

**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: July 13, 2018

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 in regard to 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 #: 2015-0825-05EFP), were readopted on September 1, 2016 (OAL File #: 2016-0822-03EFP), and again on August 7, 2017 (OAL File #: 2017-0727-04EFP). 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 Statement of Emergency are attached. These documents are also available for review on OSPR's website at:

<https://www.wildlife.ca.gov/OSPR/Legal/Proposed-Regulations/Contingency-Plans>.

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 OAL completes their review of the regular rulemaking filed June 25, 2018.

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 August 2017:

- In September 2017, OSPR had follow up meetings with members of the California Independent Petroleum Association (CIPA) and representatives from

the California Shortline Railroad Association at their request to discuss the draft regulations.

- In January 2018, OSPR held a workshop for existing and new industry members, and including other state and county agencies, to introduce OSPR's inland regulations and to address any questions or concerns.
- In February 2018, OSPR held two public hearings as part of the permanent rulemaking process.
- Staff has received informal input from OAL over the past several months.
- The permanent rulemaking has been completed and submitted to OAL. This request for readopt is to preserve the emergency regulations which will expire before OAL's review period ends.

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 August 2017 (OAL File #: 2017-0727-04EFP).

For purposes of this readoption request, OSPR has not made any changes to 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 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.