

**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 3. OIL SPILL PREVENTION AND RESPONSE PLANNING
SUBCHAPTER 3. OIL SPILL CONTINGENCY PLANS
SECTIONS 819–819.07**

Notice Date: July 20, 2017

NOTICE IS HEREBY GIVEN that the Department of Fish & Wildlife's, 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 October 12, 2015 (OAL File #: 2015-1002-05EFP) and were readopted on October 4, 2016 (OAL File #: 2016-0927-03EFP). 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: [Oil Spill Response Organization Ratings \(Title 14, CCR sections 819 – 819.07\)](#).

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 October 2016:

- OSPR has responded to numerous requests from industry in efforts to explain the processes and procedures for compliance with the emergency regulations.
- OSPR's Oil Spill Response Organization (OSRO) Rating program has received numerous applications requesting an inland rating, both terrestrial and on-water

ratings. As such, the OSPR staff are continually performing on-site equipment verification inspections.

- Since October 2016, dozens of OSRO's have been granted inland ratings from OSPR's rating program.
- Since October 2016, several on-water OSRO drills have been completed.
- OSPR's OSRO coordinator continues to educate and instruct prospective OSRO applicants on the rating process and other questions such as applicability and timeframes.
- The text of the regulations that will be submitted for formal comment and approval is very close to being complete. The Initial Statement of Reasons is concurrently being drafted.
- The fiscal and economic impact assessments are close to complete.
- The OSRO ratings are integral to the inland facility contingency regulations, which are also simultaneously being readopted. (See OAL File #: 2016-0822-03EFP)

As required for re-adoption of emergency regulations (Cal. Code Regs., title 1, section 52(b)(2)), there have been no material changes in emergency circumstances since the prior re-adoption of these regulations in October 2016 (OAL File #: 2016-0927-03EFP).

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 re-adoption 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 re-adoption 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 re-adoption.

If you wish to comment on this proposed temporary re-adoption of these emergency regulations, you must submit the comment directly to OAL within five calendar days of OAL's posting of the proposed re-adoption on their [website](#). You may submit comments on the proposed re-adoption 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.