

**CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE
OFFICE OF SPILL PREVENTION AND RESPONSE**

**TITLE 14. CALIFORNIA CODE OF REGULATIONS
GENERAL PROVISIONS**

Adopt Sections 790.1, 790.3, 790.5

Amend Sections 791.7, 796, 797, 816.01, 816.03, 817.02, 817.04, 819.02, 819.07,
820.01, 820.02, 826.01, 826.03, 830.7, 830.11, 852.61.11, 885.2, 885.3

Repeal Section 798

NOTICE OF PROPOSED RULEMAKING

Notice is hereby given that the Department of Fish and Wildlife, Office of Spill Prevention and Response (OSPR) proposes to adopt sections 790.1, 790.3, and 790.5 of subdivision 4 of title 14 of the California Code of Regulations, pertaining to overall general provisions applicable to the subdivision as a whole. Conforming amendments or repeals are also proposed to sections 791.7, 796, 797, 798, 816.01, 816.03, 817.02, 817.04, 819.02, 819.07, 820.01, 820.02, 826.01, 826.03, 830.7, 830.11, 852.61.11, 885.2, and 885.3. OSPR invites interested persons to present comments, statements, or arguments with respect to the regulations during the written comment period.

PUBLIC HEARING

OSPR has not scheduled a public hearing on this proposed action. However, pursuant to Government Code section 11346.8, OSPR will hold a public hearing if a written request is received at the address below from any interested person or his or her authorized representative no later than fifteen (15) calendar days before the end of the 45-day comment period.

SUBMISSION OF WRITTEN COMMENTS

Any interested person or his or her authorized representative may submit to OSPR written comments relevant to the proposed regulatory action. **The written comment period closes at 11:59:59 p.m. (Pacific Standard Time) on Monday, March 21, 2022.** All written comments must be received by OSPR by then in order to be considered. Written comments may be submitted at the hearing or by mail or e-mail, as follows:

Department of Fish and Wildlife
Office of Spill Prevention and Response
P.O. Box 944209
Sacramento, CA 94244-2090
E-mail: OSPRRegulations@wildlife.ca.gov

AUTHORITY AND REFERENCE

Government Code sections 8670.5.5 and 8670.7.5 grant the Administrator of OSPR the authority to adopt regulations and guidelines for proposed regulations. The proposed regulations implement, interpret and make specific Government Code sections 8670.5.5 and 8670.7.5.

INFORMATIVE DIGEST / POLICY STATEMENT OVERVIEW

Under OSPR's current regulations (title 14, division 1, subdivision 4, of the California Code of Regulations), chapter 1 consists of one section applicable to the entire subdivision – section 790, General Definitions and Abbreviations. This rulemaking proposes to expand the chapter to include provisions currently existing in multiple regulations within the subdivision that are applicable to the whole subdivision. They include the following:

- Guidelines and procedures related to asserting confidentiality on information submitted to OSPR.
- Consolidates provisions allowing requests for reconsideration of a decision issued by the Administrator.
- Severability provision.

Anticipated Benefits of the Proposed Action

Consolidating these various provisions into distinct sections in chapter 1 makes the content easier for all persons to refer to, ensures there are not unintended drafting differences, eliminates redundancy, and reduces the volume of text of this subdivision. Conforming amendments are being made to delete the redundant text and cross-reference to these new sections.

Evaluation of Inconsistency or Incompatibility with Existing Regulations

OSPR has determined that this proposed regulation is neither inconsistent nor incompatible with existing state regulations or statutes.

Document(s) Incorporated by Reference

No documents are incorporated by reference.

DETERMINATIONS REGARDING THE PROPOSED ACTION

OSPR has made the following determinations, as required by Government Code section 11346.5(a)(5), (6), (7), (9) and State Administrative Manual section 6601:

(a) Mandate upon local agencies and school districts: None

(b) Costs or savings to any state agency: None

(c) Costs or savings to any local agency: None

- (d) *Costs or savings to any local agency or school districts which must be reimbursed in accordance with part 7, division 4 (commencing with section 17500) of the Government Code:* None
- (e) *Other non-discretionary costs or savings imposed upon local agencies:* None
- (f) *Costs or savings in federal funding to the state:* None
- (g) *Significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states:* None. These regulations merely consolidate existing provisions into one location.
- (h) *Cost a representative private person or business would necessarily incur in reasonable compliance:* OSPR is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- (i) *Significant effect on housing costs:* None

RESULTS OF THE ECONOMIC IMPACT ASSESSMENT

Pursuant to Government Code sections 11346.2 and 11346.3, and State Administrative Manual section 6601, with regard to the proposed regulations, OSPR determines the following:

- *Whether this is a “major regulation”, having an economic impact on businesses and individuals exceeding \$50,000,000 in any 12-month period between the date the regulation is estimated to be filed with the Secretary of the State through 12 months after the regulation is fully implemented.*

These are not considered “major regulations” because the economic impact assessment concludes that the impacts, summing both costs and benefits, will be negligible if any at all - considerably less than \$50 million dollars annually that would trigger major regulation status.

- *Effects of the regulation on the creation or elimination of jobs within the State of California.*

None

- *Effects of the regulation on the creation of new businesses or the elimination of existing businesses within the State of California.*

None

- *Effects of the regulation on the expansion of businesses currently doing business within the State of California.*

None. There is no cumulative impact to this rulemaking regarding severability, confidentiality, or reconsideration. These are existing provisions recast.

- *Benefits of the regulation to the health and welfare of California residents, worker safety, and the State's environment.*

None. These are existing provisions recast.

- *Business Reporting Requirement*

None

- *Effect on small business*

This regulatory action will not affect small business. These are existing provisions recast.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), OSPR has determined that no reasonable alternative it considered, or that has otherwise been identified and brought to the attention of OSPR, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

OSPR invites interested persons to present reasonable alternatives to the proposed regulations during the written comment period.

AVAILABILITY OF DOCUMENTS / OSPR CONTACT PERSON

OSPR will have the entire rulemaking file available for inspection and copying at its office at the address below. As of the date this notice is published in the California Notice Register, the rulemaking file consists of this notice, the proposed text ("express terms") of the regulations, the Initial Statement of Reasons, the modified text of the regulations (if any), any documents incorporated by reference as identified in this notice, or other information upon which the rulemaking is based. Please direct inquiries concerning the regulatory process or requests for copies of the proposed text ("express terms") of the regulations, the Initial Statement of Reasons, the modified text of the regulations (if any), or other information upon which the rulemaking is based to the following:

Department of Fish and Wildlife
Office of Spill Prevention and Response
Attention: Christine Kluge
1010 Riverside Parkway
West Sacramento, CA 95605
Phone: (916) 375-4676
Email: Christine.Kluge@wildlife.ca.gov

The backup contact person is: Ryan Todd at the same address, or by email at Ryan.Todd@wildlife.ca.gov, or by phone at (916) 375-2077.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

This notice and related rulemaking documents identified above can be accessed on OSPR's website at <https://wildlife.ca.gov/OSPR/Legal/Rulemakings/General-Provisions>.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

At the close of the 45-day comment period, and considering all timely and relevant comments received, OSPR may adopt the proposed regulations substantially as described in this notice. If OSPR makes modifications which are sufficiently related to the originally proposed text, the modified text (with the changes clearly indicated) shall be made available to the public for at least 15 days before OSPR adopts the regulations as revised. Any such modifications will also be posted on OSPR's website. Please send requests for copies of any modified regulations to the attention of the contact person(s) as indicated above. OSPR will accept written comments on the modified regulations for 15 days after the date on which they are made available.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, the Final Statement of Reasons will be available on OSPR's website [<https://wildlife.ca.gov/OSPR/Legal/Rulemakings/General-Provisions>] and may be requested from the contact person(s) named in this notice.

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