE OF
CALIFORNIA**

PROPOSAL:

The Commission's Staff proposes the adoption of regulations that would implement a physical security program at all marine oil terminals within the state.

The proposed regulations require each terminal operator to designate a Marine Terminal Security Officer who would be responsible for conducting a security survey at each facility and for implementing a security plan based on the survey. The security program required by these regulations provides for safety and security of people, property and equipment by deterring and preventing the carriage of weapons, incendiaries or explosives into the terminal. This is accomplished by controlling access of persons and vehicles onto terminal areas. Lastly, these regulations provide for training of terminal personnel in all aspects of the facility's security plan.

BACKGROUND

In light of the tragic terrorist events of September 11, 2001, future terrorist activity has the real potential for causing catastrophic damage to public health and safety and the environment. The people of California must immediately prepare for and be ready to deter execution of such threats. The need for urgency of action in this direction is reflected in the Governor's Executive Order D-47-01, dated October 10, 2001. The order creates a State Strategic Committee on Terrorism and contains specific requirements for evaluating the potential threat of terrorist attack, for reviewing California's current state of readiness to prevent and respond to a potential attack, and for establishing and prioritizing recommendations for prevention and response.

000272
CALENDAR PAGE

-1-

002147
MINUTE PAGE

CALENDAR ITEM NO. C55 (CONT'D)

The State of California has 77 marine oil terminals falling under the jurisdiction of the Commission. Each of these facilities stores and is capable of transferring oil and liquid hydrocarbon products to and from tank vessels and barges. On average, 1.8 million barrels of oil or product are transferred at California's marine oil terminals every day. These facilities are located along the coast of California from Eureka in the North to San Diego near the Mexican border. The majority of these terminals are located in the ports and harbors of the state, while a few are located in the Carquinez Strait in the San Francisco Bay area, in the Santa Barbara Channel and in Humboldt Bay.

The major hazards at a marine oil terminal include fire and explosion and the potential for large quantities of oil to be spilled into the waters of the State. These facilities and their associated refineries are at considerable risk from potential terrorist threats. Presently, it is fairly easy for unauthorized intruders to infiltrate surreptitiously into the confines of a terminal and cause inestimable damage either through fire and explosion or through the release of oil into the marine environment. Fires and explosions can be generated by the use of incendiaries, explosives or firearms. Releases of large quantities of oil into the marine environment can easily be accomplished by opening a few strategic valves and allowing oil to flow. All marine oil terminals have pipeline manifolds that terminate at the dock face. Manifolds are connected by pipelines to oil storage tanks. In some cases, the tank storage facilities (tank farms) are located several miles away from the dock. The flow of oil between the dock and the storage tanks is controlled and regulated by strategically situated valves. Any of these components is vulnerable to intentional acts with great destructive consequence.

Additional risks of fire, explosion and release of oil may be realized by encroachment from the waterfront side of the dock. A recent example of such terrorist act is the bombing of "USS COLE" from a small boat in the port of Aden, Yemen, on 12 October 2000. The attack on the "USS COLE" killed 17 sailors, wounded more than twice that number and occasioned considerable damage to the ship's structure. A similar attack on a tanker or barge carrying volatile hydrocarbon liquids can cause an immensely greater degree of devastation than the attack on the "USS COLE."

More recently, the September 6, 2002 terrorist attack on the French supertanker "LIMBURG" off the coast of Yemen made it clear to all that the need to enhance maritime security is vital. This incident, which had strong similarities with the attack on the "USS COLE", resulted in the death of one crew member and the release of 90,000 barrels of oil into the ocean. The attack from a small boat also caused an intense fire on the

CALENDAR ITEM NO. C55 (CONT'D)

supertanker. The United States Congress, in passing of the Maritime Transportation Security Act of 2002, has acknowledged the attack on the "LIMBURG" as an act of terror.

The consequences of an act of sabotage on a tanker or barge and the potential for causing immeasurable damage to public health and safety and the environment can best be illustrated by the fire and explosion aboard the tanker SS "SANSINENA" in the Port of Los Angeles, California, on December 17, 1976. The "SANSINENA," a fairly small tanker by today's standards, had discharged most of its cargo of crude oil. It's empty tanks, though, were full of explosive vapors. A spark caused a tremendous explosion that broke the ship in two, virtually destroyed the marine oil terminal and did significant damage to the port. An explosion on a modern tanker more than twice the size of the "SANSINENA" with tanks full of volatile oil or hydrocarbon products could have greater consequences.

Apart from the physical and environmental damage that can be caused by the events described above, there is also the potential for an adverse economic impact. Any one of the incidents described above could cause the closure of a port and the shutdown all its facilities. The ports of California are international gateways to the US and they cater to a high volume of commerce and trade. This activity generates large revenues to the coastal cities and the state and also provides gainful employment to a large sector of the population. A terrorist act resulting in the closure of Californian ports or port facilities can have far-reaching, national and international adverse economic impacts.

Recent events are compelling evidence that these threats require urgent response. While some terminal operators have taken action to enhance security, the proposed regulations would ensure that all such operator implement security programs immediately and effectively.

As an initial measure to enhance physical security arrangements and create a high level of security awareness at marine terminals, the Commission adopted emergency regulations under 2 CCR Section 2351. The emergency regulations became effective on March 7, 2002. Since that time, terminal operators have undertaken the requirements of the regulations and implemented substantial improvements in their physical security arrangements.

Given the above circumstances and considerations, Commission staff believes that urgent and immediate action is necessary to ensure that all marine oil terminals in California are in a state of organized readiness to deter terrorist activity.

CALENDAR ITEM NO. **C55** (CONT'D)

STATUTORY AND OTHER REGULATIONS:

A: Public Resources Code §§8750 through 8758

PERMIT STREAMLINING ACT DEADLINE:

N/A

OTHER PERTINENT INFORMATION:

1. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 CCR §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. §21084 and 14 CCR §15300.

2. The proposed regulations do not affect small businesses as defined in Gov. Code §11342, sub.(h), because all affected businesses are transportation and warehousing businesses having annual gross receipts of more than \$1,500,000, as specified under Gov. Code §11342, sub.(h)(2)(I)(vii).

EXHIBITS:

A: Text of the proposed regulations.

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, §15061, BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY PUBLIC RESOURCES CODE §21065 AND TITLE 14, CALIFORNIA CODE OF REGULATIONS, §15378.
2. FIND THAT THE REGULATIONS ARE NECESSARY FOR THE IMMEDIATE PRESERVATION OF THE PUBLIC HEALTH AND SAFETY AND THE ENVIRONMENT BY ENSURING THAT SECURITY PRECAUTIONS ARE TAKEN TO PREVENT TERRORIST ACTIVITIES AT MARINE OIL TERMINALS, WHERE SUCH ACTIVITIES COULD CAUSE OIL SPILLS, FIRES OR EXPLOSIONS AND RESULT IN DIRECT AND SUBSTANTIAL HARM TO PUBLIC HEALTH AND SAFETY AND THE ENVIRONMENT.

000275

CALENDAR PAGE

- 4 -

002450

MINUTE PAGE

CALENDAR ITEM NO. C55 (CONT'D)

3. FIND THAT THE REGULATIONS WILL NOT AFFECT SMALL BUSINESSES AS DEFINED IN GOVERNMENT CODE §11342(h), BECAUSE ALL AFFECTED BUSINESSES ARE TRANSPORTATION AND WAREHOUSING BUSINESSES HAVING ANNUAL GROSS RECEIPTS OF MORE THAT \$1,500,000, AS SPECIFIED UNDER GOVERNMENT CODE §(h)(2)(l)(vii).
4. FIND THAT THE REGULATIONS WILL NOT HAVE A SIGNIFICANT IMPACT ON THE CREATION OR ELIMINATION OF JOBS OF NEW OR EXISTING BUSINESSES WITHIN CALIFORNIA, NOR WILL THEY HAVE AN ADVERSE ECONOMIC IMPACT ON BUSINESS, INCLUDING THE ABILITY OF CALIFORNIA BUSINESSES TO COMPETE WITH BUSINESS IN OTHER STATES.
5. FIND THAT NO ALTERNATIVE WOULD BE MORE EFFECTIVE IN CARRYING OUT THE PURPOSE FOR WHICH THE REGULATIONS ARE PROPOSED OR WOULD BE AS EFFECTIVE AND BURDENSOME TO AFFECTED PRIVATE PERSONS THAN THE PROPOSED REGULATIONS.
6. ADOPT THE PROPOSED REGULATIONS, WHICH WOULD ADD SECTIONS 2430 THROUGH 2445 TO TITLE 2, DIVISION 3, CHAPTER 1, ARTICLE 5.1, OF THE CALIFORNIA CODE OF REGULATIONS, SUBSTANTIALLY IN THE FORM OF THOSE SET FORTH IN EXHIBIT "A".
7. AUTHORIZE THE COMMISSION STAFF TO MAKE MODIFICATIONS IN THE REGULATIONS IN RESPONSE TO RECOMMENDATIONS BY THE OFFICE OF ADMINISTRATIVE LAW.
8. DIRECT THE COMMISSION STAFF TO TAKE WHATEVER ACTION IS NECESSARY AND APPROPRIATE TO COMPLY WITH PROVSIONS OF THE GOVERNMENT CODE REGARDING ADOPTION OF THE REGULATIONS AND AMENDMENTS AND TO ENSURE THAT THE REGULATIONS BECOME EFFECTIVE.
9. DIRECT COMMISSION STAFF TO TAKE WHATEVER ACTION IS NECESSARY AND APPROPRIATE TO IMPLEMENT THE REGULATION AT SUCH TIME AS THEY BECOME EFFECTIVE.

**TITLE 2, DIVISION 3, CHAPTER 1, ARTICLE 5.1
MARINE TERMINAL PHYSICAL SECURITY**

§2430. The Marine Facilities Division.

- (a) There is in the Staff of the California State Lands Commission the Marine Facilities Division, which has the primary responsibility for carrying out the provisions of the Lempert-Keene-Seastrand Oil Spill Prevention and Response Act of 1990 within the Commission's jurisdiction.
- (b) The primary office of the Division is at 200 Ocean Gate, Suite 900, Long Beach, California 90802-4335, telephone (562) 499-6312.

Authority: Sections 8755 and 8757, Public Resources Code.

Reference: Sections 8750, 8751, 8755 and 8757, Public Resources Code.

§2431. Purpose and Applicability.

- (a) The purpose of the regulations in Title 2, Division 3, Chapter 1, Article 5.1 of the California Code of Regulations is to provide a physical security program which ensures the best achievable protection of the public health and safety and of the environment at marine terminals.
- (b) The provisions of this article shall apply to all marine terminals in the State of California.

Authority: Sections 8755 and 8757, Public Resources Code.

Reference: Sections 8750, 8751, 8755, 8756 and 8757, Public Resources Code.

§2432. Definitions.

Unless the context otherwise requires, the following definitions shall govern the construction of this article:

- (a) "Division" means the Marine Facilities Division of the California State Lands Commission.
- (b) "Division Chief" means the Chief of the Marine Facilities Division or any employee of the Division authorized by the Chief to act on his behalf.
- (c) "Marine terminal" means a facility 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 oil 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.
- (d) "Marine Terminal Security Officer" or "MTSO" means a person employed by the terminal operator designated to be responsible for terminal security.
- (e) "Marine Terminal Physical Security Plan" means a written document describing the practices, procedures, responsibilities, equipment and structures that provide for the security of the terminal.
- (f) "Physical Security Survey and Assessment" means the terminal operator's identification and evaluation of weaknesses in physical security of important assets, infrastructures, appurtenances and procedures that are critical to the marine terminal, that, if damaged, could cause harm to people or to the environment.
- (g) "Terminal Operator" means any person or entity which owns, has an ownership interest in, charters, leases, rents, operates, participates in the operation of or uses a terminal, pipeline, or facility. "Terminal Operator" does not include any entity which owns the land underlying the terminal or the terminal itself, where the entity is not involved in the operations of the terminal.

Authority: Sections 8755 and 8756, Public Resources Code.

Reference: Sections 8750, 8751, 8755, 8756 and 8757, Public Resources Code.

§2433. Requirements for Marine Terminal Security Program.

Each marine terminal operator must implement a marine terminal security program that, at a minimum:

- (a) Provides for the safety and security of persons, property and equipment on the terminal and along the dockside of vessels moored at the terminal;
- (b) Prevents or deters the carrying of any unauthorized weapon, incendiary, or explosive on or about any person inside the terminal, including within his or her personal articles;
- (c) Prevents or deters the introduction of any weapon, incendiary, or explosive in stores or carried by persons onto the terminal or onto the dockside of vessels moored at the terminal; and
- (d) Prevents or deters unauthorized access onto the terminal and onto the dockside of vessels moored at the terminal.

Authority: Sections 8755 and 8756, Public Resources Code.

Reference: Sections 8750, 8751, 8752, 8755 and 8756, Public Resources Code.

§2434. Designation of MTSO and Alternates.

Each terminal operator shall designate an MTSO by name with 24-hour contact information, and an alternate or alternates when the MTSO is unavailable.

Authority: Sections 8755 and 8756, Public Resources Code.

Reference: Sections 8750, 8751, 8752, 8755 and 8756, Public Resources Code.

§2435. Responsibilities of the MTSO.

Each MTSO must, at a minimum, ensure that all of the following are undertaken and completed:

- (a) An initial comprehensive physical security survey and assessment has been conducted, documented and maintained in a location determined by the MTSO;
- (b) Ongoing security surveys are conducted at least annually and whenever a security incident or circumstances warrant changes;

- (c) The comprehensive physical security survey and assessment are used to formulate a security plan;
- (d) The Marine Terminal Physical Security Plan is implemented, maintained and periodically updated;
- (e) Personnel responsible for security are trained in all aspects of the Marine Terminal Physical Security Plan;
- (f) Employees, visitors and contractors requiring access to the terminal are provided with security awareness information;
- (g) Vehicle access controls with designated parking areas and no-parking zones are established;
- (h) Periodic security drills and exercises are conducted;
- (i) The terminal has an identification and verification process for all employees, vendors and other persons whose duties require them to have access to the terminal and a tracking process for all vehicles allowed entry to the terminal;
- (j) All occurrences or suspected occurrences of terrorist acts and related activities are reported to National Response Center, telephone (800) 424-8802, and local law enforcement agencies having jurisdiction at the marine terminal. Such occurrences include bombings, bomb threats, suspicious letters or packages and incidents related to the intentional release of chemical, biological or radio active agents. Records of such occurrences shall be maintained at the marine terminal for three (3) years; and
- (k) Procedures for notification of security incidents or threats to terminal and vessel personnel are established.

Authority: Sections 8755 and 8756, Public Resources Code.

Reference: Sections 8750, 8751, 8752, 8755 and 8756, Public Resources Code.

§2436. Marine Terminal Physical Security Plan.

- (a) The MTSO shall develop and maintain a Marine Terminal Physical Security Plan, in writing, for countering risks and threats. The plan shall, at a minimum, document the practices, procedures, responsibilities,

equipment, and structures utilized in complying with all of the provisions of Section 2433.

(b) The Marine Terminal Physical Security Plan shall, at a minimum, contain all of the following:

(1) A map, diagram or site plan of the layout of the terminal showing:

(A) Perimeter fencing;

(B) Main access to the terminal;

(C) Other accesses to the terminal;

(D) Exit and entry routes for vessel crew members;

(E) Waterfront areas and vessel berths;

(F) Designated vehicle parking areas;

(G) Emergency exit routes for personnel and vehicles from the terminal;

(H) Location of lighting, motion detectors, cameras and other surveillance equipment;

(I) Fixed security posts and mobile routes; and

(J) Restricted areas.

(2) The names and contact telephone numbers of the Terminal Manager, the MTSO and alternates, and all terminal security personnel;

(3) The duties of the MTSO, alternates and terminal security personnel;

(4) The minimum number of terminal security personnel on duty and their responsibilities when oil transfer operations are being conducted;

(5) A description of the physical security arrangements for the terminal including the minimum number of security personnel on duty, if any, when no transfer operations are being conducted;

- (6) A description of the procedures and arrangements for elevated security in compliance with the U.S. Coast Guard Captain of the Port's directives regarding threat escalation;
- (7) Procedures for reporting security threats or breaches of security;
- (8) The telephone numbers of the National Response Center, (800) 424-8802 and other local agencies having jurisdiction at the marine oil terminal;
- (9) Findings of the initial comprehensive physical security survey and assessment;
- (10) Equipment, measures and procedures at the terminal that are used to prevent the introduction of unauthorized weapons, incendiaries or explosive devices or any other unauthorized dangerous devices that may be used to cause harm or damage to people, vessels or terminals by any means onto the terminal from the shore side;
- (11) Measures to prevent unauthorized persons gaining access onto the terminal, onto vessels moored at the terminal and to restricted areas of the terminal;
- (12) Measures or procedures to permit entry of persons without valid identification;
- (13) Procedures for verification of identity of terminal employees, vendors, contractors, vessel agents, truck drivers, government agents and other visitors to the terminal to ensure that they have legitimate business at the terminal;
- (14) Measures and procedures to permit entry for scheduled and unscheduled deliveries including hazardous materials to the terminal or vessel moored at the terminal in advance;
- (15) Procedures and measures for the terminal's security personnel's response to security threats or breaches of security;
- (16) Duties of terminal personnel other than security personnel in the event of a security threat or breach of security;
- (17) Procedures to be followed when unauthorized persons are discovered on the terminal;
- (18) Any standing agreements with local police and fire departments regarding terminal security;

- (19) Security procedures in the event of a loss of electrical power and other emergencies;
 - (20) A description of the communications system that is used for maintaining security; and
 - (21) A description of the procedures, equipment and operations used for compliance with the requirements of Sections 2437, 2438, 2439, 2440, 2441, 2442 and 2444.
- (c) The MTSO must restrict the distribution, disclosure, and availability of information contained in the Marine Terminal Physical Security Plan to those who have been determined by the terminal operator to have a need-to-know. The information required by subsection (b)(9) of this Section may be maintained at a separate location.
- (d) The Marine Terminal Physical Security Plan shall be reviewed and updated at least annually and whenever a security incident or circumstances warrants changes.

Authority: Sections 8755 and 8756, Public Resources Code.

Reference: Sections 8750, 8751, 8752, 8755 and 8756, Public Resources Code.

§2437. Requirements for Identification of Terminal Employees, Contractors and Visitors to the Terminal.

- (a) All persons entering or leaving a terminal must possess and show a valid identification card or document as prescribed in subsection (b) of this Section to gain access to the terminal. All passengers in vehicles must have valid identification. Identification must be presented to security personnel or government agents upon request. In the event that an individual seeking access to the terminal does not have an identification card that meets the requirements of subsection (b) of this section, an alternative means of identification as prescribed in subsection (b)(13) of Section 2436, must be used.
- (b) Valid identification cards or documents must be tamper resistant and at a minimum include the holders name and a recent photograph of the holder. Any of the following may constitute a valid form of identification:
- (1) Employer issued employee identification cards;
 - (2) Identification card issued by a government agency;

- (3) State issued drivers license;
- (4) Pacific Maritime Association card;
- (5) Labor Organization identity card; or
- (6) Passport.

- (c) Security personnel or competent authority shall verify that identification documents and applicable licenses or credentials match the person presenting them. Persons arriving by motorcycle shall be required to remove helmets to assist in identification.
- (d) Security personnel shall randomly verify the identity and identification of persons encountered during roving patrols.
- (e) The MTSO shall develop a verification process as prescribed in subsection (b)(14) of Section 2436, to ensure that all persons requiring access to the terminal have valid business on the terminal. Vendors, contractors, truck drivers and visitors arrivals shall be scheduled in advance. If their arrival is not prearranged, entry shall be prohibited until their need to enter is verified.
- (f) The MTSO shall require contractors and vendors who require access to the terminal or vessels at the terminal, to provide the terminal with a current pre-authorized list of persons requiring access. This requirement does not preclude such persons from having valid identification.
- (g) Vessel's crew members, agents, contractors and vendors on board vessels moored at terminal, shall not be permitted to exit or enter the terminal unless their names are provided and verified in advance.
- (h) The terminal shall have a process to account for all persons within the terminal at any given time.
- (i) All persons requiring access to the terminal shall be subject to search before being permitted to proceed beyond a terminal's access points. Signs shall be posted at access points being utilized to advise persons of this requirement.

Authority: Sections 8755 and 8756, Public Resources Code.

Reference: Sections 8750, 8751, 8752, 8755 and 8756, Public Resources Code.

§2438. Requirements for Access Control.

(a) Gates.

All entry gates shall be locked and secured or guarded at all times or shall have an effective entry detection alert system.

(b) Restricted Areas.

The terminal shall establish and post restricted areas within the terminal to control unauthorized access to critical operating areas such as storage tanks, hazardous materials storage areas, communications and control centers.

(c) Vehicle Control.

Vehicle access controls shall, at a minimum, include the following:

- (1) Parking within the terminal shall be restricted to only those designated spaces indicated in the Marine Terminal Physical Security Plan.
- (2) Vehicle entry and exit routes on the terminal shall be clearly marked.
- (3) All vehicles entering or leaving the terminals shall be subject to search by terminal security personnel. Signs shall be posted to advise persons of this requirement.
- (4) Terminals shall have procedures for controlling vehicle access and parking.

(d) Deliveries.

- (1) All packages entering or leaving the terminals are subject to search by terminal security personnel. Delivery orders shall be verified prior to being allowed access to restricted areas. Signs shall be posted at each access point being utilized by the terminal to advise persons of this requirement.
- (2) Bills of lading and shipping documents for cargo and stores deliveries shall be checked for accuracy and cargo and stores should be adequately described on documentation, including piece count if applicable.

(e) Security Patrols.

- (1) Designated personnel shall conduct roving safety and security patrols when the terminal is manned at random intervals not exceeding four (4) hours.
- (2) Security patrols shall, at a minimum, cover restricted areas, main power supply switch gear, lighting controls, perimeter access points, vehicle parking areas, communications and operations control centers and waterside access areas.
- (3) Designated personnel must be able to respond immediately to a security signal in accordance with established procedures in the security plan.
- (4) Records of unusual occurrences encountered during security patrols shall be maintained in a log. Such records shall be maintained for a period of three years. Records must be available for inspection by the Division.

(f) Tank Vessels, Barges and other Vessels Moored at the Terminal.

- (1) Vessel's crewmembers shall depart or arrive as prescribed in subsection (b)(1)(D) of Section 2436.
- (2) Arrival and departure routes for vessel's crewmembers must be posted or visually indicated to avoid their access to restricted areas within the terminal.

Authority: Sections 8755 and 8756, Public Resources Code.

Reference: Sections 8750, 8751, 8752, 8755 and 8756, Public Resources Code.

§2439. Key Control Systems and Locking Devices.

- (1) Locks, locking devices, and key control systems shall be inspected by the MTSO regularly and malfunctioning equipment repaired or replaced.
- (2) Chains used in conjunction with locks shall be permanently attached to fence posts or gates. Locks shall be of case hardened construction.
- (3) Access to keys including duplicate keys shall be restricted to those terminal personnel as determined by the MTSO.

Authority: Sections 8755 and 8756, Public Resources Code.

Reference: Sections 8750, 8751, 8752, 8755 and 8756, Public Resources Code.

§2440. Perimeter Fencing or Barriers.

- (a) Perimeter fences and other barriers shall be located and constructed so as to prevent the introduction of persons, dangerous substances or devices, and shall be of sufficient height and durability to deter unauthorized passage.
- (b) Fencing shall have barbed or razor wire tops and be constructed of 9 gauge or heavier wire and shall be no less than 8 feet or sufficient height and durability to deter unauthorized passage. The bottom of the fence shall be within 2 inches of the ground.
- (c) Areas adjacent to fences and barriers shall be cleared of vegetation and debris that could be used to breach them.

Authority: Sections 8755 and 8756, Public Resources Code.

Reference: Sections 8750, 8751, 8752, 8755 and 8756, Public Resources Code.

§2441. Lighting.

- (a) Security lighting shall provide a minimum illumination standard of one foot candle at one meter above the ground. Security lighting shall, at a minimum, illuminate access points to the terminal, the waterfront and dock areas.
- (b) Lighting control and switches shall be protected to prevent unauthorized access or tampering.

Authority: Sections 8755 and 8756, Public Resources Code.

Reference: Sections 8750, 8751, 8752, 8755 and 8756, Public Resources Code.

§2442. Warning Systems, Signals and Communications.

- (a) Warning Systems or Signals.

The terminal shall have a signal or system for warning terminal personnel of a security breach or incident.

(b) Communications.

In addition to the requirements of 2 CCR §2370, the terminal shall provide a means of communication for vessel's crews to contact terminal personnel.

Authority: Sections 8755 and 8756, Public Resources Code.

Reference: Sections 8750, 8751, 8752, 8755 and 8756, Public Resources Code.

§2443. Video and Electronic Surveillance.

The MTSO shall determine whether or where video or other electronic surveillance and detection systems can be used to augment or replace, as appropriate, the following:

- (a) Detection and warning of breaches of security at perimeter fences and barriers;
- (b) Roving security patrols;
- (c) Control of entry points to the terminal; and
- (d) Surveillance of waterfront areas.

Authority: Sections 8755 and 8756, Public Resources Code.

Reference: Sections 8750, 8751, 8752, 8755 and 8756, Public Resources Code.

§2444. Terminal Security Training and Security Awareness.

- (a) The MTSO shall develop a security training program for terminal security personnel and a security awareness program for all terminal employees.
- (b) The training program shall include initial and periodic refresher training.
- (c) Terminal security personnel shall complete security training programs established by the MTSO.
- (d) All terminal employees, contractors, vendors and visitors to the terminal shall undergo security training or security awareness training as deemed appropriate by the MTSO. The MTSO shall determine each individual's

training requirements from those prescribed in subsection (e) of this Section.

- (e) The security training program shall, at a minimum, include all of the provisions of Section 2433, Section 2436 and the following elements:
- (1) The terminal's policies, practices and procedures for implementing the security program;
 - (2) Coordination with local law enforcement agencies;
 - (3) Coordination with federal, state and other local agencies having jurisdiction;
 - (4) Procedures and duties for security personnel when a security signal is received;
 - (5) Procedures and duties of terminal employees when a security signal is received;
 - (6) Procedures for notifying all terminal personnel and vessel's crew when increased security threat levels are imposed by the U.S. Coast Guard Captain of the Port;
 - (7) Procedures and arrangements for elevating security in compliance with the U.S. Coast Guard Captain of the Port's directives;
 - (8) Procedures, actions and reporting of incidents involving breaches of security;
 - (9) Procedures for notifying the National Response Center and local agencies having jurisdiction;
 - (10) Communications, warning systems and signals operations;
 - (11) Terminal security drills and exercises which must include periodic drills for implementing elevated security levels;
 - (12) Awareness training for terminal employees to ensure that they have working knowledge of the terminal's security and emergency plans and procedures; and
 - (13) Awareness training for contractors, vendors and visitors to the terminal.

- (f) Security training must emphasize vigilance and security awareness of all terminal employees.
- (g) The training program shall be reviewed at least annually. The program should be updated to include lessons learned from any breach of security occurrences.
- (h) Security drills and exercises may be either specific to the marine terminal or as part of a cooperative program with vessel, port or local agencies' security plans. Drills and exercises must be conducted at intervals not exceeding twelve (12) months.

Authority: Sections 8755 and 8756, Public Resources Code.

Reference: Sections 8750, 8751, 8752, 8755 and 8756, Public Resources Code.

§2445. Marine Terminal Physical Security Plan: Approval Procedure.

- (a) The terminal operator must ensure completion of a Marine Terminal Physical Security Plan and notify the Division Chief of its completion in writing, within 90 days of the effective date of these regulations.
- (b) After the initial 90-day compliance period, the Division staff shall conduct an on-site inspection of the terminal's security arrangements to determine if the Marine Terminal Physical Security Plan meets the requirements of these regulations.
- (c) If the Marine Terminal Physical Security Plan meets the requirements of these regulations, the Division Chief shall approve the plan, in writing, within 30 days of the on-site inspection.
- (d) If the Marine Terminal Physical Security Plan does not meet the requirements of these regulations, the Division Chief shall notify the terminal operator, in writing, of any deficiencies within 30 days of the on-site inspection. Terminal operators shall correct any deficiencies within 30 days or a period agreed upon by the terminal operator and the Division Chief. When corrections have been made, the terminal operator shall notify the Division.
- (e) Upon receipt of such notification, the Division Chief shall, within 30 days, inspect and approve or disapprove the Marine Terminal Physical Security Plan as appropriate.
- (f) Terminal operators shall notify the Division Chief, of any proposed amendments to an approved Marine Terminal Physical Security Plan. Any

such proposed amendments shall be communicated to the Division Chief for approval at least 30 days prior to the date that changes are to be adopted. The Division Chief shall approve or disapprove proposed amendments, in writing, within 30 days of receipt as set forth in subsections (c) and (d) of this section.

- (g) (1) Any information or documents relating to security at any marine terminal, where the information or document is identified by the terminal operator as confidential or as containing proprietary information, shall be treated as confidential information by the State Lands Commission and its Staff.
- (2) For purposes of subsection (g)(1), a document shall be considered identified as confidential or as containing proprietary information only if the document is designated as confidential or as containing proprietary information in writing either on the document so identified or in an accompanying document signed by the terminal operator.

Authority: Sections 8755 and 8756, Public Resources Code.

Reference: Sections 8750, 8751, 8752, 8755 and 8756, Public Resources Code; Sections 6254.14 and 56255, Government Code.