

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

Repeal Section 870.15 and  
Amend Section 870.17  
to  
Title 14, California Code of Regulations  
Oil Spill Prevention and Administration Fund Per-Barrel Fee

**FINAL STATEMENT OF REASONS**

- I. Date of Initial Statement of Reasons:** October 19, 2021
- II. Date of Final Statement of Reasons:** December 17, 2021
- III. Update to the Initial Statement of Reasons:**

The California Department of Fish and Wildlife's Office of Spill Prevention and Response (OSPR) has adopted revisions to regulations regarding collection of a per-barrel fee on crude oil and petroleum products received at refineries and marine terminals. The revisions align the regulations with the changes made to the Government Code by Assembly Bill 148 (chapter 115, stats. of 2021) which also added the imposition of the fee on renewable fuels.

There have been no changes in applicable laws or to the effect of the proposed regulations from the laws and effects described in the Notice of Proposed Rulemaking.

*Public Comment Periods*

The proposed amendments were noticed for a 45-day public comment period starting October 30, 2021 and ending December 13, 2021 (California Regulatory Notice Register No. Z-2021-1019-01). No public hearings were held nor requested.

No public comments were received by OSPR.

**IV. Reasonable Alternatives to the Proposed Regulatory Action:**

Based on the information the Office of Spill Prevention and Response currently possesses, no reasonable alternative considered would be more effective in carrying out the purpose for which this regulation is proposed or would be as effective and less burdensome to affected private persons than the proposed regulation, or would be more cost-effective to affected private persons, or equally effective in implementing the statutory policy or law.

The barrel fee is set by statute – Government Code section 8670.40. There is no reasonable alternative for this rulemaking. This rulemaking is simplifying the regulatory text, is conforming with a statutory change (AB 148), and is otherwise making non-substantive changes

**V. Local Mandate Determination:**

The proposed regulations do not impose any mandate on local agencies or school districts.

**VI. Small Business Impact:**

No alternatives were proposed that would lessen any adverse economic impact on small businesses.