



## Frequently Asked Questions About Inland Facility Regulations - “Do These Apply to Me”

### **Q. What are the Office of Spill Prevention & Response’s Inland Facility Regulations?**

A. In July 2014 Governor Brown and the California Legislature expanded the Office of Spill Prevention and Response (OSPR) program to cover all state surface waters at risk of oil spills from any source, including pipelines, production facilities, and the increasing shipments of oil transported by railroads. This expansion provided critical administrative funding for industry preparedness, spill response, and continued coordination with local, state and federal government.

Enacted into law on July 1, 2014, SB 861 expanded OSPR’s preparedness and response authorities to the entire State of California, bringing with it new regulatory authority over inland production facilities, pipelines and railroad right of ways. These regulations explain OSPR’s authority in regards to which facilities must file an Oil Spill Contingency Plan with the State of California, the format of those plans, the types and volumes of spilled oil petroleum products those plans must address, and how the facility will clean up the spilled materials. Inland facilities also must make a demonstration of financial responsibility for a potential oil spill by applying for a Certificate of Financial Responsibility (COFR).

### **Q. Do all inland facilities need to file an Oil Spill Contingency Plan and apply for a COFR with OSPR?**

A. No. These new inland facility Oil Spill Contingency Plan and COFR regulations are NOT applicable to inland facilities that meet any of the following:

1. The inland facility is located more than one-quarter mile from Waters of the State.
2. For production facilities: If the largest producing well produced less than an average of 10 barrels of oil per day. Note: If at any time the facility exceeds the 10 barrel threshold, they must submit a contingency plan to the OSPR Administrator immediately but no longer than 90 days after exceeding the threshold.

### **Q. The regulations do not apply to my facility, but what if I have a spill?**

A. If these new regulations do not apply to you because you do not meet either of the applicability standards, and you have a spill, then you would be required to submit an oil spill contingency plan within 120 days of the spill taking place.

**Q. My inland facility is closer than one-quarter mile from Waters of the State, can I still be exempt from these requirements?**

A. Yes. Inland facilities that are located less than one-quarter mile from Waters of the State may be exempt from Oil Spill Contingency Plan and COFR requirements if ANY of the following conditions exist:

1. If a spill from the inland facility in question will NOT impact Waters of the State. This state determination may consider the following when making this assessment:
  - a. Geography of the area surrounding the inland facility
  - b. Specific gravity and pour point temperature of the product produced or transported
  - c. Permanent barriers between the facility and Waters of the State; manmade or natural
  - d. If in the event of a spill, Waters of the State will not be impacted through natural or manmade drainage such as storm drains, culverts or canals

**Q. If I believe I should be exempt, how do I file that exemption?**

A. Exemption requests must be made in writing and must provide specific technical justification for the request. Requests must be made to:

OSPR Administrator  
1700 K Street, Suite 250  
Sacramento, CA 95811

The OSPR Administrator or his/her designee will inspect the inland facility to determine if the exemption is warranted. The OSPR Administrator will notify the applying facility of its decision within 30 days of the request. If an exemption is NOT granted, then the inland facility must submit a contingency plan and demonstration of financial responsibility within 120 days of receipt of the exemption decision.