

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

TITLE 14. CALIFORNIA CODE OF REGULATIONS
OIL TRANSFER OPERATIONS AND INSPECTIONS
(Section 845.2)

NOTICE OF PROPOSED RULEMAKING ACTION

Notice is hereby given that the Department of Fish and Wildlife's Office of Spill Prevention and Response (OSPR) proposes to amend section 845.2 of title 14 of the California Code of Regulations (CCR). This rulemaking action pertains to the vessel transfer operations inspection program.

OSPR invites interested persons to present comments, statements, or arguments with respect to the regulations during the written comment period.

PUBLIC HEARING

OSPR has not scheduled a public hearing on this proposed action. However, pursuant to Government Code section 11346.8, OSPR will hold a public hearing if a written request is received at the address below from any interested person or his or her authorized representative no later than fifteen (15) calendar days before the end of the 45-day comment period identified below.

SUBMISSION OF WRITTEN COMMENTS

Written comments relevant to the proposed regulatory action must be received by mail or e-mail **no later than 5:00 p.m. (Pacific Time) on Tuesday, June 16, 2026** to the following:

Department of Fish and Wildlife
Office of Spill Prevention and Response
P.O. Box 944209
Sacramento, CA 94244-2090
E-mail: OSPRRegulations@wildlife.ca.gov

Please be sure to indicate the proposed rulemaking action to which your comment refers.

OSPR requests that comments be prepared on a separate document, rather than as written or digital markups attached to copies of the rulemaking documents.

AUTHORITY AND REFERENCE

Government Code sections 8670.7, 8670.17, and 8670.18 grant the Administrator of OSPR the authority to adopt regulations and guidelines for the proposed regulations. The proposed regulations implement, interpret and make specific Government Code sections 8670.17, and 8670.18.

INFORMATIVE DIGEST / POLICY STATEMENT OVERVIEW

Summary of Existing Laws and Regulations

The *Lempert-Keene-Seastrand Oil Spill Prevention and Response Act* (“the Act”) of 1990 requires the Administrator of OSPR (a Governor appointee and Chief Deputy Director of the Department of Fish and Wildlife) to establish regulations and guidelines that provide for the best achievable protection of coastal and marine resources, public health and safety, and ensure that all areas of the coast are protected by prevention, response, containment and cleanup equipment, personnel, and operations.

The Act requires the Administrator to adopt, and periodically revise, rules, regulations and guidelines regarding the equipment, personnel, and operation of facilities and vessels that transport and transfer oil. [Gov. Code section 8670.17] The Act also grants authority to the Administrator to establish a vessel inspection program. [Gov. Code section 8670.18] Since 1994, OSPR has had in place regulations and a vessel inspection program to implement the mandates of the Act. [14 CCR sections 840 through 845.2].

Differences From Existing, Comparable Federal Laws or Regulations

OSPR’s regulations which implement the oil transfer and vessel operation provisions of the Act are not substantially different from nor do they conflict with federal regulations. [33 Code of Federal Regulations parts 154, 155, and 156] Rather, they serve to augment federal regulations to ensure that oil transport and transfer operations occurring in California marine waters are consistently and effectively monitored and inspected.

Policy Statement Overview and Anticipated Benefits of the Proposed Action

This proposed rulemaking will update OSPR’s regulations related to inspections of vessels engaged in oil transport and transfer operations aligning them with current practices and with the Act.

Evaluation of Inconsistency or Incompatibility with Existing State Regulations

The Act grants similar inspection and monitoring authority to the California State Lands Commission for vessel-to-shore oil transfer operations at marine terminals. [Ref. Public Resources Code sections 8751, 8755, and 8757] OSPR’s inspection and monitoring regulations (14 CCR section 845.2) restate or refine those of the California State Lands Commission (2 CCR section 2320).

OSPR has determined that these proposed regulations are not inconsistent or incompatible with existing state regulations or statutes. After conducting a review for any state regulation or statute that would relate to or affect this area, OSPR has concluded that these are the only regulations that concern the equipment, personnel, and operation of facilities and vessels that transport and transfer oil in California.

DETERMINATIONS REGARDING THE PROPOSED ACTION

OSPR has made the following initial determinations:

(a) Mandate upon local agencies and school districts: None

(b) Costs or savings to any state agency: None

(c) Costs or savings to any local agency: None

(d) Costs or savings to any local agency or school districts which must be reimbursed in accordance with part 7, division 4 (commencing with section 17500) of the Government Code: None

(e) Other non-discretionary costs or savings imposed upon local agencies: None

(f) Costs or savings in federal funding to the state: None

(g) Significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states: None.

(h) Cost a representative private person or business would necessarily incur in reasonable compliance:

OSPR is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

(i) Significant effect on housing costs: None

RESULTS OF THE ECONOMIC IMPACT ASSESSMENT

Pursuant to Government Code sections 11346.2, 11346.3, and 11346.5, with regard to these proposed regulations, OSPR has made the following initial determinations:

- *Whether this is a “major regulation”, having an economic impact on businesses and individuals exceeding \$50,000,000 in any 12-month period between the date the regulation is estimated to be filed with the Secretary of the State through 12 months after the regulation is fully implemented.*

These are not considered “major regulations” because the economic impact assessment concludes that the impacts, summing both costs and benefits, will be negligible.

- *Effects of the regulation on the creation or elimination of jobs within the State of California.* None
- *Effects of the regulation on the creation of new businesses or the elimination of existing businesses within the State of California.* None
- *Effects of the regulation on the expansion of businesses currently doing business within the State of California.* None
- *Benefits of the regulation to the health and welfare of California residents, worker safety, and the state's environment.* None. OSPR continues to inspect and monitor vessels engaged in oil transfer operations. The proposed amendments do not create new benefits but indirectly further the objectives of the Act by supporting the continued protection of public health, worker safety, and the environment.
- *Business reporting requirement.* None
- *Effect on small business.* This regulatory action will not affect small business. None of the businesses affected are small businesses as described and defined by sections 11346.3(b)(4)A) or 11342.610 of the Government Code.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), OSPR must determine that no reasonable alternative it considered, or that has otherwise been identified and brought to the attention of OSPR, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

OSPR invites interested persons to present reasonable alternatives to the proposed regulations during the written comment period

AVAILABILITY OF DOCUMENTS / OSPR CONTACT PERSON

OSPR will have the entire rulemaking file available for inspection and copying at its office at the address below. As of the date this notice is published in the California Regulatory Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations, the Initial Statement of Reasons, the Economic and Fiscal Impact Statement (STD 399), or other information upon which the rulemaking is based. Please direct inquiries concerning the regulatory process or requests for copies of any rulemaking documents to the following:

Department of Fish and Wildlife
Office of Spill Prevention and Response
Attention: Christine Kluge
P.O. Box 944209
Sacramento, CA 94244-2090
Phone: (916) 827-6553
Email: Christine.Kluge@wildlife.ca.gov

The backup contact person is Ryan Todd at the same address, or by phone at (916) 698-0036, or by email at Ryan.Todd@wildlife.ca.gov.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

This notice and related rulemaking documents identified above can also be accessed on OSPR's website at <https://wildlife.ca.gov/OSPR/Legal/Rulemakings/Oil-Transfer-Requirements>.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

At the close of the 45-day comment period, and considering all timely and relevant comments received, OSPR may adopt the proposed regulations substantially as described in this notice. If OSPR makes modifications that are sufficiently related to the originally proposed text, the modified text (with the changes clearly indicated) will be made available to the public for at least 15 calendar days before OSPR adopts the regulations as revised. Any such modifications will also be posted on OSPR's website. Please direct requests for copies of any modified regulations to the attention of the contact person(s) indicated above. OSPR will accept written comments on the modified regulations for 15 calendar days after the date on which they are made available.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, the Final Statement of Reasons will be available on OSPR's website noted above and may be requested from the contact person(s) named in this notice.

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