

Facility Contingency Plan Regulation Update





§ 790 Definitions

Action: Updated the definition of “Contract or other approved means” to resolve inconsistencies regarding when an OSRO may require advance notice from plan holders.

Existing	Proposed
24 hours advance notice may be required for vessels to meet 0-12 hour for environmental sensitive site protection in non high-volume ports	24 hours advance notice may be required for vessels to meet on-water recovery and environmental sensitive site protection requirements in non high-volume ports
24 hours advance notice may be required for 0-1 hour requirements during vessel transfer operations	24 hours advance notice may be required for 0-1 hour requirements during vessel transfer operations and MTU transfer operations for on-water requirements in non high-volume ports





§ 790 Definitions

Action: Updated definition of Facility.

§ 790(f)(1)

- Added: Renewable fuel production facility and Renewable fuel receiving facility.
- Excluded:
 - Oil-filled electrical equipment, including, but not limited to, transformers, circuit breakers, or capacitors.
 - 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.





§ 790 Definitions

Action: Updated definition of oil to include renewable fuels

§ 790(o)(4) “Oil” means any kind of petroleum, petroleum-based liquid hydrocarbons, petroleum products, or renewable fuels, as defined in this section, or any fraction or residues therefrom. This includes, but is not limited to: crude oil, bunker fuel, gasoline, diesel fuel, aviation fuel, oil sludge, oil refuse, oil mixed with waste, and liquid distillates from unprocessed natural gas. This does not include liquefied natural gas or liquefied petroleum gas composed of light hydrocarbons or mixtures thereof that are gaseous at atmospheric pressure and temperature ranges.





§ 805.9. Plan Revisions, Annual Updates, and Resubmittals

Comment: Remove the requirement to send written notification of a change in required plan elements to OSPR within 24 hours; simply require submission of a plan revision within 30 days.

Action: Updated notification requirement to 72 hours.

§ 805.9(b) A plan holder must submit a revision to a contingency plan...if there are updates to required plan elements. The plan holder must notify the Administrator via email at facilityplans@wildlife.ca.gov within 72 hours of becoming aware of the change, and a revision must be submitted within 30 calendar days.





§ 805.11(c) Confidentiality of Certain Plan Content

Comment: OSPR received comments about what content can be redacted under PRA regulations.

Note: 790.3 allows for plan holders to submit a redacted copy of a plan with legal justification of why those redactions were made.

805.11(c)(1) All contingency plans submitted for review and approval will be made available for public review and comment, pursuant to Government Code section 8670.28(b). This includes all information required to be in a contingency plan pursuant to this subchapter or pursuant to Government Code sections 8670.28 and 8670.29.

(2) The Administrator hereby finds that the public interest in releasing the plan content set forth below is outweighed by the public interest in maintaining the confidentiality of said plan content to preserve public safety and facilitate response to a spill. The following items are plan content that a plan holder may choose to redact citing this subsection. This information will not be publicly disclosed if requested, unless ordered by a court of competent jurisdiction. If this information is redacted from a plan, then an unredacted copy of that information also must be submitted in accordance with section 790.3, for use by Office of Spill Prevention and Response.





§ 805.11(c) Confidentiality of Certain Plan Content

Comment: OSPR received comments about what content can be redacted under PRA regulations.

§ 805.11(c)(2)(A) Names, phone numbers, and email addresses that are not normally intended for public use of owners, operators, facility personnel, qualified individuals, spill management teams, oil spill response organizations, and immediately neighboring industries, businesses, or facilities.

(B) Any map or diagram required by section 805.13 that is required to depict pipeline valve locations.

(C) Any map or diagram required by section 805.13 that depicts a pipeline at a scale greater than 1:24,000.

(D) The site plan diagram required by section 805.13(a)(7)(C).





§ 805.13 Response Manual

Action: Added scale requirement for regional map of facilities to align with 805.11 Confidentiality of plan content.

§ 805.13(g)(1) A regional map of the facilities, to include county boundaries, at a scale less than 1:24,000.





§ 805.13 Response Manual

Action: Updated notification requirements.

- § 805.13(f)(1) Telephonic notifications to the qualified individual, contracted oil spill response organization, and 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 a spill or threatened spill of oil.
- Updated § 820.1 Notification Objective(s) to remove requirement to contact National Response Center for all tiers.





§ 805.13 Response Manual

Comment: Recommend that OSPR accept process flow diagram to meet the requirement for a piping and instrumentation diagram

Action: Updated regulations to specify that process and pipeline flow diagrams are acceptable.

§ 805.13(g)(3)(H) Piping, instrumentation and tank diagrams, as applicable, including the location of pumps, valves, vents, and breakout tanks, *such as process flow diagrams or pipeline flow diagrams;*





§ 805.14 Contingency Plan Supplemental Content

Comment: In the offsite consequence analysis, clarify that plan holders may develop a trajectory originating at a location where waters of the state are most likely to be impacted, provided the RWCS volume is used.

Action: Updated verbiage to clarify this conservative approach is permissible

§ 805.14(e)(2)(2) Plan holders may utilize the largest reasonable worst-case spill volume at a location that is the most likely to impact waters of the state for trajectories, if the actual location of the largest reasonable worst case spill volume is less likely to impact waters of the state. An explanation for determining the spill location must be provided.





§ 805.14 Contingency Plan Supplemental Content

Comment: In the Response Resources for Tidally Influenced Waters, recommend removing the Balance of the Coast Response Resource requirements since there are no facilities located in the Geographic Response Areas comprising the Balance of the Coast.

Action: Removed the Balance of the Coast table from § 805.14(g)





§ 805.14 Contingency Plan Supplemental Content

Action: Clarified temporary storage requirements in high-volume ports and facility transfer areas.

(5) Temporary storage. Plan holders must have available the required amount of temporary storage in barrels based upon the facility's risk zone.

(A) The required amounts of temporary storage must be brought to the location of the spill or staging area and be available to accept recovered material within the time frames listed in Table 3 for high volume ports and Table 4 for facility transfer areas.

(B) Fixed temporary storage may be utilized if the plan holder demonstrates that recovered material can be transferred to the fixed storage within the time frames listed in Table 4 for facility transfer areas.

(C) At least 520 barrels of the required temporary storage in Table 3 for high volume ports and Table 4 for facility transfer areas must be on-water.





DFW 456 Cover Sheet

Observation: For plan holders with multiple facilities or pipeline segments, a spreadsheet may be utilized instead of manually entering the facilities into the online application.

Action: Sections D1, and D3 and G1 of the cover sheet updated to specify that plan holders may upload a spreadsheet with the information required. OSPR will provide a template of the spreadsheet format so that it can be uploaded into the online system.

D. FACILITY INFORMATION

1. OSPR-Regulated Facility Information

Enter all OSPR-regulated facilities covered by the plan, including the facility name, facility type, reasonable worst-case spill volume, type(s) of oil handled, as defined in 14 CCR section 790, latitude/longitude (decimal degrees), and the OSPR response region for each facility. Latitude and longitude are not required for pipelines and railroads. The response regions are described in 14 CCR section 790. Plan holders may attach an Excel spreadsheet if there are more than 10 regulated facilities. See the instructions page for additional guidance.

Facility Name	Facility Type	RWCS Volume	Type of Oil	Latitude	Longitude	Region (S/C/N)

OSPR-Regulated facility information is provided in a separate spreadsheet.





DFW 456 Cover Sheet

Observation: Aligned the facility contingency planning requirements with the Drills and Exercises § 820.1 documentation requirements.

Action: Updated Section H of the cover sheet

H. ICS, COMMUNICATIONS PLANS, AND CLAIMS FOR DAMAGES

1. Incident Command System

The incident command system or the unified command structure must be used as required by 14 CCR subsection 805.15(p)(1).

- The plan holder will integrate with the state incident command system or a unified command.
- Plan holder acknowledges that OSPR will serve as Environmental Unit Leader, Liaison Officer, Volunteer Unit Leader, and Wildlife Branch Director for oil spill response in California.
- The plan holder acknowledges that they will provide OSPR full access to any electronic documentation systems used during a response or exercise.





§ 791-798 Certificate of Financial Responsibility (COFR) Regulations

Collateral Change:

- Combined marine and inland COFR applications into one application.
- Maintained the separate application for Mobile Transfer Units (MTUs)
- Allow for a single COFR per owner or operator applicant identified in a single facility contingency plan

§ 794(c) A single certificate will be issued per owner or operator applicant identified in a single facility contingency plan unless multiple certificates are specifically requested by the plan holder.





§ 830.4 On-Scene Requirements

Change: Removed provision regarding external SMTs providing Assistant Public Information Officer

~~(b) Contracted persons providing spill management team services to plan holders are not required to provide personnel for the Assistant Public Information Officer in order to receive a certification. A plan holder listing a contracted spill management team that does not provide the Assistant Public Information Officer position shall identify another source of personnel to meet the requirements for this position using an Application for Certification of Plan Holder Spill Management Team form DFW 1005 (new 11/12/20).~~





§ 830.5 Training and Experience Requirements

§ 830.6 Exercise Objectives for Full Certification

Change: Lowered scenario spill volume cap for Tier I training requirements and certification exercise criteria from 31,250 to 12,000 bbl.

Training Track:

§ 830.5 (j)(1)(x)(A)1. Participation as the [Incident Commander] in an exercise simulating a response to a spill or an imminently threatened spill of the largest reasonable worst-case spill volume listed in contingency plans for which the Incident Commander will provide spill management services, or ~~31,250~~ 12,000 barrels, whichever is smaller;

Certification Exercises:

§ 830.6 (a) A certification exercise must:

(1) Simulate a response to a spill or an imminently threatened spill of a volume that is equal to or greater than the largest reasonable worst-case spill volume listed in a contingency plan for which the spill management team will provide services. The simulated volume must be consistent with the tier certification sought, as described in subsection 830.3(c). For a Tier I certification exercise, the simulated volume need not be larger than ~~31,250~~ 12,000 barrels.





§ 830.6 Exercise Objectives Required for Full Certification

Change: Updated language to specify that the exercise staffing must align with the SMT application, with updates submitted at least 60 days before an exercise. Participation must be in person.

§ 830.6 (a) A certification exercise must:

(2) Be staffed in accordance with the spill management team's application corresponding to an interim or full certification. Any revisions requesting changes to personnel listed on a spill management team's application as described in section 830.8(a) must be submitted at least 60 calendar days in advance of the certification exercise.

(3) Include the in-person participation of all incident command system positions listed on the approved application at the exercise location.





§ 830.6 Exercise Objectives Required for Full Certification

Collateral Changes:

- Restructured objectives from time-based (10, 16, and 24 hours) to Initial or Cascading Personnel-based.
- Updated one of the objectives for Initial Personnel.

Existing	Proposed
<p><u><i>Initiate resource ordering.</i></u> Proactively mobilize resources according to the incident’s potential impact.</p>	<p><u><i>Initiate field operations with tactical resources</i></u> and proactively mobilize resources according to the incident’s potential impact.</p>





§ 830.6 Exercise Objectives Required for Full Certification

Collateral Changes:

- Fleshing out the structure of Initial and Cascading objectives with a continuation of the Initial Personnel objective.

Priorities and Objectives

Initial	Cascading
Determine initial priorities, objectives, and staffing requirements.	Review and finalize initial priorities, objectives, staffing, and resources for the next operational period. Identify personnel, resources, and tasking to achieve the incident objectives.





§ 830.6 Exercise Objectives Required for Full Certification

Collateral Changes:

- Fleshing out the structure of Initial and Cascading objectives with a continuation of the Initial Personnel objective.

Incident Briefings

Initial	Cascading
Conduct incident briefings as appropriate, including accurate, relevant, timely information on the incident status and operations.	Conduct meetings and briefings in accordance with the planning process described in the Incident Management Handbook, as defined in section 790, as appropriate to the exercise scenario.





§ 830.6 Exercise Objectives Required for Full Certification

Collateral Changes:

- Fleshing out the structure of Initial and Cascading objectives with a continuation of the Initial Personnel objective.

Safety of Responders

Initial	Cascading
Perform an initial site safety assessment and briefing.	Create a site safety plan addressing all safety concerns associated with response operations, the incident location, and any facilities developed to support the response, such as staging areas and the incident command post.





§ 830.6 Exercise Objective Required for Full Certification

Collateral Change: Added an objectives for Cascading Personnel to incorporate the active participation of required SMT positions

§ 830.6(b)(2) Cascading Response Personnel. The cascading response personnel must demonstrate the following objectives:

- (A) Review and finalize initial priorities, objectives, staffing, and resources for the next operational period. Identify personnel, resources, and tasking to achieve the incident objectives.
- (B) Conduct meetings and briefings in accordance with the planning process described in the Incident Management Handbook, as defined in section 790, as appropriate to the exercise scenario.
- (C) Create a site safety plan addressing all safety concerns associated with response operations, the incident location, and any facilities developed to support the response, such as staging areas and the incident command post.
- (E) Collect incident status information and distribute it to the public, interested parties, and the response organization, as appropriate.





§ 830.6 Exercise Objective Required for Full Certification

Collateral Change: Updated public health objective to remove OEHHA Reference Exposure Levels and specify that health-protective levels be specific to incident scenario and location

Existing	Proposed
<p>Consider threats to public health... Provide support for air monitoring and sampling, such as equipment and personnel used in the conduct of monitoring and sampling activities, using health-protective exposure <u>levels for communities and sensitive receptors, such as the Acute and 8-hour Reference Exposure Levels established by the California Office of Environmental Health Hazard Assessment.</u></p>	<p>Consider threats to public health... Provide support for air monitoring and sampling, such as equipment and personnel used in the conduct of monitoring and sampling activities, using health-protective exposure levels <u>for communities and sensitive receptors that are specific to the incident scenario and location.</u></p>





§ 830.7 Application Submission and Review

Collateral Change: Updated regulations to specify use of the online SMT application system, found at <https://apps.wildlife.ca.gov/osprsmt>

§ 830.7 (a)(3) Applications must be submitted via the online application that is available on the Office of Spill Prevention and Response's website. If the online application is unavailable, contact the Office of Spill Prevention and Response at the following email address: osprsmt@wildlife.ca.gov to arrange for an alternate submission.





§ 820.1 Drills and Exercises & § 830.1-830.11 Spill Management Teams

Collateral Changes: Updated Tiers

Tiers	Tidally influenced waters (barrels)	Perennial waters (barrels)	Intermittent, Ephemeral and Mobile Transfer Unit (MTUs)
I	>600	>1000	N/A
II	250-599	500-999	N/A
III	<249	<499	All





§ 820.1 Drills and Exercises

Update: Clarified expectations for tabletop exercise scenarios

§ 820.1(b)(1)(A) For facility oil spill contingency plans with assets in or operating in more than one region, the location of the exercise and *associated scenario* for the annual exercise must alternate between those regions so that each region is tested at least once over any consecutive three-year period.





§ 820.1 Drills and Exercises

Collateral Changes: Excluded pre-deployed containment boom from requiring Equipment Deployment Drills.

820.1(b)(2)Equipment Deployment Drills...*These drills are not required for containment boom that is pre-deployed pursuant to 805.14(f)(3)(C).*





§ 820.1 Drills and Exercises

Update: Established timing criteria for planning meetings.

§ 820.1(j)(1) Plan holders must provide drill coordinators an opportunity to assist in the design of all drills and exercises being held for in-state credit. Drills and exercises must have at least one planning meeting with a drill coordinator, held no later than 15 calendar days in advance of a drill and 30 calendar days in advance of an exercise. For CalTriVEX, a drill coordinator must be invited to a minimum of three planning meetings to assist in exercise design, with the first meeting to be held no later than 90 calendar days in advance of a CalTriVEX.





§ 820.1 Drills and Exercises

Collateral Changes: Removed firefighting objective from Tiers I and II .





Proposed Model

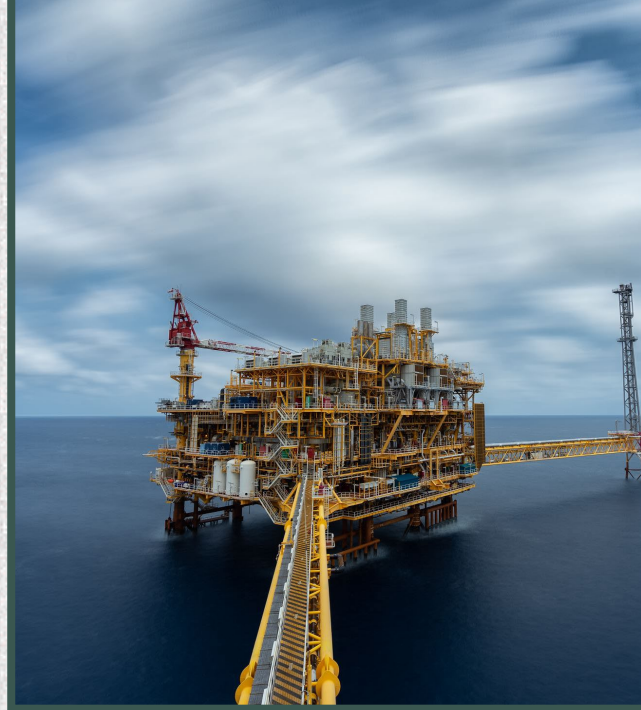


Section 805

Next Steps

- Request your review and any comments by **August 01, 2026**. Send comments and questions to:
 - facilitycplans@wildlife.ca.gov
 - Please be specific as you can and provide recommends if possible.
- Next informal scoping session will be TBD.
- Formal Rule Making:
<https://wildlife.ca.gov/OSPR/Legal#subscribe>





FACILITY CONTINGENCY PLAN TEAM

- Rachel Fabian
- Vanessa Enriquez
- Lina Alegria
- Kelley Avilla
- Andrew Jebanathan
- David Reinhard

Contact us at:

Facilityplans@wildlife.ca.gov

