

SPILL MANAGEMENT TEAM SCOPING MEETINGS

California Office of Spill Prevention and Response
Department of Fish and Wildlife



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Preparedness Branch Chief, Facilitator

PURPOSE OF THE SCOPING MEETINGS

- Provide an open forum to gather input from industry prior to the formal rulemaking process
- Outline statutory requirements of the SMT legislation
- Outline regulatory rulemaking process
- Share proposed timelines for program implementation
- Parking Lot
- Questions and Answers

AGENDA

TIME

- Introductions of folks in the room 10 – 15 mins
- Outline statutory requirements of the SMT legislation 10 – 15 mins
- Outline regulatory rulemaking process 10 – 15 mins
- Step by Step Input: Question/Topic by topic 45 mins
- Break 15 mins
- Step by Step Input: continued 45 mins
- Proposed timelines for Implementation 10 mins
- Next Step & Parking Lot Items 10 mins
- Adjourn

WHO IS ON OUR REGULATORY & PROGRAM IMPLEMENTATION TEAM



Yvonne Addassi



Ryan Todd



Dan Warren



Cassidee Shinn



Jon Victoria



Joe Stewart



Nancy Copeland



**Vacancy
SMT Coordinator**



**Vacancy
Supervisor**

STATUTORY REQUIREMENTS: REVIEW

Gov. C. §8670.3(ad) Definition of SMT

***“Spill management team”** means personnel and associated equipment that staff the organizational structure for managing some or all aspects of response, containment, and cleanup of a spill, utilizing an incident command or unified command structure.*

(bold and underline added)

STATUTORY REQUIREMENTS: REVIEW

Gov. C. §8670.29(b)(8)(b) An oil spill contingency plan shall, at a minimum, meet all of the following requirements.

(8)(A) Identify at least one certified spill management team, certified pursuant to Section 8670.32, that is capable of managing a spill of the reasonable worst case spill volume identified in the plan.

- An owner or operator may demonstrate incident management capabilities with one or more spill management teams.*
- Each identified certified spill management team shall be directly responsible by contract, agreement, or other approved means to provide spill response activities pursuant to the oil spill contingency plan.*

STATUTORY REQUIREMENTS: REVIEW

Gov. C. §8670.29(b)(8)

(B) For purposes of this paragraph, “other approved means” includes the owner or operator relying on its own spill management team if that spill management team has been certified by the administrator consistent with the requirements of Section 8670.32

STATUTORY REQUIREMENTS: REVIEW

Gov. C. §8670.32(j) The administrator shall adopt regulations to implement this section....At a minimum, the regulations shall address all of the following:

- (1) Criteria for certification of SMTs*
- (2) Criteria for successful completion of SMT objectives at an exercise*
- (3) Training*
- (4) The process for applying for a certification, and for suspension, revocation, appeal, or other modification of a certification*

STATUTORY REQUIREMENTS: REVIEW

Gov. C. §8670.32(j) cont...

(1) Criteria for certification of SMTs, including, but not limited to, all of the following:

(A) The geographic regions of the state where the SMT intends to provide spill management services.

(B) The number of people and equipment that the SMT would provide to support managing the response to a spill.

(C) Timeframes for having personnel on scene.

STATUTORY REQUIREMENTS: REVIEW

Gov. C. §8670.32(a-i) (summarized)

- Application process for SMT certification
- Review process. Certification only issued after a performance evaluation.
- Certification is valid for three years, with provisions for renewal, suspension, revocation, etc...
- Subsequent to certification, SMT must demonstrate ability to meet applicable provisions for the CPlan in which this SMT is cited.
- Satisfactory performance at a spill may be used *in leau* of an exercise.
- SMT shall provide appropriate notice to OSPR of upcoming exercises
- SMT certification is non-transferable
- The administrator may charge a reasonable fee.

QUESTIONS ON STATUTORY REQUIREMENTS

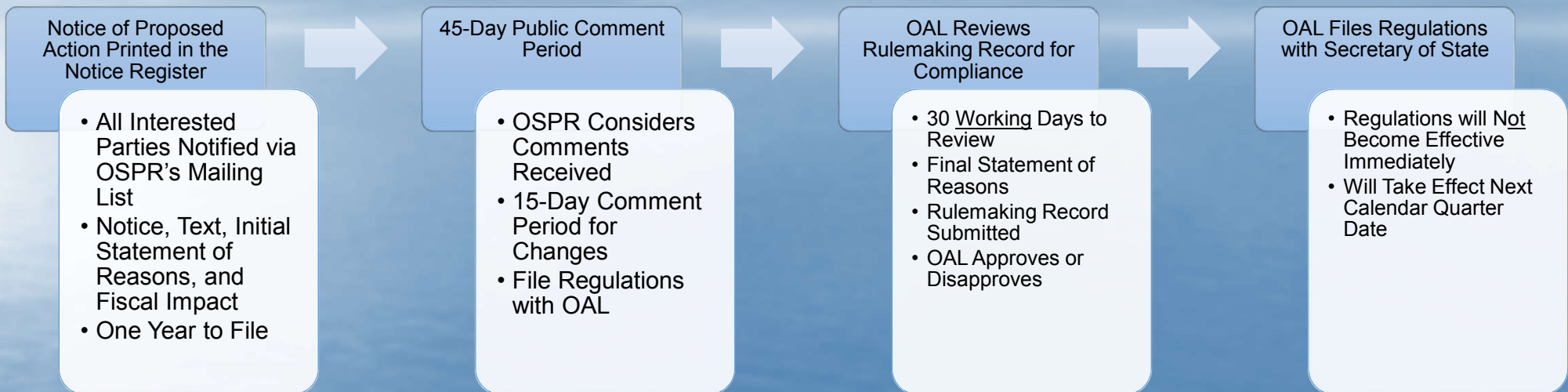
OVERVIEW OF THE REGULATORY PROCESS

- Why regulations? Legislature delegates quasi-legislative authority to State Agencies.
- Administrative Procedure Act (APA) requirements are designed to provide the public with meaningful opportunity to participate in the establishment of regulations.
- The process is mandatory for all state agencies seeking to adopt, amend, or repeal an administrative regulation.
- Regulations adopted in violation of this process are “underground regulations” and do not have the force of law.

MAJOR GOALS OF THE APA

- Establish legally valid, clear regulations, based on authorizing statutes.
- Facilitate public participation in state agency rulemaking.
- Ensure public access to all regulations issued or used by state agencies.
- Maintain complete records of rulemaking proceedings.

REGULATORY TIMELINE



SUBSCRIBE TO OSPR'S MAILING LIST

<https://www.wildlife.ca.gov/OSPR/Legal>

CA.GOV California Department of Fish and Wildlife

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Home | OSPR | Legal

Laws and Regulations

Regulations

- Proposed Regulations
- Approved Regulations
- Index to Complete OSPR Regulations Including Shoreline Protection Tables
- California Code of Regulations

Be Involved and Informed

- The Rulemaking Process (PDF)
- Commenting on Proposed Regulations (PDF)
- Get on OSPR's Mailing List / Be Removed from OSPR's Mailing List

Statutes

- Compendium of Relevant OSPR Statutes (PDF)
- History of Lempert-Keene-Seastrand Act (PDF)
- California Codes

Additional Resources

- Office of Administrative Law (OAL)
- Board of Equalization
- Public Records Act Request

OSPR

- About OSPR
- @Cal Spill Watch
- Contingency and Response Plans
- Drills & Exercises / ICS
- Financial Responsibility
- Harbor Safety
- Laws and Regulations
- Local Government
- Newsroom
- Oil Spill Response Organizations
- Restoration (NRDA)
- Science and Wildlife
- Volunteer

Be Involved and Informed

- The Rulemaking Process (PDF)
- Commenting on Proposed Regulations (PDF)
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WHAT DOES OSPR NEED TO KNOW FROM AFFECTED PARTIES?

- Are there reasonable alternatives to the proposed regulations?
- What are the likely economic impacts of the proposed regulations?
- What measures can lessen the economic impact to affected parties?

QUESTIONS ON THE REGULATORY PROCESS?

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BREAK....????

INFORMATION GATHERING: SPECIFIC TOPICS FOR DISCUSSION

Certification Criteria - *Criteria for certification of SMTs, including, but not limited to, all of the following:*

(A) *The geographic regions of the state where the SMT intends to provide spill management services.*

(B) *The number of people and equipment that the SMT would provide to support managing the response to a spill.*

(C) *Timeframes for having personnel on scene.*

INFORMATION GATHERING: SPECIFIC TOPICS FOR DISCUSSION

Criteria for successful completion of SMT objectives at an exercise

(A) Criteria for verification of capabilities

(A) Type and frequency

(B) The number of people and equipment that the SMT would provide to support managing the response to a spill.

(C) Training

INFORMATION GATHERING: SPECIFIC TOPICS FOR DISCUSSION

Application process for certification, and for suspension, revocation, appeal, or other modification of a certification.

- What types of information should be contained in the SMT application?
 - Org diagrams, job descriptions, ICS positions covered, spill management process, etc....
- Timeframe from submission to approval
- Appeal process
- How should OSPR verify or require plan holders to demonstrate accuracy of information.

**INFORMATION GATHERING:
GENERAL TOPICS NOT
PREVIOUSLY COVERED**

NEXT STEPS: PROPOSED

- Collate all the information provided at the Scoping Meetings and any written comments. *Perhaps end of March*
- Draft regulatory language out for comment (prior to the rulemaking process). *Perhaps end of April/early May.*
- Review comment from draft regulation. *June.*
- Formal rulemaking process. *July/August*
- Regulations go into effect within 90 days after Office of Administrative Law Approval

**THANK
YOU!**

