

**STAFF REPORT  
C75**

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C2017037  
A. Nafday  
C. Beckwith  
D. Cook  
A. Abeleda

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**CONSIDER GRANTING AUTHORITY TO THE EXECUTIVE OFFICER TO EXECUTE  
AN INTERAGENCY AGREEMENT WITH THE CALIFORNIA POLYTECHNIC STATE  
UNIVERSITY AFFILIATED CAL POLY CORPORATION, SAN LUIS OBISPO, TO  
REVIEW AND REVISE SEISMIC DESIGN PROVISIONS IN THE MARINE OIL  
TERMINAL ENGINEERING AND MAINTENANCE STANDARDS**

**PARTIES:**

Cal Poly Corporation

**BACKGROUND:**

The Lempert-Keene-Seastrand Oil Spill Prevention and Response Act of 1990 requires the Commission to:

“...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 terminals within the state...(Public Resources Code section 8755 subdivision (a).)

and to

...periodically review and accordingly modify its rules, regulations, guidelines, and commission leasing policies to ensure that all operators of marine terminals within the state and marine facilities under the commission’s jurisdiction always provide the best achievable protection of the public health and safety, and the environment. (Public Resources Code section 8756.)”

The Commission’s Marine Environmental Protection Division developed Marine Oil Terminal Engineering and Maintenance Standards, known as MOTEMS, which are building standards (California Building Code, Chapter 31F - Marine Oil Terminals), that apply to all marine oil terminals in California. The MOTEMS, developed over a decade ago, establish minimum engineering, inspection, and maintenance criteria for marine oil terminals to protect public health, safety and

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the environment, and govern the upgrade and design of terminals to ensure better resistance to earthquakes and reduce the potential of oil spills.

Since becoming effective in 2006, MOTEMS have been updated consistent with the California Building Code triennial code adoption cycle. The updates are essential because engineering codes and standards must evolve to remain current, relevant, and meet the challenges of technological advances, methodological developments, and lessons learned during implementation. Now, staff is developing MOTEMS revisions for the 2019 California Building Code.

While MOTEMS has changed significantly since its inception, the seismic provisions for nonstructural components have not changed much. Additionally, staff believes that nonbuilding structures are inadequately covered. Staff is updating the MOTEMS seismic provisions to reflect the most current state-of-knowledge, improve organization, correct ambiguities and errors, and address difficulties encountered during implementation. The updates are based on input from the regulated community's engineering consultants, enforcement staff's feedback, and lessons learned in the previous 11 years. The seismic update requires a thorough understanding of seismic analytical theory and professional experience with an extensive background in research. Staff recommends that the Commission enlist professional expertise from the California Polytechnic State University, San Luis Obispo, through Cal Poly Corporation. The ensuing seismic updates will be peer reviewed and staff reviewed, and then incorporated into the 2019 MOTEMS revision.

### **PROPOSED ACTIVITY:**

The work involves revising language in the California Building Code to clearly delineate the requirements for seismic assessment of nonstructural components and nonbuilding structures. The revised language will address the following:

1. Provide a revised step-by-step procedure for rapid convergence of the substitute structure method based on the latest research, and replace the existing MOTEMS Section 3104F.2.3.2.2 with these updates.
2. Review current MOTEMS provisions for nonstructural components and nonbuilding structures and identify deficiencies, after comparison with other available peer procedures.
3. Conduct analytical research needed to develop seismic provisions appropriate to marine oil terminal structures.
4. Develop seismic design procedures for nonstructural components and nonbuilding structures.
5. Develop procedures for seismic assessment and design of anchors and supports for nonstructural components and nonbuilding structures.

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6. Revise Divisions 4, 8, 9, 10 and 11 in MOTEMS pertaining to seismic assessment and design (including anchors and support forces) of nonstructural components and nonbuilding structures.
7. Respond to public comments on the proposed changes.

**STAFF ANALYSIS AND RECOMMENDATION:**

**Authority:**

Public Resources Code section 6106;; State Contracting Manual (rev. 11/12).

**Public Trust and State's Best Interests Analysis:**

The recommended action, executing an Agreement to hire an outside organization with relevant professional expertise, is in the State's best interests because it allows the Commission to focus its staffing resources on its core program needs. Revising the California Building Code to clearly delineate the requirements for seismic assessment for nonstructural components and nonbuilding structures will not interfere with statewide Public Trust needs and will provide additional protections to Public Trust resources by helping reduce oil spills, and is, therefore, in the State's best interests.

**OTHER PERTINENT INFORMATION:**

1. Authorization to execute an agreement with the Cal Poly Corporation is not considered a project as defined by the California Environmental Quality Act (CEQA) because it is an administrative action that will not result in direct or indirect physical changes in the environment.

Authority: Public Resources Code section 21065 and California Code of Regulations, Title 14, section 15378, subdivision (c)(5).

2. The proposed action is consistent with Strategy 1.1 of the Commission's Strategic Plan, to deliver the highest levels of public health and safety in the protection, preservation and responsible economic use of the lands and resources under the Commission's jurisdiction; and Strategy 2.3, to align budget and policy initiatives and staff resources with the Commission and State priorities, including securing stable funding sources and resources to fulfill the Commission's mission and vision.
3. Cal Poly Corporation is an auxiliary organization to the California State University System and as such is exempt from competitive bidding requirements.

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4. The Agreement shall be consistent with state policies and procedures as specified in the State Administrative Manual and State Contract Manual. The Agreement is subject to sufficient funding available in the Commission's budget.

**RECOMMENDED ACTION:**

It is recommended that the Commission:

**PUBLIC TRUST AND STATE'S BEST INTERESTS:**

Find that the recommended action will not interfere with statewide Public Trust needs, will help protect Public Trust resources, and is in the best interests of the State.

**AUTHORIZATION:**

Authorize the Executive Officer or her designee to execute an Agreement with Cal Poly Corporation to perform the work described herein and in accordance with state policies and procedures.