

**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**

ILLUSTRATION OF CHANGES

The Office of Spill Prevention and Response is proposing changes to the regulatory text of sections 830.7 and 830.11 of Title 14 of the California Code of Regulations. Those changes are illustrated as follows:

The original proposed express terms is illustrated with single underline for added text and ~~single strikethrough~~ for deleted text.

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SUBDIVISION 4. OFFICE OF SPILL PREVENTION AND RESPONSE
CHAPTER 3. OIL SPILL PREVENTION AND RESPONSE PLANNING
SUBCHAPTER 5. SPILL MANAGEMENT TEAM CERTIFICATION**

§ 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 shall 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. A plan holder may use a combination of its own employees, affiliated persons, and contracted spill management personnel to meet planning requirements, as stated in subsection 830.1(a)(3).

(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 11/12/20) 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. If a plan holder relies partially or entirely on a contracted spill management team, the plan holder shall still submit an application form DFW 1005, indicating this.

(3) 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: OSPRSMT@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 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 geographic regions is subject to an unannounced exercise in each region for which it applies.

(B) Personnel are not required to deploy to unannounced 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 geographic region 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 shall secure a full certification by achieving the objectives specified in section 830.6 and by demonstrating that all required training specified in section 830.5 has been achieved 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 11/12/20).

(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 team will be reviewed for deficiency.

(f) Confidentiality of Submitted Documents and Information.

~~(4) 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 by following the process described in section 790.3 of chapter 1.~~

~~(2) The person shall assert a claim of confidentiality at the time the information is submitted to the Administrator. The applicant shall 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 a 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 shall 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, shall include all confidential or privileged information.~~

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.

§ 830.11. Reconsideration and Hearing Procedures.

(a) Request for Reconsideration Procedures.

~~(1) A plan holder and any person or affiliated person who provides personnel to a plan holder certified 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 by following the process described in section 790.5 of chapter 1.~~

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

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

~~(B) The request for reconsideration shall 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 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, 8670.7, 8670.29 and 8670.32, Government Code. Reference: Sections 8670.10, 8670.28, 8670.29 and 8670.32, Government Code.