



Office of Spill Prevention and Response

OSPR Inland Program Implementation (SB 861)

Summary of Major Differences Between Emergency Regulations and Permanent Regulations

On December 17, 2018, the Office of Administrative Law approved the amendments/adoption to the following regulations within Title 14 of the California Code of Regulations:

- General Definitions and Abbreviations (Section 790)
- Oil Spill Contingency Plans for Inland Facilities (Section 817.04)
- Certificates of Financial Responsibility (Sections 791 - 798)
- Drills and Exercises for Inland Facilities (Section 820.02)
- Ratings of Oil Spill Response Organizations (Sections 819 - 819.07)

Below are some of the major changes between the emergency regulations initially presented in 2015 to the final approved regulations. These changes are effective January 1, 2019.

Generally

- Adds applicability to railroads where appropriate.
- Eliminates references to “marine” where concepts are now specifically inland or statewide.
- Consolidates terms and definitions to a single location (section 790).

General Definitions and Abbreviations

- Changes the definition of “marine facility” to “facility” to include inland entities. The definition adds the concept of those facilities that are associated with the “supply chain of oil”.
- Defines the following terms: “Incident Command System”; “State On-Scene Coordinator” (replaces “State Incident Commander”); “Federal On-Scene Coordinator”; “Incident Command System”; “Supply Chain of Oil”; “Transmission Pipeline” (replaces “Distribution Pipeline”); and “Unannounced Drill/Exercise”.
- Redefines “Inland Facility”.

Inland Facility Contingency Plans

- Changes contingency planning requirements previously based on water depth during the year (more than/at least three inches deep), to whether a waterway is listed as “perennial”, “intermittent” or “ephemeral”, as identified in the National Hydrography Dataset (NHD). Plan holders posing a threat to perennial waterways need on-water response capability. Plan holders posing a threat to intermittent or ephemeral waterways only need terrestrial response capability.
- Clarifies when a production facility must submit a contingency plan if a well starts to produce >10 barrels of oil as a daily average.
- Clarifies, per Health & Safety Code section 25270.2, aboveground oil production tanks regulated by DOGGR are not considered aboveground petroleum storage tanks, and therefore may not be exempt from OSPR’s regulations.
- Spill notifications must be initiated within 30 minutes of discovery and all calls completed within 2 hours.

- Clarifies what is expected for the resources-at-risk analysis, including on-water collection locations.
- Clarifies that railroads must include resources-at-risk analysis.
- Adjusts reasonable worst-case spill volumes for railroads based on track speed limits.
- Clarifies plan content for non-railroad facilities vs. railroads.
- Adds tables demonstrating minimum terrestrial and on-water response times and equipment needs.

Certificates of Financial Responsibility

- Requires greater financial responsibility for inland facilities that are next to perennial waterways compared to inland facilities next to intermittent or ephemeral waterways.
- Lowers the cap from \$300M to \$100M on the amount of inland financial responsibility to be demonstrated.
- Changes the multiplier for required financial responsibility to either \$6,000 or \$10,000, depending upon whether a facility poses a risk to intermittent or ephemeral waters, or to perennial waters (removes the fixed \$10,000 multiplier regardless of waterway).

Inland Facility Drills and Exercises

- Increases the plan holder Tier thresholds:
 - Tier 1: threshold raised from 100+ barrels to 1,000+ barrels
 - Tier 2: threshold raised from 20-99.9 barrels to 500-999 barrels.
 - Tier 3: threshold raised from 10-19.9 barrels up to 499 barrels.
- Clarifies when the 3-year drill cycle begins, based on which half of the year the contingency plan is approved.
- Adds Public Information Officer and Liaison exercise objectives for Tier 3 plan holders.

Oil Spill Response Organization Ratings (OSRO)

- Makes clear that ratings are voluntary sought and clearly defines the four environments for ratings.
- Provides detailed requirements for response resources including its mobilization and deployment for a terrestrial rating, which is new for purposes of implementing SB 861.
- Allows an inland facility operator to demonstrate it can accomplish the terrestrial rating requirements without hiring an OSRO for these services.
- Explains the number of inspections an OSRO seeking a terrestrial service rating may be subject to.
- Provides guidelines for response times for inland on-water ratings and inland terrestrial ratings.
- Clarifies that OSPR does not issue specific “endorsement” for Group 5 oil recovery capabilities.