

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

INITIAL STATEMENT OF REASONS

Title 14, California Code of Regulations
Re: Environmental Sensitive Site Protection
Adopt section 828.1.

Amend sections 790, 815.01, 815.03, 815.07, 816.06, 817.01, 817.02,
817.03, 818.01, 818.02, 818.03, 819, 819.01, 819.02, 819.03, 819.04, 820.1,
825.01, 825.03, 825.07, 827.01, 827.02, 873.5.

Repeal sections 815.05 and 825.05 and the Shoreline Protection Tables (vers. 2013).

Date of this Initial Statement of Reasons: October 1, 2024

Acronyms used throughout this document

Acronym	Term
ACP	Area Contingency Plan(s) – <i>defined in 14 CCR 790</i>
APA	Administrative Procedure Act
CCR	California Code of Regulations
Gov. C.	Government Code
GRA	Geographic Response Area(s) – <i>defined in 14 CCR 790</i>
ISOR	Initial Statement of Reasons
OAL	Office of Administrative Law
OSPR	Office of Spill Prevention and Response
OSRO	Oil Spill Response Organization – <i>defined in 14 CCR 790</i>
SPTs	Shoreline Protection Tables, version 2013 – <i>defined in 14 CCR 790</i>
USCG	United States Coast Guard

I. Description of Regulatory Action

This rulemaking would revise sensitive site protection requirements for oil spill preparedness and planning. Pursuant to Government Code section 11346.2, the Office of Spill Prevention and Response (OSPR) is proposing to adopt new section 828.1 and amend and/or repeal several sections (each identified above) within Title 14 of the California Code of Regulations (CCR). Specifically, OSPR is proposing to adopt new regulations to repeal and replace the existing Shoreline Protection Tables (2013 SPTs), dated August 29, 2013. The 2013 SPT document is incorporated by reference in a number of OSPR’s regulations. All references to regulations herein are to Title 14 of the CCR, unless otherwise noted.

General Background

The *Lempert-Keene-Seastrand Oil Spill Prevention and Response Act* (Chapter 1248, S.B. 2040, Statutes of 1990) (the “Act”) created a comprehensive state oil spill program for the protection of California’s coastal natural resources. These mandates are implemented by an Administrator. [Gov. C. § 8670.5] The Act was significantly amended

in 2014 to cover facilities posing an oil spill risk to inland waterways, thus establishing applicability of the Act for all surface waters. The inland aspect of the Act and the subsequent implementing regulations are not at issue in this rulemaking.

Also, the Administrator of OSPR is required to establish a state Oil Spill Contingency Plan that provides for the best achievable protection of waters of the state, and includes a “coastal protection element” and “environmentally and ecologically sensitive areas element”. [Ref. Gov. C. § 8574.7] The Plan must establish standards and criteria for required pre-deployment of protective equipment for sensitive environmental areas along the coastline, identification and prioritization of environmentally and ecologically sensitive areas, a plan for protection actions for each of the environmentally and ecologically sensitive area and protection priorities for the first 24 to 48 hours after an oil spill, the location of available response equipment to protect the priority sites, and a program for systemically testing and revising protection strategies for each of the priority environmentally and ecologically sensitive areas. [See Gov. C. § 8574.7(c) and (d)]

Among its many provisions, the Act requires the owners and operators of certain large vessels (e.g., tank ships) and marine facilities (e.g., marine terminals) to have an oil spill contingency plan to address potential oil spill threats they pose to marine waters. [Gov. C. § 8670.28 *et seq.*] These owners and operators are known as “plan holders”. The Act directs the Administrator of OSPR to adopt and implement regulations governing the adequacy of oil spill contingency plans to provide for best achievable protection of the waters and natural resources of the state. [Gov. C. § 8670.28(a)] Those regulations are codified at Title 14 CCR §§ 815.01 *et seq.* and §§ 825.01 *et seq.*

As relevant for this rulemaking, plan holder oil spill contingency plans must identify measures to protect environmentally sensitive sites and areas that would be threatened by an oil spill. This includes identifying cleanup contractor(s) known as oil spill response organizations (OSROs). The Act gives the OSPR Administrator authority to establish standards for the capabilities of cleanup contractors for oil spill response. [Gov. C. § 8670.30] The OSROs that plan holders contract with and identify in their contingency plans must be rated by OSPR. [Gov. C. § 8670.29(b)(6)] Towards this end, OSPR’s OSRO rating process was developed to evaluate the capability of persons providing oil spill cleanup services to plan holders, and to facilitate the preparation and review of oil spill contingency plans. [14 CCR § 819 *et seq.*]

Background of Area Contingency Plans and Environmentally Sensitive Sites

Pursuant to federal law the National Oil and Hazardous Substances Pollution Contingency Plan requires establishment of area committees comprised of qualified personnel of federal, state, and local agencies, with responsibilities that include preparing area contingency plans (ACPs) for areas designated by the United States Coast Guard (USCG). [33 U.S.C. § 1321(j)] ACPs identify coastal sensitive sites and the protection strategies for those sites and are prepared for the use of all agencies engaged in responding to a release or threatened release of a hazardous substance, such as an oil spill, from a vessel, or offshore or onshore facility. In California there are

six ACPs covering six coastal zones of the state, as described in Title 14 CCR section 790(a)(8).

Government Code section 8670.3 defines “environmentally sensitive area” as an area defined pursuant to the applicable ACPs or geographic response plans. California’s ACPs facilitate coordination of joint response efforts, including appropriate procedures for mechanical recovery, dispersal, shoreline cleanup, and protection of environmentally sensitive sites and areas.

Background of Shoreline/Sensitive Site Protection

In the 1990’s, the burden to determine the impacts of an oil spill and the response resource needs fell on vessel and marine facility plan holders, and they had to describe those in their contingency plans. Given that some vessels transit along large swaths of California’s coastline (and simply because they moved, whereas marine facilities are fixed), it was a complicated requirement for the vessel plan holders to complete and for OSPR to provide consistent plan review. There were oil spill trajectory issues and unclear assumptions, inconsistent resource amounts and response time frames, uncertain capability of contracted resources, and difficulty in assessing the actual preparedness of industry or their contracted resources.

In an effort to standardize response capability and ensure best achievable protection, OSPR set out to identify response resource needs for vessels using an early oil spill trajectory mapping software of the National Oceanic and Atmospheric Administration. These maps were initially based upon actual incidents and navigational hazards in adverse weather conditions. At the time, this was considered the best way to reduce inconsistencies in vessel plan holder preparedness, clearly define amounts and types of response resources, and provide a testable criterion for industry and oil spill response organizations.

Using the mapped trajectories, OSPR created 17 “shoreline protection tables” (SPTs) covering various segments of the coastline and one “small harbor” table, to standardize expectations for protecting environmental sensitive sites identified by the ACPs. The tables consist of select ACP sensitive sites, organized by time of potential impact, and required response resources to implement the protection strategy. OSPR then determined a “protect by hour” requirement for each site listed in the tables. The purpose of the SPTs was therefore to ensure consistent sensitive site protection from vessels that transited through California. The requirement for vessel contingency plan holders to use these tables was formalized and adopted in regulations in 2006, and the SPTs were incorporated by reference in the regulations and have been posted on OSPR’s website. The SPTs were last updated in 2013.

II. Problem the Regulatory Action Intends to Address

- The SPTs were formulated using oil spill trajectories from known navigational hazards as the starting points for those trajectories. Using the “time of impact” results of those trajectories, tables were developed based on certain ACP sensitive sites, and protect by hours were established for most of them. However,

there have been some challenges associated with these tables which have made it difficult to reproduce the same results. For example, too many assumptions had to be made concerning parameters for winds, tides, currents, and discharged material. The oil spill trajectory issues and assumptions still exist and often create confusion during drills and exercises. Furthermore, the trajectories were created by outdated software no longer used.

- Not all ACP environmental sensitive sites are included in the SPT and this creates a gap in preparedness for shoreline protection coastwide.
- While marine facility contingency plan holders are required to develop spill trajectories and identify resources at risk - the same environmental sensitive sites that vessels must protect - marine facilities have not been required to use the SPTs. Given that the current SPTs (version 2013) do not apply to both vessels and marine facility plan holders, this complicates contingency plan review in determining whether plan holders or their oil spill cleanup contractors (OSRO's) are meeting OSPR's shoreline protection requirements. There are no specific regulatory minimum requirements for marine facility plan holders that establish what "sufficient" shoreline protection entails.
- For the existing SPTs to remain current, it is necessary they be revised when the ACPs are revised and updated, but with the USCG's staggered revision schedule for each ACP, this would require promulgating a new rulemaking action almost yearly. For example, the equipment requirements for some sites have changed in the ACPs but have not been updated in the SPTs. Consequently, due to the procedural requirements of the rulemaking process (Administrative Procedure Act [APA]), consistent updates to the SPTs have not been possible. With the last SPT version being 2013, much of the data is now outdated.

III. Purpose, Rationale, and Necessity for the Amendment, Addition, or Repeal of the Regulations

Government Code sections 8670.28, 8670.29, and 8670.30 grant the Administrator of OSPR the authority to adopt regulations and guidelines regarding the protection of sensitive sites in the coastal zones of California. The proposed regulations implement, interpret, and add specificity to the provisions of Government Code sections 8574.7, 8670.28, 8670.29, and 8670.30. This proposed regulatory action is necessary to provide specificity not found in the *Lempert-Keene-Seastrand Oil Spill Prevention and Response Act*.

These proposed regulations provide a new and more standardized approach to identifying the response resources necessary to protect the environmental sensitive sites and the hour by which those resources must be on-scene.

- Instead of relying on oil spill trajectories and assumptions, OSPR created a relative risk ranking for all of the area contingency plan (ACP) geographic response areas (GRAs) evaluating data on vessel traffic, number and locations of marine facilities, miles of pipelines and railroads, and the number of

environmental sensitive sites within each GRA. More information about how the risk ranking was developed is provided below in the detailed discussion about the new table and under the subheading '*How the GRA Risk Rankings Were Determined*' on page 13.

- The new table no longer lists any ACP sites, but instead sets standards for the GRAs within the ACPs. ACP GRAs encompass the entire California coastline and all ACP sites. [Ref. Attachment A, ACP GRA Boundaries map]
- The proposed regulations, including a new Site Protection Table, establish the same standards for vessels and marine facilities who pose an oil spill risk to environmental sensitive sites within each GRA. This clarifies the expected level of prevention and preparedness for environmental sensitive site protection coastwide. This will also make plan review for vessels' and marine facilities' site protection capabilities congruent for OSPR staff.
- The proposed new regulations and associated Site Protection Table moves away from requirements for a limited number of specific sites to GRAs, in a format that is more user friendly and allows for the data to remain consistent with the staggered ACP updates. In turn, this reduces the need for repeated rulemaking actions.

The following sets forth a discussion of the specific purpose for each regulatory provision proposed for adoption in this rulemaking action and why each provision is reasonably necessary to carry out the purpose and address the problem for which it is proposed.

Adopt Subchapter 4.1. Sensitive Site Protection and Section 828.1. Environmental Sensitive Site Protection

In combination with the collateral amendments being made by this rulemaking to other regulations, this new section (14 CCR § 828.1) will consolidate vessel and marine facility plan holder contingency plan obligations for environmental sensitive site protection. Confusing and erroneous references to "shoreline protection" in the other regulations are being stricken and properly referred to as sensitive site protection, and a cross-reference to this new section is provided there. This consolidation will eliminate redundancy and any drafting inconsistencies.

Subsection (a)(1)

Purpose: To establish how coastal environmental sensitive sites must be protected and specify which plan holders must comply. This subsection tells marine plan holders (vessels and facilities) how to develop their oil spill contingency plan for protection of environmental sensitive sites. This is a consolidation of existing requirements. [e.g. Specifically: 14 CCR §§ 816.04(c)(2); 817.02(c)(2)(3); 817.03(c)(2)(3); and 827.03(i), (i)(2)(B). Generally consistent with: 14 CCR §§ 815.07(d); 817.02(d)(5)(B)(F), (f)(1)(A); 817.03(d)(5)(B), (f)(1)(A); 818.02(e), (e)(3)(A)3., (e)(5)(B)(E), (f), (g)(1)(A); 818.03(e)(5)(B), (g)(1)(A); and 826.01(a)(2)(B)]

Necessity: ACPs are developed by federal area committees pursuant to section 1321(j)(4) of Title 33 of the United States Code. ACPs and the GRAs described in the ACPs have been the standard on the West Coast and nationally for several decades. Contingency plans must describe the strategies for the protection of environmentally sensitive areas. [Gov. C. § 8670.29(b)(5)] Because ACPs establish the coastal sensitive sites and the protection strategies, it suffices for a contingency plan to refer to the ACPs instead of independently describing every site and every strategy. Also, as mentioned above, the California Oil Spill Contingency Plan requires a coastal protection element and an environmentally sensitive site element. These regulations accomplish those mandates. This section applies to “marine” plan holders, not “inland” plan holders, because inland facilities do not have the same requirement.

Subsection (a)(2)

Purpose: To explain the response actions that are expected during an oil spill. This subsection advises plan holders that the response resources and strategies to be used for protecting sensitive sites are those detailed for each geographic response area, unless directed differently.

Necessity: Actual spills are dynamic; each spill is different. However, because the ACPs describe the best strategies for protecting environmental sensitive sites, these are the strategies that must be used. Plan holders are not free to improvise or experiment with a new strategy during a spill unless approved. In California the OSPR Administrator is the state on-scene coordinator for oil spills, and federally the USCG is the federal on-scene coordinator for coastal spills. The state and federal on-scene coordinators have ultimate authority to decide which response efforts should occur, deciding what is best for the situation. [Ref. Gov. C. § 8670.7(a); Fish & Game C. § 5655(d)]

Subsection (a)(3)

Purpose: To explain responsibility for protecting all threatened sites. All environmental sensitive sites that may be impacted by a spill must be protected, even if they had not been previously considered by the plan holder.

Necessity: All plan holders must identify the measures to be taken to protect the recreational and environmentally sensitive areas that would be threatened by a spill. [Gov. C. §§ 8670.28(a)(9), 8670.29(b)(5)] And specifically, facility plan holders are required to conduct an offsite consequence analysis. [Gov. C. § 8670.28(a)(7)] Spillers generally are responsible for damages that are caused by an oil spill. [Gov. C. § 8670.56.5] This subsection puts plan holders on notice that they must protect all sites that are threatened by an oil spill. A plan holder cannot say it is only responsible for sites that it *assumed or expected* might be impacted.

Subsection (b)

Purpose: To establish how this section must be complied with. This subsection advises certain plan holders how to comply with this section - with either an appropriately rated oil spill response organization (OSRO), or that the response resources required by this

section be owned or operated by the plan holder and are available within the response times as required.

Necessity: Plan holders are required to retain a rated OSRO to provide oil spill response services. [Gov. C. § 8670.29(b)(6)] For many years OSPR's regulations have required plan holders to retain an OSRO rated for shoreline protection. [e.g. 14 CCR § 815.03 paragraph 1; 815.07(a)(1); 817.02(a)(5); 819(b); 825.03 paragraph 1; and 825.07(a)(1)] In conjunction with collateral revisions being made to other regulations by this rulemaking, this subsection gives the option that plan holders must have a contract for sensitive site protection services or own the equipment with the ability to properly deploy it.

This subsection also makes clear that subsections (b) through (e) and the *Site Protection Table* only apply to plan holders that could spill into marine waters. Thus, these subsections do not apply to inland facilities, which by definition (14 CCR 790) pose a risk to inland waters. Also, this subsection exempts mobile transfer units from the requirements of this section. Mobile transfer units are not required to perform a trajectory analysis, an off-site consequence analysis, or identify sensitive sites that may be impacted. [14 CCR § 817.03(c)(2)(3)]

Subsection (c)(1)

Purpose: To establish the overall expectation for equipment and arrival time. This subsection establishes the planning standard, tying together the concepts of minimum boom amount, response time, and the expectation that it all be functional.

Necessity: This subsection establishes the planning requirement that there are minimum boom amounts and boom arrival times. This subsection also clarifies that the boom required by this section is distinct from another requirement for plan holders to have sufficient containment boom for on-water oil recovery. [Ref. 14 CCR §§ 817.02(d)(3)(C); 817.03(c)(3)(A); 818.02(e)(2)(C); 818.03(e)(3)(A); and 827.02(h)(3)]

Subsection (c)(1)(A)

Purpose: To specify the type of boom that must be available for purposes of environmental sensitive site protection.

Necessity: This subsection specifies the type of boom that must be brought for this purpose. Other types of boom are not held to the response time. Although the terms harbor boom and swamp boom are generally understood terms within the industry, this subsection references the ACPs for specific definitions. It is appropriate to point to the ACPs because the ACPs and the geographic response areas of ACPs are the fundamental documents upon which sensitive site protection is based, as described in subsection (a)(1) above. Harbor boom and swamp boom are the most commonly used, effective and reusable types of boom for shoreline and sensitive site protection in California currently. These are the two predominate types of boom listed in the boom requirements for strategies described in the ACPs to protect environmental sensitive sites. These are also the predominate types of boom currently owned/managed by plan holders and OSROs alike.

Subsection (c)(1)(B)

Purpose: To explain the term “protection hour”. This subsection details when the protection hour is measured.

Necessity: Although this term is similar to the existing definition of “protect-by-hour” in the Glossary of the 2013 Shoreline Protection Tables which are proposed for repeal, it is new and different. This explains the standard by which the swiftness of response will be measured.

Subsection (c)(2)

Purpose: To establish that the protection hour is a planning standard.

Necessity: This subsection acknowledges that unforeseen circumstances may impact actual response activities, but the regulations establish minimum planning standards for response capabilities. Real-time circumstances cannot be predicted, such as floods, earthquakes, protests, freeway closures, extreme water conditions, etc., which may hinder response activities. This language is consistent with other OSPR regulations. [Ref. 14 CCR §§ 817.02(d)(3), 817.03(d)(3), 817.04(a)(2), 818.02(e)(3), 818.03(e)(3), 819.01(g), 827.02(h)(2), and 830.1(a)(4)]

Subsection (c)(3)

Purpose: To indicate the mix of harbor boom and swap boom that is needed in this context.

Necessity: This subsection explains that any combination of harbor boom or swap boom satisfies the amounts required – except where the Table indicates a specific type and amount of boom must be dedicated. Without this subsection, plan holders and OSRO’s would not know whether they need the full amounts of each type of boom at each hour, or whether some other combination would be acceptable.

Subsection (c)(4)

Purpose: To establish the expectation for arrival of all response resources. This subsection sets the standard that all necessary response resources must arrive functional and in time to accomplish the strategy.

Necessity: Merely delivering only the boom on time is not sufficient. The plan holder must ensure that everything needed to accomplish the applicable strategy is also brought to the site. The requirement for the equipment to be functional within one hour is an existing standard for on-water recovery equipment. [Ref. §§ 817.02(d)(3)(A)2. (marine facilities), 818.02(e)(3)(A)2. (tank vessels), and 827.02 (h)(2)(A)2. (nontank vessels)]

Subsection (c)(5)(A), (B) & (C)

Purpose: To explain exceptions to the Sensitive Site Protection Table.

Necessity: Three GRAs consist only of a group of islands (ACP 4 GRA 8, ACP 5 GRA 4, and ACP 6 GRA 5), but only one island within two of those GRAs has a sensitive site that requires boom as part of a response strategy identified in the ACP - Santa Rosa Island (ACP 4, GRA 8) and Catalina Island (ACP 5, GRA 4). Thus, the response times and boom requirements for these two GRAs only apply to the islands with a site strategy requiring boom. If in the future, strategies of the other islands within those GRAs are revised to include boom, then OSPR will re-evaluate the requirements for those islands. The third GRA consists of only one island – San Clemente Island (ACP 6 GRA 5) for which there are no site strategies identified in the ACP. This island is managed and operated by the United States Navy. Access is restricted and must be coordinated with the Navy. Further discussion about these exceptions is detailed below on page 14 under the subheading ‘*Boom Amounts*’.

Subsection (d)(1)

Purpose: To establish the minimum protective boom required. This subsection establishes the minimum amount of boom that must be available for purposes of protecting environmental sensitive sites, as a cumulative amount over time.

Necessity: This subsection establishes that the boom amounts at each protection hour are in addition to the amount required at the earlier protection hour, with a combined total required by hour 12. For example, if 2,000 feet is required at hour 2, and 2,000 feet is required at hour 4, and 4,000 feet is required at hour 6, and 4,000 feet is required at hour 12, this means a cumulative total of 12,000 feet of boom needs to be deployed by hour 12 (i.e., 2,000 feet + 2,000 feet + 4,000 feet + 4,000 feet).

Subsection (d)(2)

Purpose: To establish the minimum dedicated boom required. This subsection establishes the minimum amount of boom that must be a dedicated response resource for purposes of protecting environmental sensitive sites.

Necessity: Dedicated boom, by definition [§790(d)(2)], is a response resource committed solely to oil spill response, containment, and cleanup that is not used for any other activity.

Plan holders almost exclusively rely on OSROs to meet their planning requirements; very few plan holders have their own response equipment. The response resources to be deployed by a rated OSRO within the first six hours of a spill must be dedicated response resources or be owned and controlled by a rated OSRO that are sufficient to meet the spill response planning requirements of the OSRO’s client owner or operator. However, for purposes of sensitive site protection, the Administrator may, by regulation, permit a lesser requirement for dedicated or OSRO owned and controlled response resources. This requirement does not preclude a rated OSRO from bringing in additional response resources. [Ref. Gov. C. § 8670.3(e), 8670.30(f)(5)] A discussion of

how OSPR arrived at the amounts of required dedicated boom in each ACP GRA is discussed below on page 14 under *'Boom Amounts'*.

Subsection (d)(3)

Purpose: To establish an acceptable storage location for the required boom. This subsection requires the dedicated boom to be located within the boundaries of the ACP but does not require it to be stored within the boundaries of the GRA. Nondedicated boom can be stored outside the of the ACP boundaries.

Necessity: This provides guidance and flexibility, depending on the boom type. Dedicated boom must be located relatively close; it cannot be stored too far away (e.g. Reno, Nevada). Nondedicated boom can be stored farther away (e.g., in neighboring ACPs where an OSRO already has a storage facility). The hope is that with this flexibility, more OSROs may be able to apply for a sensitive site protection rating and expand spill preparedness statewide. Regardless of any requirements for where the boom is stored, the OSROs must still meet the established protection hours, and that will ultimately limit where the boom will be stored and transported from.

Table – Site Protection Table.

OSPR must establish a framework for prioritizing and ensuring the protection of environmentally and ecologically sensitive areas. [Gov. C. § 8574.7(d)] Vessels and marine facility plan holders must protect environmentally sensitive sites and areas that would be threatened by an oil spill. [Gov. C. §§ 8670.28(a)(9), 8670.29(b)(5), (d)(4)] OSPR requires plan holders to have a contract for these services, although a plan holder is not precluded from providing this capability internally. OSPR is required to establish performance standards that each operator and rated OSRO shall meet during drills. [Gov. C. § 8670.10(a)(2)] Thus, OSPR needs a regulatory mechanism and standards by which to evaluate these requirements.

In July 2006 [approved by OAL in March 2007], OSPR created the original SPTs (including a “small harbor” table) to standardize expectations of preparedness for protecting environmental sensitive sites (as identified by the ACPs). It also created planning standards for the amount of dedicated response resources and established a timeframe for when those response resources must be deployed. The SPT clarified what is required (amount of boom and timeframes for arrival) and allows OSROs to apply for a SPT “rating” for individual ACP GRAs. Plan holders can then contract with these rated OSROs based upon their oil spill contingency plans and which ACP GRAs they may impact. The table has not been updated since 2013. This 2024 rulemaking, with a new section and new table accomplish these requirements in a more consistent and comprehensive approach and seeks to alleviate the issues with the current table, as described in subheading II of this document.

Column 1 – Area Contingency Plan (ACP) - Geographic Response Area (GRA)

Pursuant to federal law the National Oil and Hazardous Substances Pollution Contingency Plan requires establishment of area committees comprised of qualified personnel of federal, state, and local agencies, with responsibilities that include

preparing ACPs for areas designated by the USCG. [33 U.S.C. § 1321(j)] ACPs are prepared for the use of all agencies engaged in responding to a release or threatened release of a hazardous material, such as an oil spill. In California, there are six ACPs covering six coastal zones of the state, as described in subsection 790(a)(8). Government Code section 8670.3 defines “environmentally sensitive area” as an area defined pursuant to the applicable ACPs or geographic response plans. California’s ACPs facilitate coordination of joint response efforts, including appropriate procedures for mechanical recovery, dispersal, shoreline cleanup, and protection of environmentally sensitive sites and areas.

The six ACPs are divided into geographic response areas (GRAs) based upon county boundaries and natural demarcations (e.g., rivers). [Ref. Attachment A, ACP GRA Boundaries map] Within the GRAs are identified environmental sensitive sites and protection strategies, including amount and type of response equipment. During spills, drills, and exercises, these GRA sites serve as priorities in initial shoreline/sensitive site protection. These site strategies provide the standard for response equipment by which OSPR evaluates the need for plan holder requirements for protection. The ACP GRAs do not identify dedicated equipment requirements, nor do they set timeframes/timelines for equipment to be on-scene or deployed. The SPT table bridges that gap and provides these for each of the GRAs as a means to evaluate plan holders and their contracted OSROs preparedness levels.

The ACPs live on the USCG Homeport website and on [OSPR’s website](#).

Columns 2, 3, 4, 5 – Protection Hours

The Administrator is directed to establish a California Oil Spill Contingency Plan, which must include a “coastal protection element that establishes the state standards for coastline protection” and an “environmentally and ecologically sensitive areas element that shall provide a framework for prioritizing and ensuring the protection of environmentally and ecologically sensitive areas.” [Gov. C. § 8574.7(c) & (d)]

As defined at 828.1(c)(1)(B), “protection hour” means the time after discovery of or receiving notification of a spill or threatened spill by which response resources must arrive at a sensitive site and be capable of being deployed. The boom amount at each hour is the amount that is required to arrive in addition to those amounts from a prior hour, if any.

The protection hours of 2, 4, 6, and 12 in the *Site Protection Table* align with similar requirements in other OSPR regulations. [Ref. 14 CCR §§ 817.02(d)(3)(A) & (B), 817.03(d)(3)-(5) re: marine facilities; 818.02(e)(3)(A)-(C) re: tank vessels; 818.03(e)-(i) re: vessels carrying oil as secondary cargo; 827.02(h)(2)(B) re: nontank vessels; 819.04(a)(1)(A) & (B) re: OSROs] Response resources can be brought in from outside the ACPs by the 12-hour mark and beyond. Also, the times are verifiable via exercises and site visits during working hours. The response times are based on each GRA’s risk ranking (discussed below on page 13). The higher the risk of exposure to oil spills, the greater the need for equipment to be deployed sooner within the GRA (i.e., a protection hour 2 requires equipment to be stored closer to the GRA to ensure the required boom

arrives on scene by that time). The response times are more consistent and clearer compared to the current SPT (2013).

ACP 2 GRA 4 and ACP 5 GRA 2 have the highest risk ranking of all the sites. There are very frequent movements and transits of oil and fuel at these locations of the state. Thus, OSPR is establishing the expectation and standard that sensitive site protection equipment should be able to arrive within two hours consistent with two hour requirements in other OSPR regulations (e.g., response time requirements for containment and recovery [ref. §817.02(d), 817.03(d), 818.02(e), 818.03(e), 827.02(h)]).

A discussion of how OSPR arrived at the amounts of required boom in each row within columns 2, 3, 4, and 5 is discussed below on page 14 under *'Boom Amounts'*.

Column 6 – Cumulative Total at 12 hours

The “Cumulative Total at 12 hours” column establishes the minimum amount of boom that must be on-scene as a cumulative amount over time. As an example, for ACP 1 GRA 1, the cumulative amount of boom by protection hour 12 is the combined total for the 2, 4, 6, and 12 protection hour requirements which is a total of 6,000 feet of boom within 12 hours. This column serves to clarify that the boom amount requirements are cumulative. OSPR expects the OSROs or plan holders to cascade in the required amount of boom over these set timeframes. Further, the amount of boom in column 5 of the table (“Protection Hour 12”) is different from the amount of boom in column 6 of the table (“Cumulative Total at 12 Hours”). The amount of boom in column 5 is the quantity of boom required to be brought to the incident between hour 6 and hour 12. The amount of boom in column 6 is the cumulative total of boom that needs to be on-scene by protection hour 12 for each GRA.

A discussion of how OSPR arrived at the amounts of required boom in each row within column 6 is discussed below on page 14 under *'Boom Amounts'*.

Columns 7 and 8 – Minimum Dedicated at 6 hours Swamp Boom/Harbor Boom

Generally, the response resources to be deployed by a rated OSRO within the first six hours of a spill must be dedicated response resources or be owned and controlled by a rated OSRO that are sufficient to meet the spill response planning requirements of the OSRO's client owner or operator. [Gov. C. 8670.30(f)(5)] However, the Administrator may, by regulation, permit a lesser requirement for dedicated or OSRO owned and controlled response resources for sensitive site protection. Plan holders almost exclusively rely on OSROs to meet their planning requirements; very few plan holders have their own response equipment.

As indicated in the proposed *Site Protection Table*, in some GRAs only swamp boom must be dedicated, but not harbor boom; and in some GRAs only harbor boom must be dedicated, but not swamp boom. The requirements of a specific type of dedicated boom were determined based upon the majority type of boom referenced within the ACP sites for every ACP GRA. For example, if the majority type of boom was harbor boom within ACP 2 GRA 2, then the dedicated boom requirement for that ACP GRA was set as harbor.

A discussion of how OSPR arrived at the amounts of required boom in each row within columns 7 and 8 is discussed below on page 14 under 'Boom Amounts'.

How the GRA Risk Rankings Were Determined

The protect-by-hours in the 2013 Shoreline Protection Table (current vers.) were determined through modeling of oil spill trajectories based upon a couple marine navigational hazard locations. The select ACP environmental sensitive sites potentially impacted from the modeled trajectories were then included in the table and were assigned a protect-by-hour. As a result of this modeling, only select sites were included in the table. This limited approach did not fully capture the vast risk of oil spills to all of the ACP environmental sensitive sites.

OSPR has since created a new approach to determine the relative risk of oiling, which would allow for more comprehensive planning standards. OSPR assessed the relative risk of oiling to each ACP GRA rather than for each ACP environmental sensitive site, as many neighboring sites share the same risks. Using data of its regulated vessels and marine facilities, OSPR looked at vessel transits, number of fixed marine facilities, and total pipeline and railroad miles in the marine environment and analyzed the relative and combined risk of oiling from these spill sources within each GRA. The more vessel transits, marine facilities, and pipeline and railroad miles within a GRA, the higher the risk of exposure to oil spills. OSPR also assessed the environmental sensitivity of each GRA by comparing the number of identified ACP environmental sensitive sites within each GRA. The more sites, the higher the sensitivity. Combining both assessments, OSPR created a relative risk analysis and determined a risk ranking for the GRAs, whereby each GRA was assigned a score of either a low, medium, or high risk to oiling.

For example, ACP 1 GRA 1 was assigned a relative risk ranking of low because vessel traffic, the number of facilities, and the miles of railroad and pipeline were relatively low within the GRA, and the number of sensitive sites within the GRA was relatively high as compared to all other GRAs within the state. Based on a relative risk scoring system, ACP 1 GRA 1 was determined to be in the low-risk range. This methodology was used to determine the relative risk ranking for every GRA within the state.

Using these relative risk rankings, OSPR generated standardized boom amounts, protection hours, and dedicated boom requirements as are reflected in the new Site Protection Table.

Table 1 – Protection Hour and Boom Requirements Based on Risk Ranking

Risk Ranking	Protection Hour 2	Protection Hour 4	Protection Hour 6	Protection Hour 12
Low	N/A	N/A	2,000 ft	4,000 ft
Medium	N/A	2,000 ft	2,000 ft	4,000 ft
High	*2,000 ft	2,000 ft	4, 000 ft	4,000 ft

As demonstrated in Table 1 above, protection hour and boom requirements vary depending on the assigned risk ranking. A low-risk ranking is associated with the least stringent protection hour and boom requirements in the Site Protection Table. A GRA with a low-risk ranking requires 2,000 feet to be on scene starting at protection hour 6, and an additional amount of 4,000 feet on scene at protection hour 12. A GRA with a medium risk ranking, however, is more stringent, and requires an additional 2,000 feet of boom on scene at protection hour 4 (two hours earlier than a GRA with a low-risk ranking). Additionally, the requirements for a GRA with a high-risk ranking are even more stringent, with an added 2,000 feet of boom required on scene at protection hour 2 (two hours earlier than a GRA with a medium risk ranking). Dedicated boom requirements for each GRA also increase with relative risk, which is further explained below. In summary, as relative risk increases, so do the protection hour and boom requirements in the Site Protection Table.

There are a few anomalies to the protection hour and boom requirement standards within the new table, specifically for ACP 4 GRA 8, ACP 5 GRA 4, and ACP 6 GRA 5. This is due to the unique nature of California's islands, which exist within these GRAs. Some of these islands have a very limited number of or no ACP environmental sensitive sites, require a long transit time from the mainland, have federal biosecurity measures, and/or are not accessible due to military control. All of these have an impact on the ability of OSPR to set planning standards. Therefore, these GRAs have unique requirements that reflect their needs outlined in the ACPs, or these requirements are not applicable at all.

Boom Amounts

The amount of boom for each of the protection hours is set on a sliding scale based on a relative risk analysis performed for all GRAs.

Boom amounts were set at increments of 2,000 feet based on a common industry unit of measurement of the typical storage capability and transportation of harbor and swamp boom via trailers and boats. These amounts were identified in collaboration with OSROs during pre-rulemaking activities. OSPR analyzed the environmental sensitive site strategy equipment lists (including boom amounts) within the ACPs and determined that the proposed boom amounts could protect at least one site in the majority of the GRAs within the initial 12 hours after a spill. The boom amounts in the *Site Protection Table* were adjusted accordingly to reflect the needs of the GRAs, as outlined in the ACPs. Additionally, with more boom cascading in over time, OSPR feels confident that the cumulative boom is sufficient in the first 12 hours based upon real world capabilities of OSROs. OSPR believes these boom requirements achieve a balance of best achievable protection while allowing flexibility for OSROs to meet these requirements.

ACP 4 GRA 8, ACP 5 GRA 4, and ACP 6 GRA 5 are exceptions to this rule because the total boom amounts required to protect sensitive sites within each of those GRAs is less than 2,000 feet in the ACPs. ACP 4 GRA 8 needs a maximum of 250 feet of protective boom for sensitive site protection, and ACP 5 GRA 4 needs a maximum of 1500 feet of protective boom for sensitive site protection. ACP 6 GRA 5 has no boom

requirements because there are no prescribed protection strategies for the sensitive sites within GRA 5 (San Clemente Island). This island is managed and operated by the United States Navy. Access is restricted and must be coordinated with the Navy.

Dedicated Boom Amounts. The amount of dedicated boom was determined on a sliding percentage scale (25%, 50% and 75% of the 6-hour protection hour requirement) for the risk rankings. The higher the risk of exposure to oil spills, the greater the likelihood more equipment is necessary for site protection of any given GRA. For low risk GRAs, this equates to 500 feet of boom. For medium risk GRAs, this equates to 2,000 feet of boom. For high risk GRAs, this equates to 6,000 feet of boom. As an example, ACP 1 GRA 1 is a low risk GRA with a 2,000 feet protection hour six requirement; therefore, 25% of 2,000 feet is 500 feet of dedicated boom.

This new approach is more comprehensive. Planning standards are now established for the entire coastline (because ACP GRAs cover the entire coastline) and all ACP environmental sites are captured within the GRAs. This approach also standardizes and simplifies the requirements. Whereas the 2013 Shoreline Protection Table sets disparate protect-by-hours for each site, this new approach sets standardized and defensible protection requirements for the GRAs based on their risk ranking.

Authority and Reference for new section 828.1

The Authority cited includes the following sections of the Government Code: 8574.7, 8670.7.5, 8670.28, 8670.29, and 8670.30. The References cited includes the following sections of the Government Code: 8574.7, 8670.28, 8670.29, 8670.30.

Government Code section 8574.7 requires the Administrator of OSPR to include in the California's Oil Spill Contingency Plan a coastal protection element and an element addressing environmentally and ecologically sensitive areas in state waters and along the coast. This element shall include regional maps identifying sensitive areas, protections actions to be taken within certain time frames, and the location of response equipment and trained personnel to perform such actions. The Area Contingency Plans identify the sites, the needed equipment, and includes the maps.

Government Code section 8670.7.5 grants the Administrator of OSPR the general authority to adopt oil spill response and contingency planning regulations.

Government Code section 8670.28 requires the Administrator of OSPR to adopt and implement regulations governing the adequacy of oil spill contingency plans; provides that, at a minimum, the regulations must ensure that each oil spill contingency plan identifies the measures to be taken to protect the recreational and environmentally sensitive areas that would be threatened by an oil spill.

Government Code section 8670.29 identifies the minimum requirements that an oil spill contingency shall meet, including the strategies for the protection of environmentally sensitive areas.

Government Code section 8670.30 requires the Administrator of OSPR to adopt regulations to establishing minimum requirements for oil spill response organizations.

Repeal Shoreline Protection Tables (2013)

This rulemaking would repeal the ‘*Shoreline Protection Tables (SP Tables) for Vessel Traffic in California’s Marine Waters (Tables dated August 29, 2013)*’ and the accompanying ‘*Purpose and Scope*’ and ‘*Glossary of Terms Used in the BAP Shoreline Protection Tables*’. Those documents are attached to this ISOR and illustrated in ~~strikeout~~. Incorporation by reference to those documents in a number of the following regulations is also deleted.

Amend Section 790 of Chapter 1; Amend Sections 815.01, 815.03, 815.05, 815.07, 816.06, 817.01, 817.02, 817.03, 817.04, 818.01, 818.02, 818.03, 819, 819.01, 819.02, 819.03, 819.04, 820.1, 825.01, 825.03, 825.05, 825.07, 827.01, 827.02 of Chapter 3; and Amend Section 873.5 of Chapter 7.

For consistency, conforming revisions to several other sections are included in this rulemaking action.

Additionally, OSPR is taking this opportunity to perform nonsubstantive cleanup to existing text. These changes include deleting unnecessary terms; consolidating definitions into one section (e.g., sections 815.05 and 825.05 into section 790); editing for style consistency and uniformity with existing OSPR regulations or the California Style Manual (e.g., capitalization, punctuation, consistent use of terms or phrases, proper citations, etc., referred to throughout as “edits for uniformity”); and renumbering as necessary. Some edits are necessary for compliance with state and federal ADA accessibility standards. General nonsubstantive edits throughout include:

- Removal and replacement of abbreviations, acronyms, initialisms with the full name.
- Elimination of redundancy
- Diction edits for improved readability or conciseness
- Improvements to letter spacing, line spacing, and kerning
- Corrections of typographical errors

Section 790, Chapter 1 –Definitions and Abbreviations

The leading sentence of section 790 has an edit deleting “shall” as superfluous.

Subsection (a)(5) “Affiliated Person” has a citation correction to section 820.1.

Subsection (a)(6) “Agent for Service of Process” has an edit changing “shall” to “must” for consistent expression of mandatory provisions.

Subsection (a)(7) “Anchorage” has nonsubstantive edits replacing the abbreviation “U.S.” with the full name as part of the nonsubstantive cleanup efforts described on page 16.

Subsection (a)(8) “Area Contingency Plan” has a nonsubstantive edit spelling out the Office of Spill Prevention and Response, and clearly indicating that the ACPs can be found on OSPR’s website. The ACPs have been posted there for many years. They

may also be found on the USCG's "Homeport" website, but OSPR has no control over that website.

Subsection (b)(5) "Best Achievable Protection" has a few edits throughout changing "shall" to "must" for consistent expression of mandatory provisions.

Subsection (b)(6) "Best Achievable Technology" has an edit changing "shall" to "must" for consistent expression of mandatory provisions.

Subsection (c)(6) has a nonsubstantive edit deleting the acronym IMO.

Subsection (c)(7) "Competitive Aspects" has two edits changing "shall" to "must" for consistent expression of mandatory provisions.

Subsection (c)(10) "Contract or Other Approved Means" has the following edits:

- In two places, "shall" is changed to "must" for consistent expression of mandatory provisions.
- In four places, "rated" is added in front of "oil spill response organization" for clarity that the contracts may only be with oil spill response organizations that have been rated by OSPR.
- At (c)(10)(A)1., "environmental sensitive site protection" is added which is consistent with this rulemaking action. There is also a citation correction.
- At (c)(10)(A)2., "shoreline" is replaced with "environmental sensitive site" which is consistent with the purpose and intent of this rulemaking action; and a section citation is added referencing the Sensitive Site regulations proposed for adoption in this rulemaking action.

Subsection (d)(1) "Deadweight Tonnage" has an edit changing "shall" to "must" for consistent expression of mandatory provisions.

Subsection (d)(2) "Dedicated Response Resources" has an edit for the category of "sensitive site protection", which is consistent with the purpose and intent of this rulemaking action. There has been a requirement for dedicated response equipment since 2002, including equipment used for environmental sensitive site protection. [Gov. C. § 8670.30(f)] This edit is reflecting an existing requirement that has long been part of OSPR's other regulations.

Subsection (e)(3) "Effective Daily Recovery Capacity" has an edit changing "shall" to "must" for consistent expression of mandatory provisions.

Subsection (e)(4) "Environmentally Sensitive Area" or "Environmentally Sensitive Site" is revised to "Environmental Sensitive Area" or "Environmental Sensitive Site" (deleting the 'ly'), to align with the naming convention in the ACPs and geographic response plans. Reference to cultural and historical sites is deleted because the ACPs define these concepts separately. Reference to the California Oil Spill Contingency Plan is deleted because it is not accurate to state that document identifies sites or strategies; it does not.

Subsection (f)(5) “Federal On-Scene Coordinator” has nonsubstantive edits replacing the abbreviation “U.S.” with the full name.

Subsection (h)(1) “Harbor Safety Committee” has a nonsubstantive cleanup edit to legal citations for consistency.

Subsection (h)(2) “HAZWOPER” has a nonsubstantive cleanup edit to a legal citation for consistency.

Subsection (i)(1) “Implementation of the Plan” is moved here from sections 815.05 and 825.05 (which are proposed for repeal in this rulemaking action) without substantive changes. With these and other related proposed regulations, OSPR is trying to ensure that defined terms that are widely referenced and applicable to the entire subdivision are only listed in section 790 and not duplicated elsewhere. This is necessary to avoid possible inconsistency resulting from the same term being unintentionally defined differently in multiple sections. Unnecessary duplication potentially creates scenarios where a term might be updated in one section and but overlooked in another section, which would cause considerable confusion and inconsistency. Consolidation of commonly used definitions in one section will eliminate conflicting definitions.

Additionally, the phrase “all essential provisions”, formerly in sections 815.05 and 825.05, is more appropriately changed to “all essential efforts.”

Former subsection (i)(1) “Incident Action Plan” is renumbered (i)(2) for uniformity.

Former subsection (i)(2) “Incident Command System” is renumbered (i)(3) for uniformity. Reference to subsection (i)(3) is changed to “this section” to avoid the need to track and make repeated updates in the future.

Former subsections (i)(3) through (i)(10) are renumbered (i)(4) through (i)(11) for uniformity.

Renumbered subsection (i)(4) “Incident Management Handbook” has a nonsubstantive edit replacing the abbreviation “U.S.” with the full name.

Renumbered subsection (i)(9) “Innocent Passage” has an edit changing “shall” to “must” for consistent expression of mandatory provisions.

The numbering of former subsections (l)(2) through (l)(8) is corrected to (l)(1) through (l)(7).

Subsection (n)(4) “Non-persistent Oil” have spelling corrections to the word “Celsius”.

Subsection (o)(17)(C) “Owner or Operator” has a nonsubstantive grammatical edit.

Subsection (p)(3) “Pilot” has a nonsubstantive edit replacing the abbreviation “U.S.” with the full name.

Subsection (p)(5) “Plan Holder” is revised to delete the category of “small marine fueling facility” as unnecessary since that type of facility is broadly covered under the term “facility”, defined at (f)(1). The term “responsible” is changed to “accepting responsibility”

to account for current situations where multiple entities have an ownership or operational role for a vessel or facility, but one of them takes on the responsibility for the contingency plan. Grammatical improvements are also made.

Subsection (p)(9) “Production Facility” has a nonsubstantive cleanup edits to legal citation for consistency.

Subsection (q)(1) “Qualified Individual” has an edit changing “shall” to “must” for consistent expression of mandatory provisions.

Subsections (r)(6) “Response Area” has an edit changing “shall” to “must” for consistent expression of mandatory provisions.

Subsection (r)(7) “Response Planning Area (RPA)” has a nonsubstantive edit replacing the abbreviation “U.S.” with the full name.

Subsection (r)(11) “Risk and Hazard Analysis” has a nonsubstantive cleanup edits to legal citations for consistency.

Subsection (r)(12) “Risk Zone” has an edit changing “shall” to “must” for consistent expression of mandatory provisions.

Subsection (s)(2) “Sensitive Site Strategy Evaluation Program” has the following edits:

- A correction of the term “exercise” to the more appropriate term of “equipment deployment drill”, the definition of which is also found in section 790, and which describes more on point the terminology and practices used by the program.
- Reference to the Shoreline Protection Tables is deleted because this document historically incorporated by reference in a number of OSPR’s regulations, and its definition in section 790, are being repealed and replaced with the proposed adoption of section 828.1 in this rulemaking action.
- “Environmentally” is changed to “environmental” consistent with the changes made to the defined term in section 790 in this rulemaking action.
- Finally, there are nonsubstantive typographical and grammatical edits.

Subsection (s)(7) “Shoreline Protection Tables” is deleted because the term and the document by the same name are being repealed and replaced with the proposed adoption of section 828.1, which is the subject of this rulemaking action.

Former subsections (s)(8) through (s)(22) are renumbered (s)(7) through (s)(21) for uniformity.

Subsection (s)(17) “State On-Scene Coordinator” has a nonsubstantive cleanup edit to a legal citation for consistency.

Section 815.01, Chapter 3 – General Outline

Section 815.01 is being repealed; it is not regulatory.

Section 815.03, Chapter 3 – Purpose and Scope

The first paragraph of section 815.03 has the following edits throughout:

- A nonsubstantive edit is made establishing the paragraph as subsection “(a)” for uniformity with standard regulation formatting.
- Language is added to identify where the nontank vessel contingency plan regulations are found.
- A nonsubstantive typographical edit changing “the” to “these”.
- Nonsubstantive cleanup edits replacing the slash in “owner/operator” with “or” for clarity.
- Nonsubstantive edits are made to certain capitalized terms as part of the cleanup efforts described on page 16.
- For clarity, language is added referencing that there are time frames in this subchapter for on-water recovery and storage. This is not new.
- “Vessel carrying oil as secondary cargo” is added as a category of vessel subject to these regulations. This is not a substantive change. These vessels have been specifically regulated since 1998 (see section 818.03) and should have been mentioned in 815.03 since then.
- “Marine facility” is added for consistency and clarity. All vessels and marine facilities subject to these regulations have for many years been required to protect sensitive sites.
- “Shall” is changed to “must” for consistent expression of mandatory provisions.
- A nonsubstantive grammatical edit deleting the added ‘s’ in “contract”.
- “Shoreline protection” is deleted as superfluous.
- The phrase “each type of shoreline and” is deleted, and “environmental” is added for consistency with the purpose and intent of this rulemaking action, which is a focus towards environmental sensitive site protection.
- The phrase “in the time frames required by section 828.1” is added for consistency with similar verbiage in other OSPR regulations, and to add citation to the new section proposed in this rulemaking action. Complying with time frames will be new for facilities. Previously facilities had to have sensitive site protection, but there were no response times associated with that capability. This is not expected to be a significant change for facilities because most facilities already have contracts with OSROs that have been offering this capability to vessels for many years.
- Reference to the Shoreline Protection Tables is deleted because this document historically incorporated by reference in a number of OSPR’s regulations and its definition in section 790, are being repealed and replaced with the proposed adoption of section 828.1 in this rulemaking action.
- “Regulatory” is deleted as superfluous. By nature of the document being a regulation, the requirements are thereby regulatory.

- “Shoreline” is replaced with “environmental sensitive site” consistent with the purpose and intent of this rulemaking action.
- The acronym “OSRO” is replaced with the full name as part of the nonsubstantive cleanup efforts described on page 16.
- A nonsubstantive edit deleting the hyphen in “clean-up” for uniformity.

The second paragraph of section 815.03 has the following edits throughout:

- A nonsubstantive edit is made establishing the paragraph as subsection “(b)” for uniformity with standard regulation formatting.
- Nonsubstantive cleanup edits replace the slash in “owner/operator” with “or” for clarity. It is also revised from a plural noun to a singular noun for consistency. Accordingly, a syntax edit changing “have” to “has”.
- The third sentence [“The applicable SP Tables shall be used for tank vessels.”] is removed as redundant to that which is stated in subsection (a) of this section. Reference to the Shoreline Protection Tables is removed because this document historically incorporated by reference in a number of OSPR’s regulations, and its definition in section 790, are being repealed and replaced with the proposed adoption of section 828.1 in this rulemaking action.
- “And tables” is replaced with “and the area contingency plans” because the table does not include all information that may be required in a spill response. The table only establishes response times and the required minimum amount of dedicated boom. The ACPs include additional information such as response strategies, additional equipment that might be necessary, etc. New subsection 828.1(a) would require plan holders posing a risk of a spill to marine waters utilize the applicable ACPs for measures to protect environmental sensitive sites.
- “Will” is changed to “must” for consistent expression of mandatory provisions.
- The phrase “...including environmental sensitive sites” is added consistent with the purpose and intent of this rulemaking action.
- A nonsubstantive typographical edit for improved readability.
- “Shall” is changed to “must” for consistent expression of mandatory provisions.

The third paragraph of section 815.03 has the following edits throughout:

- A nonsubstantive edit is made establishing the paragraph as subsection “(c)” for uniformity with standard regulation formatting.
- The acronym “OSPR” is deleted as part of the nonsubstantive cleanup efforts described on page 16.
- A nonsubstantive cleanup edit replacing the slash in “owner/operator” with “or” for clarity.

The fourth paragraph of section 815.03 has the following edits throughout:

- A nonsubstantive edit is made establishing the paragraph as subsection “(d)” for uniformity with standard regulation formatting.

- Nonsubstantive edits to capitalized terms and removal and/or replacement of acronyms.
- A nonsubstantive cleanup edit to a legal citation for consistency.

Section 815.05, Chapter 3 – Definitions

This section is being deleted. With this rulemaking, OSPR is attempting to ensure that defined terms that are widely referenced and applicable to the entire subdivision are only listed in section 790 (Definitions and Abbreviations) and not duplicated elsewhere. This is necessary to avoid redundancy and possible inconsistency resulting from the same term being unintentionally defined differently in multiple sections. Unnecessary duplication potentially creates a scenario where a term might be updated in one section but overlooked in another section, which would cause considerable confusion and inconsistency. Consolidation of commonly used definitions in one section will eliminate conflicting definitions.

All but three of the terms and definitions in section 815.05 were added to section 790 in an earlier rulemaking action (OAL No. 2018-1031-04), however, the collateral action of striking them out from 815.05 was overlooked. That is being corrected now. Therefore, all terms and definitions in section 815.05 are deleted or moved to section 790 and the entire section 815.05 repealed in this rulemaking action.

The remaining three terms and definitions that were not moved to section 790 in the earlier rulemaking action are being addressed now:

- Subsection (a) “Area Exercise” is an unused term and therefore is not moved to section 790.
- Subsection (e) “Implementation of the Plan” is moved to section 790.
- Subsection (g) “Letter of Approval” is deleted as a common expression, its intent clear in context, and not required or necessary to be defined, therefore it is not moved to section 790.

Section 815.07, Chapter 3 – General Requirements

Subsection (a) has the following edits:

- “Marine” is added before the word “facility” to clarify these regulations apply to marine facilities, not inland facilities. Requirements for inland facilities are provided in section 817.04.
- “Shall” is changed to “must” for consistent expression of mandatory provisions.

Subsection (a)(1) has the following edits throughout:

- “Shoreline” is replaced with “environmental sensitive site” consistent with the purpose and intent of this rulemaking action.
- A nonsubstantive grammatical edit adding “as”.
- The acronym “OSRO” is replaced with the full name as part of the nonsubstantive cleanup efforts described on page 16.

- “Letter of Approval” is changed to “rating approval letter”; this is a nonsubstantive change.
- “Shall” is removed as unnecessary. Accordingly, there is a syntax edit to “remain”, and “shall be” is changed to “is.”

In subsections (a)(2) and (a)(2)(E), “shall” is changed to “must” for consistent expression of mandatory provisions.

In subsection (b), “a tank vessel” is added, and “nor” is changed to “or”, for better clarity and structure. These are nonsubstantive typographical edits.

Subsections (b)(1) through (b)(4) have the following nonsubstantive edits throughout:

- Nonsubstantive capitalization and punctuation edits.
- Nonsubstantive cleanup edits replacing the slash in “owner/operator” with “or” for clarity.
- The word “marine” is added before “terminal” for clarity and consistency [(b)(1), (b)(3)]

Subsection (c) has edits changing “shall” to “must” for consistent expression of mandatory provisions.

Subsection (d) has the following edits:

- “Shall” is changed to “must” for consistent expression of mandatory provisions.
- The names of the cited contingency plans are corrected for accuracy.
- The ampersand symbol (&) is replaced with the word “and” or uniformity with global style changes throughout the regulations.
- Nonsubstantive cleanup edits are made to certain capitalized terms.

Subsection (e) has the following edits:

- “Shall” is removed as unnecessary to the meaning of the sentence. Syntax edits to “impair” and “limit” are made accordingly.
- The abbreviation “U.S.C.” in the legal citation is replaced with the full name as part of the nonsubstantive cleanup efforts described on page 16.
- “Shall” is changed to “does” consistent with the first edit deleting “shall”.

Subsection (f) has an edit changing “shall” to “must” for consistent expression of mandatory provisions.

Section 816.06, Chapter 3 – Compliance Requirements/Penalties

The first paragraph has the following edits:

- A nonsubstantive edit establishing the paragraph as subsection “(a)” for uniformity with standard regulation formatting. The additional subsections within this paragraph are renumbered accordingly.

- In the first sentence of (a), “shall” is changed to “may” because many factors inform the decision to charge a person or company with a violation. OSPR has no control over whether a prosecutor will file a criminal or civil violation, the decision lies with the prosecutor, so “shall” is not accurate.
- Nonsubstantive edits to the legal citation for clarity. The prior citation was not complete.
- In the second sentence of (a) “shall” is deleted as unnecessary for the meaning of the sentence, and nonsubstantive grammatical edits.

Former subsections (a) through (e) are renumbered (1) through (5) consistent with the numbering of new subsection (a) and for uniformity with standard regulation formatting. These subsections have the following additional edits throughout:

- Nonsubstantive edits to capitalization, punctuation and removal/replacement of acronyms as part of the nonsubstantive cleanup efforts described on page 16.
- In former subsection (d), new (4), nonsubstantive edits to delete and/or replace acronyms as part of the cleanup efforts described on page 16. “Shoreline” is replaced with “environmental sensitive site” consistent with the purpose and intent of this rulemaking action.
- In former subsection (e), new (5), nonsubstantive cleanup edits to a legal citation for consistency.

The Authority and Reference to section 816.06 has edits replacing the dash (“-”) with the word “through”. The statutory citations are revised to be more thorough.

Section 817.01, Chapter 3 – Applicability

Subsection (a), the subtitle, has a nonsubstantive punctuation edit.

The first paragraph of subsection (a) has the following edits:

- The paragraph under subsection (a) has a nonsubstantive edit establish it as subsection “(1)” for uniformity with standard regulation formatting.
- “Shall” is changed to “must” for consistent expression of mandatory provisions.
- There is a change in citation to where defined terms are to be found, consistent with the proposed repeal of section 815.05 in this rulemaking action. See discussion above at section 815.05.
- Reference to “subchapter” is corrected to “subdivision”.
- “Discharge” is changed to “spill” for uniformity with the regulations as a whole, as well as defined terms within section 790.

Former subsection (a)(1) is renumbered (a)(2) for uniformity, and “shall” is changed to “must” for consistent expression of mandatory provisions.

Former subsection (a)(2) is renumbered (a)(3) for uniformity. Diction is revised for improved readability.

Subsection (b), the subtitle, has a nonsubstantive cleanup edit replacing the slash with “and”.

Subsection (b)(1) has a nonsubstantive cleanup edits replacing the slash in “owner/operator” with “or” for clarity, and “worst case” is revised to include a hyphen for consistency.

Subsections (b)(1)(A), (B), and (C) have capitalization edits, and acronyms are replaced with the full agency names as part of the nonsubstantive cleanup efforts described on page 16. In 2010 the Minerals Management Service was abolished, and its duties distributed among three different agencies; the relevant one here is the Bureau of Safety and Environmental Enforcement.

Subsections (b)(2) through (b)(2)(E) have the following edits throughout:

- Nonsubstantive cleanup edits replacing the slash in “owner/operator” with “or” for clarity.
- Specificity is added to the time frames for clarity, i.e., calendar days, which is consistent with time frames in other OSPR regulations.
- “Shall” changed to “will” for consistent statement of obligations. [(b)(2)(B)]
- Nonsubstantive edits are made to certain capitalized terms and removal of acronyms.

Section 817.02, Chapter 3 – Marine Facility Plan Content (Except for Those Small Marine Fueling Facilities Addressed in Section 817.03 of This Subchapter).

The first paragraph has a capitalization edit consistent with the cleanup edits described on page 16.

Subsections (a) through (a)(1)(E) have the following edits throughout:

- Nonsubstantive edits to punctuation, capitalization, and removal and/or replacement of acronyms as part of the nonsubstantive cleanup efforts described on page 16.
- “Shall” is changed to “must” for consistent expression of mandatory provisions.
- In subsection (a)(1)(B), compared to most other places where “owner/operator” (with just the slash) is revised to mean owner *or* operator, here “owner *and/or* operator” is revised for clarity to mean “owner *and* operator” because OSPR wants the contact information of both. This is applicable in but a few instances in the regulation sections proposed for amendment, specifically here as well as 817.03(a)(1)(B), 818.02(a)(1)(B), 818.03(a)(1)(B) and 827.02(a)(1)(B).
- A nonsubstantive typography edit in (a)(1)(E).

Subsections (a)(2) through (a)(4) have the following edits throughout:

- “Shall” is changed to “must” for consistent expression of mandatory provisions.
- Nonsubstantive capitalization edits and removal of acronyms.

Subsection (a)(5) has the following edits:

- “Shall” is changed to “must” for consistent expression of mandatory provisions.
- Nonsubstantive capitalization edits and removal and/or replacement of acronyms.
- Nonsubstantive grammatical edits for improved readability.
- “And/or” is replaced with “and”. A standard contract will include both activities.
- “Subchapter” is corrected to “subdivision”.
- “Shoreline” is replaced with “environmental sensitive site” consistent with the purpose and intent of this rulemaking action.

Subsections (b) through (b)(1)(E) have the following edits throughout:

- Nonsubstantive edits to punctuation and capitalization.
- “Shall” is changed to “must” for consistent expression of mandatory provisions.
- “Material safety data sheet” is updated to the currently recognized name, “safety data sheet” and the acronym deleted.
- A nonsubstantive cleanup edit replacing the slash in “owner/operator” with “or” for clarity.

Subsections (b)(2) through (b)(2)(F) have the following edits throughout: “Shall” is changed to “must” for consistent expression of mandatory provisions; and nonsubstantive cleanup edits to capitalization and punctuation.

Subsections (c) through (c)(1)(D) have the following edits throughout:

- Nonsubstantive edits to punctuation and capitalization.
- “Shall” is changed to “must” for consistent expression of mandatory provisions.
- Nonsubstantive cleanup edits replacing the slash in “owner/operator” with “or” for clarity.
- “Discharge” is changed to “spill” for uniformity with the regulations as a whole, as well as defined terms within section 790. [(c)(1)(C)3.]
- “Timeframes” is separated into two words for uniformity with global style changes throughout the regulations.

Subsection (c)(2) has the following edits:

- “Off-site” is revised deleting the hyphen making it one word and uncapitalized.
- Nonsubstantive cleanup edits to punctuation.
- “Shall” is changed to “must” for consistent expression of mandatory provisions.
- Nonsubstantive cleanup edits to capitalization and removal and/or replacement of acronyms and abbreviations.

- The last sentence is revised for readability and clarity. A summary has always been required. It has always been required to include the contents of (c)(2)(A) and (B). Subsection (c)(2)(C) is new.

Subsections (c)(2)(A) and (B) have the following edits:

- Nonsubstantive cleanup edits to capitalization.
- “Worst case” is revised to include a hyphen for consistency. [(c)(2)(A)]
- A nonsubstantive diction edit changing “shall be” to “is”.
- “Discharge” is changed to “spill” for uniformity with the regulations as a whole, as well as defined terms within section 790. [(c)(2)(B)]

New subsection (c)(2)(C) is added to provide specificity to the time frames for the trajectory(ies). The trajectory must indicate impacts 12 hours after a spill. A 12-hour trajectory helps identify which GRAs would need to be considered by a unified command during an incident. By that time a plan holder should be running a real time trajectory of a spill with current conditions and quantity of oil.

Subsections (c)(3) through (c)(3)(B)6. Have the following edits:

- The subtitle of (c)(3) has a nonsubstantive punctuation edit.
- “Off-site” is revised deleting the hyphen making it one word and uncapitalized.
- Nonsubstantive cleanup edits to punctuation, capitalization, and removal of acronyms and abbreviations.
- “Shall” is changed to “must” for consistent expression of mandatory provisions.
- “Environmentally” is changed to “environmental” consistent with the changes made to the defined term in section 790 in this rulemaking action.

Subsections (c)(4) through (c)(4)(E) have the following edits throughout:

- The subtitle of (c)(4) has a nonsubstantive punctuation edit.
- “Shall” is changed to “must” for consistent expression of mandatory provisions.
- Nonsubstantive edits to punctuation, capitalization, and removal of acronyms.
- Nonsubstantive cleanup edits to legal citations for consistency.

Subsections (d) through (d)(1)(A)3. Have the following edits throughout:

- The subtitle [(d)], has a nonsubstantive capitalization and punctuation edit.
- Nonsubstantive cleanup edits to certain capitalized terms.
- “Worst case” is revised to include a hyphen for consistency.
- Edits are made to legal citations for clarity.
- “Shall” is changed to “must” for consistent expression of mandatory provisions. [(d)(1)(A)2. and 3.]
- “Discharge” is changed to “spill” for uniformity with the regulations as a whole, as well as defined terms within section 790. [(d)(1)(A)2.]

Subsections (d)(1)(B) through (d)(1)(F) have the following edits throughout:

- Nonsubstantive capitalization cleanup edits.
- An edit to a citation for clarity. [(d)(1)(C)]
- Specificity is added to the time frame for clarity, i.e., calendar days, which is consistent with time frames in other OSPR regulations, and “thirty” and the parentheses around the number are deleted for uniformity. [(d)(1)(C)4., (d)(1)(D)]
- “Shall” is changed to “must” for consistent expression of mandatory provisions. [(d)(1)(C)4.; (d)(1)(F)]
- A nonsubstantive cleanup edit is made replacing the slash in “owner/operator” with “or” for clarity. [(d)(1)(D)]
- “Worst case” is revised to include a hyphen for consistency. [(d)(1)(D), (F)]
- “Discharge” is changed to “spill” for uniformity with the regulations as a whole, as well as defined terms within section 790. [(d)(1)(D)]
- A nonsubstantive edit is made deleting the number ‘1.’ for uniformity with standard regulation formatting. [(d)(1)(E)]

Subsections (d)(2) through (d)(2)(C)2. Have the following edits:

- Nonsubstantive punctuation edits at each of the subtitles. [(d)(2), (d)(2)(B) and (C)].
- “Worst case” is revised to include a hyphen for consistency.
- Nonsubstantive edits are made to certain capitalized terms and removal of acronyms.
- “Shall” is changed to “must” for consistent expression of mandatory provisions.

Subsection (d)(3) has the following edits:

- Nonsubstantive cleanup edits to punctuation and to certain capitalized terms.
- A nonsubstantive cleanup edit replacing the slash in “owner/operator” with “or” for clarity.

Subsections (d)(3)(A) through (d)(3)(A)3. Have the following edits throughout:

- Nonsubstantive cleanup edits to punctuation and to certain capitalized terms.
- “Shall” is changed to “must” for consistent expression of mandatory provisions.
- “Timeframes and timeframe” are separated into two words for uniformity with global style changes throughout the regulations. [(d)(3)(A)2.]
- The full name of the state agency is corrected. [(d)(3)(A)3.]
- The spelling of “seastate” is corrected as two words. [(d)(3)(A)3.]
- “Will” is changed to “must” for consistent expression of mandatory provisions.

Subsections (d)(3)(B) through (d)(3)(B)2.iv. have the following edits throughout:

- Nonsubstantive cleanup edits to punctuation and to certain capitalized terms.
- In (d)(3)(B)1., the hyphen is removed from High-Volume.
- In the table, abbreviations are spelled out.
- Subsections (d)(3)(B)1.i. and ii. are correctly renumbered a. and b., respectively, for uniformity with standard regulation formatting.
- Nonsubstantive cleanup edits are made deleting the slashes in “facility/transfer”.
- Nonsubstantive cleanup edits replacing the slashes in “barrels/day” with “per”.
- Nonsubstantive cleanup edits replacing the percent symbol (%) is replaced with “percent”.
- “Worst case” is revised to include a hyphen for consistency.
- Subsections (d)(3)(B)2.i. through iv. are correctly renumbered a. through d., respectively, for uniformity with standard regulation formatting.
- “Shall” is changed to “must” for consistent expression of mandatory provisions. [(d)(3)(B)2.c.]

Subsections (d)(3)(C) through (d)(3)(E) have the following edits:

- “Shall” is changed to “must” for consistent expression of mandatory provisions. [(d)(3)(C)]
- Nonsubstantive capitalization edits.
- The percent symbol is replaced with “percent”. [(d)(3)(D)]

Subsection (d)(4) has the following edits:

- Subsection (d)(4), the subtitle, has a nonsubstantive punctuation edit.
- A hyphen is added at “6 hour” for uniformity with global style changes throughout the regulations.
- Nonsubstantive cleanup edits to capitalized terms, and removal of acronyms.
- “Shall” is changed to “must” for consistent expression of mandatory provisions.

Subsections (d)(5) and (d)(5)(A) have the following edits:

- Subsection (d)(5), the subtitle, has a nonsubstantive punctuation edit.
- “Shall” is changed to “must” for consistent expression of mandatory provisions.
- A nonsubstantive cleanup edit replacing the slash in “owner/operator” with “or” for clarity.
- Nonsubstantive edits are made to certain capitalized terms and removal of acronyms.

Subsections (d)(5)(B) through (d)(5)(C) have the following edits throughout:

- Nonsubstantive edits are made to certain capitalized terms, punctuation, and removal of acronyms.
- “Shall” is changed to “must” for consistent expression of mandatory provisions.

- The citation to where defined terms are to be found is revised consistent with the proposed repeal of section 815.05 in this rulemaking action. See discussion above at section 815.05. And reference to “subchapter” is corrected to “subdivision”.
- “Shoreline” is deleted and “environmental” is added consistent with the purpose and intent of this rulemaking action.
- “Off-site” is revised deleting the capitalization and the hyphen making it one word.
- The last sentence of (d)(5)(B) is rephrased for improved clarity and readability.
- Subsections (d)(5)(B)5.i. and ii. are correctly renumbered a. and b., respectively, for uniformity with standard regulation formatting.
- In (d)(5)(B)9., “discharged” is changed to “spilled” for uniformity with the regulations as a whole, as well as defined terms within section 790.
- Subsections (d)(5)(B)10.i. through iii. are correctly renumbered a. through c., respectively, for uniformity with standard regulation formatting.
- In subsection (d)(5)(B)10.c., specificity is added to the time frame for clarity, i.e., calendar days, which is consistent with time frames in other OSPR regulations. Although obvious, during a spill people would be present consecutive calendar days, not business days.
- Subsections (d)(5)(B)11.i. through iv. are correctly renumbered a. through d., respectively, for uniformity with standard regulation formatting.

Subsections (d)(5)(D) through (d)(5)(D)3. have the following edits: At (d)(5)(D)3., “shall” is removed as unnecessary. Accordingly, there is a syntax edit to “remain”.

Subsections (d)(5)(E) through (d)(5)(E)5. Have the following edits throughout:

- Nonsubstantive edits to punctuation, capitalization and removal of acronyms.
- “Shall” is changed to “must” for consistent expression of mandatory provisions.
- “Discharge” is changed to “spill” for uniformity with the regulations as a whole, as well as defined terms within section 790. [(d)(5)(E)4. and 5.]

Subsections (d)(5)(F) through (H) have the following edits throughout:

- The full name of the National Oil and Hazardous Substances Pollution Contingency Plan is included for accuracy and clarity.
- Nonsubstantive edits to punctuation and capitalization.
- “Shall” is changed to “must” for consistent expression of mandatory provisions.
- Specificity is added to the time frame for clarity, i.e., calendar days, which is consistent with time frames in other OSPR regulations. [(d)(5)(F)2.]
- “Discharge/discharged” is changed to “spill/spilled” for uniformity with the regulations as a whole, as well as defined terms within section 790. [(d)(5)(G)]

Subsections (e) through (e)(1)(C)2. have the following edits throughout:

- In the subtitle of subsection (e), “Shoreline” Protection is replaced with “Environmental Sensitive Site” Protection consistent with the purpose and intent of this rulemaking action. “Shoreline Cleanup” is added to cover those concepts within the subsection.
- Nonsubstantive cleanup edits are made to punctuation, certain capitalized terms, and removal and/or replacement of abbreviations and acronyms.
- “Shall” is changed to “must” for consistent expression of mandatory provisions.
- “Worst case” is revised to include a hyphen for consistency. [(e)(1)(A)]

Subsections (e)(2) through (e)(2)(C)4. have the following edits throughout:

- The title of subsection (e)(2) is revised replacing “Shoreline” with “Sensitive Site” consistent with the purpose and intent of this rulemaking action. There is also a punctuation edit at the end of the subtitle.
- Nonsubstantive cleanup edits are made to punctuation, certain capitalized terms, and removal and/or replacement of acronyms.
- For clarity and specificity, “shoreline” is replaced with “environmental sensitive site” consistent with the purpose and intent of this rulemaking action. These are the areas that would be identified by an off-site consequence analysis, and possibly require participation in the sensitive site strategy evaluation program.
- “Shall” is changed to “must” for consistent expression of mandatory provisions.
- “Off-Site” is uncapitalized and the hyphen removed for uniformity.
- “12-hour trajectory” is added because the Site Protection Table establishes equipment requirements out to 12-hours. Response resources can be brought in from outside the area by the 12-hour mark and beyond, so it does not make sense to set requirements past that time. [(e)(2)]
- “Types of shorelines” is replaced with “sites” because the focus is on sites identified in the ACPs, not “types” of shorelines. [(e)(2)(A)1.]
- “On scene” is revised adding a hyphen for uniformity. [(e)(2)(B)]
- “State” is removed from “State Incident Command”.
- Specificity is added to the time frame for clarity, i.e., calendar days, which is consistent with time frames in other OSPR regulations. Although obvious, during a spill people would be present consecutive calendar days, not business days. [(e)(2)(B)]
- “Shall” is removed as unnecessary. Accordingly, there is a syntax edit to “remain”. [(e)(2)(C)3.]

Subsections (e)(4) through (e)(4)(D) have the following edits throughout:

- Nonsubstantive edits deleting the hyphen in “clean-up” for uniformity. [(e)(4), (e)(4)(A)1., (e)(4)(B)]

- Nonsubstantive cleanup edits are made to punctuation and capitalization.
- “Shall” is changed to “must” for consistent expression of mandatory provisions.
- “Off-site” is revised deleting the hyphen making it one word and uncapitalized.
- “On scene” is revised to include a hyphen for uniformity.
- “State” is removed from “State Incident Command”

Subsections (f) through (f)(8) have the following edits throughout:

- Nonsubstantive punctuation and capitalization edits.
- “Shall” is changed to “must” for consistent expression of mandatory provisions.
- “State Incident Command System” is uncapitalized and “State” is deleted. The incident command system is a *national* model for emergency response.
- “And/or” is revised to just “or” because a unified command structure is an application of the incident command system. A unified command is not always used in every incident, but every incident utilizes concepts of the incident command system. [(f)(1)]
- Nonsubstantive cleanup edits to legal citations for consistency. [(f)(1), (f)(8)]
- At (f)(1)(C), “Safety Office” is corrected to “Safety Officer”, for uniformity with other OSPR regulations.
- At (f)(5)(B)6., “and/or” is replaced with just “or”. Fire can occur without explosion.
- “And/or” is revised to just “and” because cleanup activities are part of spill response operations, and “clean up” is revised to be one word for uniformity. [(f)(8)]

Subsections (g) through (g)(6) have the following edits throughout:

- Nonsubstantive edits to punctuation, capitalization, and removal and/or replacement of acronyms.
- “Shall” is changed to “must” for consistent expression of mandatory provisions.
- Nonsubstantive edits to typography for improved readability. [(g)(1)]
- “Discharge” is changed to “spill” for uniformity with the regulations as a whole, as well as defined terms within section 790.
- “Section” is corrected to “subsection”. [(g)(2)]
- Nonsubstantive cleanup edits replacing the slash in “owner/operator” with “or” for clarity.
- Nonsubstantive cleanup edits replacing the slash in “his/her” with “or”.
- “On scene” is revised to include a hyphen for uniformity. [(g)(4)(H)]
- “And/or” is revised to “or” for consistency, because either a state or federal on-scene coordinator would make this determination. [(g)(6)]

- “Shall have” is changed to “has” for consistent diction, because this subsection creates the option, the option is not coming from some other source in the future. [(g)(6)]
- “Timeframe” is separated into two words for uniformity with global style changes throughout the regulations. [(g)(6)]

Subsections (h) through (h)(5) have the following edits throughout:

- Nonsubstantive edits to punctuation and capitalization.
- “Shall” is changed to “must” for consistent expression of mandatory provisions.
- “Section” is more accurately replaced with “subsection”.
- The citation to where defined terms are to be found is revised consistent with the proposed repeal of section 815.05 in this rulemaking action; see discussion above at section 815.05. Reference to “subchapter” is corrected to “subdivision”.
- “Subchapter” is more accurately replaced with “subdivision”.
- Edits are made establishing existing content as subsections 1., 2., 3., and (B) for uniformity with standard regulation formatting. [(h)(1)(A)]
- “Shall” is changed to “will” for consistency of stating a requirement in these regulations. [(h)(2)]

Subsections (i) through (i)(2) have the following edits: “Shall” is changed to “must” for consistent expression of mandatory provisions; nonsubstantive edits are made to certain capitalized terms and removal of acronyms.

Subsections (j) through (j)(4) have the following edits:

- Nonsubstantive edits to punctuation, capitalization, and removal and/or replacement of acronyms.
- “Shall” is changed to “must” for consistent expression of mandatory provisions.
- Nonsubstantive edit deleting the hyphen in “clean-up” for uniformity.
- Subsection (j)(2)(D) has the following additional edits:
 - “Marine” is added for clarity and consistency.
 - “California” is added to complete the name of the state agency.
 - “Shall” is changed to “will” for consistent diction because this subsection is declarative of the compliance.
- A nonsubstantive cleanup edit replacing the slash in “owner/operator” with “or” for clarity. [(j)(4)]

Subsections (k) through (k)(4) have the following edits:

- Nonsubstantive punctuation edits.
- “Shall” is changed to “must” for consistent expression of mandatory provisions.

- The word “small” is deleted as a typo. Leaving it would cause confusion with the requirements for small marine fueling facilities which is contained in a different section (14 CCR § 817.03).
- A nonsubstantive cleanup edit replacing the slash in “owner/operator” with “or” for clarity.
- New subsection (k)(4) is added to provide specificity and clarity regarding how much boom could be required for a drill. Six hours is the functional standard for OSRO rating drills. It is what can practically be achieved in a workday.

Section 817.03, Chapter 3 – Small Marine Fueling Facility Plan Content

The introductory paragraph has a nonsubstantive edit to capitalization.

Subsections (a) through (a)(5) have the following edits throughout:

- Nonsubstantive edits to punctuation, capitalization, removal and/or replacement of acronyms, and structural edits for improved readability, as part of the cleanup efforts described on page 16.
- “Shall” is changed to “must” for consistent expression of mandatory provisions.
- In subsection (a)(1)(B), compared to most other places where “owner/operator” (with just the slash) is revised to mean owner *or* operator, here “owner *and/or* operator” is revised for clarity to mean “owner *and* operator” because OSPR wants the contact information of both. This is applicable in but a few instances in the regulation sections proposed for amendment, specifically here as well as 817.02(a)(1)(B), 818.02(a)(1)(B), 818.03(a)(1)(B) and 827.02(a)(1)(B).
- A nonsubstantive typographical edit deleting “that are”. [(a)(5)]
- “Shoreline” is replaced with “environmental sensitive site” consistent with the purpose and intent of this rulemaking action.
- A nonsubstantive grammatical edit adding “as”. [(a)(5)]

Subsections (b) through (b)(1)(E) have the following edits throughout:

- Nonsubstantive edits to punctuation, capitalization, and removal of acronyms.
- “Shall” is changed to “must” for consistent expression of mandatory provisions.
- “Material safety data sheet” is updated to the currently recognized name, “safety data sheet”, and the acronym deleted. [(b)(1)(C)]

Subsections (c) through (c)(1)(E) have the following edits throughout:

- Nonsubstantive edits to punctuation, capitalization, and removal of acronyms.
- “Shall” is changed to “must” for consistent expression of mandatory provisions.
- Nonsubstantive cleanup edits replacing the slash in “owner/operator” with “or” for clarity.
- “Discharges” is changed to “spills” for uniformity with the regulations as a whole, as well as defined terms within section 790. [(c)(1)(D)3.]

- “Timeframes” is separated into two words for uniformity with global style changes throughout the regulations. [(c)(1)(D)4.]

Subsections (c)(2) through (c)(2)(B) have the following edits throughout:

- At (c)(2), the subtitle, “Off-site” is revised deleting the capitalization and adding a hyphen making it one word. There is also a punctuation edit.
- Nonsubstantive edits to punctuation, capitalization, and removal of abbreviations.
- “Shall” is changed to “must” for consistent expression of mandatory provisions.
- “Off-Site” is revised deleting the capitalization and adding a hyphen making it one word. And “Consequences” is uncapitalized.
- At (c)(2), the last sentence is revised for readability and clarity. A summary has always been required. It has always been required to include the contents of (c)(2)(A) and (B). Subsection (c)(2)(C) is new.
- “Worst case” is revised to include a hyphen for consistency; and “discharge” is changed to “spill” for uniformity with the regulations as a whole, as well as defined terms within section 790. [(c)(2)(A)]
- A nonsubstantive diction edit changing “shall be” to “is”. [(c)(2)(A)]
- “Discharge” is changed to “spill” for uniformity with the regulations as a whole, as well as defined terms within section 790. [(c)(2)(B)]

New subsection (c)(2)(C) is added to provide specificity to the time frames for the trajectory(ies). The trajectory must indicate impacts 12 hours after a spill. A 12-hour trajectory helps identify which GRAs would need to be considered by a unified command during an incident. By that time a plan holder should be running a real time trajectory of a spill with current conditions and quantity of oil.

Subsections (c)(3) through (c)(3)(B)6. Have the following edits throughout:

- Nonsubstantive edits to punctuation, capitalization, and removal of abbreviations and acronyms.
- “Off-Site” is revised deleting the capitalization and adding a hyphen making it one word. “Consequence” and “Analysis” are uncapitalized.
- “Shall” is changed to “must” for consistent expression of mandatory provisions.
- “Environmentally” is changed to “environmental” consistent with the changes made to the defined term in section 790 in this rulemaking action.

Subsections (c)(4) through (c)(4)(B)4. Have the following edits throughout:

- Nonsubstantive edits to punctuation, capitalization, and removal of acronyms.
- “Shall” is changed to “must” for consistent expression of mandatory provisions.
- Nonsubstantive cleanup edits to legal citations for consistency.

Subsections (d) through (d)(1)(C) have the following edits throughout:

- Nonsubstantive edits to punctuation, capitalization, and removal of acronyms.

- “Worst case” is revised to include a hyphen for consistency.
- “Shall” is changed to “must” for consistent expression of mandatory provisions. [(d)(1)(A)1., (d)(1)(C)]
- “Discharge” is changed to “spill” for uniformity with the regulations as a whole, as well as defined terms within section 790.

Subsections (d)(2) through (d)(2)(C)2. Have the following edits throughout:

- Nonsubstantive edits to punctuation and capitalization.
- “Worst case” is revised to include a hyphen for consistency.
- “Subparagraph” is corrected to “subsection”.
- “Shall” is changed to “must” for consistent expression of mandatory provisions.

Subsections (d)(3) through (d)(4). Have the following edits throughout:

- Nonsubstantive edits to punctuation and capitalization.
- A nonsubstantive cleanup edit replacing the slash in “owner/operator” with “or” for clarity.
- “Shall” is changed to “must” for consistent expression of mandatory provisions.
- The ampersand symbol (&) is replaced with “and”. [(d)(3)(A)1.]
- Former subsections (d)(3)(A)1.i. and ii. are correctly renumbered (d)(3)(A)1.a. and b, respectively, for uniformity with standard regulation formatting.
- Percent symbols are replaced with “percent”. [(d)(3)(A)1.a. and b.]
- “Timeframes” is separated into two words for uniformity with global style changes throughout the regulations. [(d)(3)(A)2.]
- The spelling of “seastate” is corrected as two words. [(d)(3)(A)2.]

Subsections (d)(5) through (d)(5)(C)5. Have the following edits throughout:

- Nonsubstantive edits to punctuation, capitalization, and removal of abbreviations and acronyms.
- “Shall” is changed to “must” for consistent expression of mandatory provisions.
- The citation to where defined terms are to be found is revised consistent with the proposed repeal of section 815.05 in this rulemaking action. See discussion above at section 815.05. Reference to “subchapter” is corrected to “subdivision”.
- “Shoreline” is deleted and “environmental” is added consistent with the purpose and intent of this rulemaking action.
- “Off-Site” is revised deleting the capitalization and adding a hyphen making it one word. “Consequence” and “Analysis” are uncapitalized.
- “Discharge/discharges” is changed to “spill/spills” for uniformity with the regulations as a whole, as well as defined terms within section 790. [(d)(5)(C)5.]

Subsection (e) has the following edits:

- In the subtitle of subsection (e), “Environmental Sensitive Site” replaces “Shoreline” consistent with the purpose and intent of this rulemaking action. “Shoreline” is added to cover those concepts also within the subsection.
- Nonsubstantive edits deleting the hyphen in “clean-up” for uniformity.
- A nonsubstantive punctuation edit in the subtitle.
- “Shall” is changed to “must” for consistent expression of mandatory provisions.

Subsections (f) through (f)(5) have the following edits throughout:

- Nonsubstantive edits to punctuation and capitalization.
- “Shall” is changed to “must” for consistent expression of mandatory provisions.
- “State Incident Command System” is uncapitalized and “State” is deleted. The incident command system is a *national* model for emergency response. [(f)(1), (1)(A)]
- “And/or” is changed to just “or” because a unified command structure is an application of the incident command system. A unified command is not always used in every incident, but every incident utilizes the concepts of the incident command system. [(f)(1)]
- Nonsubstantive cleanup edits to legal citations for consistency. [(f)(1), (5)]
- Nonsubstantive edits deleting the hyphen in “clean-up” for uniformity. [(f)(3), (5)]
- “And/or” is revised to just “and” because cleanup activities are part of spill response operations. [(f)(5)]

Subsections (g) through (g)(6) have the following edits throughout:

- Nonsubstantive edits to punctuation, capitalization, and removal of acronyms.
- “Shall” is changed to “must” for consistent expression of mandatory provisions.
- “Discharge” is changed to “spill” for uniformity with the regulations as a whole, as well as defined terms within section 790.
- “Section” is corrected to “subsection”. [(g)(2)]
- “Telephonic” is corrected to remove italicization.
- Nonsubstantive cleanup edits replacing the slash in “owner/operator” with “or” for clarity. [(g)(2)(B); (g)(3)]
- “On scene” is revised to include a hyphen for uniformity. [(g)(4)(H)]
- “And/or” is revised to “or” for consistency, because either a state or federal on-scene coordinator would make this determination. [(g)(6)]
- “Shall have” is changed to “has” for consistent diction, because this subsection creates the option, the option is not coming from some other source in the future. [(g)(6)]

- “Timeframe” is separated into two words for uniformity with global style changes throughout the regulations. [(g)(6)]

Subsections (h) through (h)(5) have the following edits throughout:

- Nonsubstantive edits to punctuation and capitalization.
- “Shall” is changed to “must” for consistent expression of mandatory provisions.
- “Reasonable Worst Case Spill” is uncapitalized and “worst case” is revised to include a hyphen for consistency.
- “Section’ is corrected to “subsection”.
- “Shall” is changed to “will” for consistency of stating a requirement in these regulations. [(h)(2)]
- A nonsubstantive edit deleting the hyphen in “clean-up” for uniformity.

Subsections (i) through (i)(2) have the following edits throughout: Nonsubstantive edits to punctuation, capitalization, and removal of acronyms; and “shall” is changed to “must” for consistent expression of mandatory provisions.

Subsections (j) through (j)(4) have the following edits throughout:

- Nonsubstantive edits to punctuation, capitalization, and removal and/or replacement of acronyms.
- “Shall” is changed to “must” for consistent expression of mandatory provisions.
- Nonsubstantive edit deleting the hyphen in “clean-up” for uniformity.
- In subsection (j)(2)(D), “California” is added to complete the name of the state agency, and “shall” is changed to “will” for consistent diction because this subsection is declarative of the compliance.
- A nonsubstantive cleanup edit replacing the slash in “owner/operator” with “or” for clarity. [(j)(4)]

Subsections (k) through (k)(3) have the following edits:

- “Shall” is changed to “must” for consistent expression of mandatory provisions.
- New subsection (k)(3) is added to provide specificity and clarity regarding how much boom could be required for a drill. Six hours is the functional standard for OSRO rating drills. It is what can practically be achieved in a workday.

Section 818.01, Chapter 3 – Applicability

Subsections (a) through (b)(4) have the following edits throughout:

- Nonsubstantive edits to punctuation, capitalization, and removal and/or replacement of abbreviations as part of the cleanup efforts described on page 16.
- “Shall” is changed to “must” for consistent expression of mandatory provisions.

- The citation to where defined terms are to be found is revised consistent with the proposed repeal of section 815.05 in this rulemaking action. See discussion above at section 815.05. Reference to “subchapter” is corrected to “subdivision”.
- “Shall” is changed to “does” for consistent diction because this subsection is declarative of the non-applicability, it does not come from some other source. [(b)(1)]
- A nonsubstantive cleanup edit replacing the slash in “his/her” with “or”.

Section 818.02, Chapter 3 – Tank Vessel Plan Content (Except for Those Vessels Carrying Oil As Secondary Cargo Addressed in Section 818.03 of This Subchapter).

The introductory paragraph has a nonsubstantive capitalization edit.

Subsections (a) through (a)(5) have the following edits throughout:

- Nonsubstantive edits to punctuation, capitalization, and removal and/or replacement of acronyms and abbreviations as part of the cleanup efforts described on page 16.
- “Shall” is changed to “must” for consistent expression of mandatory provisions.
- In subsection (a)(1)(B), compared to most other places where “owner/operator” (with just the slash) is revised to mean owner *or* operator, here “owner *and/or* operator” is revised for clarity to mean “owner *and* operator” because OSPR wants the contact information of both. This is applicable in but a few instances in the regulation sections proposed for amendment, specifically here as well as 817.02(a)(1)(B), 817.03(a)(1)(B), 818.03(a)(1)(B) and 827.02(a)(1)(B).
- Subsection (a)(5) has the following additional edits:
 - Nonsubstantive grammatical edits for improved readability.
 - “And/or” is replaced with “and”. A standard contract will include both activities.
 - “Shoreline” is replaced with “environmental sensitive site” consistent with the purpose and intent of this rulemaking action.

Subsections (b) through (b)(1)(B) have the following edits throughout:

- Nonsubstantive edits to punctuation and removal of acronyms.
- “Shall” is changed to “must” for consistent expression of mandatory provisions.
- “Material safety data sheet” is updated to the currently recognized name, “safety data sheet” and the acronym deleted.

Subsections (c) through (c)(2)(C) have the following edits throughout:

- Nonsubstantive edits to punctuation, capitalization, and removal and/or replacement of abbreviations and acronyms.
- “Shall” is changed to “must” for consistent expression of mandatory provisions.
- “Subsection” is added for further clarity. [(c)(2)]

- Nonsubstantive cleanup edits replacing the slash in “owner/operator” with “or” for clarity.
- Subsection (c)(2)(C) has the following additional edits:
 - “Section” is added for clarity.
 - “California” is added to complete the name of the state agency.
 - “Shall” is changed to “is” for consistent diction, because this subsection is declarative of the compliance.

Subsection (d) has the following edits:

- Nonsubstantive edits to punctuation and capitalization.
- Nonsubstantive edits replacing the slash in “owner/operator” with “or” for clarity.
- “Shall” is changed to “must” for consistent expression of mandatory provisions.
- The last two sentences which reference the Shoreline Protection Tables (SPT), and its associated requirements are deleted consistent with the purpose and intent of this rulemaking action. The SPT is being repealed and replaced with new section 828.1. Additionally, it is duplicative of subsection (f) where the requirements of environmental sensitive site protection and shoreline cleanup are addressed.

Subsections (e) through (e)(2)(C)2. have the following edits throughout:

- Nonsubstantive edits to punctuation, capitalization, and removal and/or replacement of abbreviations and acronyms.
- The phrase “...if available, or each coastal zone of the area contingency plan(s) (ACP)...” is deleted because geographic response areas exist for every part of the coast, thus they are “available”.
- The phrase “(GRA’s are geographic subdivisions of ACP areas)” is deleted as unnecessary.
- “Worst case” is revised to include a hyphen for consistency. [(e)(1)]
- The percent symbol is replaced with “percent.”
- “Shall” is changed to “must” for consistent expression of mandatory provisions. [(e)(2)(C)1.]
- The hyphen in the citation to 818.02(e)(1)-(2) is replaced with “and”; this is a nonsubstantive cleanup edit. [(e)(2)(C)1.]

Subsections (e)(3) through (e)(3)(E) have the following edits throughout:

- Nonsubstantive edits to punctuation, capitalization, and removal and/or replacement of abbreviations and acronyms.
- “Timeframe and timeframes” are separated into two words for uniformity with global style changes throughout the regulations. [(e)(3); (e)(3)(A)2. and 4.]

- A nonsubstantive cleanup edit replacing the slash in “owner/operator” with “or” for clarity. [(e)(3)]
- “Shall” is changed to “must” for consistent expression of mandatory provisions. [(e)(3)(A)1., 2., 3., (e)(3)(B)ii., (e)(3)(C)]
- The citation to where defined terms are to be found is revised consistent with the proposed repeal of section 815.05 in this rulemaking action. See discussion above at section 815.05. “Subchapter” is corrected to “subdivision”. [(e)(3)(A)3.]
- The name of the state agency (California Occupational Safety and Health Administration) is corrected for accuracy. [(e)(3)(A)4.]
- The spelling of “seastate” is corrected as two words. [(e)(3)(A)4.]
- The Daily Recovery Rate table at (e)(3)(B) has the following edits:
 - Second column: Qualifiers (ft) are added for clarity.
 - Third column (2 hour): “Hour” is corrected to the plural form of the word.
- Nonsubstantive cleanup edits are made deleting the slash in “facility/transfer”. [(e)(3)(B)i.]
- The slash in “barrels/day” is replaced with “per”, and the percent symbol (%) is replaced with the word “percent”. [(e)(3)(B)i., ii., (e)(3)(D)]
- The spelling of “Bencia” is corrected. [(e)(3)(B)i.]
- In the legal citation at (e)(3)(B)ii., “section” is corrected to “part”.
- At (e)(3)(E), there is a punctuation edit and “shall” is changed to “will” for consistent statement of obligations. [(e)(3)(E)]

Subsection (e)(4) has the following edits:

- Nonsubstantive edits to punctuation in the subtitle.
- Nonsubstantive edit replacing the acronym “OSRO” with the full name.
- Nonsubstantive edits to certain capitalized terms.
- “Shall” is changed to “will” for consistent statement of obligations.

Subsections (e)(5) and (e)(5)(A) have the following edits:

- Nonsubstantive cleanup edits to punctuation and capitalization.
- “Shall” is changed to “must” for consistent expression of mandatory provisions.
- A nonsubstantive cleanup edit replacing the slash in “owner/operator” with “or” for clarity.

Subsections (e)(5)(B) through (e)(5)(C)3. Have the following edits throughout:

- Nonsubstantive edits to punctuation and capitalization, and removal and/or replacement of abbreviations and acronyms.
- “Shall” is changed to “must” for consistent expression of mandatory provisions.

- The citation to where defined terms are to be found is revised consistent with the proposed repeal of section 815.05 in this rulemaking action. See discussion above at section 815.05.
- “Subchapter” is corrected to “subdivision”.
- Language is added for improved readability and for clarity that the listed items in (e)(5)(B)1. Through 11. Must be included in the contingency plan. [(e)(5)(B)]
- Nonsubstantive typographical edits.
- Additional edits include nonsubstantive grammatical edits for improved readability. [(e)(5)(B)6. and 7.]
- “Discharged” is changed to “spilled” for uniformity with the regulations as a whole, as well as defined terms within section 790. [(e)(5)(B)9.]
- Specificity is added to the time frame for clarity, i.e., calendar days, which is consistent with time frames in other OSPR regulations. Although obvious, during a spill people would be present consecutive calendar days, not business days. [(e)(5)(B)10.iii.]
- “Shall” is removed as unnecessary. Accordingly, there is a syntax edit to “remain”. [(e)(5)(C)3.]

Subsections (e)(5)(D) through (e)(5)(G) have the following edits throughout:

- Nonsubstantive edits to punctuation, capitalization, and removal and/or replacement of abbreviations and acronyms.
- “Shall” is changed to “must” for consistent expression of mandatory provisions.
- “Discharges” and “discharged” is changed to “spills” and “spilled”, respectively, for uniformity with the regulations as a whole, as well as defined terms within section 790. [(e)(5)(D)4. And 5.; (e)(5)(F)]
- The full names of the California State Oil Spill Contingency Plan and the National Oil and Hazardous Substances Pollution Contingency Plan are included for accuracy and clarity. [(e)(5)(E)]
- Specificity is added to the time frame for clarity, i.e., calendar days, which is consistent with time frames in other OSPR regulations. [(e)(5)(E)2.]

Subsection (f), the subtitle, is revised to reflect the content of the subsection more accurately, which is not only protection of sites, but also cleanup of shoreline. The concept of protection of environmental sensitive sites is clarified consistent with the purpose and intent of this rulemaking action. There is also a nonsubstantive punctuation edit at the end of the subtitle.

The former introductory paragraph of (f) has a nonsubstantive edit establishing it as subsection “(1)” for uniformity with standard regulation formatting. It has the following edits throughout:

- “Shoreline” is replaced with “environmental sensitive site” consistent with the purpose and intent of this rulemaking action.

- Nonsubstantive edits to punctuation, capitalization, and removal and/or replacement of abbreviations and acronyms.
- The word “Plan” is struck out from “Geographic Response Plan Areas” because it is not a defined term and the context here is referring to the areas not the document (plan).
- “Where” is added for consistency with similar verbiage elsewhere in the regulations and for better readability.
- The second sentence is deleted because it is redundant to new subsection (f)(1)(A). Deleting this sentence also deletes reference to culturally sensitive sites. This is deleted consistent with the revisions to the definition of Environmentally Sensitive Area in section 790 with this rulemaking action. The ACPs define cultural sites separately, and section 790 also includes a separate and distinct definition for culturally sensitive sites. At this time, OSPR does not have requirements for culturally sensitive sites. Reference to the Shoreline Protection Tables is deleted because this document historically incorporated by reference in a number of OSPR’s regulations, and its definition in section 790, are being repealed and replaced with the proposed adoption of section 828.1 in this rulemaking action.
- The third and last sentences about reviewing and updating the SP Tables are deleted. It is not necessary to point out that regulations may be modified at any time through the APA process. This states the obvious and these sentences are not regulatory provisions, therefore they are deleted.

Former subsection (f)(1) regarding dedicated resources, including the table, is deleted because this content is covered within the new regulations proposed for adoption in this rulemaking action (esp. section 828.1).

Former subsection (f)(1)(A) is deleted because it is not necessary and is not regulatory. Anyone may contact OSPR at any time with suggested revisions to these regulations. Any suggested change to specific site protection strategies would require action by the applicable federal Area Committee.

Former subsection (f)(1)(B) is renumbered (f)(1)(A) for uniformity and has the following additional edits throughout:

- “Shall” is changed to “must” for consistent expression of mandatory provisions.
- “Personnel” is changed to the more appropriate term “response resources”, which means not just people, but also equipment, as defined in section 790. Collectively personnel and equipment must deploy.
- The following language additions and revisions are consistent with the purpose and intent of this rulemaking action, which is a focus towards environmental sensitive site protection. These edits are made for uniformity with similar language in other sections where the requirements are the same, e.g., 818.03(f), and 827.02(i).
 - “Shoreline” is replaced with “environmental sensitive site”.

- The phrase “described in the area contingency plans, and” is added for clarity in identifying where the environmental sensitive site protection strategies are located.
- Reference to the SP Tables is deleted because it is being repealed and replaced with the new requirements proposed in 828.1 of this rulemaking action, the citation of which is added.
- “Response resources” is added for clarity and consistency with the edit in the first sentence.
- “On scene” is revised to include a hyphen for uniformity.
- Specificity is added to the time frame for clarity, i.e., calendar days, which is consistent with time frames in other OSPR regulations. Although obvious, during a spill people would be present consecutive calendar days, not business days.

Former subsection (f)(1)(C) is renumbered (f)(1)(B) for uniformity. It has the following edits as (f)(1)(B)4.: “Shall” is removed as unnecessary. Accordingly, there is a syntax edit to “remain”.

Subsections (f)(2) through (f)(2)(A)2. have the following edits:

- Nonsubstantive edits deleting the hyphen in “clean-up” for uniformity [(f)(2), (f)(2)(A)1.] Elsewhere in this subsection “clean up” is revised to be one word. [(f)(2)(A)]
- Nonsubstantive edits to punctuation and capitalization.
- “Shall” is changed to “must” for consistent expression of mandatory provision.
- A nonsubstantive cleanup edit replacing the slash in “owner/operator” with “or” for clarity.

Subsections (g) through (g)(8) have the following edits throughout:

- Nonsubstantive cleanup edits to punctuation, certain capitalized terms, and removal and/or replacement of acronyms.
- “Shall” is changed to “must” for consistent expression of mandatory provisions.
- “State Incident Command System” is uncapitalized and “State” is deleted. The incident command system is a *national* model for emergency response. [(g)(1), (1)(A), (1)(B), (1)(C)]
- “And/or” is changed to just “or”. [(g)(1)]
- Nonsubstantive cleanup edits to legal citations for consistency. [(g)(1), (8)]
- “Public” is added to “Information Officer” for accuracy and clarity. This is the term used in the *Incident Management Handbook*, which has previously been incorporated by reference into OSPR’s regulations and defined in section 790. [(g)(1)(B)]
- “State Incident Command” is uncapitalized and “State” is removed for consistency. [(g)(2)(A)]

- A nonsubstantive cleanup edit replacing the slash in “owner/operator” with “or” for clarity. [(g)(4)]
- Nonsubstantive grammatical edits. [(g)(5)]
- “Clean up” is revised to be one word for consistency. [(g)(8)]

Subsections (h) through (h)(6) have the following edits throughout:

- Nonsubstantive cleanup edits to punctuation, certain capitalized terms, and removal and/or replacement of acronyms.
- “Shall” is changed to “must” for consistent expression of mandatory provisions.
- “Discharge” is changed to “spill” for uniformity with the regulations as a whole, as well as defined terms within section 790.
- A nonsubstantive cleanup edit changing the number 6 with the word “six”; and a nonsubstantive correction of the word “geographical” to “geographic”, as defined in section 790. [(h)(1)(B)]
- Nonsubstantive cleanup edits replacing the slash in “owner/operator” with “or” for clarity. [(h)(2)(B), (h)(3)]
- “On scene” is revised to include a hyphen for uniformity. [(h)(4)(J)]
- “Section” is corrected to “subsection”. [(h)(5)]
- Subsection (h)(6) has the following additional edits:
 - “And/or” is revised to “or” for consistency, because either a State Incident Commander or Federal On-Scene Coordinator would make this determination.
 - “Shall have” is changed to “has” for consistent diction, because this subsection creates the option, the option is not coming from some other source in the future.
 - “Timeframe” is separated into two words for uniformity with global style changes throughout the regulations.
 - A typographical edit is made correcting “united” to “unified”.

Subsections (i) through (i)(5) have the following edits throughout:

- Nonsubstantive cleanup edits to punctuation and capitalized terms.
- “Shall” is changed to “must” for consistent expression of mandatory provisions.
- In (i)(1)(A), the citation to where defined terms are to be found is revised consistent with the proposed repeal of section 815.05 in this rulemaking action. See discussion above at section 815.05. Reference to “subchapter” is corrected to “subdivision”.
- Listed items under (i)(1)(A) have nonsubstantive edits designating them subsections “1., 2., and 3.” For uniformity with standard regulation formatting.
- A change in citation to where defined terms are to be found, consistent with the proposed repeal of section 825.05 in this rulemaking action. See discussion

above at section 825.05. And reference to “subchapter” is corrected to “subdivision”. [(k)(1)(A)]

- The percent symbol is replaced with “percent”. [(i)(1)(A)2.]
- The number 6 is revised to the word “six”. [(i)(1)(A)3.]
- “Shall” is changed to “will” for consistency of stating a requirement in these regulations. [(i)(2)]

Subsections (j) through (j)(2) have the following edits:

- Nonsubstantive cleanup edits to punctuation, capitalization, and removal of acronyms.
- “Shall” is changed to “must” for consistent expression of mandatory provisions.

Subsections (k) through (k)(4) have the following edits:

- Nonsubstantive cleanup edits to punctuation and capitalization.
- “Shall” is changed to “must” for consistent expression of mandatory provisions.
- Nonsubstantive cleanup edits replacing the slash in “owner/operator” with “or” for clarity.

Subsections (l) through (l)(4) have the following edits:

- Nonsubstantive punctuation edit in the subtitle of (l).
- “Shall” is changed to “must” for consistent expression of mandatory provisions.
- A nonsubstantive cleanup edit replacing the slash in “owner/operator” with “or” for clarity.
- New subsection (l)(4) is added to provide specificity and clarity regarding how much boom could be required for a drill.

Subsections (m) through (m)(2)(B)2.(ii) have the following edits throughout:

- Nonsubstantive cleanup edits to punctuation, capitalization, and removal of abbreviations and acronyms.
- “Shall” is changed to “must” for consistent expression of mandatory provisions.
- “Discharge” is changed to “spill” for uniformity with the regulations as a whole, as well as defined terms within section 790.
- In (m)(2)(A), a nonsubstantive edit to a citation.
- In (m)(2)(B), “timeframes” is separated into two words for uniformity with global style changes throughout the regulations.
- “On scene” is revised to include a hyphen for uniformity.
- Former subsections (m)(2)(B)1.(i.) through (v.) are renumbered a. through e., for uniformity with standard regulation formatting.
- In (m)(2)(B)1.a., “worst case” is revised to include a hyphen for consistency.

Section 818.03, Chapter 3 – Vessels Carrying Oil As Secondary Cargo (VCOASC) Plan Content

The title of section 818.03 has a nonsubstantive edit deleting the acronym as part of the nonsubstantive cleanup efforts described on page 16.

The introductory paragraph has a nonsubstantive punctuation edit.

Subsections (a) through (a)(5) have the following edits throughout:

- Nonsubstantive edits to punctuation, capitalization, removal and/or replacement of acronyms, and typographical improvements.
- “Shall” is changed to “must” for consistent expression of mandatory provisions.
- In (a)(1)(B), compared to most other places where “owner/operator” (with just the slash) is revised to mean owner *or* operator, here “owner *and/or* operator” is revised for clarity to mean “owner *and* operator” because OSPR wants the contact information of both. This is applicable in but a few instances in the regulation sections proposed for amendment, specifically here as well as 817.02(a)(1)(B), 818.02(a)(1)(B), and 827.02(a)(1)(B).
- In (a)(5), “shoreline” is replaced with “environmental sensitive site” consistent with the purpose and intent of this rulemaking action. There is also a nonsubstantive grammatical edit.

Subsections (b) through (b)(1)(C) have the following edits:

- In the subtitle, the acronym VCOASC is replaced with the full name, and there is a punctuation edit.
- “Shall” is changed to “must” for consistent expression of mandatory provisions.
- Nonsubstantive edits to capitalization and removal of acronyms.
- “Material safety data sheet” is updated to the currently recognized name, “safety data sheet”, and the acronym deleted.

Subsections (c) through (c)(4) have the following edits:

- Nonsubstantive edits to punctuation, capitalization, and removal and/or replacement of acronyms.
- “Shall” is changed to “must” for consistent expression of mandatory provisions.
- Subsection (c)(1)(E) has the following additional edits:
 - “Section” is added to a legal citation for clarity.
 - “California” is added to complete the name of the state agency.
 - “Shall” is changed to “is” for consistent diction because this subsection is declarative of the compliance.
- Nonsubstantive cleanup edits replacing the slash in “owner/operator” with “or” for clarity. [(c)(4)]

Subsection (d) has the following edits:

- Nonsubstantive edits to punctuation, capitalization, and removal and/or replacement of acronyms.
- Nonsubstantive cleanup edits replacing the slash in “owner/operator” with “or” for clarity.
- “Shall” is changed to “must” for consistent expression of mandatory provisions.
- Nonsubstantive typographical edits replacing the acronym “VCOASC” and replacing it with the general, more consolidated term “vessel”.
- The last two sentences which reference the Shoreline Protection Tables (SPT) and the Small Harbor requirements are deleted consistent with the purpose and intent of this rulemaking action. These tables are being repealed and replaced with new section 828.1. Additionally, it is duplicative of subsection (f) where the requirements of environmental sensitive site protection and shoreline cleanup are addressed. The new SPT table no longer identifies individual ACPs sites as the old SPT did, and instead uses a GRA approach. Thus, the Small Harbor Table is being repealed by this rulemaking. Having a table solely for small harbors would be duplicative, as all environmental sensitive sites (including those located within or near California’s small harbors) are captured in a GRA. OSPR is confident in the risk rankings determined for each GRA and the level of protection assigned to those GRAs based upon their level of risk. OSPR does not see a need for specific or additional environmental sensitive site protection for small harbors. This was also confirmed in conversations with OSROs rated for sensitive site protection during this regulation development process.

Subsections (e) and (e)(1) have the following edits:

- Nonsubstantive edits to punctuation, capitalization, and removal and/or replacement of acronyms.
- “If available” is deleted because geographic response areas exist for every part of the coast, thus they are “available”.
- The phrase “(GRA’s are geographic subdivisions of ACP area)” is deleted as unnecessary.
- “Worst case” is revised to include a hyphen for consistency. [(e)(1)]
- The percent symbol is replaced with “percent”. [(e)(1)]

Subsections (e)(2) through (e)(2)(C)2. Have the following edits throughout:

- Nonsubstantive edits to punctuation, capitalization, and removal and/or replacement of acronyms.
- In (e)(2)(A), “Persistence Factors” is added as a subtitle for consistency with the typographic style of (e)(2)(B) and (C).
- “Worst case” is revised to include a hyphen for consistency.
- “Shall” is changed to “must” for consistent expression of mandatory provisions.

- In (e)(2)(C)1., the hyphen in the citation 818.03(e)(1)-(2) is replaced with “and”; this is a nonsubstantive cleanup edit.

Subsections (e)(3) through (e)(3)(A)1.iii., have the following edits throughout:

- Nonsubstantive edits to punctuation, capitalization, and removal and/or replacement of acronyms.
- “Timeframes” is separated into two words for uniformity with global style changes throughout the regulations. [(e)(3)]
- A nonsubstantive cleanup edit replacing the slash in “owner/operator” with “or” for clarity.
- “Shall” is changed to “must” for consistent expression of mandatory provisions.
- Percent symbols are replaced with “percent”.
- Former subsections (e)(3)(A)1.i. through iii. are renumbered a. through c., for uniformity with standard regulation formatting.
- In (e)(3)(A)1.a.,b., and c., the hyphens in the citations 818.03(e)(1)-(2) are replaced with “and”; this is a nonsubstantive cleanup edit.
- In (e)(3)(A)1.c., language is added citing the section where the definition of “balance of the coast” may be found. This is consistent with other OSPR regulations.

Subsection (e)(4) has the following edits:

- Nonsubstantive edits to punctuation, capitalization, and removal and/or replacement of acronyms.
- “Shall” is changed to “must” for consistent expression of mandatory provisions.
- A nonsubstantive cleanup edit replacing the slash in “owner/operator” with “or” for clarity.

Subsections (e)(5) through (e)(5)(B)6. Have the following edits throughout:

- Nonsubstantive edits to punctuation, capitalization, and removal and/or replacement of abbreviations and acronyms.
- “Shall” is changed to “must” for consistent expression of mandatory provisions.
- Nonsubstantive cleanup edits replacing the slash in “owner/operator” with “or” for clarity.
- In (e)(5)(B), additional edits include:
 - The citation to where defined terms are to be found is revised consistent with the proposed repeal of section 815.05 in this rulemaking action. See discussion above at section 815.05.
 - Reference to “subchapter” is corrected to “subdivision”.
 - “Shoreline” is deleted and “environmental” is added consistent with the purpose and intent of this rulemaking action.

- Language is added for improved readability and for clarity that the listed items in (e)(5)(B)1. Through 6. Must be included in the contingency plan.
- In (e)(5)(B)5., additional edits include a nonsubstantive grammatical edit for improved readability.

Subsection (f), the subtitle, is revised to reflect the content of the subsection more accurately, which is not just protection of sites, but also cleanup of shoreline. The concept of protection of environmental sensitive sites is clarified consistent with the purpose and intent of this rulemaking action. There is also a nonsubstantive punctuation edit at the end of the subtitle.

New subsection (f)(1). The former introductory paragraph of (f) has a nonsubstantive edit establishing it as subsection “(1)” for uniformity with standard regulation formatting. It has the following edits:

- “Shoreline” is replaced with “environmental sensitive site” consistent with the purpose and intent of this rulemaking action.
- “Small Harbor” is replaced by the phrase “geographic response areas or geographic regions” for consistency with this rulemaking action and similar verbiage in other OSPR regulations pertaining to the subject of this subsection. The small harbors table has caused confusion for plan holders. The current small harbor table is not comprehensive and doesn’t capture all small harbors along California’s coastline. OSPR reviewed the needs of the small harbors in comparison to the proposed SPT requirements by GRA and determined that the new table provides for adequate or improved protection for the GRAs where small harbors exist. The new Site Protection table no longer identifies individual ACPs sites as the old SPT did, and instead uses a GRA approach. Thus, the Small Harbor Table is being repealed by this rulemaking. Having a table solely for small harbors would be duplicative, as all environmental sensitive sites (including those located within or near California’s small harbors) are captured in a GRA. OSPR is confident in the risk rankings determined for each GRA and the level of protection assigned to those GRAs based upon their level of risk. OSPR doesn’t see a need for specific or additional environmental sensitive site protection for small harbors. This was also confirmed in conversations with OSROs rated for sensitive site protection during this regulation development process. Removing the small harbors table also simplifies and clarifies the requirements.
- “Where” is added for consistency with similar verbiage elsewhere in the regulations and for better readability.
- Nonsubstantive edits to punctuation, capitalization, and removal and/or replacement of acronyms.
- “Shall” is changed to “must” for consistent expression of mandatory provisions.
- A nonsubstantive edit is made deleting the extra ‘s’ in “contracts(s)”.

- The following language additions and revisions are consistent with the purpose and intent of this rulemaking action, which is a focus towards environmental sensitive site protection. These edits are made for uniformity with similar language in other sections where the requirements are the same, e.g., 818.02(f), and 827.02(i).
 - “Protect each type of shoreline and” is replaced with “implement” and “environmental” preceding “sensitive sites”, which is revised to the singular form “site”.
 - The phrase “protection strategies described in the area contingency plans, and in the time frames required by section 828.1” is added for clarity in identifying where the environmental sensitive site protection strategies are located and to provide citation to the new section proposed in this rulemaking action.
- Content referencing the Small Harbor and SP Tables is deleted. These tables are being repealed and replaced with new section 828.1. See further discussion above in this subsection in the second bullet.
- The last sentence regarding reviewing and updating the SP Tables is deleted. It is not necessary to point out that regulations may be modified at any time through the APA process. This states the obvious and it is not a regulatory provision, therefore it is deleted. If a person seeks changes to specific site protection strategies, that requires action by the appropriate federal Area Committee.

Former subsections (f)(1) through (f)(1)(E) which reference the Shoreline Protection Tables and Small Harbor requirements are deleted consistent with the purpose and intent of this rulemaking action. See further discussion above at (f)(1).

Subsections (f)(2) through (f)(2)(A)2. have the following edits:

- Nonsubstantive edit deleting the hyphen in “clean-up” for uniformity. [(f)(2), (f)(2)(A)1.] Elsewhere, “clean up” is revised to be one word for uniformity. [(f)(2)(A)]
- Nonsubstantive edits to punctuation and capitalization.
- “Shall” is changed to “must” for consistent expression of mandatory provisions.
- A nonsubstantive cleanup edit replacing the slash in “owner/operator” with “or” for clarity.

Subsections (g) through (g)(7) have the following edits throughout:

- Nonsubstantive edits to punctuation, capitalization, and removal and/or replacement of acronyms.
- “Shall” is changed to “must” for consistent expression of mandatory provisions.
- “State Incident Command System” is uncapitalized and “State” is deleted. The incident command system is a *national* model for emergency response.

- “And/or” is revised to “or”.
- Nonsubstantive cleanup edits to legal citations for consistency. [(g)(1)]
- Nonsubstantive edits deleting the hyphen in “clean-up” for uniformity. [(g)(2), (7)]
- A nonsubstantive cleanup edit replacing the slash in “owner/operator” with “or” for clarity. [(g)(3)]

Subsections (h) through (h)(6) have the following edits throughout:

- Nonsubstantive edits to punctuation, capitalization, and removal and/or replacement of acronyms.
- “Shall” is changed to “must” for consistent expression of mandatory provisions.
- “Discharge” is changed to “spill” for uniformity with the regulations as a whole, as well as defined terms within section 790. [(h)(2)(A) & (B)]
- Nonsubstantive cleanup edits replacing the slash in “owner/operator” with “or” for clarity. [(h)(2)(B); (h)(3)]
- “On scene” is revised to include a hyphen for uniformity. [(h)(4)(J)]
- “Any” is added for brevity, and “and” is changed to “or” to clarify the distinction. [(h)(4)(L)]
- Subsection (h)(6) has the following additional edits:
 - “And/or” is revised to “or” for consistency, because either a state or federal on-scene coordinator would make this determination.
 - “Shall have” is changed to “has” for consistent diction, because this subsection creates the option, the option is not coming from some other source in the future.
 - “Timeframe” is separated into two words for uniformity with global style changes throughout the regulations.

Subsections (i) through (k)(4) have the following edits throughout:

- Nonsubstantive edits to punctuation, capitalization, and removal and/or replacement of acronyms.
- “Shall” is changed to “must” for consistent expression of mandatory provisions.
- “Shall” is changed to “will” for consistency of stating a requirement in these regulations. [(i)(2)]
- Nonsubstantive edits deleting the hyphen in “clean-up” for uniformity. [(i)(3), (k)(1)]
- Nonsubstantive edits replacing the slash in “owner/operator” with “or” for clarity. [(k)(1)]

Subsections (l) through (l)(2) have the following edits:

- Nonsubstantive edits to punctuation and removal and/or replacement of acronyms.

- “Shall” is changed to “must” for consistent expression of mandatory provisions.
- A nonsubstantive cleanup edit replacing the slash in “owner/operator” with “or” for clarity.

New subsection (l)(3) is added to provide specificity and clarity regarding how much boom could be required for a drill. Six hours is the functional standard for OSRO rating drills. It is what can practically be achieved in a workday.

Section 819, Chapter 3 – Purpose and Scope

In subsection (b), “shoreline” is replaced with “environmental sensitive site” consistent with the purpose and intent of this rulemaking action.

Section 819.01, Chapter 3 – Oil Spill Response Organization (OSRO) Ratings

The title of section 819.01 has a nonsubstantive edit deleting the acronym as part of the nonsubstantive cleanup efforts described on page 16.

In subsection (a), “a shoreline” is replaced with “an environmental sensitive site” consistent with the purpose and intent of this rulemaking action.

Subsection (b)(4) has the following edits:

- “Shoreline” is deleted consistent with the purpose and intent of this rulemaking action.
- “Environmentally” is changed to “environmental” consistent with the changes made to the defined term in section 790 in this rulemaking action.
- A correction to a citation.

Subsection (f) has a nonsubstantive syntax edit for improved readability.

Section 819.02, Chapter 3 – Oil Spill Response Organization Rating Application Content

Subsection (a) has an edit changing “shall” to “must” for consistent expression of mandatory provisions; and the acronym “OSPR” is deleted as part of the nonsubstantive cleanup efforts described on page 16.

Subsection (b)(6) has nonsubstantive cleanup edits to a legal citation for consistency; and “section” is corrected to “subsection”.

Subsection (c) has the following edits throughout:

- “Shall” is changed to “must” for consistent expression of mandatory provisions.
- A nonsubstantive punctuation and grammatical edit deleting “and”.
- The phrase “...and environmental sensitive site protection” is added as a service for which response resources must be indicated in the rating application.

In subsections (c)(2)(G) and (c)(3)(A), the acronyms “EDRC” and “IMO”, respectively, are deleted.

Subsection (c)(6) is deleted as duplicative of former (e)(4)(D)/renumbered (e)(4)(C).

Former subsections (c)(7) through (c)(10) are renumbered (c)(6) through (c)(9), respectively, for uniformity. And at renumbered (c)(7) and (c)(8), “shall” is changed to “must” for consistent expression of mandatory provisions.

Renumbered subsections (c)(9) through (c)(9)(D) have the following edits throughout:

- A nonsubstantive punctuation edit in the subheading of (c)(9).
- “Shall” is changed to “must” for consistent expression of mandatory provisions.
- Subsection (c)(9)(C)1. has the following additional edits:
 - The acronym “Cal OSHA” is deleted as part of the nonsubstantive cleanup efforts described on page 16.
 - “Waste” is added to correct the cited title 8 regulations.
 - Nonsubstantive cleanup edits to a legal citation for consistency.

Subsections (d) through (d)(3) have the following edits throughout:

- A nonsubstantive punctuation edit in the subheading of (d).
- “Shall” is changed to “must” for consistent expression of mandatory provisions.
- Nonsubstantive cleanup edits to a legal citation for consistency.

Subsections (e) through (e)(1)(D) have the following edits throughout:

- “Area contingency plan” is replaced with “geographic response area” to be consistent with other edits in this rulemaking. OSRO ratings along the coast are based on GRAs, not ACPs. This change is not a change in practice.
- “Shoreline” is replaced with “environmental sensitive site” consistent with the purpose and intent of this rulemaking action.

Subsection (e)(2) has the following edits: “Area contingency plan” is replaced with “geographic response area” to be consistent with other edits in this rulemaking. OSRO sensitive site ratings along the coast are based on GRAs, not ACPs. This change is not a change in practice. Additionally, “shall” is changed to “must” for consistent expression of mandatory provisions.

Subsections (e)(3) through (e)(3)(D) have the following edits: Correction to a citation; and “shall” is changed to “must” for consistent expression of mandatory provisions.

Subsection (e)(4) has the following edits:

- Typographical edits for improved readability.
- “Shoreline” is replaced with “environmental sensitive site” consistent with the purpose and intent of this rulemaking action.
- Reference to the proposed new section 828.1 is added for clarity.
- “Shall” is changed to “must” for consistent expression of mandatory provisions.

Former subsection (e)(4)(A) is deleted because ratings will not be issued based on specific sites. Ratings will be based on each GRA. The inclusion of specific site names and strategy numbers in the rating application would not be useful. Additionally, any “plan holder identified sites” would likely already be identified in the ACP GRA.

New subsection (e)(4)(A) requires that an application for an environmental sensitive site protection rating list all GRAs for which the OSRO is applying. OSROs will apply for any GRAs where they have the capability to provide sensitive site protection services based upon the requirements of the new SPT (section 828.1). The focus of ratings will be on GRAs within ACPs, no longer on specific sites identified in the rating applications.

Subsection (e)(4)(B) has the following edits:

- The term “Protect-by-Hour” is replaced with “protection hour” consistent with the proposed new section 828.1.
- Reference to the Shoreline Protection Tables is deleted because this document historically incorporated by reference in a number of OSPR’s regulations, and its definition in section 790, are being repealed and replaced with the proposed adoption of section 828.1 in this rulemaking action.
- “Site” is replaced with “geographic response area” because OSRO sensitive site ratings are based on the GRA, not specific sites.
- “(Expected time of impact)” is deleted because it is not consistent with the new term “protection hour”, defined in proposed subsection 828.1(c).

Former subsection (e)(4)(C) is deleted as duplicative of (e)(4)(B). The protect-by-hour/protection hour establish times by which equipment is supposed to be somewhere.

Former subsection (e)(4)(D) is renumbered (e)(4)(C) for uniformity, and has the following additional edits:

- Nonsubstantive typographical edits for improved readability.
- “Protect-by-Hour” is replaced with “protection hour” consistent with the proposed new section 828.1.
- “Identified for each site or strategy in the” is deleted because ratings will not be issued based on specific sites. Ratings will be based on each GRA.
- Reference to the Shoreline Protection Tables is deleted because this document historically incorporated by reference in a number of OSPR’s regulations, and its definition in section 790, are being repealed and replaced with the proposed adoption of section 828.1 in this rulemaking action.
- “For each protection hour for each geographic response area” is added because the equipment requirements for each strategy are explained in the GRA, not in the table.

Former subsection (e)(4)(E) is renumbered (e)(4)(D) for uniformity with the following additional edits:

- “Shoreline” is replaced with “sensitive site” consistent with the purpose and intent of this rulemaking action.
- For many years the OSRO rating application has required a description of the method by which response resources will be transported and deployed. This revision would require that description for each geographic response area identified in the application. OSPR also wants more specificity regarding the location from which the response resources will be launched, and if there are no identifiable addresses, the longitude and latitude would be acceptable. Functionally, for most GRAs there are only a few suitable locations to conduct drills due to multiple factors (access, boat ramp or pier space, other uses of the boat ramp or pier, vessel traffic, etc.). These locations will be used when conducting drills.

Subsection (e)(5) has the following edits: The abbreviation “U.S.” is replaced with the full name as part of the nonsubstantive cleanup efforts described on page 16.; and “shall” is changed to “must” for consistent expression of mandatory provisions.

Subsection (f) has the following edits: “Shall” is changed to “must” for consistent expression of mandatory provisions; and nonsubstantive cleanup edits to a legal citation for consistency.

Section 819.03, Chapter 3 – Application Review, Verification and Drills

Subsections (a)(2) and (a)(3) have edits changing “shall” to “will” for consistent statement of obligations.

In subsection (a)(5), “shoreline” is replaced with “environmental sensitive site” consistent with the purpose and intent of this rulemaking action.

Subsection (c)(1)(B) has an edit changing “shall” to “will” for consistency of stating a requirement in these regulations.

Subsection (c)(1)(C) has an edit changing “shall” to “must” for consistent expression of mandatory provisions.

Subsections (d) through (d)(1)(D) have the following edits throughout:

- “Shall” is changed to “will” for consistency of stating a requirement in these regulations. [(d), (d)(1)(A)]
- A nonsubstantive punctuation edit at the end of the subtitle of (d)(1).
- “Shall” is changed to “must” for consistent expression of mandatory provisions. [(d)(1), (d)(1)(A)-(D)]
- “Shoreline” is replaced with “environmental sensitive site” consistent with the purpose and intent of this rulemaking action. [(d)(1)(D)]

Subsections (d)(2) through (d)(2)(A)2. have the following edits throughout:

- A nonsubstantive punctuation edit at the end of the subtitle of (d)(2).
- “Shall” is changed to “will” for consistency of stating a requirement in these regulations.
- Former subsection (d)(2)(A) is renumbered (d)(2)(A)1. It also has an edit changing “shall” to “will” for consistency of stating a requirement in these regulations.
- Former subsection (d)(2)(A)1. is renumbered (d)(2)(A)2. for uniformity, with no other edits.
- Former subsection (d)(2)(A)2. is renumbered (d)(2)(B)1. and has the following edits throughout:
 - “Shoreline” is replaced with “environmental sensitive site” in two places, consistent with the purpose and intent of this rulemaking action.
 - Reference to the proposed new section 828.1 is added for clarity.
 - “Shall” is changed to “will” for consistency of stating a requirement in these regulations.
 - Nonsubstantive typographical edits replacing “shoreline protection” with “such” for improved readability and consistency with the earlier edit replacing “shoreline” with “environmental sensitive site”.
 - “In” is replaced with “within the boundaries of”, and “or geographic response plan” is deleted to be grammatically correct. Services are provided within the boundaries of the ACP, not in the plan itself.
 - A nonsubstantive grammatical edit replacing “it” with “oil spill response organization” for clarity.

New subsection (d)(2)(B)2. is added to provide specificity and clarity regarding how much boom could be required for a drill. Six hours is the functional standard for drills for the other OSRO ratings. It is what can practically be achieved in a workday.

New subsection (d)(2)(B)3. is added to describe the physical location of announced and unannounced drills. Drills will not be performed at the actual environmental sensitive site due to potential to harass threatened or endangered species or cause damage to critical habitats. A designated location identified in the OSRO’s rating application for drills that provides protection of the environment, minimal impact on commercial vessel traffic or recreational access will be approved by OSPR staff.

New subsection (d)(2)(B)4. is added to describe that OSROs that are not already demonstrating the capability to deploy response resources for a containment and recovery rating, will be required to actually deploy the response resources identified for the shoreline protection rating for the identified GRA. This will minimize impacts to boat ramps and potential of commercial vessel traffic disruption with additional response resource deployments since the OSRO already meet that performance standard. A

failure to successfully deploy response resources for Containment and Recovery would impact an OSROs shoreline protection rating if that OSRO applied for both ratings.

New subsection (d)(2)(B)5. is reiterating a requirement pursuant to Government Code section 8670.30(f)(1).

Former subsections (d)(2)(B) through (J) are renumbered (d)(2)(C) through (K), respectively, for uniformity. They include the following additional edits:

- At (d)(2)(G), “shall” is deleted as superfluous; and nonsubstantive typographical edits for improved readability.
- At (d)(2)(G)5, a cleanup edit replacing the abbreviation “U.S.” with the full name.
- At (d)(2)(J) and (K), “shall is changed to “will” for consistent statement of obligations.

Section 819.04, Chapter 3 – Oil Spill Response Organization Rating Standards, Updates, and Renewals

Subsections (a) and (a)(1)(A) have the following edits: A nonsubstantive punctuation edit in the subtitle of (a); and a change in citation to where defined terms are to be found, consistent with the proposed repeal of section 815.05 in this rulemaking action. See discussion above at section 815.05. [(a)(1)(A)]

In the subtitle of subsection (a)(2), “Shoreline” is replaced with “Environmental Sensitive Site” consistent with the purpose and intent of this rulemaking action, and there is a nonsubstantive punctuation edit at the end.

Former subsection (a)(2)(A) is replaced with new subsection (a)(2)(A) consistent with the purpose and intent of this rulemaking. Ratings will be issued for each GRA, not by specific sites. Thus, the OSRO must be able to cover all the possible strategies within a particular GRA.

Subsection (a)(2)(B) has the following edits throughout:

- “Environmental sensitive site protection” is added for clarity and for consistency with the purpose and intent of this rulemaking action.
- The term “Protect-by-Hour” is replaced with “protection hour” consistent with the proposed new section 828.1.
- Reference to the Shoreline Protection Tables is replaced with citation to the proposed new section 828.1, which is the subject of this rulemaking action.
- Reference to the table, and the table itself, in this subsection is deleted because its content is covered within the new regulations proposed for adoption in this rulemaking action (esp. section 828.1).
- “Area contingency plan” is replaced with “geographic response area” because ratings are focused on the ability of an OSRO to cover a GRA, not the entire ACP boundary.

Subsections (a)(2)(C) through (a)(2)(C)4. are deleted consistent with the purpose and intent of this rulemaking action. The Shoreline Protection Tables (SPT) and the Small Harbors Table are being repealed and replaced with proposed new section 828.1 because the new SPT table no longer identifies individual ACPs sites as the old SPT did, and instead uses a GRA approach. Thus, the Small Harbor Table is being repealed by this rulemaking. Having a table solely for small harbors would be duplicative, as all environmental sensitive sites (including those located within or near California's small harbors) are captured in a GRA. OSPR is confident in the risk rankings determined for each GRA and the level of protection assigned to those GRAs based upon their level of risk. OSPR doesn't see a need for specific or additional environmental sensitive site protection for small harbors. This was also confirmed in conversations with OSROs rated for sensitive site protection during this regulation development process.

Former subsection (a)(2)(D) is renumbered (a)(2)(C) for uniformity and has the following edits through (a)(2)(C)4.:

- "Shoreline" is replaced with "environmental sensitive site" consistent with the purpose and intent of this rulemaking action.
- "Shall" is changed to "must" for consistent expression of mandatory provisions.
- Elsewhere, "shall" is changed to "will" for consistency of stating a requirement in these regulations. [(a)(2)(C)1.]
- Nonsubstantive typographical edits for improved readability.
- "And evaluate" is added for clarity of the purpose behind the drills associated with OSPR's existing sensitive site strategy evaluation program.
- "Environmentally" is changed to "environmental" consistent with the changes made to the defined term in section 790 in this rulemaking action.
- The phrase "for which they apply to provide services" is deleted because the focus of ratings will be on GRAs within ACPs. The focus is no longer on specific sites identified in the rating applications.
- Reference to the area contingency plans is added for clarity for where the environmental sensitive sites are identified. [(a)(2)(C)1. and 4.]
- Nonsubstantive capitalization edits. [(a)(2)(C)2.]
- "Shoreline Protection Tables" is deleted consistent with the purpose and intent of this rulemaking action wherein the tables (vers. 2013) are being repealed and replaced with proposed new section 828.1.

Subsections (a)(3) through (a)(3)(C) have the following edits throughout:

- "Non-floating Oil" is deleted as superfluous.
- Nonsubstantive edits to delete and/or replace abbreviations and acronyms as part of the cleanup efforts described on page 16.
- The word "plan" is struck out from "geographic response plan area" because it is not a defined term and the context here is referring to the areas not the document (plan).

Subsections (b) through (b)(2) have the following edits: “Shall” is changed to “must” for consistent expression of mandatory provisions.

Subsections (c) through (c)(3)(H) have the following edits throughout:

- “Shall” is changed to “must” for consistent expression of mandatory provisions.
- Elsewhere, “shall” is changed to “will” for consistent statement of obligations.
- Subsection (c)(3)(A) is renumbered (c)(3)(A)1. for uniformity to account for new (c)(3)(A)2.
- New subsection (c)(3)(A)2. provides a time frame for implementation of the requirement that OSROs update their rating applications. It also provides clarification to whom the requirement is applicable. Six months is a reasonable time for OSROs to identify and verify the geographic response areas in which they currently provide environmental sensitive site protection services, and to assess their response resources.
- Nonsubstantive punctuation edits. [(c)(3)(B) through (H)]

Section 820.1, Chapter 3 – Drills and Exercises – Facilities, Vessels, and Mobile Transfer Units

Subsections (a) through (b)(4) have no changes.

Subsection (b)(5) has the following edits:

- “Shoreline” is replaced with “environmental sensitive site” consistent with the purpose and intent of this rulemaking action.
- “Shoreline protection response” is deleted and “protection of environmental” is added consistent with this rulemaking action, which is about protection of environmental sensitive sites, not shorelines.
- “the oil spill area” is replaced by “area” for specificity to the contingency plan being referred to. The ACPs establish the coastal sensitive sites and the protection strategies for those sites.
- Reference to the Shoreline Protection Tables is deleted and citation to section 828.1 is added because the SPT historically incorporated by reference in a number of OSPR’s regulations, and its definition in section 790, are being repealed and replaced with the proposed adoption of section 828.1 in this rulemaking action.

Subsection (c)(8.4) has a nonsubstantive edit correcting the capitalization of “during”.

Section 825.01, Chapter 3 – General Outline

Section 825.01 is being repealed because it is not regulatory.

Section 825.03, Chapter 3 – Purpose and Scope

The first paragraph of section 825.03 has the following edits throughout:

- A nonsubstantive edit is made establishing the paragraph as subsection “(a)” for uniformity with standard regulation formatting.
- A nonsubstantive typographical edit changing “the” to “these” for clarity.
- Nonsubstantive cleanup edits replacing the slash in “owner/operator” with “or” for clarity.
- “Worst case” is revised to include a hyphen for consistency.
- “Nontank vessel” is added for specificity.
- “Shall” is changed to “must” for consistent expression of mandatory provisions.
- The extra ‘s’ in “contracts(s)” is deleted.
- “Shoreline protection” and “each type of shoreline and” are deleted, and “environmental” is added consistent with the purpose and intent of this rulemaking action.
- For clarity, language is added citing section 828.1 for response the time frame requirements.
- Reference to the Shoreline Protection Tables is deleted because this document historically incorporated by reference in a number of OSPR’s regulations, and its definition in section 790, are being repealed and replaced with the proposed adoption of section 828.1 in this rulemaking action.
- “Regulatory” is deleted as superfluous. By nature of the document being a regulation, the requirements are thereby regulatory.
- “Shoreline” is replaced with “environmental sensitive site” consistent with the purpose and intent of this rulemaking action.
- The acronym “OSRO” is replaced with the full name as part of the nonsubstantive cleanup efforts described on page 16.
- Nonsubstantive edit deleting the hyphen in “clean-up” for uniformity.

The second paragraph of section 825.03 has the following edits throughout:

- A nonsubstantive edit is made establishing the paragraph as subsection “(b)” for uniformity with standard regulation formatting.
- Nonsubstantive cleanup edits replacing the slash in “owner/operator” with “or” for clarity.
- A nonsubstantive edit changing “have” to “has” for proper subject-verb agreement.
- Nonsubstantive typographical edit for better readability.
- “Shall” is changed to “must” for consistent expression of mandatory provisions.

The third paragraph of section 825.03 has the following edits throughout:

- A nonsubstantive edit is made establishing the paragraph as subsection “(c)” for uniformity with standard regulation formatting.
- The acronym “OSPR” is deleted as part of the nonsubstantive cleanup efforts described on page 16.
- A nonsubstantive cleanup edit replacing the slash in “owner/operator” with “or” for clarity.
- In three places “will” is changed to “must” for consistent expression of mandatory provisions.
- Nonsubstantive grammatical and typographical edits are made.

The fourth paragraph of section 825.03 has the following edits:

- A nonsubstantive edit is made establishing the paragraph as subsection “(d)” for uniformity with standard regulation formatting.
- Nonsubstantive cleanup edits are made to certain capitalized terms and removal and/or replacement of acronyms.
- “Shall” is changed to “will” for consistent statement of obligations.

Section 825.05, Chapter 3 – Definitions

This section is being deleted. With this rulemaking, OSPR is attempting to ensure that defined terms that are widely referenced and applicable to the entire subdivision are only listed in section 790 (Definitions and Abbreviations) and not duplicated elsewhere. This is necessary to avoid redundancy and possible inconsistency resulting from the same term being unintentionally defined differently in multiple sections. Unnecessary duplication potentially creates a scenario where a term might be updated in one section and unintentionally not updated in another section, which would cause considerable confusion and inconsistency. Consolidation of commonly used definitions in one section will eliminate conflicting definitions.

All but one of the terms and definitions in section 825.05 were added to section 790 in an earlier rulemaking action (OAL No. 2018-1031-04), however, the collateral action of striking them out from 825.05 was overlooked. That is being corrected now. Therefore, all terms and definitions in section 825.05 are deleted and the entire section repealed in this rulemaking action. The term and definition that was not added to section 790 in the earlier rulemaking action was subsection (e) “Letter of Approval” (and is being deleted here) because it is a common expression, its intent clear in context, and is not required or necessary to be specifically defined here or in section 790.

Section 825.07, Chapter 3 – General Requirements

Subsection (a) has nonsubstantive cleanup edits to capitalized terms as part of the cleanup efforts described on page 16; and two edits changing “shall” to “must” for consistent expression of mandatory provisions.

Subsection (a)(1) has the following edits:

- “Shoreline” is replaced with “environmental sensitive site” consistent with the purpose and intent of this rulemaking action.
- A nonsubstantive grammatical edit adding “as” for better readability.
- The acronym “OSRO” is replaced with the full name.
- “Letter of Approval” is changed simply to “approval letter”; this is a nonsubstantive change.
- “Shall” is removed as unnecessary. Accordingly, there is a syntax edit to “remain”.
- A second “shall” in the same sentence is changed to “will” for consistent statement of obligations.

Subsections (a)(2) through (a)(2)(E) has the following edits: “Shall” is changed to “must” for consistent expression of mandatory provisions. [(a)(2), (a)(2)(D) and (E)]

Subsections (b) through (b)(4) have the following nonsubstantive edits throughout:

- In subsection (b), typographical edits are made for better clarity and structure.
- Capitalization edits.
- Cleanup edits replacing the slash in “owner/operator” with “or” for clarity.
- “Letter/certificate” is changed to just “letter”. [(b)(1)]
- Typographical edits for clarity. [(b)(1), (2), (3)]

Subsection (c) has the following edits:

- “Shall” is changed to “must” for consistent expression of mandatory provisions.
- The full name of the National Oil and Hazardous Substances Pollution Contingency Plan is included for accuracy and clarity.
- Nonsubstantive cleanup edits to certain capitalized terms.

Subsection (d) has the following edits:

- A nonsubstantive capitalization edit.
- In two places, “shall” is deleted as unnecessary to the meaning of the sentence. Syntax edits to “impair” and “limit” are made accordingly.
- Nonsubstantive cleanup edits to a legal citation for consistency.
- The abbreviation “U.S.C.” is replaced with the full name as part of the nonsubstantive cleanup efforts described on page 16.
- “Shall” is changed to “does” consistent with the first edit deleting “shall”.
- Nonsubstantive typographical edit replacing “nothing in” with “nor does” for better readability.

Subsection (e) has two edits changing “shall” to “must” for consistent expression of mandatory provisions.

Section 827.01, Chapter 3 – Applicability

Subsection (a) has the following edits:

- Nonsubstantive punctuation and capitalization edits.
- “Shall” is changed to “must” for consistent expression of mandatory provisions.
- The citation to where defined terms are to be found is revised consistent with the proposed repeal of section 825.05 in this rulemaking action. See discussion above at section 825.05. Reference to “subchapter” is corrected to “subdivision”.

Subsection (b) through (b)(4) have the following edits throughout:

- Nonsubstantive edits to punctuation, capitalization, and removal and/or replacement of acronyms as part of the cleanup efforts described on page 16.
- “Shall” is changed to “does” for consistent diction because this subsection is declarative of the non-applicability. [(b)(2)]
- A nonsubstantive cleanup edit replacing the slash in “his/her” with “or” for clarity. [(b)(2)(A)]
- “Shall” is changed to “must” for consistent expression of mandatory provisions. [(b)(2)(B)]
- The citation to where defined terms are to be found is revised consistent with the proposed repeal of section 825.05 in this rulemaking action. See discussion above at section 825.05. Reference to “subchapter” is corrected to “subdivision”. [(b)(4)]

Section 827.02, Chapter 3 – Nontank Vessel Plan Content

The introductory paragraph of section 827.02 has the following edits:

- Nonsubstantive capitalization edits.
- A nonsubstantive cleanup edit replacing the slash in “owner/operator” with “or” for clarity.
- In two places, “shall” is changed to “must” for consistent expression of mandatory provisions.

Subsections (a) through (a)(1)(H) have the following edits throughout:

- Nonsubstantive edits to punctuation, capitalization, and removal and/or replacement of acronyms as part of the cleanup efforts described on page 16.
- Nonsubstantive cleanup edits replacing the slash in “owner/operator” with “or” for clarity. However, at (a)(1)(B), “owner *and/or* operator” is revised for clarity to mean “owner *and* operator” because OSPR wants the contact information of both. This is applicable in but a few instances in the regulations, specifically here as well as 817.02(a)(1)(B), 818.02(a)(1)(B), 818.03(a)(1)(B).
- “Shall” is changed to “must” for consistent expression of mandatory provisions. [(a)(1), (a)(1)(A), (B), (E)1., (F), and (G)]

- A nonsubstantive grammatical edit deleting “that are” as superfluous. [(a)(1)(G)]
- “Subchapter” is corrected to “subdivision”. [(a)(1)(G)]
- “Shoreline” is replaced with “environmental sensitive site” consistent with the purpose and intent of this rulemaking action. And there is a nonsubstantive grammatical edit. [(a)(1)(G)]

Subsections (a)(2) through (a)(4)(D) have the following edits throughout:

- “Shall” is changed to “must” for consistent expression of mandatory provisions.
- Nonsubstantive cleanup edits are made to certain capitalized terms.

Subsections (b) through (b)(3) have the following edits throughout:

- A nonsubstantive punctuation edit.
- A nonsubstantive cleanup edit replacing the slash in “owner/operator” with “or” for clarity.
- “Shall” is changed to “must” for consistent expression of mandatory provisions.
- “Material safety data sheet” is updated to the currently recognized name, “safety data sheet”, and the acronym “MSDS” is deleted.

Subsections (c) through (c)(3)(C) have the following edits throughout:

- Nonsubstantive edits to punctuation, capitalization, and removal and/or replacement of abbreviations and acronyms.
- Nonsubstantive cleanup edit replacing the slash in “owner/operator” with “or” for clarity.
- “Shall” is changed to “must” for consistent expression of mandatory provisions.
- At (c)(2)(A) a hyphen is added between “high” and “speed” for consistency.
- Former subsection (c)(3)(A)7. is renumbered (c)(3)(B) as it is not part of the list of items referenced in (c)(3)(A). This is consistent with standard regulation formatting.
- Former subsection (c)(3)(B) is renumbered (c)(3)(C) for uniformity.

Subsections (d) through (d)(1)(C) have the following edits throughout:

- Nonsubstantive edits to punctuation, capitalization, and removal and/or replacement of acronyms.
- Nonsubstantive cleanup edits replacing the slash in “owner/operator” with “or” for clarity.
- “Shall” is changed to “must” for consistent expression of mandatory provisions.
- “Discharge” is changed to “spill” for uniformity with the regulations as a whole, as well as defined terms within section 790.
- Nonsubstantive structural edits.

Subsections (d)(2) through (d)(2)(C) have the following edits throughout:

- Nonsubstantive edits to punctuation, capitalization, and removal and/or replacement of acronyms.
- “Section” is corrected to “subsection”. [(d)(2)]
- “Shall” is changed to “must” for consistent expression of mandatory provisions.
- “Discharge” is changed to “spill” for uniformity with the regulations as a whole, as well as defined terms within section 790.
- Nonsubstantive cleanup edits replacing the slash in “owner/operator” with “or” for clarity. [(d)(2)(B)]

Subsections (d)(3), (4), (5), and (6) have the following edits throughout:

- “Should” is changed to “must” for consistent expression of mandatory provisions. [(d)(3)]
- “Worst case” is revised to include a hyphen for consistency. [(d)(3)]
- “Shall” is changed to “must” for consistent expression of mandatory provisions.
- Nonsubstantive capitalization edits.
- “On scene” is revised to include a hyphen for uniformity. [(d)(4)(J)]
- “And/or” is revised to “or” to clarify either individual may act. [(d)(6)]
- “Shall have” is changed to “has” for consistent diction, because this subsection creates the option, the option is not coming from some other source in the future. [(d)(6)]

Subsections (e) through (e)(2) have the following edits: A nonsubstantive punctuation edit; and “shall” is changed to “must” for consistent expression of mandatory provisions.

Subsection (g) has the following edits:

- Nonsubstantive edits to punctuation, capitalization, and removal and/or replacement of acronyms.
- Nonsubstantive cleanup edits replacing the slash in “owner/operator” with “or” for clarity.
- Nonsubstantive grammatical edits for clarity and consistency with verbiage in other similar OSPR regulations.
- “California” is added for clarity.
- “Operates” is changed to “transits” consistent with verbiage in this same subsection and other OSPR regulations.
- “Shall” is changed to “must” for consistent expression of mandatory provisions.
- The last two sentences which reference the Shoreline Protection Tables (SPT), and its associated requirements are deleted consistent with the purpose and intent of this rulemaking action. The SPT is being repealed and replaced with new section 828.1 in this rulemaking action. Additionally, it is duplicative of

subsection (i) where the requirements of environmental sensitive site protection and shoreline cleanup are addressed.

Subsections (h) through (h)(1) have the following edits throughout:

- Nonsubstantive edits to punctuation, capitalization, and removal and/or replacement of acronyms as part of the cleanup efforts described on page 16.
- “Worst case” is revised to include a hyphen for consistency; “shall” is changed to “must” for consistent expression of mandatory provisions; nonsubstantive grammatical edits.
- “Shall” is changed to “must” for consistent expression of mandatory provisions.
- A nonsubstantive grammatical edit deleting “that are” as superfluous.
- A nonsubstantive edit deleting the hyphen in “clean-up” for uniformity.

Subsection (h)(2) has the following edits:

- Nonsubstantive punctuation and capitalization edits.
- “Worst case” is revised to include a hyphen for consistency.
- A nonsubstantive cleanup edit replacing the slash in “owner/operator” with “or” for clarity.

Subsections (h)(2)(A) through (h)(2)(A)4. have the following edits throughout:

- Nonsubstantive punctuation and capitalization edits.
- “Shall” is changed to “must” for consistent expression of mandatory provisions.
- “Worst case” is revised to include a hyphen for consistency.
- Nonsubstantive capitalization edits.
- A change in citation to where defined terms are to be found, consistent with the proposed repeal of section 825.05 in this rulemaking action. See discussion above at section 825.05. Reference to “subchapter” is corrected to “subdivision”.
- “Shoreline” is deleted and “environmental” is added consistent with the purpose and intent of this rulemaking action.
- “Will” is changed to “must” for consistent expression of mandatory provisions.

Subsections (h)(2)(B) through (h)(2)(B)iii. have the following edits throughout:

- Nonsubstantive edits are made to certain capitalized terms and removal and/or replacement of acronyms.
- The subtitle of (h)(2)(B) is revised to enable the table to be ADA accessible.
- In the ‘Delivery Times for Nontank Vessels’ table, the following edits:
 - The row title ‘Nontank Vessels’ is deleted. This is considered a merged cell and prevents the table from being accessible in its final form. Thus, the identifier is moved to the subtitle of (h)(2)(B).

- Second column: the acronym “bbls” is replaced with “barrels” for improved accessibility.
- Third column (2 hour): “Hour” is corrected to the plural form of the word. Commas are added to illustrate the numerical value for improved accessibility. The acronym “bbls” is replaced with “barrels” for improved accessibility. And “ft” is added as a qualifier.
- Fourth column (4 hours): “Worst case” is revised to include a hyphen for consistency. In this instance, the acronym ‘RWCS’ is not deleted so as to provide reference for the acronym being used in the next columns. Acronyms are used elsewhere in tables for efficiency of space.
- Use of symbols such as ‘/’ and ‘%’ are replaced with the representative words, e.g., “barrels/day” to “barrels per day”, 10% to 10 percent. [(h)(2)(B)i.]
- The spelling of “Bencia” is corrected. [(h)(2)(B)i.]
- Nonsubstantive cleanup edits to legal citations for consistency.
- “Shall” is changed to “must” for consistent expression of mandatory provisions. [(h)(2)(B)ii. and iii.]
- “Worst case” is revised to include a hyphen for consistency.

Subsections (h)(3) and (h)(3)(A) have the following edits throughout:

- Nonsubstantive edits to punctuation and capitalization.
- “Shall” is changed to “must” for consistent expression of mandatory provisions.
- A nonsubstantive cleanup edit replacing the slash in “owner/operator” with “or” for clarity; and nonsubstantive edits to capitalized terms.
- A citation correction. [(h)(3)(A)]

Subsections (h)(3)(B) through (h)(3)(B)10.iv. have the following edits throughout:

- Nonsubstantive edits are made to capitalized terms and removal of acronyms.
- “Shall” is changed to “must” for consistent expression of mandatory provisions.
- The citation to where defined terms are to be found is revised consistent with the proposed repeal of section 825.05 in this rulemaking action. See discussion above at section 825.05. Reference to “subchapter” is corrected to “subdivision”.
- “Shoreline” is deleted and “environmental” is added consistent with the purpose and intent of this rulemaking action.
- Language is added for improved readability and for clarity that the listed items in (h)(3)(B)1. through 10. must be included in the contingency plan.
- In (h)(3)(B)6. and 7., additional nonsubstantive grammatical edits for improved readability.
- “Discharged” is changed to “spilled” for uniformity with the regulations as a whole, as well as defined terms within section 790. [(h)(3)(B)9.]

- Specificity is added to the time frame for clarity, i.e., calendar days, which is consistent with time frames in other OSPR regulations. Although obvious, during a spill people would be present consecutive calendar days, not business days. [(h)(3)(B)10.iv.]

Subsections (h)(3)(C) through (h)(3)(C)4. have the following edits: “Shall” is changed to “must” for consistent expression of mandatory provisions; and nonsubstantive capitalization edits.

Subsection (h)(3)(D)3. has an edit removing “shall” as unnecessary. Accordingly, there is a syntax edit to “remain”.

Former subsection (h)(4) has the following edits:

- The designation of subsection (4) is corrected to 4., without parentheses, for uniformity with standard regulation formatting.
- A nonsubstantive capitalization edit.
- “Shall” is changed to “must” for consistent expression of mandatory provisions.

Subsections (h)(3)(E) through (G) have the following edits throughout:

- The full names of the California Oil Spill Contingency Plan and the National Oil and Hazardous Substances Pollution Contingency Plan are included for accuracy and clarity.
- Nonsubstantive capitalization edits.
- “Shall” is changed to “must” for consistent expression of mandatory provisions.
- Specificity is added to the time frame for clarity, i.e., calendar days, which is consistent with time frames in other OSPR regulations. [(h)(3)(E)2.]
- “Time line” is corrected to one word. [(h)(3)(E)3.]
- “Discharged” is changed to “spilled” for uniformity with the regulations as a whole, as well as defined terms within section 790. [(h)(3)(F)]

Subsection (i) has the following edits throughout:

- The subtitle is revised to reflect the content of the subsection more accurately, which is not just protection of sites, but also cleanup of shoreline. The concept of protection of environmental sensitive sites is clarified consistent with the purpose and intent of this rulemaking action. There is also a nonsubstantive punctuation edit at the end of the subtitle.
- The introductory paragraph of (i) has a nonsubstantive edit establishing it as subsection “(1)” for uniformity with standard regulation formatting. It has the following edits:
- “Shoreline” is replaced with “environmental sensitive site” consistent with the purpose and intent of this rulemaking action.
- Nonsubstantive edits to punctuation, capitalization, and removal and/or replacement of abbreviations and acronyms.

- “Where” is added for consistency with similar verbiage elsewhere in the regulations and for better readability.
- The second sentence is deleted because it is redundant to new subsection (i)(1)(A). Deleting this sentence also deletes reference to culturally sensitive site. This is deleted consistent with the revisions to the definition of Environmentally Sensitive Area in section 790 with this rulemaking action. The ACP define cultural sites separately, and section 790 also includes a separate and distinct definition for culturally sensitive sites. At this time, OSPR does not have requirements for culturally sensitive sites. Reference to the Shoreline Protection Tables is deleted because this document historically incorporated by reference in a number of OSPR’s regulations, and its definition in section 790, are being repealed and replaced with the proposed adoption of section 828.1 in this rulemaking action.
- The last two sentences about reviewing and updating the SP Tables are deleted. It is not necessary to point out that regulations may be modified at any time through the APA process. This states the obvious and they are not regulatory provisions, therefore they are deleted.

Former subsection (i)(1), including the table, is deleted because this content is covered within the new regulations proposed for adoption in this rulemaking action (esp. section 828.1).

Former subsection (i)(1)(A) is deleted because it is not necessary and is not regulatory. Anyone may contact OSPR at any time with suggested revisions to these regulations. Any suggested change to site protection strategies would require action by the applicable federal Area Committee.

Former subsections (i)(2) through (i)(2)(E) which reference the Shoreline Protection Tables and the Small Harbor requirements are deleted consistent with the purpose and intent of this rulemaking action. These tables are being repealed and replaced with new section 828.1. The small harbors table has caused confusion for plan holders. The current small harbor table is not comprehensive and doesn’t capture all small harbors along California’s coastline. OSPR reviewed the needs of the small harbors in comparison to the proposed SPT requirements by GRA and determined that the new table provides for adequate or improved protection for the GRAs where small harbors exist. Removing the small harbors table also simplifies and clarifies the requirements.

The new SPT table no longer identifies individual ACPs sites as the old SPT did, and instead uses a GRA approach. Thus, the Small Harbor Table is being repealed by this rulemaking. Having a table solely for small harbors would be duplicative, as all environmental sensitive sites (including those located within or near California’s small harbors) are captured in a GRA. OSPR is confident in the risk rankings determined for each GRA and the level of protection assigned to those GRAs based upon their level of risk. OSPR doesn’t see a need for specific or additional environmental sensitive site protection for small harbors. This was also confirmed in conversations with OSROs rated for sensitive site protection during this regulation development process.

Former subsection (i)(3) is renumbered (i)(1)(A) for uniformity and has the following additional edits throughout:

- “Shall” is changed to “must” for consistent expression of mandatory provisions.
- “Personnel” is changed to the more appropriate term “response resources” which means not just people, but also equipment, as defined in section 790. Collectively personnel and equipment must deploy.
- The following language additions and revisions are consistent with the purpose and intent of this rulemaking action, which is a focus towards environmental sensitive site protection. These edits are made for uniformity with similar language in other sections where the requirements are the same, e.g., 818.02(f) and 818.03(f).
 - “Shoreline” is replaced with “environmental sensitive site” consistent with the purpose and intent of this rulemaking action.
 - The phrase “described in the area contingency plans, and” is added for clarity in identifying where the environmental sensitive site protection strategies are located.
 - Reference to the SP Tables is deleted and replaced with a citation to section 828.1 proposed in this rulemaking action.
- “Response resources” is added for clarity and consistency with the edit in the first sentence.
- “On scene” is revised to include a hyphen for uniformity.
- A typographical correction to the word ‘State’ is made.
- Specificity is added to the time frame for clarity, i.e., calendar days, which is consistent with time frames in other OSPR regulations.

Former subsection (i)(3)(A) is renumbered (i)(1)(B) for uniformity and has the following edits through (i)(1)(B)4.:

- In (i)(1)(B)3., “shall” is removed as unnecessary. Accordingly, there is a syntax edit to “remain”.
- (i)(1)(B)4. has a nonsubstantive capitalization edit, and an edit changing “shall” to “must” for consistent expression of mandatory provisions.

Former subsection (i)(4) is renumbered (i)(2) for uniformity and has the following additional edits through (i)(2)(A)2.:

- In the subtitle, a nonsubstantive edit deleting the hyphen in “clean-up” for uniformity. The hyphen is deleted elsewhere in these subsections. Punctuation is also added at the end of the subtitle.
- A typographical correction to uncapitalize the word “Each” is made. [(i)(2)(A)]
- “Shall” is changed to “must” for consistent expression of mandatory provisions.
- A nonsubstantive cleanup edit replacing the slash in “owner/operator” with “or” for clarity.

- Nonsubstantive capitalization edits.

Subsections (j) through (j)(6) have the following edits throughout:

- Nonsubstantive punctuation edits, and capitalization edits.
- A nonsubstantive cleanup edit replacing the slash in “owner/operator” with “or” for clarity.
- “Shall” is changed to “must” for consistent expression of mandatory provisions. [(j)(1), (j)(1)(B) and (C), (j)(2) through (6)]
- “State Incident Command System” is uncapitalized and “State” is deleted. The incident command system is a *national* model for emergency response.
- Nonsubstantive cleanup edits to legal citations for consistency, and “section” is corrected to “subsection”. [(j)(1), (j)(6)]
- “Public” is added to “Information Officer” for accuracy and clarity. [(j)(1)(B)]
- A nonsubstantive edit deleting the hyphen in “clean-up” for uniformity. [(j)(3), (j)(6)]

Subsections (k) through (k)(5) have the following edits throughout:

- Nonsubstantive punctuation edits, and capitalization edits.
- “Shall” is changed to “must” for consistent expression of mandatory provisions.
- “Worst case” is revised to include a hyphen for consistency.
- A change in citation to where defined terms are to be found, consistent with the proposed repeal of section 825.05 in this rulemaking action. See discussion above at section 825.05. And reference to “subchapter” is corrected to “subdivision”.
- Listed items under (k)(1)(A) have nonsubstantive edits establishing them as subsections “1., 2., and 3.” for uniformity with standard regulation formatting.
- The percent symbol is replaced with “percent”. [(k)(1)(A)2.]
- The number 6 is revised to the word “six”. [(k)(1)(A)3.]
- “Shall” is changed to “will” for consistent statement of obligations. [(k)(2)]
- Nonsubstantive edit deleting the hyphen in “clean-up” for uniformity. [(k)(3)]

Subsections (l) through (l)(2) have the following edits:

- A nonsubstantive cleanup edit replacing the slash in “owner/operator” with “or” for clarity.
- “Shall” is changed to “must” for consistent expression of mandatory provisions.
- Nonsubstantive edits to capitalization, punctuation, and removal and/or replacement of acronyms.

Subsections (m) through (m)(4) have the following edits throughout:

- Nonsubstantive punctuation edit.

- “Shall” is changed to “must” for consistent expression of mandatory provisions.
- A nonsubstantive cleanup edit replacing the slash in “owner/operator” with “or” for clarity.
- New subsection (m)(4) is added to provide specificity and clarity regarding how much boom could be required for a drill. Six hours is the functional standard for drills. It is what can practically be achieved in a workday.

Subsections (n) through (n)(2)(B)2.ii have the following edits throughout:

- Nonsubstantive edits are made to punctuation, capitalization, and removal and/or replacement of acronyms.
- “Shall” is changed to “must” for consistent expression of mandatory provisions.
- “Discharge” is changed to “spill” for uniformity with the regulations as a whole, as well as defined terms within section 790. [(n)(2)]
- “Section” is corrected to “subsection”. [(n)(2)(A)]
- “Equipment” is changed to the more appropriate term “response resources” which means not just people, but also equipment, as defined in section 790. Collectively personnel and equipment must deploy. [(n)(2)(B)]
- “On scene” is revised to include a hyphen for uniformity. [(n)(2)(B)1.i. and iv.; and (B)2.]
- “Worst case” is revised to include a hyphen for consistency. [(n)(2)(B)1.i.]

Section 873.5, Chapter 7 – Administrative Compliance Actions: Government Code Section 8670.67

Subsection (a)(1) has the following edits:

- Nonsubstantive capitalization edits and removal and/or replacement of acronyms as part of the cleanup efforts described on page 16.
- The term “effective plan” is revised/updated to “applicable contingency plan” consistent with statute (Government Code section 8670.67).
- Removal of the reference to section 815.05, which is proposed for repeal in this rulemaking action.

Subsections (a)(2) through (a)(5) have the following edits throughout:

- Nonsubstantive edits to capitalized terms and removal and/or replacement of acronyms as part of the cleanup efforts described on page 16.
- “The United States” is more accurately changed to “a federal” because the United States is not an agency. [(a)(3)]
- “Other” is corrected to “local”. [(a)(3)]
- Nonsubstantive cleanup edits to a legal citation for consistency. [(a)(4)]

IV. Economic Impact Assessment

(a) What is the evidence supporting a finding of No Significant Statewide Adverse Economic Impact directly affecting business, including the ability of California businesses to compete with businesses in other states?

These are not considered “major regulations” because the economic impact assessment concludes that the impacts, summing both costs and benefits, will be considerably less than \$50 million dollars annually.

(b) Will there be any effects of the regulation on the creation or elimination of jobs within the State?

Additional hired or subcontracted oil spill response personnel may be necessary to comply with the proposed response times in one or more specific area contingency plan areas/geographic response areas. It is estimated that approximately 30 new jobs may be created by these proposed regulations. No jobs will be eliminated as a result of these regulations. See the Economic and Fiscal Impact Analysis (STD 399).

(c) Will there be any effects of the regulation on the creation of new businesses or the elimination of existing businesses within the State?

None

(d) Will there be any effects of the regulation on the expansion of businesses currently doing business within the State?

None

(e) Will there be any benefits to the health and welfare of California Residents, worker safety, or to the State’s environment?

These regulations will provide benefits to the health and welfare of California residents by ensuring the necessary response resources will be on-scene and deployable to mitigate the impacts of an oil spill, thus benefiting the communities affected by a spill. Oil spill contingency plans must identify response strategies for the sensitive sites and shorelines and include an organizational structure to safely implement those strategies thereby enhancing worker safety. Further, these regulations will benefit the state's environment by ensuring that necessary response resources are available and able to respond in the time frames necessary to mitigate the impacts of an oil spill to California’s environmental sensitive sites and shoreline environment.

(f) Will there be any other benefits of the regulation?

Those subject to these regulations will benefit from an updated, improved, and user-friendly dataset; greater flexibility given in meeting the requirements; codification of the requirements for ease of access. The benefit to OSPR will be a more streamlined updating process through the APA process.

V. Studies, Reports, or Documents Relied Upon

- Occupational Employment and Wages for Executive Administrative Assistant/Executive Secretaries, U.S. Bureau of Labor Statistics (May 2023).

VI. Reasonable Alternatives to Regulatory Action

In an effort to solicit broader feedback and potentially improve upon the proposed regulations prior to commencing formal rulemaking, OSPR engaged interested parties and those that may be subject to these regulations in informal meetings and emails. OSPR also conducted two in-person pre-notice scoping sessions, held in both Northern and Southern California.

Government Code section 8574.7 requires OSPR to establish standards for coastline protection and designate required pre-deployment of protective equipment for sensitive environmental areas along the California coastline. OSPR could identify no other alternatives to the proposed regulations that would have the same desired regulatory effect; that would meet the same goals for identifying sensitive site protection strategies, provide sufficient sensitive site protection, that would improve upon the existing dataset, that would lessen requirements on those subject to these regulations, and that would streamline the updating process.

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 or brought to its attention would be more effective in carrying out the purpose for which the action is proposed, as effective and less burdensome to affected private persons than the proposed action, or more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

VII. Specific Technology or Equipment Required by Regulatory Action

None. No new or different technology or equipment is required by these proposed regulations that are not already being used by those that may be subject to these regulations.

VIII. Duplication or Conflict with Federal Regulations

The proposed regulations do not duplicate or conflict with federal regulations.

IX. Mitigation Measures Required by Regulatory Action

The proposed regulatory action will not have a negative impact on the environment. Therefore, no mitigation measures are needed.

END

Attachment A

