

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

***ADDENDUM TO*
INITIAL STATEMENT OF REASONS**

Title 14, California Code of Regulations
Adopt Section 820.1
Repeal Sections 820.01 and 820.02
Amend Sections 815.01, 817.02, 817.03, 817.04, 818.02, 818.03, 819.03, 827.02, 830.6

Date of Initial Statement of Reasons: January 20, 2022

Date of this Addendum to Initial Statement of Reasons: June 24, 2022

Following the 45-day public comment period, modifications were made to the express terms of the regulations of sections 820.1, 817.02, 817.03, 818.02, 818.03, 827.02, and 830.6. This Addendum to the Initial Statement of Reasons addresses only the changes made to each of those sections, provides statements of necessity for new regulatory provisions, and other clarifying statements. Identification of Documents Incorporated by Reference was also revised. Non-substantive edits to spelling or punctuation that do not change the meaning or intent of the regulations are not included here.

Pursuant to Government Code sections 11346.8(c), 11346.8(d) and section 44 of Title 1 of the California Code of Regulations, OSPR is providing public notice of these changes.

Revisions to Section 820.1 – Drills and Exercises - Facilities, Vessels, and Mobile Transfer Units

Subsection (b)

- (b)(1) – Clarifying language and cross-citations were added to be consistent with changes made to (b)(3)(A) and (b)(3)(B), which were made in response to a public comment.
- (b)(2) – Mobile transfer unit was added in response to a public comment. A citation was also corrected to lower case ‘i’.
- (b)(3)(A) – In response to public comments, “quarterly” notifications was changed to “facility” notifications and a cross-citation was added. “Every” quarter was changed to “each” quarter.
- (b)(3)(B) – “quarterly” was changed to “each quarter”. Clarifying language and cross-citation was added and “to the qualified individual” was removed consistent with changes made to (b)(3)(A) in response to a public comment.

- (b)(4) – “and” was changed to “these drills” for clarification.
- (b)(5) – “which” was changed to “these drills” for clarification.
- (b)(6) – Information was added to account for recently adopted spill management team certification regulations (14 CCR § 830.1 through 830.11).

Subsection (c)

- (c)(3) – “an” was changed to “the” for clarification.
- (c)(6) – The language to “assess their needs and available resources, keep them informed of the incident status, and monitor their arrival at the incident command post” was moved before the previous sentence to clarify which stakeholders those requirements refer to. Additionally, “relevant” was removed and the sentence re-worded to clarify the stakeholders being referred to, “communities” and “businesses” were added as prompted by a public comment.
- (c)(7) – “be” was changed to “remain” for clarification and clarifying language was added.
- (c)(7.5) – “show” was changed to “display”, “relevant” was changed to “identified”, “chart or” and “to be included on the situation status display” were removed, and “the” was changed to “a” for clarification.
- (c)(8.1) – “chart or” was removed for clarification. In response to a public comment, OSPR reviewed ICS forms required by these regulations and determined the ICS 209 has many fields not applicable to oil spill response since it is designed specifically for “all hazards”. Since the oil spill version of this form that is widely utilized is currently not an official federal ICS Form, “ICS Form 209...(U.S. Coast Guard rev. 06/05), incorporated by reference herein” has been removed and replaced with names of the specific fields OSPR is requiring of an incident status summary, all of which are applicable to oil spill response.
- (c)(8.5) – Eliminated requirement to establish a volunteer hotline in response to public comments.
- (c)(9.3) – Clarifying language was added in response to a public comment.
- (c)(10) – Clarifying language was added.

Subsection (d)

- (d)(3) – “an” was changed to “the” for clarification.
- (d)(6) – The language to “assess their needs and available resources, keep them informed of the incident status, and monitor their arrival at the incident command post” was moved before the previous sentence to clarify which stakeholders those requirements refer to. Additionally, “relevant” was removed and the sentence re-worded to clarify the stakeholders being referred to, “communities” and “businesses” were added as prompted by a public comment.
- (d)(7) – “be” was changed to “remain” for clarification and clarifying language was added.

- (d)(7.5) – “show” was changed to “display”, “relevant” was changed to “identified”, “chart or” and “to be included on the situation status display” were removed, and “the” was changed to “a” for clarification.
- (d)(8.1) – “chart or” was removed for clarification.
- (d)(8.5) – Eliminated reference to a volunteer hotline in response to public comments.
- (d)(9.3) – Clarifying language was added in response to a public comment.
- (d)(10) – Clarifying language was added.

Subsection (e)

- (e)(6) – A sentence was re-worded to be consistent with changes made to (c)(6) and (d)(6), which were changed for clarity.
- (e)(7) – “be” was changed to “remain” for clarification and clarifying language was added.
- (e)(7.4) – “show” was changed to “display”, “relevant” was changed to “identified”, and “chart or” and “to be included on the situation status display” were removed for clarification.
- (e)(8.1) – “chart or” was removed for clarification.

Subsection (f)

- (f)(2) – A reference to oil spill response organization staff was added in response to a public comment.
- (f)(5) – “drill initiation” was removed and “the boom entering the water” was added in response to a public comment to clarify when the deployment would be initiated.

Subsection (g) – Consistent with the change at (b)(3)(A), “quarterly” notifications was changed to “facility” notifications.

- (g)(1) – “quarterly” was changed to “facility” to be consistent with changes made at (b)(3)(A) and (g). The requirement to call the California Office of Emergency Services State Warning Center and National Response Center were removed in response to public comments and the remaining language re-worded to suit the remaining two required notifications. Clarifying language was added regarding the notifications that are not required to be consistent with (g)(2).
- (g)(2) – In response to a public comment, “may make” was changed to “is not prohibited from making” to clarify notifications that are not required.

Subsection (h) – In response to a public comment, “new” was added to clarify which plan holders commencement refers to.

Subsection (i)

- (i)(1) – In response to a public comment, the sentence referring to a DFW 1954 was moved to directly follow the invitation requirement and remaining language re-worded to suit the change to clarify how drill coordinators are invited.

Subsection (j)

- (j)(1) – The first sentence was re-worded to be consistent with the changes made in (i)(1).

Subsection (l)

- (l)(1)(C) – A cross-reference was added to clarify which notifications were being referred to. Language was also added to describe the end results of a documentation request for additional notifications.

Revisions to Section 817.02 – Marine Facility Oil Spill Contingency Plan Content

Subsection (g)

- (g)(2)(A) – “contacting” was replaced with “initiating telephonic contact with” to clarify that the contacts described as immediate notifications are phone calls [14 CCR § 817.02(g)(2)(C)].
- (g)(2)(B) – “telephonic” was added to clarify that the contacts described as immediate notifications are phone calls [14 CCR § 817.02(g)(2)(C)].

Revisions to Section 817.03 – Small Marine Fueling Facility Oil Spill Contingency Plan Content

Subsection (g)

- (g)(2)(A) – “contacting” was replaced with “initiating telephonic contact with” to clarify that the contacts described as immediate notifications are phone calls [14 CCR § 817.03(g)(2)(C)].
- (g)(2)(B) – “telephonic” was added to clarify that the contacts described as immediate notifications are phone calls [14 CCR § 817.03(g)(2)(C)].

Revisions to Section 818.02 – Tank Vessel Oil Spill Contingency Plan Content

Subsection (h)

- (h)(2)(A) – “contacting” was replaced with “initiating telephonic contact with” to clarify that the contacts described as immediate notifications are phone calls [14 CCR § 818.02(h)(2)(C)].

- (h)(2)(B) – “telephonic” was added to clarify that the contacts described as immediate notifications are phone calls [14 CCR § 818.02(h)(2)(C)].

Revisions to Section 818.03 – Vessels Carrying Oil As Secondary Cargo Oil Spill Contingency Plan Content

Subsection (h)

- (h)(2)(A) – “contacting” was replaced with “initiating telephonic contact with” to clarify that the contacts described as immediate notifications are phone calls [14 CCR § 818.03(h)(2)(C)].
- (h)(2)(B) – “telephonic” was added to clarify that the contacts described as immediate notifications are phone calls [14 CCR § 818.03(h)(2)(C)].

Revisions to Section 827.02 – Nontank Vessel Oil Spill Contingency Plan Content

Subsection (d)

- (d)(2)(A) – “contacting” was replaced with “initiating telephonic contact with” to clarify that the contacts described as immediate notifications are phone calls [14 CCR § 827.02(d)(2)(C)].
- (d)(2)(B) – “telephonic” was added to clarify that the contacts described as immediate notifications are phone calls [14 CCR § 827.02(d)(2)(C)].

Revisions to Section 830.6 – Exercise Objectives Required for Full Certification [Spill Management Teams]

Subsection (a)

- (a)(1)(a) – A collateral edit was made to account for the new form proposed in section 820.1; this was an oversight in the 45-day public comment period.

Documents Incorporated by Reference - Change

The following document identified in section 820.1 is removed as a document incorporated by reference from the rulemaking file. Further discussion is provided at (c)(8.1) above.

- Incident Status Summary, ICS Form 209 (U.S. Coast Guard, rev. 06/05)