

**State of California  
Office of Administrative Law**

**In re:**  
**Office of Spill Prevention and Response**

**Regulatory Action:**

**Title 14, California Code of Regulations**

**Adopt sections:**

**Amend sections:** 790, 817.02, 817.03,  
817.04, 818.02, 818.03,  
819.01, 819.02, 819.04

**Repeal sections:**

**NOTICE OF APPROVAL OF REGULATORY  
ACTION**

**Government Code Section 11349.3**

**OAL Matter Number: 2022-1012-01**

**OAL Matter Type: Regular (S)**

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This action by the Office of Spill Prevention and Response amends regulations to address non-floating oil ratings for oil spill response organizations and contingency plan requirements for entities handling non-floating oil.

OAL approves this regulatory action pursuant to section 11349.3 of the Government Code. This regulatory action becomes effective on 1/1/2023.

**Date:** November 28, 2022



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Kevin D. Hull  
Senior Attorney

**For:** Kenneth J. Pogue  
Director

**Original:** Julie Yamamoto, Acting  
Administrator

**Copy:** Andrew Benware

# REGULAR

## NOTICE PUBLICATION/REGULATIONS SUBMISSION

STD. 400 (REV. 10/2019)

For use by Secretary of State only

OAL FILE NUMBERS	NOTICE FILE NUMBER <b>Z- 2022-0621-06</b>	REGULATORY ACTION NUMBER <b>2022-1012-01</b>	EMERGENCY NUMBER <b>S</b>
For use by Office of Administrative Law (OAL) only			
OFFICE OF ADMINISTRATIVE LAW  <b>Electronic Submission</b>		OFFICE OF ADMIN. LAW 2022 OCT 12 AM 10:24	
RECEIVED DATE 6/21/2022	PUBLICATION DATE 7/01/2022		
NOTICE		REGULATIONS	

**ENDORSED - FILED**  
In the office of the Secretary of State  
of the State of California

NOV 28 2022  
received at 1:40pm

Office of Spill Prevention and Response

AGENCY FILE NUMBER (If any)

### A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE Non-floating Oil		TITLE(S) 14	FIRST SECTION AFFECTED 790	2. REQUESTED PUBLICATION DATE July 1, 2022
3. NOTICE TYPE <input checked="" type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON Andrew Benware		TELEPHONE NUMBER (916) 956-1423
FAX NUMBER (Optional)		NOTICE REGISTER NUMBER		PUBLICATION DATE
OAL USE ONLY	ACTION ON PROPOSED NOTICE			
	<input type="checkbox"/> Approved as Submitted	<input type="checkbox"/> Approved as Modified	<input type="checkbox"/> Disapproved/Withdrawn	

### B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Non-floating Oil Ratings for Oil Spill Response Organizations and Contingency Plan Requirements		1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)		
2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)				
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	ADOPT			
	AMEND			
TITLE(S) 14	790, 817.02, 817.03, 817.04, 818.02, 818.03, 819.01, 819.02, 819.04			
	REPEAL			
3. TYPE OF FILING				
<input checked="" type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)	
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> File & Print	<input type="checkbox"/> Print Only	
<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))	<input type="checkbox"/> Other (Specify)			
4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1) August 23, 2022-September 6, 2022				
5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)				
<input checked="" type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a)) <input type="checkbox"/> Effective on filing with Secretary of State <input type="checkbox"/> \$100 Changes Without Regulatory Effect <input type="checkbox"/> Effective other (Specify)				
6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY				
<input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660)		<input type="checkbox"/> Fair Political Practices Commission		<input type="checkbox"/> State Fire Marshal
<input checked="" type="checkbox"/> Other (Specify) <u>Oil Spill Technical Advisory Committee</u>				
7. CONTACT PERSON Andrew Benware		TELEPHONE NUMBER 916-956-1423	FAX NUMBER (Optional)	E-MAIL ADDRESS (Optional) andrew.benware@wildlife.ca.gov

8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE <i>Andrew Benware</i>	DATE 10/11/2022
TYPED NAME AND TITLE OF SIGNATORY Andrew Benware, Regulatory Analyst	

For use by Office of Administrative Law (OAL) only

**ENDORSED APPROVED**

NOV 28 2022

Office of Administrative Law