

CALIFORNIA CODE OF REGULATIONS
TITLE 14. NATURAL RESOURCES
DIVISION 1. FISH AND GAME COMMISSION – DEPARTMENT OF FISH AND GAME
SUBDIVISION 4. OFFICE OF OIL SPILL PREVENTION AND RESPONSE

**45-DAY COMMENT PERIOD
ILLUSTRATION OF CHANGES**

The Department of Fish and Wildlife, Office of Spill Prevention and Response is proposing amendments to section 830.6 of Title 14 of the California Code of Regulations. Those changes are illustrated as follows:

Added text is illustrated in single underline.

Deleted text is illustrated in single ~~strikeout~~.

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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

§ 830.6. Exercise Objectives Required for Full Certification.

(a) A spill management team issued an interim certification shall secure a full certification by successfully completing all the objectives described in subsection (b) of this section at a single spill or a single certification exercise in California. A certification exercise shall 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 shall 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 barrels. The criteria for certification based on a spill response are described in (2) below.

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

(A) 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~~ 820.1 of this subchapter 3.6. Spill management teams taking this approach shall indicate the "spill management team certification exercise" option on the corresponding Exercise Notification form DFW 1964 (04/01/14), incorporated by reference herein. The Administrator shall be given at least 60 calendar days' notice of the exercise chosen.

(B) 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 OSPRSMT@wildlife.ca.gov to design and schedule a certification exercise.

(2) Actions taken in response to an actual spill in California may be considered for credit towards spill management team certification. Credit will be granted upon request of the spill management team if all of the following criteria are met:

(A) Representatives of the Office of Spill Prevention and Response responded to the spill and a unified command was formed including the Office of Spill Prevention and Response and the spill management team representing the responsible party.

(B) The spill response lasted at least 24 hours and all objectives described in subsection (b) of this section were achieved.

(C) An incident action plan or an Incident Briefing, ICS Form 201 (United States Coast Guard [rev. 06/13], or United States Environmental Protection Agency [rev. 05/18]), incorporated by reference herein, hereinafter referred to as ICS 201 in this subchapter, was completed and approved by the unified command.

(D) The response was carried out in accordance with the appropriate area contingency plan or geographic response plan, and in accordance with the directions of the Administrator or federal on-scene coordinator; and

(E) The spill management team submits a timely credit request as described in subsection (c) of this section.

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

(b) Certification Exercise Objectives.

(1) Spill management teams shall be capable of achieving the following objectives within the first ten hours of being activated for 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, such as equipment and personnel used in the conduct of monitoring and sampling activities, 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 shall be capable of achieving the following objectives within the first 16 hours of being activated for 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 shall be capable of achieving the following objectives within the first 24 hours of being activated for 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 or virtually, to display situational, environmental, and other specialized data. Additionally, provide either on-site physical storage media or server-based online data storage, with backup for all spatial data created for the response. Data, including the common operating picture, shall be stored in a format that is fully, equally, and simultaneously accessible to representatives of the incident commanders.

(c) Certification Exercise or Spill Response Documentation and Credit

(1) Documentation to Support Credit Request

(A) To be eligible for credit for an exercise or spill response, the spill management team shall document in writing (hard copy or electronic) that the objectives described in subsection (b) of this section were successfully completed at the exercise or spill response (e.g., ICS 201, site safety assessment, information posted to common operating picture, etc.). All documentation is subject to verification by the Administrator including confirmation of participation by the listed personnel.

(B) The spill management team shall maintain records documenting an exercise or spill response for which certification or renewal is requested, including lessons learned. The records shall be maintained for three years from the date of the exercise or spill response. These records shall promptly be made available for inspection by the Administrator upon request.

(2) Credit Request Process

(A) Within 60 calendar days after completion of the exercise or spill response for which the spill management team is requesting credit, the spill management team shall submit its name, assigned SMT number, and all supporting documentation described in subsection (c)(1)(A) above to OSPRSMT@wildlife.ca.gov.

(B)1. Within 60 calendar days of receipt of all the documentation, the Administrator will review the documentation to verify whether objectives were successfully met commensurate with the scope of the exercise scenario or spill circumstances in accordance with the credit request. The Administrator shall issue credit for the objectives successfully completed.

2. If the documentation submitted is insufficient or does not demonstrate successful completion of an objective, the spill management team will be notified and shall have 15 calendar days after notification to submit the necessary documentation. The request for credit will be denied if the documentation is not received within this time. The Administrator will review the new documentation within 60 calendar days and either issue credit or deny credit.

(C) If there are any objectives that are not successfully met at an exercise, then the Administrator shall require an additional exercise within 180 calendar days after the spill management team receives a report of deficiency from the Administrator.

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