

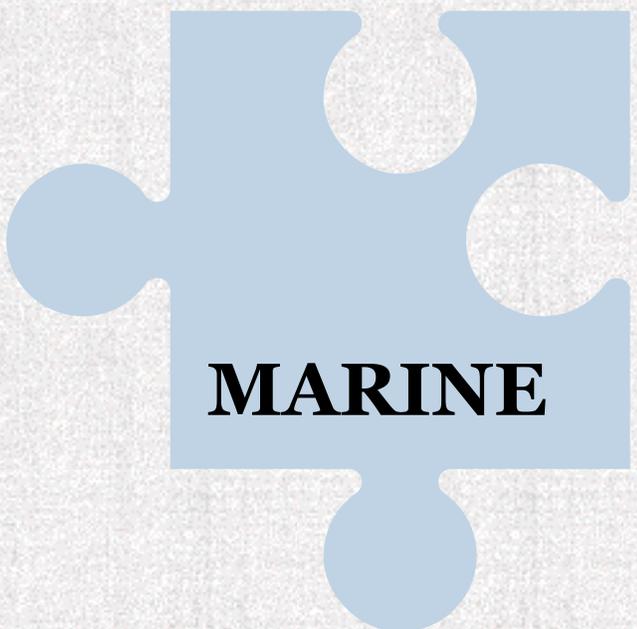
Facility Contingency Plan Regulation Update





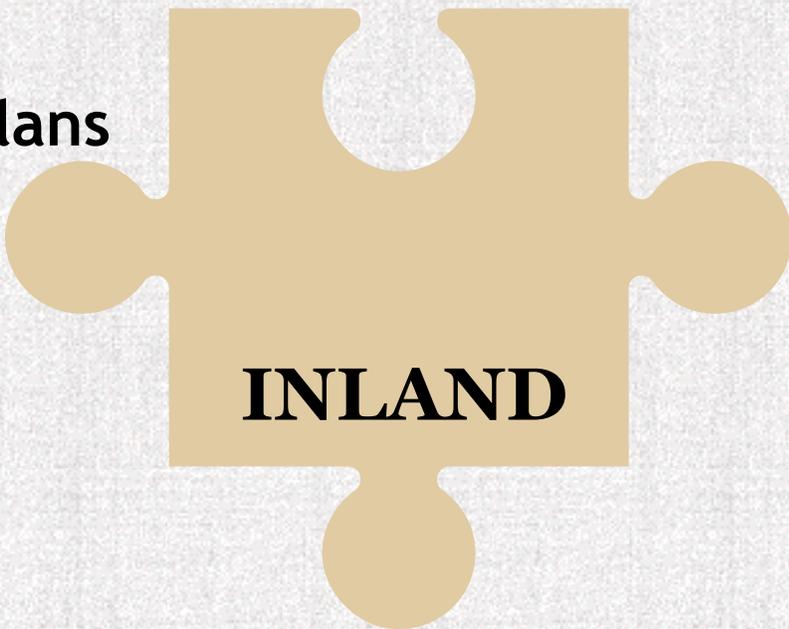
Facility Regulatory Structure

Current Model



Sections 815.01 - 818.03
Also includes tank vessels
(task for another day)

Facility
Contingency Plans



Section 817.04





Facility Regulatory Structure

Proposed Model



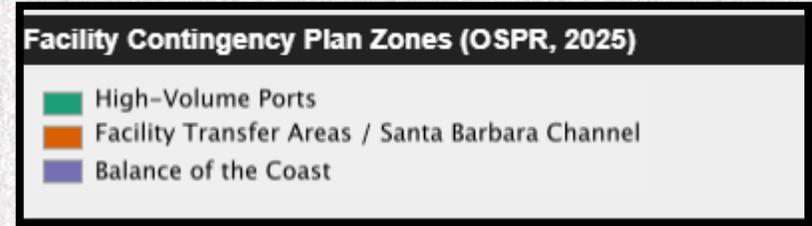
Section 805.1 - 805.15





§ 790 Definitions

- **Comment:** Recommendation to recategorize ACP2 GRA7 as Balance of the Coast
- Action: OSPR added ACP2 GRA 7 to the Balance of the Coast definition.
- Note: ACP2 GRA 10 was incorrectly categorized on ERMA but was correctly included as a Facility Transfer Area in our definition section. This discrepancy has been resolved and is correct as OSPR regulates some facilities that conduct over-the-water transfers in ACP2 GRA10.





§ 790. Definitions

Comment: Request that the proposed regulations address applicability of out-of-service pipelines.

Action: Updated the definition of what is excluded from the definition of a facility.

§ 790(f)(1)(B) “Facility” does not include any of the following:

...5. Pipelines that have been disconnected from all sources of oil and pose no remaining threat of releasing oil from the pipeline to waters of the state. In the case of offshore pipelines, the line must be filled with water or inert materials and sealed at both ends of the segment. This does not include pipelines that could be utilized in future operations or will be maintained for reinstatement to active service.





§ 805.5. Contingency Plan Elements and Format.

Comment: Recommend that the Response Manual be included as part of the attachment to the Cover Sheet (DFW 456)

Action: Updated § 805.5(a) and DFW 456 form to include Response Manual.

 State of California – Department of Fish and Wildlife
FACILITY CONTINGENCY PLAN COVER SHEET
DFW 456 (NEW XX/XX/XX) Page 2 of 7

DRAFT

Phone Number:
Email:

For onshore production facilities, provide the CalGEM Operator number:
California Environmental Reporting System identification number, if issued:

5. Agent for Service of Process. The agent for service of process must reside in California.
Agent for Service of Process Name:
Mailing Address:
Phone Number:
Fax Number:
Email:

B. RESPONSE MANUAL

Specify the section number within the accompanying attachment where the response manual, as described in section 805.14 is located:





§ 805.8. Plan Content, Review and Approval.

Comment: Is Qualified Individual (QI) email address needed?

Action: § 805.8(a)(3) Removed email requirement

Comment: Requested clarification if actual COFR certificate must be included

Action: § 805.8(a)(5). Updated language to clarify. Only COFR numbers or documentation that COFR application submitted.

Comment: Concern over extent of Authority to conduct inspections, drill and exercises during plan review and approval process.

Action: § 805.8(d). Updated language.

“At all stages of review and approval, the Administrator may make on-site inspections ~~and require an announced or unannounced drill or exercise of all, or part of any contingency plan submitted, to~~ determine the veracity and adequacy of the contingency plan.”





805.9 Plan Revisions, Annual Updates, and Resubmittals

Comment: Request that OPSR reconsider the 15-day deadline for submission of a revision due to changes to reasonable worst-case spill (RWCS) volume, financial responsibility, SMT, OSRO, QI, or Agent for Service of Process

Action: § 805.9(c). OSPR changed requirement from 15 to 30 days, with email notification within 24 hours.

Comment: Requested clarification regarding information requirements for annual plan updates.

Action: Updated verbiage from “must” to “may”

§ 805.9(e)(1) The annual update may also include minor changes that do not affect timely and adequate oil spill response. This may include minor changes in equipment, personnel, or operating procedures.





§ 805.11. Public Review and Agency Review of Plans

Comment: Requested clarification on how public comments will be considered.

Action: § 805.11(b). Updated verbiage.

- All new contingency plans, five-year resubmittals, and plans with significant revisions as defined in § 805.9(c)(1) and (2) and 805.9(d) will be available for public review and comment for 15 calendar days.
- OSPR is evaluating option of posting plan online for review and comment.
- OSPR will evaluate public comments and communicate any required updates to plan holders in accordance with this section.
- Confidentiality of plans is described in § 790.3





§ 805.13. Reasonable Worst-Case Spill Volumes.

Comment: The calculation for reasonable worst-case spill (RWCS) volume does not appear to directly consider elevation, which in certain cases can be a limiting factor.

Action: Proposed regulations already allow for modeling to determine line drainage volume.

§ 805.13(b)(3) If the reasonable worst-case spill volume calculation uses modeled output for any of the parameters, such as line drainage volume, all the inputs, assumptions, and a depiction or graph of the output must be included in the Cover Sheet attachment.





§ 805.13. Reasonable Worst-Case Spill Volumes.

Comment: Is the RWCS Volume calculator required?

Action: Plan holders must use the calculations identified in section 805.13, but the use of the calculator is not required.

§ 805.13(b)(1) All parameters and calculations used to determine the reasonable worst-case spill volume must be included in the DFW 456 attachment.

(2) To accomplish this, it is recommended that plan holders use the reasonable worst-case spill volume calculator posted on the Office of Spill Prevention and Response's website and include the report of the calculator as part of the DFW 456 attachment.





§ 805.14. Response Manual

Comment: Request that OSPR reassess marine traffic communication requirements.

Action: Updated language.

§ 805.14(a)(5)(H) Marine traffic. If the facility is located in a high volume port and engaged in transfer operations, identify any very high and ultra-high radio frequencies utilized by the facility to contact vessels engaged in operations with the facility.

(H) Marine traffic. If the facility is located in a high volume port and engaged in transfer operations, ~~include channel 14, channel 16, and all~~identify any very high and ultra-high radio frequencies utilized by the facility to contact ~~surrounding~~ vessels engaged in operations with the facility. ~~in proximity.~~





§ 805.14. Response Manual

Comment: Request to utilize hyperlink to the Area Contingency Plan section that provides the contact information for the local interested parties.

Action: No changes to § 805.14 (a)(5)(I)

§ 805.14(a)(5)(I) A table or list of local interested parties, including organization name, point of contact name, phone number, and email address, if available, corresponding to the trajectory for the longest timeframe modeled pursuant to subsection 805.15(e), for the parties described in 1. through 3. below.





§ 805.14. Response Manual

Update: Specified additional interested parties to be included in notification list.

§ 805.14(a)(5)(J) Non-emergency phone numbers for local, county, and port law enforcement and emergency response agencies or teams for all locations in which the facilities are located or operate, such as local or port police, Certified Unified Program Agencies, and county offices of emergency services.

§ 805.14(a)(5)(K) Immediately neighboring industries, businesses, and facilities.

Update: Removed requirement to post Cal OES phone number (formerly § 805.14(a)(7)). Outside the scope of the contingency plan contents, but still a legal requirement of operators.





§ 805.14. Response Manual

Comment: Requested alternatives to NOAA charts for tidally influenced water plans.

Action: Updated verbiage to specify the requirements for the chart rather than requiring NOAA charts specifically.

§ 805.14(c)(8) For facilities that may impact tidally influenced waters, with the exception of mobile transfer units, onshore pipelines, and onshore production facilities, include a chart that clearly identifies the facility and covers the geographic response areas identified as being impacted in the 12-hour trajectory included in the offsite consequence analysis. The chart must identify, but is not limited to:

- (A) Anchorages and mooring areas;
- (B) Physical or navigational hazards;
- (C) Permanent buoys;
- (D) Underwater hazards;
- (E) Shoreline access, including piers, docks, marinas, and boat launches;
- (F) Personnel and equipment staging areas;





§ 805.14. Response Manual

Comment: Request that or “being informed of,” be removed from 30 minutes notification requirement. The phrase “being informed of” is overly broad and may trigger the notification requirement prematurely (i.e., before any validation or investigation has occurred).

Action: Removed “or being informed of”

§ 805.14(a)(5)(A) Telephonic notifications to the qualified individual, contracted oil spill response organization, California Governor’s Office of Emergency Services State Warning Center, and the National Response Center must be initiated immediately but not later than 30 minutes after discovery of, ~~or being informed of~~, a spill or threatened spill of oil.





§ 805.14. Response Manual

Comment: For larger facilities, piping, instrumentation, and tank diagrams could be hundreds of pages. Additionally, this information could be considered confidential business information and must be treated with careful judgement and prudence.

Action: No changes to § 805.14(c)(3).





§ 805.14. Response Manual

Comment: Requested clarification on exclusion, decontamination and safe zones requirements

Action: § 805.14(e)(2)(C). Updated verbiage to clarify.

Procedures to establish and manage access to the spill site and to designate exclusion, decontamination, and safe zones, and for decontamination of equipment and personnel during and after oil spill response operations.

Comment: Requested clarification on personal protective equipment (PPE) description requirements.

Action: § 805.14(e)(2)(D). Removed.





§ 805.15. Supplemental Content

Comment: What has changed about the Hazard Evaluation and what is the reason for removing the reference to the American Institute of Chemical Engineers Guidelines for Hazard Evaluation Procedures?

Action: No change to the draft regulatory text. The text specifies the types of evaluations that may be used.

§ 805.15(d)(1)(A) The type of hazard evaluation conducted (e.g., what-if, checklist, hazard and operability, fault tree analysis).

(B) The hazards identified, including an indication of any hazards that resulted in a historical spill from the facility.

(C) For each hazard identified, a description of the measures taken to prevent and mitigate an oil spill resulting from the hazard, including time frames for any measures that cannot be functional immediately.

(D) The relative frequency that each hazard may occur and the duration and potential volume of a spill resulting from the hazard.

(2) The hazard evaluation must be reviewed and updated if facility operations change, including but not limited to, adding a new facility, increase in throughput at a facility, and restarting an idle facility.





§ 805.15. Supplemental Content

Comment: Recommendation to reference the standard formulas provided in 40 Code of Federal Regulations 112 App C for a standard approach for the trajectories

EPA Planning Distances:

- ***Oil Transport on Moving Navigable Waters:*** Planning distance = velocity * time * conversion factor; time based on operating environment
- ***Oil Transport on Still Water:*** Volume-based semi-circular spread
- ***Oil Transport on Tidal-Influence Areas:*** Fixed planning distance lesser of max ebb/flood range or 15 miles for persistent oils; 5 miles for non-persistent
- ***Oil Transport Over Land:*** Evaluate potential for product to reach navigable waters via storm drains, concrete channels





§ 805.15. Supplemental Content

Comment: Recommendation to reference the standard formulas provided in 40 Code of Federal Regulations 112 App C for a standard approach for trajectories

Action: Did not adopt 40 CFR 112, but adjusted trajectory requirements for intermittent and ephemeral waters

805.15(e)(1)(C)2. The trajectory must depict the path of the reasonable worst-case spill from the facility to waters of the state and downstream, considering the topography and substrate surrounding the facility. The trajectory must extend from the facility for the distance specified in Table 2, depending on the reasonable worst-case spill volume.

Table 2 - Trajectory Requirements for Intermittent and Ephemeral Waters

Reasonable Worst-Case Spill Volume	Required Trajectory
Less than 10 barrels	1.0 miles
10 to 50 barrels	3.0 miles
Greater than 50 barrels	5.0 miles





§ 805.15. Supplemental Content

Comment: For the Offsite Consequence Analysis section, weather and tidal patterns are difficult and burdensome to predict beyond 36 hours. Consequently, 72 hours may not be an accurate representation of future conditions.

Action: No verbiage changes.

§ 805.15(e)(1)(B)1. A trajectory modeling the largest reasonable worst-case spill volume in each area contingency plan in which the plan holder's operations pose risks to tidally influenced waters. Trajectories must be based on regional extremes of climate, tides, currents, and wind with consideration of seasonal differences.

Table 1 – Trajectory Requirements for Tidally Influenced Waters

Reasonable Worst-Case Spill Volume	Required Trajectory
Less than 10 barrels	12 hours
10 to 50 barrels	12 and 48 hours
Greater than 50 barrels	12 and 72 hours





§ 805.15. Supplemental Content

Comment: Recommended to remove “If a non-mechanical method of response is proposed, the facility’s contingency plan must include the names, quantities, and deployment method and timeframes for its application.”

Action: Removed the requirement at § 805.15(i) to include names, quantities, and deployment method and timeframes for its application and simplified to a check box.

DFW 456 Facility Contingency Plan Cover Sheet

4. Applied Response Technologies and Oil Spill Cleanup Agents

- The plan holder has not identified any non-mechanical methods of response, such as oil spill cleanup agents or applied response technologies.
- The plan holder has identified non-mechanical method of response considered appropriate and acknowledges that all such methods must be identified and utilized in accordance provisions of the California Oil Spill Contingency Plan, the National Oil and Hazardous Substances Pollution Contingency Plan, the applicable federal area contingency plan, the California Dispersant Use Plan, and all applicable state laws and regulations, specifically 14 CCR section 886.1.





§ 805.15. Supplemental Content

Comment: Recommend removing timeframe for oil detection on-water capabilities. Recommend removing “adverse conditions” due to safety concerns.

Action: Removed adverse weather from citation and updated timeframe to reference request for equipment rather than spill notification.

§ 805.15(k) For facilities that pose impacts to tidally influenced waters, the contingency plan must provide for aerial oil tracking resources capable of detecting oil on water in lowlight conditions and that can arrive on-scene within six hours of being requested.





§ 805.15. Supplemental Content

- **Comment:** Recommended adding a “Balance of the Coast” response resource table.
- Action: Added Table 5.

*Table 5 – Response Resource Requirements for Balance of the Coast**

Hour	Containment Boom (feet)	Recovery (EDRC)	Storage (barrels)
6	1,200	3,125	520
12	2,000	12,000	12,000
24	2,000	15,625	15,625
48	2,000	31,250	31,250

*Amounts are not cumulative; only the amounts indicated in the hour time frames in the table are required.





§ 805.15. Supplemental Content

Comment: Does the proposed containment equipment requirement overlap with 14 CCR Section 840-845.2 Bunkering and Lightering requirements (transfer operations)

Action: 805.15(g)(2)(C) Added verbiage to clarify that the requirements in High Volume Port, Facility Transfer Area, and Balance of the Coast tables are not in addition to the containment boom requirements identified in sections subchapter 6 of chapter 3 of this subdivision (§ 840 *et seq.*).





§ 805.15. Supplemental Content

Update: Developed separate table to describe recovery and storage requirements specifically for oil transfers.

Added Oil Transfer Operations subsection 805.15(g)(3): “Oil transfer operations posing a threat to tidally influenced waters”

Table 6 – Response Resource Requirements for Oil Transfer Operations

Hour	Recovery (EDRC)	Storage (barrels)
3	3,125	520





§ 805.15. Supplemental Content

Table 3– Response Resource Requirements for High Volume Ports*

Hour	Containment Boom (feet)	Recovery (EDRC)	Storage (barrels)
2	2,000	-	-
4	2,000	13,250	520
6	4,000	23,500	12,000
12	4,000	23,500	23,500
24	4,000	31,250	31,250
48	4,000	46,875	46,875

Table 4– Response Resource Requirements for Facility Transfer Areas*

Hour	Containment Boom (feet)	Recovery (EDRC)	Storage (barrels)
6	2,000	6,250	5,000
12	2,000	19,500	19,500
24	2,000	25,250	25,250
48	4,000	35,250	35,250

*Amounts are not cumulative; only the amounts indicated in the hour time frames in the table are required.





§ 805.15. Supplemental Content

Comment: Can pre-deployed boom for transfer operations impact the timeline for which response resources are required?

Action: 805.15(g)(3)(C) Added language

If a facility pre-deploys containment boom for transfer operations pursuant subchapter 6 of chapter 3 of this subdivision (§ 840 et seq.) or pursuant to Title 2 California Code of Regulations § 2395, then the requirements in Table 6 do not apply.

- Requirements will commence at hour four for High Volume Ports
- Requirements will commence at hour six for Facility Transfer Areas and Balance of the Coast

Table 6 – Response Resource Requirements for Oil Transfer Operations

Hour	Recovery (EDRC)	Storage (barrels)
3	3,125	520





§ 805.15. Supplemental Content

Table 3– Response Resource Requirements for High Volume Ports*

Hour	Containment Boom (feet)	Recovery (EDRC)	Storage (barrels)
2	2,000	-	-
4	2,000	13,250	520
6	4,000	23,500	12,000
12	4,000	23,500	23,500
24	4,000	31,250	31,250
48	4,000	46,875	46,875

Table 4– Response Resource Requirements for Facility Transfer Areas*

Hour	Containment Boom (feet)	Recovery (EDRC)	Storage (barrels)
6	2,000	6,250	5,000
12	2,000	19,500	19,500
24	2,000	25,250	25,250
48	4,000	35,250	35,250

*Amounts are not cumulative; only the amounts indicated in the hour time frames in the table are required.





§ 805.15 Supplemental Content

- **Comment:** § 805.15(f)(7)(A) Recommendation to include consideration of protection boom in later hours of the table beyond initial containment timeframes.
- Action: Changed name of table to reflect Containment and Protection Boom.

Table 6– Response Resource Requirements for Perennial Waters

Hour	Containment and Protection Boom (feet)	Recovery (EDRC)	Storage (barrels)
6	1,000	820	-
12	5,000	4,100	1,500
24	10,000	8,200	3,000
48	10,000	8,200	6,000

*Amounts are not cumulative; only the amounts indicated in the hour time frames in the table are required.





Shoreline Cleanup

- **Update:**

805.15(f) The plan holder must identify and ensure availability through a contract or other approved means (as defined in section 790) the capability to conduct shoreline cleanup. The shoreline cleanup response capability must be able to contain spilled oil and remove it from the shoreline types identified in the offsite consequence trajectory analysis. Shoreline types and recommended clean up methods are described in the area contingency plans and the geographic response plan companion guide which are posted on the Office of Spill Prevention and Response's website





Next Steps

Primary Impacted Regulations

- Title 14 CCR Sections 815.01 - 817.03 - Oil Spill Contingency Plans, Marine Facilities and Small Marine Fueling Facilities
- Title 14 CCR Section 817.04 - Inland Facility Oil Spill Contingency Plans

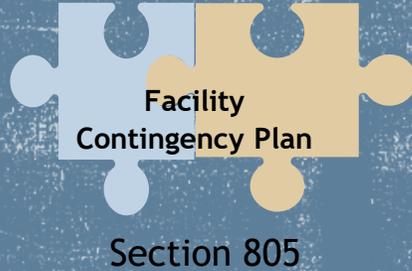
Collateral Changes

- Title 14 CCR Section 790 - Definitions and Abbreviations
- Title 14 CCR Section 790.3 - Confidentiality of Submitted Documents and Information
- Title 14 CCR Sections 791-798 - Certificates of Financial Responsibility
- Title 14 CCR Sections 819 - 819.07 - Oil Spill Response Organization (OSRO) Ratings
- Title 14 CCR Section 820.1 - Drills and Exercises - Facilities, Vessels, and Mobile Transfer Units
- Title 14 CCR Sections 830.1 - 830.11 - Spill Management Team Certification





Proposed Model



Next Steps

- OSPR will send out a copy of:
 - Copy of this presentation
 - Draft Regulations
 - Draft Cover Sheet form (DFW 456)
 - Draft Exemption form (DFW 123)
 - Links to Environmental Response Management Application (ERMA) layers
- Request your review and any comments by 15 March 2026. Send comments and questions to:
 - facilitycplans@wildlife.ca.gov
 - Please be specific as you can and provide recommends if possible.
- Plan for next informal scoping session in May or June 2026





FACILITY CONTINGENCY PLAN TEAM

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