

CALIFORNIA CODE OF REGULATIONS
TITLE 14. NATURAL RESOURCES
DIVISION 1. FISH AND GAME COMMISSION - DEPARTMENT OF FISH AND GAME
SUBDIVISION 4. OFFICE OF SPILL PREVENTION AND RESPONSE
CHAPTER 3. OIL SPILL PREVENTION AND RESPONSE PLANNING
SUBCHAPTER 5. SPILL MANAGEMENT TEAM CERTIFICATION

§ 830.1. Purpose, Scope, and Applicability.

(a) Purpose & Scope

(1) This subchapter describes the certification requirements for spill management teams, as defined in section 790, that must be identified in oil spill contingency plans required pursuant to this chapter.

(2) A vessel or facility owner or operator who is required to submit an oil spill contingency plan pursuant to subchapter 3 or 4 of this chapter must identify and ensure by contract or other approved means the availability of a certified spill management team that is capable of managing a response effort for a spill of the reasonable worst-case volume within each geographic area in which the plan holder operates.

(3) A plan holder may assemble a certified spill management team from personnel employed by the plan holder or by persons affiliated with the plan holder, from contracted personnel, or through a combination thereof.

(4) The standards set forth in this subchapter may not reflect the exigencies of actual spill response. However, these are the minimum standards required to establish and verify a spill management team's capability. The owner or operator of a vessel or facility is ultimately responsible for addressing the spill management capabilities required for an exercise or spill response.

(b) Applicability

(1) Within 30 calendar days after the effective date of this subchapter, a person or affiliated person, as defined in section 790, who intends to provide spill management team personnel for a plan holder must apply for certification pursuant to this subchapter. This includes a plan holder's own personnel, personnel from persons affiliated with the plan holder, and contracted persons that provide spill management team services to plan holders.

Note: Authority cited: Sections 8670.5, 8670.7, 8670.28, 8670.29, 8670.30 and 8670.32, Government Code. Reference: Sections 8670.3, 8670.10, 8670.19, 8670.28, 8670.29 and 8670.32, Government Code.

§ 830.2. Certification Requirements.

(a) To receive certification, a person must:

(1) Submit a completed application for certification as described in section 830.7;

(2) Demonstrate the ability to meet the on-scene requirements described in section 830.4;

(3) Fulfill the training and experience requirements described in section 830.5; and

(4) Participate in and successfully accomplish all tabletop exercise objectives described in section 830.6.

(b) To maintain certification, a spill management team must submit an application for renewal within three calendar years of receiving a certification as described in section 830.8.

Note: Authority cited: Sections 8670.5, 8670.7, 8670.28, 8670.29, 8670.30 and 8670.32, Government Code. Reference: Sections 8670.10, 8670.19, 8670.28, 8670.29 and 8670.32, Government Code.

§ 830.3. Spill Management Team Classifications.

(a) The Administrator will issue certification in one or more of three tiered classifications. The tier classifications specify the minimum personnel for staffing the incident command structure, the hour by which they must be able to arrive on-scene, training requirements, and the time frames for objectives they must achieve during a successful tabletop exercise or spill response, as described in this subchapter.

(b) The Administrator will issue a certification for each area contingency planning or response planning area in which the spill management team intends to provide services in accordance with its tier classification.

(c) Spill Management Team Tier Classifications. The three spill management team tiers are based on the reasonable worst-case spill volumes listed in contingency plans for which services are provided.

(1) Tier I spill management teams are those which provide services for:

(A) Facilities with a reasonable worst-case spill volume of 1,000 barrels or more that may impact inland waters; or

(B) Facilities or vessels with a reasonable worst-case spill volume of 600 barrels or more that may impact marine waters.

(2) Tier II spill management teams are those which provide services for:

(A) Facilities with a reasonable worst-case spill volume of 500 barrels to 999 barrels that may impact inland waters; or

(B) Facilities or vessels with a reasonable worst-case spill volume of 250 barrels to 599 barrels that may impact marine waters.

(3) Tier III spill management teams are those which provide services for:

(A) Facilities with a reasonable worst-case spill volume of 499 barrels or less that may impact inland waters; or

(B) Facilities or vessels with a reasonable worst-case spill volume of 249 barrels or less that may impact marine waters.

(d) The Administrator shall determine that a different tier is more appropriate for a particular facility or vessel if there is a change in the facility or vessel's reasonable worst-case spill volume.

Note: Authority cited: Sections 8670.5, 8670.29 and 8670.32, Government Code.
Reference: Sections 8670.10, 8670.19, 8670.28, 8670.29 and 8670.32, Government Code.

§ 830.4. On-Scene Requirements.

(a) The minimum on-scene requirements for spill management team certification are as follows:

(1) Tier I On-Scene Requirements.

(A) Tier I Initial Response Personnel. Spill management teams shall identify at least four Initial Response Personnel, as defined in section 790 of chapter 1 of this subdivision, who:

1. Can arrive at the initial incident command post or incident location within eight hours of being notified of a spill.

2. Can perform the positions of Incident Commander, Safety Officer, Operations Section Chief, plus one additional incident command system position, for at least 24 hours.

3. Have the training described in 830.5(d) through (f).

4. Will bring equipment necessary to perform their incident command system positions (e.g., computers, communications equipment, etc.).

(B) Tier I Cascading Response Personnel. Spill management teams shall identify Cascading Response Personnel, as defined in section 790 of chapter 1 of this subdivision, who:

1. Can arrive at the initial incident command post or incident location within 24 hours of being notified of a spill.

2. Can perform the positions of Incident Commander, Safety Officer, Operations Section Chief, Planning Section Chief, Assistant Liaison Officer, Assistant Public Information Officer, Logistics Section Chief, Finance Section Chief, for a minimum of 72 hours.

3. Have the training described in 830.5(d), (i) and (j).

4. Will bring equipment necessary to perform their incident command system positions (e.g., computers, communications equipment, etc.).

(C) Alternates for Tier I Cascading Response Positions.

1. To ensure sufficient availability of cascading personnel, Tier I spill management teams must ensure the availability of two alternates each for the positions of Incident Commander and Planning Section Chief, and one alternate each for the other incident command system positions identified in (a)(1)(B)2. of this section.

2. Personnel may be cross trained in incident command system positions to fulfill the requirements for alternate cascading positions described in (a)(1)(C)1. of this section.

(D) Tier I spill management teams shall have at least 12 personnel trained to the standards described in 830.5(d), (i), and (j).

(2) Tier II On-Scene Requirements.

(A) Tier II Initial Response Personnel. Spill management teams shall identify at least four personnel who:

1. Can arrive at the initial incident command post or incident location within eight hours of being notified of a spill.

2. Can perform the positions of Incident Commander, Safety Officer, Operations Section Chief, plus one additional incident command system position, for at least 24 hours.

3. Have the training described in 830.5(d), (e), and (g).

4. Will bring equipment necessary to perform their incident command system positions (e.g., computers, communications equipment, etc.).

(B) Tier II Cascading Response Personnel. Spill management teams shall identify personnel who:

1. Can arrive at the initial incident command post or incident location within 24 hours of being notified of a spill.

2. Can perform the positions of Incident Commander, Safety Officer, Operations Section Chief, Planning Section Chief, Assistant Liaison Officer, Assistant Public Information Officer, Logistics Section Chief, Finance Section Chief, for a minimum of 72 hours.

3. Have the training described in 830.5(d), (i) and (k).

4. Will bring equipment necessary to perform their incident command system positions (e.g., computers, communications equipment, etc.).

(C) Alternates for Tier II Cascading Response Positions.

1. To ensure sufficient availability of cascading personnel, Tier II spill management teams must ensure the availability of one alternate for each incident command system position identified in (a)(2)(B)2. of this section.

2. Personnel may be cross trained in incident command system positions to fulfill the requirements for alternate cascading positions described in (a)(2)(C)1. of this section.

(D) Tier II spill management teams shall have at least 10 personnel trained to the standards described in 830.5(d), (i), and (k).

(3) Tier III On-Scene Requirements.

(A) Tier III Initial Response Personnel. Spill management teams shall identify at least three personnel who:

1. Can arrive at the initial incident command post or incident location within eight hours of being notified of a spill.

2. Can perform the positions of Incident Commander, Safety Officer, and Operations Section Chief, for at least 24 hours.

3. Have the training described in 830.5(d), (e) and (h).

4. Will bring equipment necessary to perform their incident command system positions (e.g., computers, communications equipment, etc.).

(B) Tier III Cascading Response Personnel. Spill management teams shall identify personnel who:

1. Can arrive at the initial incident command post or incident location within 24 hours of being notified of a spill.

2. Can perform the positions of Incident Commander, Safety Officer, Operations Section Chief, Planning Section Chief, Assistant Liaison Officer, Assistant Public Information Officer, Logistics Section Chief, Finance Section Chief, for a minimum of 72 hours.

3. Have the training described in 830.5(d), (i), and (l).

4. Will bring equipment necessary to perform their incident command system positions (e.g., computers, communications equipment, etc.).

(C) Tier III spill management teams are not required to provide alternates for cascading response positions.

(D) Tier III spill management teams shall have at least eight personnel trained to the standards described in 830.5(d), (i), and (l).

(E) Tier III spill management teams that provide services to plan holders only posing a risk of impacting waters designated as intermittent or ephemeral in the National Hydrography Dataset and the statewide quarter mile buffer data layer (as depicted in the Southwest Environmental Response Management Application, on the National Oceanic and Atmospheric Administration's website) need not comply with the cascading personnel and equipment requirements described in (a)(3)(B) of this section to be certified by the Administrator.

(b) Spill management teams may draw upon the same personnel to fulfill initial and cascading response personnel requirements, if the personnel satisfy all the requirements for each position, as described in sections 830.4 and 830.5.

(c) The names of personnel shall be maintained at the spill management team's place of business and made available to the Administrator upon request. Personnel must be located in the continental United States, available on a 24-hour basis, and should be fluent in English.

Note: Authority cited: Sections 8670.5, 8670.7, 8670.28, 8670.29, 8670.30 and 8670.32, Government Code. Reference: Sections 8670.10, 8670.19, 8670.28, 8670.29 and 8670.32, Government Code.

§ 830.5. Training and Experience Requirements.

(a)(1) Required courses listed in this section shall be satisfied by the curriculum offered by the Federal Emergency Management Agency or the United States Coast Guard, or equivalent courses. Equivalent courses shall deliver the same learning objectives, over the same number of hours, and in the same setting (e.g. classroom, online) as the courses described in the Federal Emergency Management Agency's National Incident Management System Training Guide or the United States Coast Guard's Incident Command System Training Guide.

(2) However, in subsections (j) and (k) of this section, the position-specific courses for Incident Commander, Liaison Officer, Public Information Officer, Logistics Section Chief, and Finance Section Chief shall be instructor-led, either virtually or in-person. The position-specific courses for Safety Officer, Operations Section Chief, and Planning Section Chief shall be instructor-led and in-person.

(b) Trainers presenting the equivalent courses listed in this section must have completed a training course for teaching the subjects they teach, or have the training and/or academic credentials and instructional experience necessary to demonstrate competent instructional skills and a good command of the subject matter of the courses they teach.

(c) The training requirements in subsections (d) through (l) shall be accomplished by December 31 of the third full calendar year from the date of issuance of an interim certification by personnel who are not using experience at actual emergency responses in lieu of training.

(d) Safety Training Requirements. All spill management team personnel who may be involved in the incident command structure established for a spill shall have health and safety training required by law appropriate for their position, function, and exposure responding to a spill (e.g., section 5192 of title 8 of the California Code of Regulations, commonly known as "HAZWOPER"). These personnel shall also receive all required refresher training, as applicable, each calendar year.

(e) Training Requirements for All Initial Response Personnel. The following is applicable to all initial response personnel identified in subsections 830.4(a)(1)(A), (a)(2)(A), and (a)(3)(A):

(1) All initial response personnel must have familiarity with the oil spill contingency plan(s) they are responsible for implementing at an exercise or spill.

(2) All initial response personnel shall receive eight hours of incident command system refresher training, review, or experience each calendar year, which may be accomplished in increments over the course of the year. This may be satisfied by participating in a spill or exercise in California, by participating in Federal Emergency Management Agency or the United States Coast Guard's incident command system courses or equivalent courses, or informal review of the incident command system.

(3) Initial response personnel shall perform their incident command system position(s) at a spill or exercise in California at least once every three calendar years.

(f) Tier I Training Requirements for Initial Response Personnel. In addition to the requirements in (d) and (e) of this section, the following requirements are applicable to Tier I initial response personnel:

(1) All Tier I initial response personnel must complete IS-100 Introduction to Incident Command System, IS-200 Basic Incident Command System for Initial Response, IS-700 An Introduction to the National Incident Management System, and IS-800 An Introduction to the National Response Framework, or equivalent courses;

(2) At least two Tier I initial response team members must complete ICS-300 Intermediate ICS for Expanding Incidents, or an equivalent course; and

(3) At least one Tier I initial response team member must complete HAZWOPER Incident Commander/On-Scene Manager training in accordance with subsection 5192(q)(6)(E) of title 8 of the California Code of Regulations.

(g) Tier II Training Requirements for Initial Response Personnel. In addition to the requirements in (d) and (e) of this section, the following requirements are applicable to Tier II initial response personnel:

(1) All Tier II initial response personnel must complete IS-100 Introduction to Incident Command System, IS-200 Basic Incident Command System for Initial Response, IS-700 An Introduction to the National Incident Management System, and IS-800 An Introduction to the National Response Framework, or equivalent courses;

(2) At least one Tier II initial response team member must complete ICS-300 Intermediate ICS for Expanding Incidents, or an equivalent course; and

(3) At least one Tier II initial response team member must complete HAZWOPER Incident Commander/On-Scene Manager training in accordance with subsection 5192(q)(6)(E) of title 8 of the California Code of Regulations.

(h) Tier III Training Requirements for Initial Response Personnel. In addition to the requirements in (d) and (e) of this section, the following requirements are applicable to Tier III initial response personnel:

(1) All Tier III initial response personnel must complete IS-100 Introduction to Incident Command System and IS-700 Introduction to the National Incident Management System, or equivalent courses;

(2) At least one Tier III initial response team member must complete IS-200 Basic Incident Command System for Initial Response, or an equivalent course;

(3) At least one Tier III initial response team member must complete IS-800 An Introduction to the National Response Framework, or an equivalent course;

(4) At least one Tier III initial response team member must complete ICS-300 Intermediate ICS for Expanding Incidents, or an equivalent course; and

(5) At least one Tier III initial response team member must complete HAZWOPER Incident Commander/On-Scene Manager training in accordance with subsection 5192(q)(6)(E) of title 8 of the California Code of Regulations.

(i) Training Requirements for All Cascading Response Personnel. The following is applicable to all cascading response personnel and alternates as identified in subsections 830.4(a)(1)(B), (a)(1)(C), (a)(2)(B), (a)(2)(C), and (a)(3)(B):

(1) All cascading response personnel must have a familiarity with the oil spill contingency plan they are responsible for implementing at an exercise or spill, the California Oil Spill Contingency Plan, and area contingency plan(s) or geographic response plan(s) as applicable to the area(s) in which the spill management team is certified to provide services.

(2) All cascading response personnel shall possess the ability to independently demonstrate the competencies, behaviors, and tasks associated with their incident command system position(s) as described in the appropriate Federal Emergency Management Agency National Qualification System position task book(s) or an equivalent position task book used by the spill management team.

(3) The following courses, or equivalent courses, are the minimum training requirements for all cascading response personnel:

(A) IS-100 Introduction to Incident Command System.

(B) IS-200 Basic Incident Command System for Initial Response.

(C) ICS-300 Intermediate ICS for Expanding Incidents.

(D) IS-700 An Introduction to the National Incident Management System.

(E) IS-800 An Introduction to the National Response Framework.

(4) All cascading response personnel shall receive 16 hours of incident command system refresher training, review, or experience each calendar year, which may be accomplished in increments over the course of the year. This may be satisfied by participating in a spill or exercise in California, by participating in Federal Emergency Management Agency or the United States Coast Guard's incident command system courses or equivalent courses, or informal review of the incident command system.

(5) Cascading response personnel shall perform their incident command system position(s) at a spill or exercise in California at least once every three calendar years. A spill management team that draws upon a larger number of cascading response personnel than the minimum number of personnel listed in 830.4(a)(1)(D), (a)(2)(D), and (a)(3)(D) need only ensure that the minimum number of personnel comply with this requirement.

(j) Tier I Training Requirements for Cascading Response Personnel. In addition to the requirements in (d) and (i) of this section, the following requirements are applicable to Tier I cascading response personnel:

(1) Tier I Incident Commander:

(A) ICS-400 Advanced ICS or an equivalent course; and 32 hours of instructor-led, position-specific incident command system training, delivering the same learning objectives as ICS-410 Advanced Incident Commander or E/L 950 NIMS ICS All-Hazards Position Specific Incident Commander, or an equivalent course; and successful participation as the Incident Commander in an exercise simulating a response to a spill equal to the largest reasonable worst-case spill volume listed in the contingency plans of facilities or vessels for which the Incident Commander will provide spill management services, or 78,125 barrels, whichever is smaller; or

(B) In the alternative, the requirements described in (i)(3) and (j)(1)(A) of this section may be substituted with experience acting as the Incident Commander or Deputy Incident Commander for 120 hours in Type 3 incidents, or for 150 hours combined in Type 3 and Type 4 incidents, as categorized in the Incident Typing Characteristics table of the U.S. Coast Guard *Incident Management Handbook* (2014), incorporated by reference herein.

(2) Tier I Safety Officer:

(A) 28 hours of instructor-led, in-person position-specific incident command system training, delivering the same learning objectives as ICS-404 Safety Officer, E/L 954 NIMS ICS All-Hazards Position Specific Safety Officer, or an equivalent course; and successful participation as the Safety Officer in an exercise simulating a response to a spill volume equal to the largest reasonable worst-case spill volume equal to the reasonable worst-case spill volumes listed in the contingency plans of facilities or vessels for which the Safety Officer will provide spill management services, or 78,125 barrels, whichever is smaller;

(B) In the alternative, the requirements described in (i)(3) and (j)(2)(A) of this section may be substituted with experience acting as the Safety Officer or Assistant Safety Officer for 120 hours in Type 3 incidents, or for 150 hours in Type 3 or Type 4 incidents, as categorized in the Incident Typing Characteristics table of the U.S. Coast Guard *Incident Management Handbook* (2014), incorporated by reference herein.

(3) Tier I Assistant Public Information Officer:

(A) 16 hours of instructor-led, position-specific incident command system training, delivering the same learning objectives as ICS-403 Public Information Officer, E/L 952 NIMS ICS All-Hazards Position Specific Public Information Officer, or an equivalent course; and successful participation as the Public Information Officer or Assistant Public Information Officer in an exercise simulating a response to a spill volume equal to the largest reasonable worst-case spill volume listed in the contingency plans of facilities or vessels for which the Public Information Officer will provide spill management services, or 78,125 barrels, whichever is smaller;

(B) In the alternative, the requirements described in (i)(3) and (j)(3)(A) of this section may be substituted with experience acting as the Public Information Officer or Assistant Public Information Officer for 120 hours in Type 3 incidents, or for 150 hours in Type 3 or Type 4 incidents, as categorized in the Incident Typing Characteristics table of the U.S. Coast Guard *Incident Management Handbook* (2014), incorporated by reference herein.

(4) Tier I Assistant Liaison Officer:

(A) 16 hours of instructor-led, position-specific incident command system training, delivering the same learning objectives as ICS-402 Liaison Officer, E/L 956 NIMS ICS All-Hazards Position Specific Liaison Officer, or an equivalent course; and successful participation as the Liaison Officer or Assistant Liaison Officer in an exercise simulating a response to a spill volume equal to the largest reasonable worst-case spill volume listed in the contingency plans of facilities or vessels for which the Liaison Officer will provide spill management services, or 78,125 barrels, whichever is smaller;

(B) In the alternative, the requirements described in (i)(3) and (j)(4)(A) of this section may be substituted with experience acting as the Liaison Officer or Assistant Liaison Officer for 120 hours in Type 3 incidents, or for 150 hours in Type 3 or Type 4 incidents, as categorized in the Incident Typing Characteristics table of the U.S. Coast Guard *Incident Management Handbook* (2014), incorporated by reference herein.

(5) Tier I Operations Section Chief:

(A) 24 hours of instructor-led, in-person position-specific incident command system training, delivering the same learning objectives as ICS-430 Operations Section Chief, E/L 958 All-Hazards Position Specific Operations Section Chief, or an equivalent course; and successful participation as the Operations Section Chief in an exercise simulating a response to a spill volume equal to the largest reasonable worst-case spill volume listed in the contingency plans of facilities or vessels for which the Operations Section Chief will provide spill management services, or 78,125 barrels, whichever is smaller;

(B) In the alternative, the requirements described in (i)(3) and (j)(5)(A) of this section may be substituted with experience acting as the Operations Section Chief or Deputy Operations Section Chief for 120 hours in Type 3 incidents, or for 150 hours in Type 3 or Type 4 incidents, as categorized in the Incident Typing Characteristics table of the U.S. Coast Guard *Incident Management Handbook* (2014), incorporated by reference herein.

(6) Tier I Planning Section Chief:

(A) 28 hours of instructor-led, in-person position-specific incident command system training, delivering the same learning objectives as ICS-440 Planning Section Chief, E/L 962 All-Hazards Position Specific Planning Section Chief, or equivalent courses; and successful participation as the Planning Section Chief in an exercise simulating a response to a spill volume equal to the largest reasonable worst-case spill volume listed in the contingency plans of facilities or vessels for which the Planning Section Chief will provide spill management services, or 78,125 barrels, whichever is smaller;

(B) In the alternative, the requirements described in (i)(3) and (j)(6)(A) of this section may be substituted with experience acting as the Planning Section Chief or Deputy Planning Section Chief for 120 hours in Type 3 incidents, or for 150 hours in Type 3 or Type 4 incidents, as categorized in the Incident Typing Characteristics table of the U.S. Coast Guard Incident Management Handbook (2014), incorporated by reference herein.

(7) Tier I Logistics Section Chief:

(A) 24 hours of instructor-led, position-specific incident command system training, delivering the same learning objectives as ICS-450 Logistics Section Chief, E/L 967 All-Hazards Position Specific Logistics Section Chief, or an equivalent course; and successful participation as the Logistics Section Chief in an exercise simulating a response to a spill volume equal to the largest reasonable worst-case spill volume listed in the contingency plans of facilities or vessels for which the Logistics Section Chief will provide spill management services, or 78,125 barrels, whichever is smaller;

(B) In the alternative, the requirements described in (i)(3) and (j)(7)(A) of this section may be substituted with experience acting as the Logistics Section Chief or Deputy Logistics Section Chief for 120 hours in Type 3 incidents, or for 150 hours in Type 3 or Type 4 incidents, as categorized in the Incident Typing Characteristics table of the U.S. Coast Guard *Incident Management Handbook* (2014), incorporated by reference herein.

(8) Tier I Finance Section Chief:

(A) 16 hours of instructor-led, position-specific incident command system training, delivering the same learning objectives as ICS-460 Finance/Administration Section Chief, E/L 973 All-Hazards Position Specific Finance Section Chief, or an equivalent course; and successful participation as the Finance Section Chief in an exercise simulating a response to a spill volume equal to the largest reasonable worst-case spill volume listed in the contingency plans of facilities or vessels for which the Finance Section Chief will provide spill management services, or 78,125 barrels, whichever is smaller;

(B) In the alternative, the requirements described in (i)(3) and (j)(8)(A) of this section may be substituted with experience acting as the Finance Section Chief or Deputy Finance Section Chief for 120 hours in Type 3 incidents, or for 150 hours in Type 3 or Type 4 incidents, as categorized in the Incident Typing Characteristics table of the U.S. Coast Guard *Incident Management Handbook* (2014), incorporated by reference herein.

(k) Tier II Training Requirements for Cascading Response Personnel. In addition to the requirements in (b) and (g) of this section, the following requirements are applicable to Tier II cascading response personnel.

(1) Tier II Incident Commander:

(A) 32 hours of instructor-led, position-specific incident command system training delivering the same learning objectives as ICS-410 Advanced Incident Commander, E/L 950 NIMS ICS All-Hazards Position Specific Incident Commander, or an equivalent course; and successful participation as the incident commander in an exercise simulating a response to a spill equal to the largest reasonable worst-case spill volume

listed in the contingency plans of facilities or vessels for which the Incident Commander will provide spill management services, or 999 barrels, whichever is smaller; or

(B) In the alternative, the requirements described in (i)(3) and (k)(1)(A) of this section may be substituted with experience acting as the incident commander or deputy incident commander for 84 hours in Type 4 incidents, or for 120 hours combined in Type 4 and Type 5 incidents, as categorized in the Incident Typing Characteristics table of the U.S. Coast Guard *Incident Management Handbook* (2014), incorporated by reference herein.

(2) Tier II Safety Officer:

(A) 28 hours of instructor-led, in-person position-specific incident command system training, delivering the same learning objectives as ICS-404 Safety Officer, E/L 954 NIMS ICS All-Hazards Position Specific Safety Officer, or an equivalent course; and successful participation as the Safety Officer in an exercise simulating a response to a spill equal to the largest reasonable worst-case spill volume listed in the contingency plans of facilities or vessels for which the Safety Officer will provide spill management services, or 999 barrels, whichever is smaller;

(B) In the alternative, the requirements described in (i)(3) and (k)(2)(A) of this section may be substituted with experience acting as the Safety Officer or Assistant Safety Officer for 84 hours in Type 4 incidents, as categorized in the Incident Typing Characteristics table of the U.S. Coast Guard *Incident Management Handbook* (2014), incorporated by reference herein.

(3) Tier II Assistant Public Information Officer.

(A) 16 hours of instructor-led, position-specific incident command system training, delivering the same learning objectives as ICS-403 Public Information Officer, E/L 952 NIMS ICS All-Hazards Position Specific Public Information Officer, or an equivalent course; and successful participation as the Public Information Officer or Assistant Public Information Officer in an exercise simulating a response to a spill volume equal to the largest reasonable worst-case spill volume listed in the contingency plans of facilities or vessels for which the Public Information Officer will provide spill management services, or 999 barrels, whichever is smaller;

(B) In the alternative, the requirements described in (i)(3) and (k)(3)(A) of this section may be substituted with experience acting as the Public Information Officer or Assistant Public Information Officer for 84 hours in Type 4 incidents, as categorized in the Incident Typing Characteristics table of the U.S. Coast Guard *Incident Management Handbook* (2014), incorporated by reference herein.

(4) Tier II Assistant Liaison Officer:

(A) 16 hours of instructor-led, position-specific incident command system training, delivering the same learning objectives as ICS-402 Liaison Officer, E/L 956 NIMS ICS All-Hazards Position Specific Liaison Officer, or an equivalent course; and successful participation as the Liaison Officer or Assistant Liaison Officer in an exercise simulating a response to a spill volume equal to the largest reasonable worst-case spill volume

listed in the contingency plans of facilities or vessels for which the Liaison Officer will provide spill management services, or 999 barrels, whichever is smaller;

(B) In the alternative, the requirements described in (i)(3) and (k)(4)(A) of this section may be substituted with experience acting as the Liaison Officer or Assistant Liaison Officer for 84 hours in Type 4 incidents, as categorized in the Incident Typing Characteristics table of the U.S. Coast Guard *Incident Management Handbook* (2014), incorporated by reference herein.

(5) Tier II Operations Section Chief:

(A) 24 hours of instructor-led, in-person position-specific incident command system training, delivering the same learning objectives as ICS-430 Operations Section Chief, E/L 958 All-Hazards Position Specific Operations Section Chief, or an equivalent course; and successful participation as the Operations Section Chief in an exercise simulating a response to a spill volume equal to the largest reasonable worst-case spill volume listed in the contingency plans of facilities or vessels for which the Operations Section Chief will provide spill management services, or 999 barrels, whichever is smaller;

(B) In the alternative, the requirements described in (i)(3) and (j)(5)(A) of this section may be substituted with experience acting as the Operations Section Chief or Deputy Operations Section Chief for 84 hours in Type 4 incidents, as categorized in the Incident Typing Characteristics table of the U.S. Coast Guard *Incident Management Handbook* (2014), incorporated by reference herein.

(6) Tier II Planning Section Chief:

(A). 28 hours of instructor-led, in-person position-specific incident command system training, delivering the same learning objectives as ICS-440 Planning Section Chief, E/L 962 All-Hazards Position Specific Planning Section Chief, or equivalent courses; and successful participation as the Planning Section Chief in an exercise simulating a response to a spill volume equal to the largest reasonable worst-case spill volume listed in the contingency plans of facilities or vessels for which the Planning Section Chief will provide spill management services, or 999 barrels, whichever is smaller;

(B) In the alternative, the requirements described in (i)(3) and (k)(6)(A) of this section may be substituted with experience acting as the Planning Section Chief or Deputy Planning Section Chief for 84 hours in Type 4 incidents, as categorized in the Incident Typing Characteristics table of the U.S. Coast Guard *Incident Management Handbook* (2014), incorporated by reference herein.

(7) Tier II Logistics Section Chief:

(A) 24 hours of instructor-led, position-specific incident command system training, delivering the same learning objectives as ICS-450 Logistics Section Chief, E/L 967 All-Hazards Position Specific Logistics Section Chief, or an equivalent course; and successful participation as the Logistics Section Chief in an exercise simulating a response to a spill volume equal to the largest reasonable worst-case spill volume listed in the contingency plans of facilities or vessels for which the Logistics Section Chief will provide spill management services, or 999 barrels, whichever is smaller;

(B) In the alternative, the requirements described in (i)(3) and (k)(7)(A) of this section may be substituted with experience acting as the Logistics Section Chief or Deputy Logistics Section Chief for 84 hours in Type 4 incidents, as categorized in the Incident Typing Characteristics table of the U.S. Coast Guard *Incident Management Handbook* (2014), incorporated by reference herein.

(8) Tier II Finance Section Chief:

(A) 16 hours of instructor-led, position-specific incident command system training, delivering the same learning objectives as ICS-460 Finance/Administration Section Chief, E/L 973 All-Hazards Position Specific Finance Section Chief, or an equivalent course; and successful participation as the Finance Section Chief in an exercise simulating a response to a spill volume equal to the largest reasonable worst-case spill volume listed in the contingency plans of facilities or vessels for which the Finance Section Chief will provide spill management services, or 999 barrels, whichever is smaller;

(B) In the alternative, the requirements described in (i)(3) and (k)(8)(A) of this section may be substituted with experience acting as the Finance Section Chief or Deputy Finance Section Chief for 84 hours in Type 4 incidents, as categorized in the Incident Typing Characteristics table of the U.S. Coast Guard *Incident Management Handbook* (2014), incorporated by reference herein.

(l) Tier III Training Requirements for Cascading Response Personnel. In addition to the requirements in (b) and (g) of this section, the following requirements are applicable to Tier III cascading response personnel:

(1) Tier III Incident Commander:

(A) Successful participation as the Incident Commander in an exercise simulating a response to a spill equal to the largest reasonable worst-case spill volume listed in the contingency plans of facilities or vessels for which the Incident Commander will provide spill management services, or 499 barrels, whichever is smaller;

(B) In the alternative, the requirements described in (i)(3) and (l)(1)(A) of this section may be substituted with experience acting as the Incident Commander or Deputy Incident Commander for 60 hours combined in Type 4 and Type 5 incidents, as categorized in the Incident Typing Characteristics table of the U.S. Coast Guard *Incident Management Handbook* (2014), incorporated by reference herein.

(2) Tier III Safety Officer:

(A) Successful participation as the Safety Officer in an exercise simulating a response to a spill volume equal to the largest reasonable worst-case spill volume listed in the contingency plans of facilities or vessels for which the Safety Officer will provide spill management services, or 499 barrels, whichever is smaller;

(B) In the alternative, the requirements described in (i)(3) and (l)(2)(A) of this section may be substituted with experience acting as the Safety Officer or Assistant Safety Officer for 60 hours in Type 4 incidents, as categorized in the Incident Typing

Characteristics table of the U.S. Coast Guard *Incident Management Handbook* (2014), incorporated by reference herein.

(3) Tier III Assistant Public Information Officer:

(A) Successful participation as the Public Information Officer or Assistant Public Information Officer in an exercise simulating a response to a spill volume equal to the largest reasonable worst-case spill volume listed in the contingency plans of facilities or vessels for which the Public Information Officer will provide spill management services, or 499 barrels, whichever is smaller;

(B) In the alternative, the requirements described in (i)(3) and (j)(3)(A) of this section may be substituted with experience acting as the Public Information Officer or Assistant Public Information Officer for 60 hours in Type 4 incidents, as categorized in the Incident Typing Characteristics table of the U.S. Coast Guard *Incident Management Handbook* (2014), incorporated by reference herein.

(4) Tier III Assistant Liaison Officer:

(A) Successful participation as the Liaison Officer or Assistant Liaison Officer in an exercise simulating a response to a spill volume equal to the largest reasonable worst-case spill volume listed in the contingency plans of facilities or vessels for which the Liaison Officer will provide spill management services, or 499 barrels, whichever is smaller;

(B) In the alternative, the requirements described in (i)(3) and (j)(4)(A) of this section may be substituted with experience acting as the Liaison Officer or Assistant Liaison Officer for 60 hours in Type 4 incidents, as categorized in the Incident Typing Characteristics table of the U.S. Coast Guard *Incident Management Handbook* (2014), incorporated by reference herein.

(5) Tier III Operations Section Chief:

(A) Successful participation as the Operations Section Chief in an exercise simulating a response to a spill volume equal to the largest reasonable worst-case spill volume listed in the contingency plans of facilities or vessels for which the Operations Section Chief will provide spill management services, or 499 barrels, whichever is smaller;

(B) In the alternative, the requirements described in (i)(3) and (j)(5)(A) of this section may be substituted with experience acting as the Operations Section Chief or Deputy Operations Section Chief for 60 hours in Type 4 incidents, as categorized in the Incident Typing Characteristics table of the U.S. Coast Guard *Incident Management Handbook* (2014), incorporated by reference herein.

(6) Tier III Planning Section Chief:

(A) Successful participation as the Planning Section Chief in an exercise simulating a response to a spill volume equal to the largest reasonable worst-case spill volume listed in the contingency plans of facilities or vessels for which the Planning Section Chief will provide spill management services, or 499 barrels, whichever is smaller;

(B) In the alternative, the requirements described in (i)(3) and (l)(6)(A) of this section may be substituted with experience acting as the Planning Section Chief or Deputy Planning Section Chief for 60 hours in Type 4 incidents, as categorized in the Incident Typing Characteristics table of the U.S. Coast Guard *Incident Management Handbook* (2014), incorporated by reference herein.

(7) Tier III Logistics Section Chief:

(A) Successful participation as the Logistics Section Chief in an exercise simulating a response to a spill volume equal to the largest reasonable worst-case spill volume listed in the contingency plans of facilities or vessels for which the Logistics Section Chief will provide spill management services, or 499 barrels, whichever is smaller;

(B) In the alternative, the requirements described in (i)(3) and (l)(7)(A) of this section may be substituted with experience acting as the Logistics Section Chief or Deputy Logistics Section Chief for 60 hours in Type 4 incidents, as categorized in the Incident Typing Characteristics table of the U.S. Coast Guard *Incident Management Handbook* (2014), incorporated by reference herein.

(8) Tier III Finance Section Chief:

(A) Successful participation as the Finance Section Chief in an exercise simulating a response to a spill volume equal to the largest reasonable worst-case spill volume listed in the contingency plans of facilities or vessels for which the Finance Section Chief will provide spill management services, or 499 barrels, whichever is smaller;

(B) In the alternative, the requirements described in (i)(5) and (l)(8)(A) of this section may be substituted with experience acting as the Finance Section Chief or Deputy Finance Section Chief for 60 hours in Type 4 incidents, as categorized in the Incident Typing Characteristics table of the U.S. Coast Guard *Incident Management Handbook* (2014), incorporated by reference herein.

(9) Tier III certified spill management teams that provide services to plan holders that only pose a risk of impacting state waters designated as intermittent or ephemeral in the National Hydrography Dataset (as depicted in the Southwest Environmental Response Management Application, on the National Oceanic and Atmospheric Administration's website) need not comply with the cascading response personnel training requirements described in subsections (i) and (l) of this section.

(m) Alternates for cascading positions shall be fully qualified to perform their positions, as described in 830.5(i) through (k). To enable spill management teams to cross-train personnel to fulfill the requirements for alternates in 830.4(a)(1)(C) and (a)(2)(C), alternates may claim credit for exercise participation as deputies or assistants to leads of incident command system positions.

(n) Documentation of experience shall include: incident names, incident types, geographic locations, and brief descriptions of the incidents for which personnel request recognition of performance, descriptions of the positions held and duties performed, dates the positions were held, and a person who can verify the experience for each incident. Incidents need not be formally typed by an agency to be listed as experience. Spill management teams shall use the Incident Typing Characteristics table of the U.S.

Coast Guard Incident Management Handbook (2014), incorporated by reference herein, for characterizing experience.

(o) Documentation of training and experience shall be retained by the spill management team to demonstrate competency and shall be presented to the Administrator upon request.

Note: Authority cited: Sections 8670.5, 8670.29 and 8670.32, Government Code. Reference: Sections 8670.10, 8670.19, 8670.28, 8670.29 and 8670.32, Government Code.

§ 830.6. Exercise Objectives Required for Full Certification.

(a) A spill management team issued an interim certification must secure a full certification by successfully completing all the objectives described in subsection (b) of this section at a single spill or a single exercise in California. The spill or exercise must involve a response to a spill of the largest reasonable worst-case spill volume listed in the contingency plans for which the spill management team will provide services, or 78,125 barrels, whichever is smaller.

(1) If the objectives will be achieved at an exercise, the exercise must be scheduled by the means described in either (1) or (2) below:

(2) Objectives may be achieved at an announced exercise of an approved contingency plan scheduled in accordance with the Office of Spill Prevention and Response's Drills and Exercises program, as described in sections 820.01 and 820.02 of this chapter. Spill management teams taking this approach shall indicate the "certification exercise" option on the corresponding Exercise Notification form DFW 1964 (07/06/20), incorporated by reference herein. The Administrator shall be given at least 60 calendar days' notice of the exercise chosen.

(3) If a spill management team chooses to achieve the objectives at an exercise that is not part of the Office of Spill Prevention and Response's Drills and Exercises program, the spill management team shall contact the Office of Spill Prevention and Response at osprsm@wildlife.ca.gov to design and schedule a certification exercise.

(4) The objectives must be achieved by December 31 of the third full calendar year from the date of issuance of the interim certification.

(b) Exercise Objectives.

(1) Spill management teams must be capable of achieving the following objectives within the first ten hours of being notified of a spill or exercise.

(A) Perform an initial site safety assessment and briefing.

(B) Consider threats to public health. Engage with the appropriate agencies and/or technical specialists and provide them with timely updates about the spilled product, potential volume, source control, containment, and any developments potentially impacting community exposure to air contaminants as a consequence of the incident. Provide support for air monitoring and sampling using health-protective exposure 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.

(C) Determine initial priorities, objectives, and staffing requirements.

(D) Initiate resource ordering. Proactively mobilize resources according to the incident's potential impact.

(2) Spill management teams must be capable of achieving the following objectives within the first 16 hours of being notified of a spill or exercise.

(A) Identify and begin to staff incident command system functions, positions, and technical specialists as necessary to manage the spill response effectively.

(B) Conduct incident briefings as appropriate, including accurate, relevant, timely information on the incident status and operations.

(C) Develop and prepare to implement a plan for transfer of command and inform assigned personnel and agencies of the planned transition time.

(3) Spill management teams must be capable of achieving the following objectives within the first 24 hours of being notified of a spill or exercise.

(A) Establish a secure incident command post sufficient to support initial response needs, including adequate space, equipment, supplies, and internet/cellular communications.

(B) Set up a common operating picture, which shall be posted (e.g., situation status board) at the incident command post to display situational, environmental, and other specialized data, and provide physical or cloud-based, on-site storage with backup for all spatial data created for the response. Data shall be stored in a format that is fully, equally, and simultaneously accessible to trustee agencies and the incident commanders of the unified command.

Note: Authority cited: Sections 8670.5, 8670.29 and 8670.32, Government Code. Reference: Sections 8670.10, 8670.19, 8670.28, 8670.29 and 8670.32, Government Code.

§ 830.7. Application Submission and Review.

(a)(1) Each person or affiliated person who intends to provide spill management team personnel to a plan holder must be certified by the Administrator. This includes a plan holder's own personnel, personnel from persons affiliated with the plan holder, and contracted persons that provide spill management team services to plan holders. Within 30 calendar days after the effective date of this subchapter, an application must be submitted.

(2) To receive a certification, a completed application shall be submitted to the Administrator using either an Application for Certification of Plan Holder Spill Management Team form DFW 1005 (new 07/14/20), or an Application for Certification of External Spill Management Team form DFW 1006 (new 07/13/20). These forms shall

collectively be referred to as applications and are incorporated by reference herein. The application forms may be obtained directly from the Administrator or the website of the Office of Spill Prevention and Response. Applications shall be delivered by mail or e-mail to the following:

Department of Fish and Wildlife
Office of Spill Prevention and Response
Attn: Preparedness Branch
P.O. Box 944209
Sacramento, CA 94244-2090
Email: osprsm@wildlife.ca.gov

(b) Within 180 calendar days after receipt of a complete new, revision, or renewal application, the Administrator will review and verify the application. The application will be evaluated as follows:

(1) To verify on-scene arrival capability described in an application, the Administrator will conduct an unannounced tabletop exercise testing the spill management team's ability to mobilize minimum personnel resources as described in section 830.4.

(A) A spill management team that applies for certifications within multiple area contingency planning or regional planning areas is subject to an unannounced tabletop exercise in each area for which it applies.

(B) Personnel are not required to deploy to unannounced tabletop exercises conducted to verify on-scene arrival capability.

(2) To verify that the personnel qualifications described in an application meet the requirements described in section 830.5, the Administrator will request documentation of training, exercise participation, and experience. These documents shall be provided within 15 calendar days of the request. However, if at the time a new application is submitted some personnel still need training, the applicant shall submit a training plan indicating which courses will be completed by December 31 of the third full calendar year from the date of issuance of an interim certification. The Administrator will verify training records prior to issuing a full certification.

(c)(1) If a new application is evaluated as satisfactory, as described in (b), then the Administrator will issue an interim certification indicating the tier classification for which the interim certification is valid, the area contingency planning or response planning area where the certification applies, and the expiration date of the interim certification. A spill management team with an interim certification may be listed in a plan holder's contingency plan for purposes of satisfying contingency plan requirements.

(2) A spill management team issued an interim certification must secure a full certification by achieving the objectives specified in section 830.6 by December 31 of the third full calendar year from the date of issuance of the interim certification. The interim certification is valid until full certification is issued, unless revoked or suspended. If full certification is not achieved, the interim certification shall automatically expire and be deemed revoked.

(d) If an application is evaluated as unsatisfactory as described in (b), the Administrator will issue a denial.

(1) Within 15 calendar days after issuing a denial, the Administrator shall notify by mail all plan holders listing the spill management team as a provider of services of the denial.

(2) Within 30 calendar days after the notification in (1), the plan holder shall identify another provider for the listed services by submitting a revised Application for Certification of Plan Holder Spill Management Team, form DFW 1005 (new 07/14/20).

(3) Within 15 calendar days after receiving a revised application, the Administrator shall issue an interim certification or a denial. If a denial is issued, all contingency plans listing the spill management will be reviewed for deficiency.

(e) A spill management team certification cannot be assigned, transferred, or assumed.

(f) Confidentiality of Submitted Documents and Information.

(1) A person submitting an application for certification for review and approval by the Administrator pursuant to this subchapter, may designate information in the application that the applicant considers to be a trade secret, confidential, privileged, or otherwise exempt from disclosure under the Public Records Act (California Government Code section 6250, et seq.) or other law.

(2) The person must assert a claim of confidentiality at the time the information is submitted to the Administrator. The applicant must clearly and distinctly identify each paragraph, sentence, number, data, map, photograph, or other item, and provide the specific legal authority for each item that the applicant believes should be withheld from public disclosure. (e.g., Government Code section 6254.15). Clear labeling and citation to specific legal authority as to each item will greatly assist with redaction. Generic non-specific labeling of an entire document or section of a document is not sufficient designation of information to be withheld or a sufficient assertion or preservation of the justification for withholding information from public release and will not be considered.

(3) If the applicant designates information as confidential or privileged, two different copies of the document must be submitted as follows:

(A) One copy shall contain the confidential or privileged information. This document will be utilized by the Administrator in the review and approval process.

(B) One copy shall be submitted depicting the confidential or privileged information as redacted, with the justification indicated.

(C) Any document submitted to any state agency, as required by this subdivision, must include all confidential or privileged information.

(4) If the Administrator is requested to publicly disclose information that has been identified with specific legal citation in accordance with subsection (h)(2) of this section, the Administrator may notify the spill management team at least ten business days prior to the release of such information in order to allow the applicant to seek an appropriate remedy in court, if applicable.

(5) The Administrator will decide if the redacted information is confidential or privileged, unless directed otherwise by a court order.

Note: Authority cited: Sections 8670.5, 8670.7.5, 8670.28, 8670.29, 8670.30 and 8670.32, Government Code. Reference: Sections 8670.7, 8670.10, 8670.19, 8670.25.5, 8670.27, 8670.28, 8670.29, 8670.30, 8670.31 and 8670.32, Government Code.

§ 830.8. Certification Revision Requests, Renewals, and Updates.

(a) Revisions.

(1) A certified spill management team may request a revision to a certification for the geographic area(s), tier, or number of initial or cascading response positions for which it is certified.

(2) A certified spill management team requesting revision of its certification shall submit a completed Application for Certification of Plan Holder Spill Management Team form DFW 1005 (new 07/14/20) or an Application for Certification of External Spill Management Team form DFW 1006 (new 07/13/20) indicating the “Revision” option.

(b) Renewal of Full Certification.

(1) A spill management team full certification is valid for three calendar years from the date of issuance unless suspended or revoked. A fully certified spill management team shall apply for renewal at least 90 calendar days prior to expiration of a certification by submitting an Application for Certification of Plan Holder Spill Management Team form DFW 1005 (new 07/14/20) or an Application for Certification of External Spill Management Team form DFW 1006 (new 07/13/20) indicating the “Renewal” option.

(2) A renewal application must comply with the requirements described in section 830.7 and shall be verified by the Administrator.

(3) To allow time for scheduling exercises for renewal, a spill management team that applies for renewal will have 90 calendar days after certification expires to achieve the objectives described in section 830.6.

(c) Updates.

(1) For non-significant changes, the spill management team shall submit updated information to the Administrator within 30 calendar days of the change using an Application for Certification of Plan Holder Spill Management Team form DFW 1005 (new 07/14/20) or an Application for Certification of External Spill Management Team form DFW 1006 (new 07/13/20) indicating the “Update” option. Non-significant changes are described as follows:

(A) A change in the spill management team’s mailing address, phone number, or email address, its point of contact, or its agent for service of process.

(B) Any other change to information listed on the spill management team’s application that does not affect its ability to perform in accordance with the tier requirements for which the spill management team has been issued a certification.

(2) For significant changes as described in section 830.9, the spill management team shall notify the Administrator pursuant to that section.

Note: Authority cited: Sections 8670.5, 8670.7, 8670.28, 8670.29, 8670.30 and 8670.32, Government Code. Reference: Sections 8670.10, 8670.19, 8670.28, 8670.29 and 8670.32, Government Code.

§ 830.9. Significant Change in Spill Management Team Resources.

(a) A certified spill management team shall notify the Administrator of any reasonably foreseeable significant change 15 calendar days in advance of the change. The notice shall be submitted by mail or e-mail, or it may be verbal if followed by a written notice as soon as possible. If the significant change is unforeseen, verbal notice shall be given immediately after becoming aware of such change. The notice shall detail the means by which the spill management team will address the change to maintain the spill management team's certification.

(b) A significant change may result in a modification, suspension, or revocation of the certification, pursuant to section 830.10, or the need to submit a revised application pursuant to section 830.8.

(c) For purposes of this subchapter, a significant change includes, but is not limited to: a change in ownership; a change that would diminish a spill management team's ability to respond or perform consistent with the tier requirements described in sections 830.4 through 830.6 for which it has been certified; a change or reduction in personnel; or inability of personnel to arrive on-scene within specified time frames.

(d) For non-significant changes, see section 830.8(c).

Note: Authority cited: Sections 8670.5, 8670.29 and 8670.32, Government Code. Reference: Sections 8670.10, 8670.19, 8670.28, 8670.29 and 8670.32, Government Code.

§ 830.10. Certification Modification, Suspension, or Revocation.

(a) Criteria for Modification, Suspension, or Revocation.

(1) Criteria for modification. The Administrator may modify a certification at any time if the spill management team does not meet the tier requirements for which certification was granted. Situations that may cause a modification include, but are not limited to: a failure to meet the objectives of an announced or unannounced exercise, failure to perform spill management team services at a spill, or other deficiencies in the spill management team's provisioning of services in line with its certification. The spill management team shall only provide services consistent with the modified certification.

(2) Criteria for suspension. The Administrator may suspend a certification at any time if the spill management team does not meet the tier requirements for which the certification was granted. Situations that may cause a suspension include but are not limited to: self-initiated stoppage of services, bankruptcy, natural disaster, or a situation beyond the control of the spill management team that prohibits it from providing the certified services. A spill management team with a suspended certification cannot be

relied upon by a plan holder for the suspended services until either the suspension is lifted, or the certification is modified.

(3) Criteria for revocation. The Administrator may revoke a certification based on a determination that the spill management team is not capable of meeting the requirements found within this subchapter. Criteria that shall factor into the Administrator's decision to revoke includes, but it not limited to, multiple certification modifications or suspensions, or persistent unsatisfactory performance at exercises or actual spills.

(b) Procedure for Modification, Suspension, or Revocation.

(1) When the Administrator modifies, suspends, or revokes a spill management team's certification, the spill management team shall be notified in writing by certified or registered mail of the reasons for the modification, suspension, or revocation.

(A) Procedure for modification. The modification shall be effective 15 calendar days after issuance. A spill management team may reapply for a certification that has been modified. The application shall include a narrative describing what measures were taken to correct the deficiencies outlined in the modification letter. The Administrator will review the application within 15 calendar days after receipt and determine whether to maintain the modification or return the certification to regular status.

(B) Procedure for suspension. The suspension shall be effective 15 calendar days after issuance. A spill management team may submit a written request for the suspension to be lifted. The Administrator will review the request within 15 calendar days after receipt and determine whether to maintain the suspension or lift the suspension.

(C) Procedure for revocation. The revocation shall be effective 15 calendar days after issuance. The spill management team shall have 30 calendar days after the date of receipt to reply in writing addressing the reasons for the revocation. The Administrator shall review the reply within 15 calendar days after receipt and determine whether to maintain or rescind the revocation.

Note: Authority cited: Sections 8670.5, 8670.29 and 8670.32, Government Code.
Reference: Sections 8670.10, 8670.19, 8670.28, 8670.29 and 8670.32, Government Code.

§ 830.11. Reconsideration and Hearing Procedures.

(a) Reconsideration Procedures.

(1) A spill management team may request reconsideration of an exercise report and any noted deficiencies, modification, suspension, or revocation of a certification, or a denial of its application.

(2) The request for reconsideration shall meet the following criteria:

(A) The request for reconsideration must be in writing, signed by an authorized representative of the spill management team, and submitted to the Administrator.

(B) The request for reconsideration must be received by the Administrator within 15 business days after the date of the notification of the decision.

(C) The request for reconsideration shall state the reasons for the reconsideration and include any new information or facts pertinent to the issues raised by the request for reconsideration.

(3) The Administrator shall issue a written decision to the spill management team within 15 business days after the receipt of the request for reconsideration. This decision shall state the reasons for the decision, and if applicable, shall also provide information concerning the right to a hearing and the procedures for requesting a hearing.

(b) Hearing Procedures.

(1) The spill management team may request a hearing in writing within 15 business days after receipt of the decision that reconsideration has been denied.

(A) Any hearing required under this subchapter shall be conducted by an independent hearing officer, according to the procedures specified in Government Code section 11400, et. seq. (Administrative Adjudication: Formal Hearing) and shall be scheduled as expeditiously as possible.

(B) The hearing officer shall issue a written decision within 30 calendar days after conducting the hearing. The decision of the hearing officer shall constitute the final administrative decision.

Note: Authority cited: Sections 8670.5, 8670.29 and 8670.32, Government Code.
Reference: Sections 8670.10, 8670.19, 8670.28, 8670.29 and 8670.32, Government Code.