

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 5. LOANS, CLAIMS AND GRANTS
SUBCHAPTER 1. LOCAL GOVERNMENT GRANT PROGRAM

ARTICLE 1. GENERAL PROVISIONS AND DEFINITIONS

§ 852.60.1. SHORT TITLE.

This Chapter shall be known and may be cited as the Local Government Grant Program.

Note: Authority cited: Sections 8670.35, 8670.38, 8670.39 and 8670.40, Government Code.

Reference: Sections 8574.1, 8574.7, 8670.1, 8670.3, 8670.6, 8670.35 and 8670.38, Government Code.

§ 852.60.2. DEFINITIONS.

In addition to the definitions in Chapter 1, Section 790 of this Subdivision, the following definitions shall govern the construction of this subchapter. Where similar terms are defined, the following will supersede the definition in Chapter 1:

(a) "Administrator" means the Administrator for oil spill response appointed by the Governor pursuant to Government Code Section 8670.4.

(b) "Area Contingency Plan (ACP)" means an oil spill response plan required by the United States Coast Guard (USCG) for each of the identified regions along California's coast. ACPs are not intended to displace local emergency response plans, but rather provide a framework to integrate and coordinate response efforts between federal, state and local government agencies.

(c) "Fund" means the Oil Spill Prevention and Administration Fund established pursuant to Section 8670.38 of the Government Code.

(d) "Grant" means an award of funds to a local government for the update of a local plan, as described in subsection (h). The awarding of a grant is subject to availability of cash reserves in the Oil Spill Prevention and Administration Fund.

(e) "Grant Agreement" means the written agreement, and any amendment(s) and written change orders thereto, which is/are signed by the Administrator or his/her designated representative and the grant recipient, and which defines the terms, provisions and conditions governing the grant.

(f) "Grant Recipient" means the local government which receives a grant award from the California Department of Fish and Game's (CDFG), Office of Spill Prevention and Response (OSPR).

(g) "Local government" means any chartered or general law city, chartered or general law county, or any city and county, or any operational area identified by the California Office of Emergency Services, and, for the purpose of this subchapter, must have jurisdiction over or be directly adjacent to marine waters.

(h) "Local Oil Spill Contingency Plan" or "local plan" means a plan or annex to an existing plan pertaining to emergency response to a release or threatened release of oil within a city or a county and any additional minimum planning requirements identified in this subchapter. The objectives of the local plan shall include but not be limited to: identifying response resources and local agencies that may assist during an oil spill; and to ensure a coordinated effective response between local, state and federal agencies to provide the best achievable protection of California's coastal resources and marine waters.

(i) "Marine Waters" means those waters subject to tidal influence, and includes the waterways used for waterborne commercial vessel traffic to the Port of Sacramento and the Port of Stockton.

(j) "National Contingency Plan" (NCP), means the National Oil and Hazardous Substances Pollution Contingency Plan (40 Code of Federal Regulations, part 300 (2011)). The NCP serves as the blueprint for guiding the federal government's response to an oil spill or hazardous materials discharge, occurring in the United States both offshore and inland. The NCP focuses on the federal response to an oil spill, including the responsibilities of the Federal On-Scene Coordinator and the roles and responsibilities of the National Response Team.

(k) "Oiled Wildlife Care Network" (OWCN), means the organization managed by the University of California, Davis Wildlife Health Center. Its primary responsibility is the protection, rescue, and rehabilitation of oiled wildlife. Facilities within the OWCN have been established and maintained in a state of readiness to provide the best achievable treatment for marine mammals and birds affected by an oil spill. The Oil Spill Prevention and Response Act established and provided the funding of the OWCN (Government Code § 8670.37.5), as an essential component of California's wildlife response capability as the lead state trustee agency for fish, wildlife and their habitats.

(l) "Region IX Regional Contingency Plan" (RCP), outlines the response mechanisms that would be activated among tribal, state and federal agencies in the event of an emergency situation. It is not the intent of the RCP to displace local emergency response plans, but rather it is intended to coordinate with local plans and build on the mechanisms set forth in NCP. Included in the RCP are the California Wildlife Operations Plan and the Dispersant Plan developed by OSPR, in coordination with other state and federal agencies, and many interested parties.

Note: Authority cited: Sections 8670.35, 8670.38, 8670.39 and 8670.40, Government Code.

Reference: Sections 8574.1, 8574.7, 8670.1, 8670.3, 8670.6, 8670.35 and 8670.38, Government Code.

§ 852.60.3. OBJECTIVES OF LOCAL GOVERNMENT GRANT PROGRAM.

The objective of the local government grant program is to encourage local governments adjacent to marine waters to update their local plan and to assist in providing a coordinated response and cleanup effort between local governments and state and federal officials in order to provide the best achievable protection of the California Coast and marine waters.

Note: All local governments adjacent to marine waters have submitted their local oil spill contingency plan. Therefore, grant selection and application review information are being repealed. Only updates to local plans are being received at this time.

Note: Authority cited: Sections 8574.7, 8670.35, 8670.39 and 8670.40, Government Code.

Reference: Sections 8574.7 and 8670.35, Government Code.

§ 852.60.4. DUTIES AND RESPONSIBILITIES.

The Administrator of OSPR has the lead state authority and responsibility for overseeing oil spill response and clean up activities in marine waters, identification of natural resources, protection priorities and damage assessment after an oil spill, in consultation with other state agencies and local governments.

In the event of an oil spill in marine waters, OSPR shall conduct an initial on-scene assessment of the spill and review the measures being taken by the Responsible Party (RP) and determine the appropriate level of response. In the event that the United States Coast Guard (USCG) is on the scene first and has done an assessment, OSPR may accept the USCG's initial assessment and response determination if it is consistent with the guidelines set forth in the California Oil Spill Contingency Plan. The state shall establish a Unified Command (UC) with the (USCG) at a spill in which both the state and federal jurisdictions are involved.

The UC shall consist of the State's On-Scene Coordinator (SOSC), the Federal On Scene Coordinator (FOSC), the senior representative of the party responsible for the spill if the party is identified and assumes responsibility and, if included in the Memorandum of Understanding (MOU) described in Subsection (d) below, the representative(s) from the local jurisdiction(s) directly impacted by the spill. The local government representative(s) shall be designated within their local plan prepared pursuant to Section 852.62.2(a)(1)(E) of this subchapter.

Such participation by local governments in the UC shall be conditioned on the following:

- (a) Completion of their local plan that meets the requirements of this subchapter.
- (b) Participation by local governments in the area contingency planning process of the USCG.
- (c) Recognition of the Federal On-Scene Coordinator (FOSC) and the State On-Scene Coordinator (SOSC) who have the authority to issue orders and direction to the responsible party (RP), if identified.
- (d) Upon completion of the process described in Article 2 of this subchapter, a memorandum of understanding (MOU) shall be entered into between the Administrator of OSPR and local government(s). The MOU is for the purposes of ensuring a unified and coordinated effort between state and local government agencies through appropriate mutual aid in the event of an oil spill incident.

Note: Authority cited: Section 8574.1, 8574.7, 8670.7 and 8670.35, Government Code. Reference: Sections 8574.1, 8574.7, 8670.7 and 8670.35, Government Code.

ARTICLE 2. GRANT APPLICATION PROVISIONS

§ 852.61.1. SCOPE AND APPLICABILITY.

- (a) The regulations contained in this Article set forth the minimum criteria to be developed or identified in a local plan submitted by local governments responsible for the revision of their oil spill plan in order to apply for and receive a grant from the Oil Spill Prevention and Administration Fund (Fund).
- (b) This Article applies to all eligible local governments.

(c) The NCP, RCP and ACPs are the primary response plans used for an oil spill response. These plans are not to be in conflict with each other, but support the overall mission of the response.

Note: Authority cited: Sections 8670.35, 8670.38 and 8670.39, Government Code. Reference: Sections 8574.1, 8574.7, 8670.7, 8670.35 and 8670.38, Government Code.

§ 852.61.2. GRANT RENEWAL PROCESS.

(a) A local government shall submit the documents specified in Section 852.61.6 of this Article in order to obtain a grant.

(b) An original and Seven (7) copies of the documents required in Subsection (a) shall be submitted to the CDFG, Contract Management Section.

(c) Documents required in Subsection (b) shall be delivered to (CDFG).

(d) Submission of the documents required in Subsection (b) shall be deemed to be the local government's acceptance of the terms and conditions set forth in this subchapter.

Note: Authority cited: Sections 8670.35, 8670.38, 8670.39 and 8670.40, Government Code. Reference: Section 8670.35, Government Code.

§ 852.61.3. GRANT ELIGIBILITY.

(a) The Administrator may award a grant if the following criteria are met:

(1) The local government has jurisdiction over or is directly adjacent to marine waters as defined; and

(2) The local government has elected to update their local plan, in accordance with this subchapter.

(b) A county, whose designated jurisdiction excludes an independently eligible city(s), is not eligible to obtain additional funds which the excluded city(s) may be eligible to receive, unless it is a county-city joint plan proposal.

Note: Authority cited: Sections 8670.35, 8670.38, 8670.39 and 8670.40, Government Code. Reference: Sections 8574.1, 8574.7, 8670.7 and 8670.35, Government Code.

§ 852.61.5. GRANT AMOUNT.

(a) Grant amounts shall be determined by the Administrator, based on available funds from the Oil Spill Prevention and Administration Fund.

Note: Authority cited: Sections 8670.35, 8670.38, 8670.39 and 8670.40, Government Code. Reference: Section 8670.35, Government Code.

§ 852.61.6. CONTENTS OF THE GRANT AGREEMENT UPDATE.

Local governments shall submit to the Administrator the following information to update their Grant Agreement:

(a) A Scope of Work, which shall include the following:

(1) A project purpose, and a description of the local plan to be updated pursuant to Sections 852.62.1 and 852.62.2 of this Article.

- (2) A project official, which shall include name, address, contact information and email address.
- (3) Background and Objectives: An explanation of the proposal's objectives. This shall include, but is not limited to, a description of the work plan; need for consulting services; milestones for completion; levels of plan review; provisions for ensuring consistency with the area plans for the United States Coast Guard Captain of the Port Areas, the State, Regional and National Oil Spill Contingency Plans, and a target completion date;
- (4) Work to be performed, which includes a list of all persons required to implement the proposal by title or position.
- (5) A Budget Report consisting of a breakdown of costs to be incurred during the project term. This shall include, but is not limited to, personnel services, contracted professional and consultant services, benefits and operating expenses that include publication costs, supplies, travel, per diem and mileage, required to implement the proposal.
- (6) A Declaration by the authorized official(s) stating that the person or entity submitting the application is authorized to submit the application on behalf of the local government(s).
- (7) To the extent possible, OSPR shall, within forty-five (45) calendar days from the date the grant recipient is notified of the grant award or the date of approval of the revised budget, whichever is applicable, mail the Grant Agreement update to grantee.
- (8) Upon receipt of the Grant Agreement update, the grantee is required to return the original and all seven (7) copies to the OSPR within forty-five (45) calendar days along with a copy of the resolution, order, motion, or ordinance of the affected local governments' local governing body(s) by law having authority to enter into the proposed Grant Agreement update, approving and authorizing execution of the Grant Agreement update. Failure to execute the agreement within this period may constitute withdrawal of the application.
- (9) Modifications to the executed Grant Agreement may be made only upon prior written approval by the Administrator or his or her designated representative. All requests for modification shall include a description of the proposed change(s) and the reason(s) for the changes.

Note: Authority cited: Sections 8574.1, 8574.7, 8670.7, 8670.35, 8670.38, 8670.39 and 8670.40, Government Code. Reference: Sections 8574.1, 8574.7, 8670.7, 8670.35 and 8670.38, Government Code.

§ 852.61.7. REVIEW OF GRANT APPLICATION.

Note: All local governments adjacent to marine waters have submitted their initial oil spill contingency plan. Therefore, grant selection and review information are being repealed. Only updates to local plans are being received at this time.

Note: Authority cited: Sections 8670.35, 8670.38, 8670.39 and 8670.40, Government Code. Reference: Section 8670.35, Government Code.

§ 852.61.11. TERMS AND CONDITIONS OF A GRANT AGREEMENT.

The Grant Agreement shall contain the following terms and conditions:

(a) Midterm Report. The grant recipient shall be required to submit a midterm progress report to the Administrator within thirty (30) calendar days following the midterm of the project. The midterm of the project shall be based on the completion date specified in the grant proposal, unless otherwise agreed to by the Administrator. The report shall include, but not be limited to, all of the following:

(1) A statement that the oil spill contingency plan being updated is or is not on schedule, and a description of the project tasks or milestones and the status of each. Pertinent reports or interim findings shall be appended.

(2) A discussion of any difficulties or special problems encountered in accomplishing the project tasks.

(3) A financial report comparing costs to date with the approved scope of work and the original approved budget. The report should state whether the program is progressing within the approved budget, and an explanation of any current or anticipated deviations. The report shall include a Statement of Expenditures showing the program's expenditures incurred to date.

(4) A report of any changes in personnel assigned to the development, review or approval of the project.

(b) Compliance. Grant recipients shall comply with all applicable federal, state and local laws, ordinances, regulations and permits.

(c) Subcontractors. Grant recipients shall maintain a list of all subcontractors required to implement the proposal, including name, address, and a description of their work. Local governments must comply with all applicable State Administrative Manual requirements when utilizing subcontractors for services required pursuant to the Grant Agreement.

(d) Auditing:

(1) All grant recipients shall maintain an accounting system which utilizes Generally Accepted Accounting Principles and practices. The Administrator, the State Controller's and the State Auditor General's office, or their designated representatives, shall have a right of reasonable access during normal business hours to all of the grant recipient's records pertaining to the grant.

(2) In addition to accounting records, all source documents associated with the accounting records shall be maintained by the grant recipient in sufficient detail to demonstrate that the funds were used for the purpose for which the grant program is intended. Source documents include, but are not limited to, bid summaries, contracts with the grant recipient, change orders showing approval by a city or county official, purchase orders, invoices, paid warrants, time sheets, labor distribution reports and payroll registers.

(3) The accounting records and source documents shall be retained for at least three (3) years after the grant is awarded, or until resolution of all issues which may arise as a result of any litigation, claim negotiation or audit, whichever is later.

(4) If an audit reveals that grant funds have not been spent in accordance with the Grant Agreement, the Administrator shall terminate the Grant Agreement, and take such steps as necessary to recover funds not spent in accordance with the Grant Agreement. Further, the grant recipient shall be required to forfeit the unexpended portion of the grant. Such forfeitures shall revert to the Fund.

(e) Grant Termination. The Administrator may, upon determining that the recipient has failed to comply with the terms or conditions of the Grant Agreement, terminate any grant in whole, or in part, at any time before the date of completion. The Administrator shall notify the recipient in writing of the termination, the reasons for the termination of the grant, and the effective date of termination. Termination of the Grant Agreement shall result in forfeiture of any funds withheld pursuant to Section 852.61.12(b) of this subchapter.

(f) Request for Reconsideration. The grant recipient may submit a written request for reconsideration of any decision to terminate the Grant Agreement by following the process described in section 790.5 of chapter 1.

(g) Final Report. Upon submission, completion and approval of the updated local plan by the Administrator in accordance with the Grant Agreement, pursuant to Section 852.62.3 of this subchapter, the grant recipient shall submit a final report. The report shall be submitted within sixty (60) calendar days from the completion and approval of the above stated plan and shall include, but is not limited to:

(1) A Table of Contents.

(2) A brief summary of the objectives of the grant and how these objectives were accomplished.

(3) Any findings, conclusions, or recommendations for additional activities which result from the successful completion of the program for that grant year. A statement, if applicable, of future public and/or private support to maintain or further develop the local contingency plan.

(4) A list of subcontractors who participated, in whole or in part, in the grant program, including the names, addresses and a description of their work. Participating subcontractors must be selected in accordance with procedures outlined in the Grant Agreement.

(5) Final Financial Statement for the Program. This report shall provide information that enables the Administrator to determine the final specific use for all grant funds distributed and may include the final payment request. It shall also indicate all other sources of funds utilized by the program.

(6) One copy of the approved local oil spill contingency plan, updated pursuant to the Grant Agreement.

(h) A grant recipient shall certify to the Administrator every three (3) years that it has conducted a complete review of the oil spill plan and has made necessary revisions. Whenever substantial changes are made to the oil spill contingency plan, the grant recipient shall forward such changes to the Administrator within fourteen (14) calendar days of making such changes.

(i) Payment of Funds. Payment of grant funds shall be in accordance with Section 852.61.12 of this subchapter.

Note: Authority cited: Sections 8670.35, 8670.38, 8670.39 and 8670.40, Government Code.
Reference: Section 8670.35, Government Code.

§ 852.61.12. PAYMENT OF GRANT FUNDS.

(a) The grant recipient may submit payment requests made in arrears consistent with the time frames set forth in the Grant Agreement.

(b) All payment requests, including the final payment request, shall be submitted to the OSPR within three (3) years from the date the Grant Agreement is executed, unless the Administrator approves requests submitted after that period.

(c) The balance of any grant award which is not expended during the period set forth in the preceding subparagraph (b) shall be deemed forfeited by the grant recipient. In no event may grant monies be expended following three years from the date of the Grant Agreement.

Note: Authority cited: Sections 8670.35, 8670.38, 8670.39 and 8670.40, Government Code.
Reference: Section 8670.35, Government Code.

§ 852.62.1. FORMAT AND CONSISTENCY REQUIREMENTS FOR LOCAL PLANS.

(a) To the greatest extent possible, the local plan content shall be consistent with the ACP or an approved emergency response plan.

(b) Each local oil spill contingency plan shall meet all applicable State and Federal Occupational Safety and Health Administration requirements.

(c) It is strongly recommended that the local oil spill contingency plan format follow the format outlined in Section 852.62.2, Minimum Planning Requirements.

(d) To be eligible for funding, local government oil spill contingency plans shall be consistent with the Standardized Emergency Management System (SEMS) or the National Incident Management System (NIMS), whichever is applicable.

Note: Authority cited: Sections 8670.35, 8670.38, 8670.39 and 8670.40, Government Code.
Reference: Section 8670.35, Government Code.

§ 852.62.2. MINIMUM PLANNING REQUIREMENTS.

The following elements are required in a local plan, to the extent applicable:

(a) The Emergency Notification and Logistics Section.

The Emergency Notification and Logistics Section shall contain information which is essential for emergency notification(s) and coordination of logistical needs for an incident response to an oil spill in marine waters within or adjacent to the jurisdiction of the local government.

(1) Emergency Notification.

The purpose of the Emergency Notification provisions set forth in this section is to provide timely notice to appropriate agencies and emergency personnel at the state, federal and local level. Emergency Notification shall include the following:

(A) Pre-designation of the local government's primary contact person, including title and primary and after-hours telephone number, who is charged with the responsibility and authority to initiate local oil spill response operations, or identification of a dispatch center that can make this notification.

(B) A current list of telephone numbers, addresses, and e-mail addresses of the federal, state and local organizations and agencies to be notified by the local government's primary contact person and/or identification of a dispatch center that can make these notifications when an oil discharge is discovered, which shall include the California Office of Emergency Services. The California Office of

Emergency Services is currently required to then notify public agencies which may be affected by a spill, including the OSPR.

(C) A current list of local emergency response personnel, by job classification or title, including primary and after-hours telephone numbers, addresses, and e-mail addresses of personnel on call to receive notification of an oil discharge, or identification of a dispatch center that can make this notification.

(D) The local emergency response personnel and local organizations and agencies identified in Subsections (a)(1)(B) and (a)(1)(C) must include, but are not limited to: law enforcement; fire fighting services; medical and public health and safety services; poison control centers; evacuation centers; and hospitals.

(E) Pre-designation of a local response coordinator, and alternate(s), including title, e-mail address and telephone number, who are charged with the responsibility and authority to direct and coordinate local response operations including: crowd and traffic control; emergency evacuation; beach closures and posting of beach closure signs; fire suppression; and mobilization of local equipment and personnel. During emergency response, this person will serve as the local government representative for the State On-Scene Coordinator. Communication may be coordinated through the State Liaison officer identified in the State's Incident Command System outlined in the California Oil Spill Contingency Plan.

(b) The Logistics Section.

The purpose of the Logistics Section is to provide information essential for an effective and timely emergency response.

(1) Logistics for Emergency Response.

This section will assist in the identification of staging areas and local resources which may be used during an oil spill response. To the greatest extent possible, local area maps should be provided, where applicable, for the following information:

(A) Identification and description of possible locations for an oil spill Incident Command Post (ICP) and a reliable communications system for directing the coordinated overall response operations. See guidance in the San Francisco Bay and Delta Area Contingency Plan, "ICP Facility Assessment Check Sheet".

(B) Firefighting capabilities for oil fires for both shipboard and on-shore structures, levels of fire response capability, and willingness of local government to respond to oil fires.

(C) Potential staging area sites to be used for staging and deployment of response equipment along the coastline.

(D) Identify a person, by title, or an agency within the local government to coordinate and obtain lodging accommodations for emergency response personnel, upon request. In addition, provide a listing (or copies of a listing) of local accommodations.

(E) Identification and inventory of available emergency response supplies and equipment under the control of the local government, which may potentially be used during an oil spill response to protect or contribute to the protection of resources. The list should include oil spill-specific equipment, such as booms and skimmers, as well as land-moving equipment, such as bulldozers and cranes. In

addition, identify the contact agency(s), title of person(s) with authority to deploy such equipment, their telephone numbers, and location where the equipment and supplies are stored. This should include any resources outlined in the California Master Mutual Aid Agreements. Identification and potential deployment of this equipment should be coordinated through the incident response management.

(F) Identification and information on all local airports, or the nearest airport, which may be used for incoming response personnel and/or during response operations. This information should include sufficient details in order to determine the possible role of the airport during an emergency response.

(G) Identification of potential temporary hazardous waste storage sites that may be used for temporary storage of oily wastes retrieved following a marine oil spill, and procedures for securing necessary permits or variances from appropriate state agency(s), including title of responsible person at each agency, and a 24-hour telephone number.

(H) Identification and description of the private or public property and roads to which access would be required in the event of a spill, for the areas where a spill is most likely to occur or have an impact on the shoreline. Additionally, this information should identify a mechanism by which the local government can gain access to ownership information for such properties and a contact phone number on a 24-hour basis.

(I) Identification of economically sensitive sites, which are defined as locations which include, but are not limited to, public beaches, parks, marinas, harbors, yacht clubs, boat ramps, diving areas, industrial and drinking water intakes, power plants, salt pond intakes and other similarly situated underwater structures, intertidal and subtidal drilling leases, and major waterways and vessel traffic areas. This information should include the hours of operation and the name, title and telephone number of a local contact person for access to these sites.

1. The local plan should include a prioritization of those facilities, areas of commercial interest, and public and private recreational areas within the jurisdiction of the local governments, that are of major concern during an oil spill. This includes the following:

i. A prioritization of those facilities that may be impacted by an oil spill which, if impacted, pose a potential threat to the public health and safety.

ii. A prioritization of areas of economic or commercial interest, and public/private recreational interest including, but not limited to, mariculture, commercial fisheries, commercial ports, recreational areas and tourist areas.

(J) In case of a fishery closure as a result of an oil spill, identification of personnel to assist with public noticing of fisheries closures, including sign posting, and related activities. Fishery closures, reopening and resumption of commercial fishing are under the jurisdiction of the Director of the Department of Fish and Game (Fish and Game Code §5654).

(K) Identification of local government representatives having information concerning local volunteer response groups or animal rescue/recovery groups. The activities of these groups are to be coordinated through the Operation Section's Wildlife Branch, to potentially assist with the efforts of the Oiled Wildlife Care Network.

(L) Identification of local government representatives having information concerning local media contacts or public information centers.

(M) Identification of possible locations for emergency volunteer centers for volunteers. These facilities should have adequate space for screening prospective volunteers, registration, training, and assignment.

(N) Identification of hazardous material response equipment and capability, including the ability to conduct air monitoring and hazard characterization.

(2) Training Requirements

(A) At a minimum, the oil spill contingency plan element shall establish provisions to ensure training of fire, police and other emergency response personnel in oil spill response and cleanup equipment use and operations that is currently available to the local government, and ensure compliance with all other applicable state or federal training requirements;

(B) Provisions for documenting personnel training described in Subsection (A) above.

(2) Drills and Exercises.

The Logistics Section shall include provisions for coordinating drill participation with the grant participant and OSPR, and shall include the title and phone number of a contact person for drill participation. The grant participant shall make every effort to participate in industry led oil spill contingency plan drills. The grant participants may be reimbursed for their participation in authorized oil spill drills.

(3) Incident After Action/Corrective Action Report.

The Logistics Section shall describe provisions for the after action/corrective action report after a release or threatened release of oil into the marine waters of the state. The report shall include an interagency meeting to evaluate the response, to improve future response, and to determine if any oil spill contingency plan revisions are necessary.

Note: Authority cited: Sections 8670.25.5, 8670.35, 8670.38, 8670.39 and 8670.40, Government Code. Reference: Section 8670.35, Government Code.

§ 852.62.3. SUBMITTAL AND APPROVAL OF LOCAL OIL SPILL CONTINGENCY PLANS.

(a) The oil spill contingency plan updated pursuant to the Grant Agreement, must be submitted within 180 calendar days after the execution of the Grant Agreement, or upon a schedule agreed to by the Administrator. Each submittal shall be made with an original and one copy. Extensions for submittal may be granted at the discretion of the Administrator.

(b) An update to the plan shall be approved if it adequately addresses the minimum planning requirements specified in Section 852.62.2 of this subchapter, or addresses all of the minimum planning requirements required to be addressed pursuant to the Grant Agreement. The Administrator shall have ninety (90) calendar days, from the date of submission, in which to review the plan update and make an approval determination.

(c) If upon review the plan update is not approved, the plan shall be returned to the grant recipient that prepared it, specifying the basis of disapproval and identifying the items which must be addressed before the plan update may be approved. The grant recipient shall have ninety (90) calendar days within which to resubmit the plan update, and address all concerns. Failure to do so

will result in disapproval of the project. Upon disapproval, the funds withheld pursuant to Section 852.61.12(b) of this subchapter shall be forfeited. Such forfeitures shall revert to the Fund.

(d) Upon approval of the plan, the grant recipient shall submit a final report pursuant to Section 852.61.11(g) of this subchapter.

Note: Authority cited: Sections 8670.35, 8670.38, 8670.39 and 8670.40, Government Code.
Reference: Section 8670.35, Government Code.