

**STAFF REPORT
C102**

A Statewide

08/23/18
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**CONSIDER APPROVAL OF THE PROPOSED REPEAL OF CALIFORNIA CODE OF
REGULATIONS, TITLE 2, DIVISION 3, CHAPTER 1, ARTICLE 5.1 –
MARINE TERMINAL PHYSICAL SECURITY REGULATIONS**

PROPOSAL:

The Commission proposes to repeal all the provisions of California Code of Regulations, title 2, division 3, chapter 1, Article 5.1 (Article 5.1), which concern the physical security at California's marine oil terminals. Article 5.1 was subsumed by federal regulations and is no longer necessary. The United States Coast Guard (USCG) now regulates all aspects of the physical security at U.S. marine oil terminals.

BACKGROUND:

Article 5.1 was promulgated after the tragic terrorist attacks on the United States on September 11, 2001. Article 5.1 was adopted to bolster physical security at California's marine oil terminals, an issue not adequately addressed by federal regulations at that time. Article 5.1 first became effective in early 2002 as emergency regulations and was permanently adopted in February 2003. The regulations addressed the need for verification of physical security at all marine oil terminals in California.

Since its promulgation, staff found that Article 5.1 was limited in its effectiveness because it concerned only marine oil terminal structures, consistent with the Commission's jurisdiction. Physical security implicates the vessels that call upon the terminals along with the pipelines, refineries, vendors, and personnel that enter upon each marine oil terminal. The Commission does not have jurisdiction over most of the appurtenant non-marine oil terminal aspects. However, federal regulations passed since 2003 (title 33 Code of Federal Regulations (CFR), Subchapter H) are much broader and incorporate physical security over ships and barges berthed at marine terminals in addition to the terminal facilities, staff, and visitors. Federal regulations concerning marine oil terminal physical security are adequately enforced by the USCG within the U.S. Department of Homeland Security.

After a review of Commission regulations, in accordance with Public Resources code section 8756, staff determined that the Article 5.1

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regulations were subsumed by the federal Maritime Transportation Security Act of 2002 (MTSA 2002), which is implemented by 33 CFR Subchapter H – Maritime Security. Jurisdiction over marine oil terminal security is under the auspices of the USCG, making the Commission's security provisions in Article 5.1 unnecessary and far less comprehensive due to the more limited jurisdiction of the Commission. Staff now seek repeal of Article 5.1 to eliminate redundant and non-operable regulations and improve clarity for the regulated community.

Pursuant to a Memorandum of Understanding with the USCG, staff will continue to monitor marine terminal compliance with federal regulations and report violations or deficiencies accordingly.

SUMMARY OF NOTIFICATION AND RULEMAKING PROCESS:

The proposed repeal of the regulations was published in the California Regulatory Notice Register (File No. Z2018-0326-03) on April 6, 2018. A link to all rulemaking documents was posted on the Commission's website, and the Notice of Proposed Rulemaking was mailed to all stakeholders on the Commission's Oil Spill Prevention Regulations mailing list.

The public comment period for the proposed regulations spanned 45 days from April 6, 2018, through May 21, 2018. A public hearing was not scheduled nor requested by the public. Commission staff did not receive any comments during the public comment period and no alternatives to the proposed regulations were suggested by the public.

The repeal of the regulations is intended to become effective on October 1, 2018.

STAFF ANALYSIS AND RECOMMENDATION:

Authority:

Public Resources Code sections 8755 and 8756

Public Trust and State's Best Interests Analysis:

The proposed regulations will further the interests of the Public Trust by providing greater protection to Public Trust resources. By repealing Article 5.1, the Commission is reducing redundancy between state and federal regulations which will reduce confusion among marine oil terminal operators regarding terminal physical security. The repeal will also enhance the efficiency of Commission staff by eliminating duties that are duplicative with federal agency staff. This will allow staff to focus on its core role of oil spill prevention at marine oil terminals. The repeal will provide clarity that is consistent with the provision of Public Resources Code section 8756, which requires periodic review of the Commission's regulations.

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OTHER PERTINENT INFORMATION:

1. Staff recommends that the Commission find that this activity is exempt from the requirements of the California Environmental Quality Act (CEQA) as a categorically exempt project. The project is exempt under Class 8, Actions by Regulatory Agencies for Protection of the Environment; California Code of Regulations, title 14, section 15308.

Authority: Public Resources Code section 21084 and California Code of Regulations, title 14, section 15300.

2. This action is consistent with Strategic Goal 1, Key Action 1.1.2 of the Commission's Strategic Plan. This Key Action calls for staff to review existing safety standards and regulations for continued relevance and use the public rulemaking processes to amend or adopt new regulations to enforce lease compliance and promote environmental protection and public health and safety, while reducing unnecessary bureaucracy.
3. The proposed regulatory action is not considered a "major regulation" as defined by California Department of Finance in California Code of Regulations, title 1, section 2000, subdivision (g).

EXHIBIT:

- A. Text of the proposed regulations to be repealed

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that the activity is exempt from the requirements of CEQA pursuant to California Code of Regulations, title 14, section 15061 as a categorically exempt project, Class 8, Actions by Regulatory Agencies for Protection of the Environment; California Code of Regulations, title 14, section 15308.

PUBLIC TRUST AND STATE'S BEST INTERESTS:

Find that adoption of the proposed regulations, or regulations substantially in the same form, will not substantially interfere with Public Trust needs and values at this time, is consistent with the common law Public Trust Doctrine, and is in the best interests of the State.

AUTHORIZATION:

1. Find that no alternatives would be more effective in carrying out the purposes for which the regulations are proposed, or would be as effective as and less burdensome, or would more greatly lessen any adverse economic impact on small businesses or affected private persons, than the proposed regulations.

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2. Adopt the repeal in full of section 2430 et seq. of the California Code of Regulations, title 2, division 3, chapter 1, Article 5.1 substantially in the form of that set forth in Exhibit A.
3. Authorize staff to make minor, non-substantive modifications to the proposed regulations and supporting rulemaking documents in response to recommendations by the Office of Administrative Law.
4. Authorize staff to take whatever action is necessary and appropriate to comply with provisions of the Government Code regarding the lawful repeal of Article 5.1.
5. Authorize staff to take whatever action is necessary and appropriate to implement the repeal of the regulations at such time as the repeal becomes effective.

**TITLE 2. ADMINISTRATION
DIVISION 3. STATE PROPERTY OPERATIONS
CHAPTER 1. STATE LANDS COMMISSION**

~~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 Oceangate, Suite 900, Long Beach, California 90802-4335, telephone (562) 499-6312.~~

~~Authority cited: 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 cited: 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 cited: Sections 8755 and 8756, Public Resources Code.~~

~~Reference: Sections 8750, 8751, 8755, 8756 and 8757, Public Resources Code; and Section 25270.2, Health and Safety 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 cited: 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 cited: 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 cited: 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 cited: 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 cited: 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 cited: 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 cited: 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 cited: 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 cited: 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 cited: 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 cited: Sections 8755 and 8756, Public Resources Code.~~

~~Reference: Sections 8750, 8751, 8752, 8755 and 8756, Public Resources Code;
Sections 6254.15 and 15376, Government Code.~~