

**NOTICE / STATEMENT OF REQUEST FOR READOPTION OF EMERGENCY
RULEMAKING ACTION
REGARDING
CALIFORNIA CODE OF REGULATIONS
TITLE 14. DIVISION 1.
SUBDIVISION 4. OFFICE OF SPILL PREVENTION AND RESPONSE
CHAPTER 1. GENERAL DEFINITIONS AND ABBREVIATIONS
SECTION 790
AND
CHAPTER 3. OIL SPILL PREVENTION AND RESPONSE PLANNING
SUBCHAPTER 3. OIL SPILL CONTINGENCY PLANS
NEW SECTION 817.04**

Notice Date: August 12, 2016

NOTICE IS HEREBY GIVEN that the Department of Fish & Wildlife, Office of Spill Prevention and Response (OSPR) will be requesting readoption of emergency regulations necessary to protect public health, safety and the environment. The readoption will ensure the immediate and ongoing implementation of protective standards for California's inland natural resources in regard to oil spills impacting surface waters. These emergency regulations were originally approved by the Office of Administrative Law (OAL) and became effective on September 3, 2015. (OAL File No. 2015-0825-05EFP.) This readoption action is being taken in accordance with Government Code sections 11346.1 and 11349.6 of the California Administrative Procedure Act. These regulations will be submitted to OAL after August 19, 2016.

DILIGENT ADOPTION OF PERMANENT REGULATIONS

As required for readoption of emergency regulations, the OSPR has made substantial progress and is proceeding with diligence to comply with Government Code section 11346.1, subdivision (e). (Cal. Code Regs., title 1, section 52(b)(1).) The following actions demonstrate OSPR's progress toward the adoption of permanent regulations:

Since the emergency regulations were enacted in September 2015, the OSPR has engaged in the following:

- In November 2015 OSPR held a workshop in Bakersfield to seek comment regarding the emergency regulations.
- From April 2016 through July 2016 OSPR has held six round table exercise meetings with the regulated community. The purpose was to explain exercise requirements to industry and get feedback.

- In May 2016 OSPR held two workshops, one in Playa Del Rey and one in Bakersfield, to seek comments on a draft of the proposed permanent regulations.
- In July 2016 a representative from OSPR spoke at the California Short Line Railroad Association annual meeting, regarding the status of the draft regulations and took comments. Some attendees indicated they would provide additional written comments.
- In 2016 OSPR has received at least six written comment letters from industry.
- Since September 2015 staff from OSPR has met with industry representatives several times, at their request, to discuss the draft regulations.
- Staff has spent much time evaluating industry's comments, and is still analyzing a few key issues for resolution in the draft permanent language.

A copy of the text of the proposed emergency regulations and the Finding of Emergency are enclosed. These documents are also available for review on OSPR's website at: <https://www.wildlife.ca.gov/OSPR/Legal/Proposed-Regulations>

A readoption of the emergency regulations will ensure that oil spill preparedness and response standards necessary to protect against a present threat to public health, safety and the environment, remain in effect while the OSPR works to complete the regular rulemaking process for permanent regulations.

As required for readoption of emergency regulations (Cal. Code Regs., title 1, section 52(b)(2)), there have been no material changes in emergency circumstances since the original emergency adoption of these regulations (OAL file number 2015-0825-05EFP).

PUBLIC COMMENT

Pursuant to Government Code section 11346.1, subdivision (a)(2), and California Code of Regulations, Title 1, section 52, at least five working days prior to submission of the proposed readoption to OAL, notice must be provided to every person who has filed a request for notice of regulatory action with OSPR. After submission of the proposed readoption to OAL, any interested person will have five (5) calendar days to submit related comments to OAL as set forth in Government Code section 11349.6. Also upon submission, OAL will have ten (10) calendar days within which to review and make a decision on the proposed readoption.

If you wish to comment on the proposed readoption of the emergency regulations, you must submit the comment directly to OAL within five calendar days of OAL's posting of

the proposed readoption on the OAL website. You may submit comments on the proposed readoption to OAL at:

Office of Administrative Law
OAL Reference Attorney
300 Capitol Mall, Suite 1250
Sacramento, California 95814
E-mail: staff@oal.ca.gov

When you submit a comment to OAL, you must also submit a copy of your comment simultaneously to OSPR:

Office of Spill Prevention and Response
1700 K Street, Suite 250
Sacramento, CA 95811
E-mail: OSPRRegulations@wildlife.ca.gov

OAL will confirm that OSPR has received the comment before considering it. Pursuant to California Code of Regulations, title 1, section 55, subdivision (b)(1) through (4), the comment must state that it is about an emergency regulation currently under OAL review, and include the topic of the emergency.

Adoption of emergency regulations does not require response to submitted comments. Any response to comments from OSPR will be submitted to OAL within eight calendar days following the date of submission of the proposed emergency regulation to OAL, unless specific exceptions are applicable.

Any questions regarding this proposed emergency regulatory action may be directed to OSPRRegulations@wildlife.ca.gov or by calling Christine Kluge at the Office of Spill Prevention and Response at (916) 327-0910