

**NOTICE / STATEMENT OF REQUEST FOR READOPTION OF EMERGENCY
RULEMAKING ACTION REGARDING
CALIFORNIA CODE OF REGULATIONS
TITLE 14. NATURAL RESOURCES
DIVISION 1. FISH AND GAME COMMISSION - DEPARTMENT OF FISH & WILDLIFE
SUBDIVISION 4. OFFICE OF SPILL PREVENTION AND RESPONSE
CHAPTER 2. FINANCIAL RESPONSIBILITY
SUBCHAPTER 1. CERTIFICATES OF FINANCIAL RESPONSIBILITY
SECTIONS 791 – 798**

Notice Date: July 20, 2017

NOTICE IS HEREBY GIVEN that the Department of Fish & Wildlife, Office of Spill Prevention and Response (OSPR) proposes to readopt 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 regarding oil spills impacting surface waters. These emergency regulations were originally approved by the Office of Administrative Law (OAL), became effective on September 3, 2015 (OAL File #: 2015-0825-03EFP) and were readopted on September 1, 2016 (OAL File #: 2016-0822-02EFP). This readoption action is being taken in accordance with Government Code sections 11346.1 and 11349.6 of the California Administrative Procedure Act.

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: [Certificates of Financial Responsibility \(Title 14, CCR sections 791 – 797\)](#).

A readoption of these 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 OSPR works to complete the regular rulemaking process for permanent regulations.

DILIGENT ADOPTION OF PERMANENT REGULATIONS

Pursuant to California Code of Regulations, Title 1, section 52(b)(1), OSPR has made substantial progress and proceeded with diligence to comply with Government Code section 11346.1(e) by undertaking the following activities since the emergency regulations were readopted in September 2016:

- In September 2016, OSPR met with staff of the Governor's office to advise on the status of the regulations, and receive direction.
- In October 2016, OSPR met with Cal Fire representatives to discuss implementation of Assembly Bill 864, including its relation to geographic scope of these regulations.

- In November 2016, OSPR met in a joint meeting with industry representatives from the California Independent Petroleum Association (CIPA) and the Independent Oil Producers Agency (IOPA) to receive input on a draft of the proposed permanent regulations.
- In December 2016, OSPR met with the California Council for Environmental & Economic Balance (CCEEB) and has had follow-up communications with this group concerning the development of these regulations.
- In March and April 2017, OSPR had follow up meetings with members of CIPA at their request, which included discussions about pollution insurance coverage.
- In May 2017, OSPR met with regulatory and legal staff members at the Department of Conservation, Division of Oil, Gas and Geothermal Resources to discuss coordination of program mandates.
- Since the first readopt, staff from OSPR has met with a variety of industry representatives multiple times, at their request, to discuss the draft regulations.
- Staff has received informal input from the Office of Administrative Law over the past year.
- Staff has spent much time evaluating comments, and is still analyzing a few key issues for resolution in the draft permanent language.
- The text of the regulations that will be submitted for formal comment and approval is very close to being finished. The Initial Statement of Reasons are concurrently being drafted and near completion.

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 prior readoption of these regulations in September 2016 (OAL File #: 2016-0822-02EFP).

There have been no changes to the text of the emergency regulation language.

PUBLIC COMMENT

Pursuant to Government Code section 11346.1(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 calendar days to submit related comments to OAL as set forth in Government Code section 11349.6. Also upon

submission, OAL will have 10 calendar days within which to review and make a decision on the proposed readoption.

If you wish to comment on this proposed temporary readoption of these emergency regulations, you must submit the comment directly to OAL within five calendar days of OAL's posting of the proposed readoption on their [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(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.