



**THE 2019 CALIFORNIA BUILDING CODE
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 2
CHAPTER 31F – MARINE OIL TERMINALS
CHAPTER 35 – REFERENCED STANDARDS**

COMMENTS RECEIVED DURING

**15 – DAY COMMENT PERIOD
AUGUST 17, 2018 TO SEPTEMBER 4, 2018**

Gutierrez, Maria@SLC

From: Roy.Mathur@shell.com
Sent: Thursday, August 16, 2018 5:16 PM
To: MEPDRegulations, CSLC@SLC
Subject: RE: UPDATED - Notice of 15-Day Public Comment Period - August 17, 2018 to September 4, 2018

Bet you got this too.

At first glance, the lighting at transfer points should be [5 foot-candles](#) – [don't we already have this. Critical Systems](#) – some changes have been made.

Roy.

From: MEPDRegulations, CSLC@SLC <CSLC.MEPDRegulations@slc.ca.gov>
Sent: Thursday, August 16, 2018 4:54 PM
Cc: Varma, Ravi@SLC <Ravi.Varma@slc.ca.gov>
Subject: UPDATED - Notice of 15-Day Public Comment Period - August 17, 2018 to September 4, 2018

Please disregard the previous e-mail as the 15-Day NOPA had some date errors, use this e-mail as a replacement, thank you!

Dear Interested Parties:

The California State Lands Commission, Marine Environmental Protection Division (Commission) is providing notice of 15 – day public review and comment period of modified text to the Title 24, California Code of Regulations, Chapter 31 F – Marine Oil Terminals Engineering and Maintenance Standards. The modified text is in response to comments received during the initial 45 – day comment period.

The **15-Day Notice of Proposed Action** and the **15-Day Express Terms** are attached to this electronic mail. All rulemaking documents; Initial Statement of Reasons, Express Terms, and the Studies Relied Upon on this regulatory action are posted on the Commission's website for review and comment at: <http://www.slc.ca.gov/Laws-Regs/MOTEMS.html>. If you would like to receive a hard copy of these documents, please contact Commission staff at (562) 499-6400.

In accordance with the Administrative Procedure Act, the Commission is required to hold a minimum 15-day period for receiving comments on modified express terms from interested parties and the public. Any interested person, or authorized representative, may submit written comments relevant to the proposed regulatory action. These comments must be submitted to the Commission prior to the close of the comment period at 5:00 p.m. on Tuesday, September 4, 2018. Written comments may be submitted by one of the three methods shown below:

U.S. Mail:

California State Lands Commission
Marine Environmental Protection Division
200 Oceangate, Suite 900
Long Beach, CA 90802-4335
Attention: Ravindra Varma

FAX: (562) 499-6444

E-Mail: CSLC.MEPDRegulations@slc.ca.gov

Please include "**Title 24, Chapter 31F Comments**" in the subject line of the email.

Gutierrez, Maria@SLC

From: Gandhi, Mukesh <Mukesh.Gandhi@valero.com>
Sent: Monday, August 20, 2018 2:01 PM
To: MEPDRegulations, CSLC@SLC
Subject: Title 24, Chapter 31F Comments

Dear Sir/Madam:

- These changes, as written, will greatly expand the scope of the illumination requirements, including enforcing minimum lighting levels aboard barges that call on our terminal. In addition, barges will have to be included in the MOTEMS illumination survey of the terminal, since an illumination measurement is required by Item 11.6 for all areas covered in Item 11.5. Not only does this represent significant logistical challenges during a MOTEMS audit (timing the audit so that a vessel is present, getting access to the vessel to take measurements with light meters that are not intrinsically safe, etc.) , some believe that this is jurisdictional overreach by State Lands and may not be appropriate.
- In addition, the new language greatly expands the areas where minimum illumination levels will be enforced, including access routes, boat landings, emergency escape routes, and lighting in the water surrounding the terminal, etc. These requirements go beyond what is required by the USCG, may be expensive to implement (if additional lighting is required), it is felt by industry that they do not increase safety at the terminal.
- 11.6 tries to force you to subtract out the difference between terminal lighting and ambient lighting, which is again beyond USCG requirements and increases the likelihood of you needing to add lighting at your terminal.
- 11.7 requires that lighting be on an emergency power system. Although this applies to New terminals only, it could be used against you if you do significant upgrades to your existing terminal.

Best Regards,
Mukesh Gandhi
Sr. Staff Project Engineer
Valero Wilmington Refinery
562-491-7250 Office

Best Regards,
Mukesh Gandhi
562-491-7250 Office
562-405-4918 Cell

Gutierrez, Maria@SLC

From: Gandhi, Mukesh <Mukesh.Gandhi@valero.com>
Sent: Monday, August 20, 2018 2:11 PM
To: MEPDRegulations, CSLC@SLC
Subject: Recall: Title 24, Chapter 31F Comments

Gandhi, Mukesh would like to recall the message, "Title 24, Chapter 31F Comments".

Gutierrez, Maria@SLC

From: Gandhi, Mukesh <Mukesh.Gandhi@valero.com>
Sent: Monday, August 20, 2018 2:12 PM
To: MEPDRegulations, CSLC@SLC
Subject: Title 24, Chapter 31F Comments

Dear Sir/Madam:

- These changes, as written, will greatly expand the scope of the illumination requirements, including enforcing minimum lighting levels aboard barges that call on our terminal. In addition, barges will have to be included in the MOTEMS illumination survey of the terminal, since an illumination measurement is required by Item 11.6 for all areas covered in Item 11.5. Not only does this represent significant logistical challenges during a MOTEMS audit (timing the audit so that a vessel is present, getting access to the vessel to take measurements with light meters that are not intrinsically safe, etc.) , some believe that this is jurisdictional overreach by State Lands and may not be appropriate.
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Valero Wilmington Refinery
562-491-7250 Office

Gutierrez, Maria@SLC

From: Percher, Marc <mpercher@moffattnichol.com>
Sent: Monday, August 20, 2018 2:21 PM
To: MEPDRegulations, CSLC@SLC
Cc: Varma, Ravi@SLC; Flowers, Maxwell@SLC; Gutierrez, Maria@SLC
Subject: RE: - Notice of 15-Day Public Comment Period - August 17, 2018 to September 4, 2018

To whom it may concern,
Is there any documentation of the response to comments previously provided to CSLC. If so could you please provide it as there were many comments from M&N that were not addressed.

Thank you for your time,
Marc

Marc Percher, P.E.

Moffatt & Nichol
2185 N. California Blvd. Suite 500
Walnut Creek, CA 94596
Phone: 925-944-5411 WC Office, 925-956-4930 Direct
Fax: 925-944-4732
Email: mpercher@moffattnichol.com

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Subject: FW: - Notice of 15-Day Public Comment Period - August 17, 2018 to September 4, 2018

Attention Interested Parties:

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The required 15-Day Notice, with changes clearly indicated, was made available to all interested parties including you. This e-mail complies with Government Code Section 11346.8(c).

We look forward in receiving any comments you may have in this 15-Day Public Comment Period, which will end on September 4, 2018.

Best Regards,

California State Lands Commission
Marine Environmental Protection Division
200 OceanGate, Suite 900

Long Beach, CA 90802
(562) 499-6400

From: MEPDRegulations, CSLC@SLC
Sent: Thursday, August 16, 2018 4:55 PM
Cc: Flowers, Maxwell@SLC <Maxwell.Flowers@slc.ca.gov>
Subject: Notice of 15-Day Public Comment Period - August 17, 2018 to September 4, 2018

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U.S. Mail:

California State Lands Commission
Marine Environmental Protection Division
200 Oceangate, Suite 900
Long Beach, CA 90802-4335
Attention: Ravindra Varma

FAX: (562) 499-6444

E-Mail: CSLC.MEPDRegulations@slc.ca.gov

Please include “**Title 24, Chapter 31F Comments**” in the subject line of the email.

Gutierrez, Maria@SLC

From: Varma, Ravi@SLC
Sent: Monday, August 20, 2018 3:30 PM
To: Percher, Marc
Cc: MEPDRegulations, CSLC@SLC
Subject: RE: - Notice of 15-Day Public Comment Period - August 17, 2018 to September 4, 2018

Dear Mr. Percher,

Thank you for your e mail. The California State Lands Commission has modified the Express Terms and provided the 15-day notice for modified express terms. The responses to all public comments identified in each of the electronic correspondence / letters, both in the 45-day and 15-day comment periods, will be addressed in the Final Statement of Reasons per Government code Sections 11346.9(a)(3) and 11346.8(c). The Final Statement of Reasons will be posted at the website of the Commission before final adoption, by the California Buildings Standards Commission.

Thank you,

Ravindra Varma
California State Lands Commission
200 Oceangate, Suite 900
Long Beach, CA 90802
Tel: (562) 499 6369

From: Percher, Marc <mpercher@moffattnichol.com>
Sent: Monday, August 20, 2018 2:21 PM
To: MEPDRegulations, CSLC@SLC <CSLC.MEPDRegulations@slc.ca.gov>
Cc: Varma, Ravi@SLC <Ravi.Varma@slc.ca.gov>; Flowers, Maxwell@SLC <Maxwell.Flowers@slc.ca.gov>; Gutierrez, Maria@SLC <Maria.Gutierrez@slc.ca.gov>
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FAX: (562) 499-6444

E-Mail: CSLC.MEPDRegulations@slc.ca.gov

Please include "**Title 24, Chapter 31F Comments**" in the subject line of the email.

Gutierrez, Maria@SLC

From: Percher, Marc <mpercher@moffattnichol.com>
Sent: Monday, August 20, 2018 3:33 PM
To: Varma, Ravi@SLC
Cc: MEPDRegulations, CSLC@SLC; Martinez-Maruri, Monica; Srivastava, Siddharth
Subject: RE: - Notice of 15-Day Public Comment Period - August 17, 2018 to September 4, 2018

Ravindra,

Thank you for this information. It is evident that some comments provided to CSLC did not appear to be addressed in the 15-day notice modified express terms. Should we assume that those comments have been rejected?

Thanks,
Marc

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Please include "**Title 24, Chapter 31F Comments**" in the subject line of the email.

Gutierrez, Maria@SLC

From: Gandhi, Mukesh <Mukesh.Gandhi@valero.com>
Sent: Monday, August 20, 2018 3:47 PM
To: MEPDRegulations, CSLC@SLC
Subject: Recall: Title 24, Chapter 31F Comments

Gandhi, Mukesh would like to recall the message, "Title 24, Chapter 31F Comments".

Gutierrez, Maria@SLC

From: Varma, Ravi@SLC
Sent: Tuesday, August 21, 2018 11:38 AM
To: Percher, Marc
Cc: MEPDRegulations, CSLC@SLC
Subject: RE: - Notice of 15-Day Public Comment Period - August 17, 2018 to September 4, 2018

Dear Mr. Percher,

I acknowledge your electronic communication of August 20, 2018 of 3:33 p.m.

In response, I respectfully draw your attention to my electronic communication of 3:30 p.m. dated August 20, 2018.

Sincerely,

Ravi Varma

*Captain Ravindra Varma, MNI
Planning Branch
Marine Environmental Protection Division
California State Lands Commission
200 OceanGate, Suite 900
Long Beach, CA 90802
Tel: (562) 499-6369*

From: Percher, Marc <mpercher@moffattnichol.com>
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To: Varma, Ravi@SLC <Ravi.Varma@slc.ca.gov>
Cc: MEPDRegulations, CSLC@SLC <CSLC.MEPDRegulations@slc.ca.gov>; Martinez-Maruri, Monica <mmaruri@moffattnichol.com>; Srivastava, Siddharth <ssrivastava@moffattnichol.com>
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Ravindra,

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Ravi,
Thanks, much appreciated.

Best regards,
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From: Varma, Ravi@SLC <Ravi.Varma@slc.ca.gov>
Sent: Tuesday, August 21, 2018 11:38 AM
To: Percher, Marc <mpercher@moffattnichol.com>
Cc: MEPDRegulations, CSLC@SLC <CSLC.MEPDRegulations@slc.ca.gov>
Subject: RE: - Notice of 15-Day Public Comment Period - August 17, 2018 to September 4, 2018

Dear Mr. Percher,

I acknowledge your electronic communication of August 20, 2018 of 3:33 p.m.

In response, I respectfully draw your attention to my electronic communication of 3:30 p.m. dated August 20, 2018.

Sincerely,

Ravi Varma

*Captain Ravindra Varma, MNI
Planning Branch
Marine Environmental Protection Division
California State Lands Commission
200 Ocean Gate, Suite 900
Long Beach, CA 90802
Tel: (562) 499-6369*

From: Percher, Marc <mpercher@moffattnichol.com>
Sent: Monday, August 20, 2018 3:33 PM
To: Varma, Ravi@SLC <Ravi.Varma@slc.ca.gov>
Cc: MEPDRegulations, CSLC@SLC <CSLC.MEPDRegulations@slc.ca.gov>; Martinez-Maruri, Monica <mmaruri@moffattnichol.com>; Srivastava, Siddharth <ssrivastava@moffattnichol.com>
Subject: RE: - Notice of 15-Day Public Comment Period - August 17, 2018 to September 4, 2018

Ravindra,

Thank you for this information. It is evident that some comments provided to CSLC did not appear to be addressed in the 15-day notice modified express terms. Should we assume that those comments have been rejected?

Thanks,
Marc

From: Varma, Ravi@SLC <Ravi.Varma@slc.ca.gov>
Sent: Monday, August 20, 2018 3:30 PM
To: Percher, Marc <mpercher@moffattnichol.com>
Cc: MEPDRegulations, CSLC@SLC <CSLC.MEPDRegulations@slc.ca.gov>
Subject: RE: - Notice of 15-Day Public Comment Period - August 17, 2018 to September 4, 2018

Dear Mr. Percher,

Thank you for your e mail. The California State Lands Commission has modified the Express Terms and provided the 15-day notice for modified express terms. The responses to all public comments identified in each of the electronic correspondence / letters, both in the 45-day and 15-day comment periods, will be addressed in the Final Statement of Reasons per Government code Sections 11346.9(a)(3) and 11346.8(c). The Final Statement of Reasons will be posted at the website of the Commission before final adoption, by the California Buildings Standards Commission.

Thank you,

Ravindra Varma
California State Lands Commission
200 Ocean Gate, Suite 900
Long Beach, CA 90802
Tel: (562) 499 6369

From: Percher, Marc <mpercher@moffattnichol.com>
Sent: Monday, August 20, 2018 2:21 PM
To: MEPDRegulations, CSLC@SLC <CSLC.MEPDRegulations@slc.ca.gov>
Cc: Varma, Ravi@SLC <Ravi.Varma@slc.ca.gov>; Flowers, Maxwell@SLC <Maxwell.Flowers@slc.ca.gov>; Gutierrez, Maria@SLC <Maria.Gutierrez@slc.ca.gov>
Subject: RE: - Notice of 15-Day Public Comment Period - August 17, 2018 to September 4, 2018

To whom it may concern,

Is there any documentation of the response to comments previously provided to CSLC. If so could you please provide it as there were many comments from M&N that were not addressed.

Thank you for your time,
Marc

Marc Percher, P.E.

Moffatt & Nichol

2185 N. California Blvd. Suite 500
Walnut Creek, CA 94596
Phone: 925-944-5411 WC Office, 925-956-4930 Direct
Fax: 925-944-4732
Email: mpercher@moffattnichol.com

From: MEPDRegulations, CSLC@SLC <CSLC.MEPDRegulations@slc.ca.gov>
Sent: Monday, August 20, 2018 7:54 AM
Cc: Varma, Ravi@SLC <Ravi.Varma@slc.ca.gov>; Flowers, Maxwell@SLC <Maxwell.Flowers@slc.ca.gov>; Gutierrez, Maria@SLC <Maria.Gutierrez@slc.ca.gov>
Subject: FW: - Notice of 15-Day Public Comment Period - August 17, 2018 to September 4, 2018

Attention Interested Parties:

On Thursday (August 16, 2018) evening the e-mail below was sent out to notify you of the commencement of the “15-Day Public Comment Period”. Unfortunately, your e-mail was undeliverable. We are re-sending this notice to you for your review. Please ensure that your e-mail address is up to date by going to our website: http://www.slc.ca.gov/Misc_Pages/Subscribe/Subscribe.html and selecting “Regulations” – “Marine Oil Terminals”.

The required 15-Day Notice, with changes clearly indicated, was made available to all interested parties including you. This e-mail complies with Government Code Section 11346.8(c).

We look forward in receiving any comments you may have in this 15-Day Public Comment Period, which will end on September 4, 2018.

Best Regards,

California State Lands Commission
Marine Environmental Protection Division
200 OceanGate, Suite 900
Long Beach, CA 90802
(562) 499-6400

From: MEPDRegulations, CSLC@SLC
Sent: Thursday, August 16, 2018 4:55 PM
Cc: Flowers, Maxwell@SLC <Maxwell.Flowers@slc.ca.gov>
Subject: Notice of 15-Day Public Comment Period - August 17, 2018 to September 4, 2018

Dear Interested Parties:

The California State Lands Commission, Marine Environmental Protection Division (Commission) is providing notice of 15 – day public review and comment period of modified text to the Title 24, California Code of Regulations, Chapter 31 F – Marine Oil Terminals Engineering and Maintenance Standards. The modified text is in response to comments received during the initial 45 – day comment period.

The **15-Day Notice of Proposed Action** and the **15-Day Express Terms** are attached to this electronic mail. All rulemaking documents; Initial Statement of Reasons, Express Terms, and the Studies Relied Upon on this regulatory action are posted on the Commission’s website for review and comment at: <http://www.slc.ca.gov/Laws-Regs/MOTEMS.html>. If you would like to receive a hard copy of these documents, please contact Commission staff at (562) 499-6400.

In accordance with the Administrative Procedure Act, the Commission is required to hold a minimum 15-day period for receiving comments on modified express terms from interested parties and the public. Any interested person, or authorized representative, may submit written comments relevant to the proposed regulatory action. These comments

must be submitted to the Commission prior to the close of the comment period at 5:00 p.m. on Tuesday, September 4, 2018. Written comments may be submitted by one of the three methods shown below:

U.S. Mail:

California State Lands Commission
Marine Environmental Protection Division
200 Oceangate, Suite 900
Long Beach, CA 90802-4335
Attention: Ravindra Varma

FAX: (562) 499-6444

E-Mail: CSLC.MEPDRegulations@slc.ca.gov

Please include "**Title 24, Chapter 31F Comments**" in the subject line of the email.

Gutierrez, Maria@SLC

From: Marcie Miller <marciesmiller@sbcglobal.net>
Sent: Wednesday, August 22, 2018 3:50 PM
To: CSLC CommissionMeetings
Cc: MEPDRegulations, CSLC@SLC; Varma, Ravi@SLC; Flowers, Maxwell@SLC; Nafday, Avinash@SLC; Dobroski, Nicole@SLC; Beckwith, Chris@SLC; Fabel, Joseph@SLC; Vogel, Dennis@SLC
Subject: LETTER TO SLC MEETING 8/22/18: RANCHO LPG - LEST WE FORGET

August 22, 2018

State Lands Commissioners Betty Yee, Gavin Newsom, and Michael Cohen.

Remembrance parks are built to honor places where tragic loss of life occurs. The original structures, mangled debris fields of death and destruction, are removed; bodies and body parts burned beyond recognition are put to rest; a new empty space takes form to memorialize the unthinkable tragedy - Hiroshima, Nagasaki, the Twin Towers. A carefully pruned gathering spot now stands as a reminder, lest we forget - war is bad, terrorism must be prevented.

I write this letter to spotlight State Lands Commission failure to proactively protect public lands from predictable calamity. After the entirely preventable Rancho LPG bulk storage tank failure, bleve, and mass death and destruction caused by the failure to protect this community, the Rancho site will never hold ultra-flammable hazardous chemicals again. Fast forward just a few years or a decade or more and imagine what the Rancho site might look like instead. It will be an extension of *Field of Dreams* created from the ashes of stupidity, greed, political indecency. It will welcome voyagers from around the world and their visits will be fuel for endless teachable moments - we must not let reckless greed threaten our world when all the science predicts impending doom.

Wouldn't it be ideal if we could skip the apocalypse and just create the public space? How many lives could be saved before time and luck runs out? Federal, State and City of Los Angeles lawmakers and agencies, are playing a dangerous game about Rancho LPG on our doorsteps, just as they did about tobacco. The oil and gas industry is as powerful and unscrupulous as the greedy tobacco lobby, deliberately falsifying scientific evidence of it's products intention to kill.

We know that a major seismic event will likely topple the antiquated LPG bulk storage tanks at 2110 North Gaffey Street; that the vaporous fires will be too hot to extinguish; that sands in the landslide zone under the tanks will give way; that ignition sources are everywhere - the aging network of underground pipelines, car engines, electric appliances and tools, a simple cigarette. Imagine the flames igniting vapor clouds, sparking car and truck fires, the thunderous explosions that one lit flicker, can and will ignite from the spark of a train wheel along the steel tracks at Rancho's doorstep.

Why build new homes and new streets and new schools to accommodate new residents when we ALL know those tanks will blow, igniting every other flammable hazard in its vaporous path.

It makes it perfectly clear that one terrorist with a bomb or a bomber on a mission is just as dangerous as lawmakers choosing to look the other way. State Lands Commissioners, history will not view your inaction kindly, With the stroke of a pen you can alter our fate, save us from the predictable future we face. You can do the right thing but only if you have the integrity to demand so.

Sickened,

Marcie Miller
(310) 483-3767

Gutierrez, Maria@SLC

From: Gayle S. Johnson <gsjohnson@sgh.com>
Sent: Tuesday, August 28, 2018 10:27 AM
To: MEPDRegulations, CSLC@SLC
Subject: Title 24, Chapter 31F Comments (15-Day Express Terms)
Attachments: G Johnson Comments to 2018 MOTEMS 15-Day Express Terms - submitted 8-28-....docx

Attached are my comments to the 15-Day Express Terms. Please contact me with any questions.

Gayle S. Johnson, P.E. (CA, AK, MA, OR, WA)

Senior Principal

SIMPSON GUMPERTZ & HEGER

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15-Day Express Terms
For
Proposed Building Standards
of the California State Lands Commission

Regarding Proposed Changes to
The 2019 California Building Code,
California Code of Regulations, Title 24, Part 2,

Chapter 31F – Marine Oil Terminals
Chapter 35 – Referenced Standards

Comments Submitted by:

Gayle S. Johnson, P.E.
Senior Principal
Simpson Gumpertz & Heger Inc.
500 12th Street, Suite 270
Oakland, CA 94607

e-mail: GSJohnson@SGH.com
phone: 510.457.4448

Comments on New Changes Presented in the 15-Day Express Terms

Item	Description	Comment
4.21 And 4.21a	<p>4.21. <u>3104F.5.2 Seismic assessment. For existing (E) nonstructural components, nonbuilding structures and building structures and their supports and attachments, seismic assessment shall be performed in accordance with CalARP [4.8] or ASCE Guidelines [4.9], except for piping/pipelines which shall be evaluated per Section 3109F. If seismic evaluation and/or strengthening are required, it seismic evaluation and strengthening shall be performed in accordance with Section 3104F.5.2.1, this section.</u></p> <p>4.21a. <u>3104F.5.2.1 Seismic evaluation, strengthening and design. For evaluation, strengthening and design of nonstructural components, nonbuilding structures and building structures, seismic forces (demands) shall be obtained from Section 3104F.5. The seismic adequacy of nonstructural components shall be demonstrated as specified in ASCE/SEI 7 [4.1]. Structures shall be analyzed in accordance with Section 3107F.5. Supports and attachments shall be assessed in accordance with Sections 3107F.7.</u></p> <p><u>My suggested wording:</u></p> <p>3104F.5.2 Seismic evaluation, strengthening, and design. For existing (E) nonstructural components, nonbuilding structures and their supports and attachments, seismic evaluation, strengthening, and design shall be performed in accordance with CalARP [4.8] or ASCE Guidelines [4.9], except for piping/pipelines, which shall be evaluated per Section 3109F.</p>	<p>The addition of 4.21a, as you’ve written it, now conflicts with 4.21. “Seismic evaluation” is the same thing as “Seismic assessment”. Thus, in your new paragraph, you require that “evaluation” be done using ASCE 7, while above you refer to CalARP for “assessment”. ASCE 7 is written for new design and is <u>totally inappropriate</u> for existing components.</p> <p>I’m assuming the intent was that if you strengthen something, you use ASCE 7. However, the second sentence in the new section says “The seismic adequacy of nonstructural components shall be demonstrated as specified in ASCE/SEI 7”.</p> <p>Also, in the first paragraph of 4.21, you’ve added “If seismic evaluation and/or strengthening are required, it ...”</p> <p>With the above phrasing, the use of ASCE 7 now becomes mandatory for evaluation, and not just when strengthening is required. And you’ve created a conflict within your new wording.</p> <p>You may not be aware that Section 8.0 of the CalARP seismic document addresses “Strengthening Criteria”. Similarly, Chapter 10 of the ASCE Guidelines addresses “Retrofit Design”. Those document sections were both written to be more appropriate for existing facilities.</p> <p>Your reference to ASCE 7 is unnecessary, and is definitely not an improvement.</p> <p>I suggest you simply refer to the CalARP document or ASCE Guidelines for both assessment and strengthening instead of the contradictory changes you’ve proposed. I suggest you use my wording to the left, which is much simpler and achieves your intent.</p>

Previous Comments Ignored in the 15-Day Express Terms

I appreciate that your changes addressed most of my most important comments that I have previously made. However, 3 of my comments were ignored, and I think they are important, as I'm suggesting rejection of some poorly worded changes that were entirely unnecessary. I'm guessing they probably could be considered as minor and "non-substantive" by looking at your 15 day terms. Please take a look at these, as I haven't seen any reason why they were rejected. If necessary, please consider this as an "appeal" to your rejection of these comments.

Item	Description	Comment
2.1	<p>2.1. 3102F.1.5 Baseline assessment. ...</p> <p><i>All fire, piping, mechanical and electrical systems shall be documented as to location, capacity, operating limits and physical conditions in the equipment layout diagram(s).</i></p>	<p>Facilities maintain the type of information listed in various formats, such as P&IDs, one line diagrams, condition assessment reports, etc. These are <u>not</u> the same as equipment layout diagram(s). The suggested change really serves no useful purpose and is overly specific and inappropriate. I suggest the addition be rejected entirely.</p>
8.4	<p>3108F.7 Fire Critical systems seismic assessment (N/E). <i>Fire detection and protection systems, and emergency shutdown systems shall have a seismic assessment per Section 3104F.5.6. For strength evaluation of supports and attachments, see Section 3107F.7.</i></p> <p><i>For firewater piping and pipeline systems, see Section 3109F.7. For anchors and supports, see Section 3109F.4.</i></p> <p><i>For equipment anchorages and supports, see Section 3110F.8.</i></p>	<p>The proposed change makes the seismic assessment applicable to <u>all</u> fire systems, not just critical systems.</p> <p>The ISOR claims this is simply a consolidation of provisions and the changes are non-substantive. I disagree with this contention.</p> <p>Terminals may have fire systems, or portions of fire systems that are not relevant to the marine oil terminal that is under MOTEMS jurisdiction, or to a relatively unimportant part of the terminal with no oil spill or life safety concerns. Those should not be added to the scope due to this "catch-all" change.</p> <p>I suggest you remove the proposed change of the first word from "Critical" to "Fire".</p>
10.7	<p>3110F.121 Mechanical and electrical equipment Critical systems seismic assessment (N/E). <i>Critical m Mechanical and electrical equipment related to personnel safety, oil spill prevention or response, shall have a seismic assessment per Section 3104F.5-3. For strength evaluation of equipment anchorages and supports and attachments, see Section 3107F.7-3110F.8.</i></p>	<p>As proposed, the changes to this provision now make it a requirement to perform a seismic assessment of <u>all</u> mechanical and electrical equipment, not just critical systems. This is a huge change, not necessary, and is probably not the intent. I suggest you remove the strikethrough of "related to personnel safety, oil spill prevention or response". Alternatively, add words such as "Where applicable" before the first sentence.</p>

Gutierrez, Maria@SLC

From: Jim Kearney <jwk@cowi.com>
Sent: Wednesday, August 29, 2018 3:16 PM
To: MEPDRegulations, CSLC@SLC
Subject: 15-Day Express Terms - MOTEMS
Attachments: 15 Day ET CSLC COWI 8-28-18 Response - MOTEMS 2019.pdf

I am submitting, attached, comments to the 15-Day Express Terms for the proposed amendments to MOTEMS from COWI North America.

Best regards,

Jim Kearney, P.E.
Project Manager/Senior Engineer
COWI Marine

COWI

COWI North America, Inc.
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Oakland, CA 94612
United States

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The following are COWI North America, Inc. comments on the

**15-DAY EXPRESS TERMS
FOR
PROPOSED BUILDING STANDARDS
OF THE
CALIFORNIA STATE LANDS COMMISSION**

**REGARDING PROPOSED CHANGES TO
THE 2019 CALIFORNIA BUILDING CODE,
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 2**

**CHAPTER 31F – MARINE OIL TERMINALS
CHAPTER 35 – REFERENCED STANDARDS**

These comments have been compiled from COWI North America, INC. engineers:

Jim Kearney, P.E.

Bernardo Waisman, P.E.

Wen Ho Lin, PhD, P.E.

Andres Espinoza PhD, P.E.

Submitted by Jim Kearney, P.E.

Contact at:

1300 Clay Street, 7th Floor

Oakland, CA 94612

jwk@cowi.com

(510)267-7170

CSLC Item Number and MOTEMS Section	Comments	By	15-Day Review Comment
	We are repeating some comments made in the 45-day review period for express terms to which SLC had not response.		
<p>3.15 3103F.5.2.2.2</p>	<p>3.15. 3103F.5.2.2.2 Survival condition. <i>The survival condition is defined as the state wherein a vessel can remain safely moored at the berth during severe winds; however, loading arms and hoses shall be disconnected (see Sections 3110F.2 and 3110F.3 regarding movement limits of loading arms and hoses, respectfully). The survival condition is the wind zone between the operational condition and the departure condition (defined in Section 3103F.5.2.2.4.3). In this wind zone, the vessel must prepare to depart the berth.</i></p> <p>Nowhere is there a definition for maximum percent of line load, percent of mooring hardware (or support) capacity, surge, sway, wind speed below departure condition (again, e.g., say 5 knots), or other condition present to correspond to the maximum allowable wind speed within this envelope.</p> <p>See also: 3110F.3 Oil transfer hoses</p> <p><i>The minimum hose length shall safely accommodate the vessel's size and maximum movements during transfer operations and mooring (see Section 3105F.2).</i></p> <p>Since we are now defining when hoses must be disconnected (a point below which it is safe to remain moored at the berth) should "and mooring" remain in this paragraph?</p> <p>Or, perhaps change, "during transfer operations and mooring," to "<u>while hoses can remain connected.</u>"</p>	<p>JWK BFW</p>	<p>We repeat the comment that since the hoses are to be disconnected, "shall be disconnected", during this condition, there is no point in limiting movement of the vessel to accommodate the limits of the hoses (or loading arms) (3110F.3) during "mooring only" (no transfer) survival condition wind speeds.</p>

<p>5.4 3105F.2</p>	<p>With regard to the final paragraph, bullet No. 4 "Maximum allowable capacities for mooring lines."</p> <p>These values have to be determined prior to the mooring analysis, not "upon completion of the mooring analysis."</p> <p>The mooring lines' allowable capacities are what dictate the envelope generated for the various operational conditions by the analysis. They are an input, not an output.</p>	<p>JWK</p>	<p>We repeat our previously stated concerns about the wording here.</p>
<p>5.11 3105F.7</p>	<p>Shouldn't we be basing the effective "mooring line" capacity on the weaker (factored) link?</p>	<p>JWK</p>	<p>Nylon vs. Polyamide issue was addressed but still basing FoS on the weaker FoS for both portions of line, not using weakest factored link.</p>

11.5
3111F.8.1

11.5. 3111F.8.1 Illumination Locations. *At a minimum, MOTs shall ~~provide~~ have fixed lighting (or luminaires) that illuminates the following areas:*

1. Transfer connection points on the MOT

2. Transfer connection points on ~~for~~ any barge moored at the MOT that may transfer oil ~~at the MOT~~

3. Transfer operations work areas on the MOT

4. Transfer operations work areas on ~~for~~ any barge moored at the MOT that may transfer oil ~~at the MOT~~

5. Areas defined in Sections 17.4 and 24.6.4 of ISGOTT [11.7], as appropriate ~~applicable~~

Lighting shall be located or shielded so as not to mislead or otherwise interfere with off-site areas as governed by federal, state and local agency requirements.

Items 2 and 4 now clearly contradict the first three underlined words in the Proposed Section 3101F.2 amendments, assuming item 2 refers to the connection points on the barge.

**DIVISION 1
SECTION 3101F [SLC]
INTRODUCTION**

1.1. 3101F.2 Purpose. *The purpose of this code is to establish minimum engineering, inspection and maintenance criteria for MOTs in order to prevent oil spills and to protect public health, safety and the environment. This code does not specifically address terminal siting, systems onboard vessels, processing facilities, or operational requirements. Relevant provisions from existing codes, industry standards, recommended practices, regulations and guidelines have been incorporated directly or through reference, as part of this code.*

STATEMENT OF SPECIFIC PURPOSE, PROBLEM, RATIONALE and BENEFITS:

In general, Section 3101F.2 is modified for clarity and consistency purposes to better articulate the pur of this code. These proposed amendments do not change the purpose of the existing regulations.

1st paragraph: "systems onboard vessels, processing facilities" are added to clarify the list of item addressed by or in this code, as this is beyond the scope of applicability of building code provisions a the Commission's statutory authority.

Continued...

JWK

Minor changes not addressing problems noted here.

MOTEMS Section 3101F.2 explicitly states that items 2 and 4: "systems onboard vessels" are not addressed in the code

Because they are, per the Statement of Specific Purpose, Rationale and Benefits:

"beyond the scope of applicability of building code provisions and/or the Commission's statutory authority."

	<p>...</p> <p>Furthermore, since the limits of MOTEMS scope, here, seem to be expanded beyond those described in "3101F.2 Purpose" (for example onto a vessel re its connection system) by these two items, where are Audit leads and designers to draw the line on the lighting requirements of ISGOTT "as applicable?"</p> <p>17.4 LIGHTING</p> <p>Terminals should have a level of lighting sufficient to ensure that all ship/shore interface activities can be safely conducted during periods of darkness.</p> <p>Lighting levels should meet national or international engineering standards as a minimum. Particular consideration should be given to the following areas:</p> <ul style="list-style-type: none"> • Jetty head working areas. • Access routes. • Jetty perimeters. • Boat landings. • Mooring dolphins and walkways. • Stairways to elevated gantries. • Emergency escape routes. • Lighting of water around dock to detect spillage and possibly unauthorised craft. <p>24.6.4 LIGHTING</p> <p>During darkness, adequate lighting should be arranged to cover the area of the ship to shore cargo connection and any hose handling equipment, so that the need for any adjustment can be seen in good time and any leakage or spillage of oil can be quickly detected.</p> <p>How far back along access and emergency escape routes, for example? How far out is the lighting expected to extend to detect unauthorized craft? And then, to which engineering standards? National or International? Which of those? Also, ISGOTT 24.6.4 is unclear if it is referring to the vessel or shore "ship to shore cargo connection." The hose handling equipment referenced is usually shore based, but this may refer to small cranes on the barge (a "system" on board the vessel). This also seems to conflict with 3101F.2.</p> <p>From "Rationale":</p> <p>(c) Item No. 5 – Based on public comment, the proposed language in Item No. 5 is amended with the replacement of the terminology "<i>applicable</i>" with "<i>appropriate</i>", to better articulate the user's discretion in this performance-based objective.</p>	<p>Re rationale: We can only assume "user" here means operator or designer. It also doesn't provide definitive performance based criteria so cannot be described as a "performance based objective."</p> <p>So, we aren't sure where SLC regulation would be possible.</p>
--	---	---

Gutierrez, Maria@SLC

From: Luis H. Palacios <lhpalacios@sgh.com>
Sent: Thursday, August 30, 2018 4:34 PM
To: MEPDRegulations, CSLC@SLC
Subject: Title 24, Chapter 31F Comments (15-Day Express Terms)
Attachments: L Palacios Comments to 2018 MOTEMS 15-Day Express Terms.docx

Attached are my comments on the 15-day express terms.

Best Regards,

Luis

Luis H. Palacios, P.E. (CA)

Senior Staff II - Structures

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15-Day Express Terms
For
Proposed Building Standards
of the California State Lands Commission

Regarding Proposed Changes to
The 2019 California Building Code,
California Code of Regulations, Title 24, Part 2,

Chapter 31F – Marine Oil Terminals
Chapter 35 – Referenced Standards

Comments Submitted by:

Luis H. Palacios, P.E.
Senior Staff II
Simpson Gumpertz & Heger Inc.
500 12th Street, Suite 270
Oakland, CA 94607

e-mail: lhpalacios@sgh.com
phone: 510.457.4458

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-

Previous Comments Ignored in the 15-Day Express Terms

Item	Description	Comment
11.5.2 and 11.5.4	<p>2. Transfer connection points on for any barge moored at the MOT that may transfer oil at the MOT</p> <p>4. Transfer operations work areas on for any barge moored at the MOT that may transfer oil at the MOT</p>	<p>The updated illumination requirements in Section 11.5 still refer to transfer connection points and transfer operation work areas on barges moored at the terminal. These are not appropriate for MOTEMS for the following reasons:</p> <ol style="list-style-type: none"> 1) Regulations for lighting levels aboard vessels are already provided by 33 CFR 154.570, and are enforced by the US Coast Guard. 2) Barge transfer connection points and barge operation work areas are not in State Lands' jurisdiction. 3) These changes contradict Item 1.1 of the 2018 Express Terms, which will be updated to reinforce point 2 above: <p><i>3101F.2 Purpose. The purpose of this code is to establish minimum engineering, inspection and maintenance criteria for MOTs in order to prevent oil spills and to protect public health, safety and the environment. This code does not specifically address terminal siting, systems onboard vessels, processing facilities, or operational requirements. Relevant provisions from existing codes, industry standards, recommended practices, regulations and guidelines have been incorporated directly or through reference, as part of this code.</i></p>