

**State of California
Office of Administrative Law**

In re:
Office of Spill Prevention and Response

Regulatory Action:

Title 14, California Code of Regulations

Adopt sections: 820.02

Amend sections:

Repeal sections:

**NOTICE OF FILING AND PRINTING ONLY
OF EMERGENCY REGULATION(S) OR
ORDER(S) OF REPEAL**

Government Code Section 11343.8

OAL Matter Number: 2016-0822-01

**OAL Matter Type: Emergency File and Print
Only (EFP)**

This emergency file and print action re-adopts drills and exercises to be performed by inland facilities to protect waters.

OAL filed this emergency regulation(s) or order(s) of repeal with the Secretary of State, and will publish the emergency regulation(s) or order(s) of repeal in the California Code of Regulations.

Date: September 1, 2016



**Mark Storm
Senior Attorney**

**For: Debra M. Cornez
Director**

**Original: Thomas M. Cullen Jr.
Copy: Christine Kluge**

NOTICE PUBLICATION/REGULATIONS SUBMISSION

EMERGENCY

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS Z-	NOTICE FILE NUMBER	REGULATORY ACTION NUMBER	EMERGENCY NUMBER 2016-0822-01EFP
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ENDORSED - FILED
in the office of the Secretary of State
of the State of California

SEP. -1 2016

1:42 pm

For use by Office of Administrative Law (OAL) only

2016 AUG 22 P 2:19
OFFICE OF ADMINISTRATIVE LAW

NOTICE

REGULATIONS

AGENCY WITH RULEMAKING AUTHORITY
OFFICE OF SPILL PREVENTION AND RESPONSE

AGENCY FILE NUMBER (if any)

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER	PUBLICATION DATE

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) DRILLS AND EXERCISES	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S) 2015-0825-04EFP
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2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)

SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	ADOPT 820.02
	AMEND
TITLE(S) 14	REPEAL

3. TYPE OF FILING

<input type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.	<input checked="" type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)		<input checked="" type="checkbox"/> File & Print	<input type="checkbox"/> Print Only
<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input checked="" type="checkbox"/> Other (Specify) Government Code sec. 8670.7.5	

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)

<input type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))	<input checked="" type="checkbox"/> Effective on filing with Secretary of State	<input type="checkbox"/> \$100 Changes Without Regulatory Effect	<input type="checkbox"/> Effective other (Specify)
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6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

<input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660)	<input type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal
<input type="checkbox"/> Other (Specify)		

7. CONTACT PERSON

Christine Kluge	TELEPHONE NUMBER (916) 327-0910	FAX NUMBER (Optional)	E-MAIL ADDRESS (Optional) Christine.Kluge@wildlife.ca.gov
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8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE 	DATE 8/22/2016
TYPED NAME AND TITLE OF SIGNATOR Eric B. Milstein, Assistant Chief Counsel	

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

SEP 01 2016

Office of Administrative Law

TITLE 14. NATURAL RESOURCES
DIVISION 1. FISH AND GAME COMMISSION - DEPARTMENT OF FISH & WILDLIFE
SUBDIVISION 4. OFFICE OF SPILL PREVENTION AND RESPONSE
CHAPTER 3. OIL SPILL PREVENTION AND RESPONSE PLANNING
SUBCHAPTER 3. OIL SPILL CONTINGENCY PLANS

SECTION 820.02

§ 820.02 Drills and Exercises.

(a) Applicability: The Drills and Exercises requirements in this section apply to the new Plan Holders under OSPR jurisdiction due to the passage of SB 861 (Chapter 35, Committee on Budget and Fiscal Review, Statutes of 2014). These requirements go into effect 90 days after approval of the plan holder's contingency plan. Drills and exercises are not required if exempted from contingency plan requirements pursuant to Sections 817.01(b), 817.04(b) and (c), 818.01(b), or 827.01(b).

As used in this section only:

- Tier I Facilities are:
 - production facilities with an average daily oil production of 100 barrels or greater from all producing wells connected to the facility;
 - refineries;
 - distribution pipelines; and
 - railroads
- Tier II Facilities are:
 - production facilities with an average daily oil production of 20.0 – 99.9 barrels from all producing wells connected to the facility.
- Tier III Facilities are:
 - production facilities with an average daily oil production of 10.0 – 19.9 barrels from all producing wells connected to the facility.

Any Inland Facility not otherwise listed in any of the Tiers above shall by default be a Tier I Facility. However, the Administrator may on a case-by-case basis determine that a different Tier is more appropriate for a particular facility.

(b) Drills and Exercises shall be designed to exercise either portions of the contingency plan or the entire plan, and accomplish the applicable drill objectives required by this section. The plan(s) shall be available and used at all required drills and exercises. All other local, state, and federal laws, regulations and permitting requirements must be complied with as part of the drill planning and implementation. The required drills and exercises are described below:

(1) For Tier I Facilities:

- (A) 1. A Tabletop Exercise (as defined in Section 815.05), announced or unannounced, of the Spill Management Team(s) for each plan shall be conducted within each calendar year.
 - 2. Any number of objectives as described in Subsection (f) may be tested during the required exercises.
 - 3. Over a three year period, each objective as described in Subsection (f) must be tested and successfully met.
- (B) Notification procedures listed in the plan shall be conducted quarterly with actual calls made to the Oil Spill Response Organization (OSRO), Qualified Individual (QI), and the Spill Management Team (SMT).
- (C) For Tier I Facilities that own spill response equipment, semi-annual Equipment Deployment Drills shall be conducted to test the deployment of Plan Holder-owned equipment, which shall include immediate containment strategies, as outlined in the contingency plan. See Subsection (i) for the objectives for Equipment Deployment Drills.
- (D) Shoreline protection strategies shall be exercised as described in Subsection (c).

(2) For Tier II Facilities:

- (A) 1. A Tabletop Exercise (as defined in Section 815.05), announced or unannounced, of the Spill Management Team(s) for each plan shall be conducted annually.
 - 2. Any number of objectives as described in Subsection (g) may be tested during the required exercises.
 - 3. Over a three year period, each objective as described in Subsection (g) shall be tested and successfully met.
- (B) Notification procedures listed in the plan shall be conducted quarterly. Actual calls must be made to the OSRO, QI, and the Spill Management Team.
- (C) For Tier II Facilities that own spill response equipment, semi-

annual Equipment Deployment Drills shall be conducted to test Plan Holder-owned equipment, which shall include immediate containment strategies, as outlined in the contingency plan. See Subsection (i) for the objectives for Equipment Deployment Drills.

(3) For Tier III Facilities:

(A) 1. A Tabletop Exercise (as defined in Section 815.05), announced or unannounced, of the Spill Management Team(s) for each plan shall be conducted annually.

2. All objectives as described in Subsection (h) are to be tested and successfully met.

3. For those objectives not successfully met, the Administrator may require an additional exercise within six months of the exercise completion.

(B) Notification procedures listed in the plan shall be conducted quarterly with actual calls made to the OSRO, the QI, and the Spill Management Team.

(C) For Tier III Facilities that own spill response equipment, semi-annual Equipment Deployment Drills shall be conducted to test Plan Holder-owned equipment, which shall include immediate containment strategies, as outlined in the contingency plan. See Subsection (i) for the objectives for Equipment Deployment Drills.

(c) Shoreline Protection Strategies for Sensitive Sites

(1) Tier I Facilities are required to test shoreline protection response strategies for sensitive sites listed in the applicable ACP/GRP and identified within their contingency plan as sites that could be impacted. Plan Holders may use their own trajectories to identify potentially impacted areas.

(2) Tier I Facilities are required to demonstrate to the Administrator that these strategies have been tested, either with Plan Holder-owned equipment or through an OSRO Rated for Shoreline Protection services under contract with the Plan Holder.

(d) The Administrator, in addition to the requirements contained in this Section, may call a drill or exercise, or conduct an inspection, to validate all or part of a contingency plan. This drill, exercise or inspection may be announced or unannounced.

(e) Scheduling & Design: Drills must be scheduled and designed pursuant to the

following requirements to be eligible for credit:

- (1) The Administrator shall be provided an opportunity to help design, attend and evaluate all Equipment Deployment Drills/Exercises, as defined in Section 815.05, and Tabletop Exercises. To ensure this, Plan Holders shall give advance notice of a minimum of 30 days for Equipment Deployment Drills/Exercises and 60 days for all in-state exercises.
- (2) To schedule a drill or exercise, Plan Holders shall consult the Drills and Exercises Calendar to check for date availability, at the following link: <https://calspillwatch.dfg.ca.gov/Calendar>.
- (3) The Plan Holder shall invite the Administrator to participate in both the Equipment Deployment Drills and the Spill Management Team Tabletop Exercises by submitting written notice to the Administrator. The Plan Holder shall use the Exercise Notification Form (DFW 1964, 02/20/15) located at <http://www.dfg.ca.gov/ospr/Drill-Forms.aspx>, incorporated by reference for this purpose. Incomplete forms will not be accepted and will be returned for re-submittal. Notice may be made via letter, e-mail, or fax and sent to:

Drills and Exercises Unit
Office of Spill Prevention & Response
Post Office Box 944209
Sacramento, California 94244-2090
E-mail: osprdrills@wildlife.ca.gov
Fax: (916) 327-0907
Phone: (916) 445-9338

- (4) OSPR will only allow two in-state tabletop exercises to be scheduled per weekday. However, the Administrator may allow additional drills/exercises to be scheduled on a case-by-case basis.

Equipment Deployment Drills shall be scheduled in the first six months of the calendar year. If a second Equipment Deployment Drill is required, it shall be scheduled in the second six months of the calendar year.

Only drills and exercises on the Drills and Exercises Calendar are eligible to receive credit from the Administrator.

- (5) If the Plan Holder needs to reschedule a drill/exercise that has already been placed on the calendar, OSPR shall be notified as soon as possible, and re-scheduling must comply with the 30 or 60 day notice requirements described in this subsection. However, the Administrator

may allow additional drills/exercises to be rescheduled on a case-by-case basis.

(f) Tier I Facility Tabletop Exercise Objectives

Tabletop exercise objectives for Tier I Facility Plan Holders shall be tested and staffed to a degree that is commensurate with the drill/exercise scenario and scope and shall include, but not be limited to, the following:

- (1) **Notifications:** Make actual notifications to the Plan OSRO, Qualified Individual, and Spill Management Team, the California Office of Emergency Services (Cal OES), and the National Response Center (NRC), to be documented at the start of the exercise.
- (2) **Staff Mobilization:** Assemble the Spill Management Team and other personnel identified in the contingency plan.
- (3) **Incident Command System:** Organize the Spill Management Team to operate under the framework of the Incident Command System (ICS), as outlined in the U.S. Coast Guard and/or U.S. Environmental Protection Agency Incident Management Handbook. This shall include implementation of the operational planning cycle (Planning "P").
 - (3.1) **Unified Command:** Form a Unified Command consisting of Federal, State, and Responsible Party representation. Local Representation may be included as appropriate. The Unified Command shall develop the Incident Objectives (ICS Form 201 and/or 202, as appropriate), set response priorities, and identify any limitations and constraints.
- (4) **Safety Officer:** Conduct an initial site safety assessment and develop a Site Safety Plan (ICS Form 208). Monitor operations to ensure compliance with the Site Safety Plan.
- (5) **Public Information Officer (PIO):** Provide an interface between the Unified Command and the media/public. Issue an initial press release announcing the establishment of the Unified Command, and develop at least two additional written media products (e.g. fact sheet, press release, talking points for press briefing, etc.) during each operational period.
- (6) **Liaison Officer:** Invite stakeholders including, but not limited to, local government, first responders (Fire and HazMat), natural resource trustees, and tribal representatives to participate in the exercise. Monitor the arrival of agency representatives and other stakeholders at the Incident Command Post, assess their needs and available resources, and keep them informed of the incident status.

- (7) Operations: Coordinate and manage field operations with Plan Holder-owned resources and/or an OSRO in accordance with Unified Command objectives and/or action plans. Provide a list of available Plan Holder and/or OSRO resources and deployment timeframes.
- (7.1) Source Control: Locate the source of the spill and initiate emergency shutdown procedures, according to the contingency plan.
 - (7.2) Assessment: Provide an estimate of the quantity spilled, extent of the discharge, and an initial trajectory.
 - (7.3) Containment and Recovery: Describe procedures to deploy spill response resources immediately available, as identified in the contingency plan.
 - (7.4) Firefighting: Identify and make notifications to the firefighting resources identified in the contingency plan, as appropriate.
 - (7.5) Wildlife Recovery and Rehabilitation: Initiate proper wildlife protection procedures by making actual notifications to the Oiled Wildlife Care Network (OWCN), or as described in the contingency plan, as soon as a threat to wildlife is identified.
 - (7.6) Safety of Responders and Public: Identify health hazards associated with the discharged product (use Safety Data Sheet) and, as appropriate, work with local emergency agencies to identify and alert populations at risk from these hazards.
 - (7.7) Shoreline Protection: Evaluate and identify sufficient resources to effectively implement the protective strategies contained in the ACP and/or GRP, and the respective industry contingency plan for the identified resources at risk.
- (8) Planning: Develop strategies and tactics based on the Unified Command objectives and in coordination with other Incident Command Section (ICS) sections, for inclusion in an ICS Form 201 or an Incident Action Plan.
- (8.1) Situation Unit: Collect, organize, update, and disseminate information about the current status of the spill. At a minimum, display the following: the name of the incident; a chart/map of incident; an organization chart (ICS Form 207); information on current and forecasted weather, tides and currents; a meeting schedule (ICS Form 230); and, as appropriate, an Incident Status Summary (ICS Form 209).

(8.2) Resource Unit: Maintain the status and location of all incident resources, and establish a process for resource tracking and demobilization in coordination with Logistics and Finance. Maintain, update, and distribute the organization assignment list/incident organization chart (ICS Form 203/207) and Check-in List (ICS Form 211).

(8.3) Environmental Unit: Gather environmental data including weather, tides, and currents. Generate an initial ICS Form 232 identifying environmental and other resources at risk, based on sensitive sites identified in the relevant ACPs/GRPs and trajectory data.

(8.3.1) Waste Management: Properly manage the recovered product and develop a Waste Management Plan for approval by the Unified Command. The plan must include appropriate procedures for obtaining permits and/or waivers, waste segregation, characterization, minimization, quantification, and final disposition.

(8.3.2) Applied Response Technology: Assist the OSPR Applied Response Technology Technical Specialist in assessment of applied response technologies including: chemical dispersants, in-situ burning, bioremediation or other oil spill clean-up methods, utilizing the state and federal policies and procedures adopted in the Region IX Regional Contingency Plan and the Federal ACPs.

(8.4) Documentation: Collect, organize, maintain, and disseminate, as appropriate, all documents generated during the exercise. Adequate documentation services shall be provided for all sections. These documents shall be provided to the Administrator upon request.

(8.5) Volunteer Management: Discuss formation of and/or form a Volunteer Unit, as appropriate, to identify and coordinate with the appropriate emergency volunteer management program that has authority to screen, register, train, and manage affiliated and/or unaffiliated volunteers.

(9) Logistics: Identify and provide necessary personnel, facilities, services, and materials to support the response activities. Develop and advise all sections of the resource request/ordering process.

- (9.1) Communications: Establish an intra-organization communications system and establish communications between the administrative functions and the field units. Develop an Incident Communications Plan (ICS Form 205) for the response activities.
 - (9.2) Personnel Support: Identify and provide the necessary support of all personnel associated with the response including lodging, food services, transportation, operational/administrative spaces, security, and a Medical Plan (ICS Form 206), as appropriate.
 - (9.3) Incident Command Post (ICP) Equipment and Support: Provide and support equipment necessary for the ICP infrastructure including internet service, telecommunication service, printers, copiers, and scanner/fax machines.
- (10) Finance: Document and track daily expenditures and provide cost estimates for continuing operations. Establish and disseminate third-party claims procedures to the Public Information Officer, Liaison Officer and Situation Unit, and process third-party claims.

(g) Tier II Facility Tabletop Exercise Objectives

Tabletop exercise objectives for Tier II Facility Plan Holders shall be tested and staffed to a degree that is commensurate with the exercise scenario and scope and shall include, but not be limited to, the following:

- (1) Notifications: Make actual notifications to the Plan Holder's OSRO, the QI, Spill Management Team, the California Office of Emergency Services (Cal OES), and the National Response Center (NRC), to be documented at the start of the drill/exercise.
- (2) Staff Mobilization: Assemble the Spill Management Team and other personnel identified in the contingency plan.
- (3) Incident Command System: Organize the initial responders to operate under the framework of the Incident Command System (ICS), as outlined in the U.S. Coast Guard and/or U.S. Environmental Protection Agency Incident Management Handbook. This shall include implementation of the initial response phase of the operational planning cycle (Planning "P").
- (3.1) Unified Command: Identify and form a Unified Command (UC). The UC shall develop initial objectives and priorities for the response (ICS Form 201 and/or 202, as appropriate).
- (4) Safety Officer: Conduct an initial site safety assessment, identify hazards

- using the Safety Data Sheet (SDS) and conduct a safety briefing. As appropriate, work with local emergency agencies to identify and alert populations at risk from these hazards.
- (5) **Public Information Officer:** Provide an interface between the UC and the media/public. Issue an initial press release announcing the establishment of Unified Command, and develop at least one additional written media product (e.g. fact sheet, press release, social media documentation, etc.).
 - (6) **Liaison Officer:** Identify relevant stakeholders, including local government and first responders (e.g., Fire and HazMat), initiating contact as appropriate.
 - (7) **Operations:** Coordinate and manage field operations with Plan Holder-owned resources and/or an OSRO on-site, in accordance with initial UC objectives and priorities.
 - (7.1) **Source Control:** Locate the source and initiate emergency shutdown procedures according to the contingency plan.
 - (7.2) **Assessment:** Provide an estimate of the quantity spilled, the extent of the discharge, and an initial trajectory.
 - (7.3) **Containment:** Describe procedures to deploy spill response resources immediately available, as identified in the contingency plan.
 - (7.4) **Firefighting:** Identify and make notifications to the firefighting resources identified in the contingency plan, as appropriate.
 - (7.5) **Wildlife Recovery and Rehabilitation:** Initiate proper wildlife protection procedures by making actual notifications to the Oiled Wildlife Care Network (OWCN) as soon as a threat to wildlife is identified.
 - (8) **Planning:** Develop strategies and tactics based on the initial objectives and priorities for inclusion in an ICS Form 201.
 - (8.1) **Situation Unit:** Collect, organize, update, and display information about the current status of the spill. At a minimum this shall include the following: the name of incident; chart/map of incident; an organization chart (ICS Form 207); and information on current and forecasted weather, tides and currents.
 - (8.2) **Resource Unit:** Maintain the status and location of all incident resources and establish a Check-in List (ICS Form 211).

- (8.3) Environmental Unit: Gather environmental data, including weather, tides, currents, and resources at risk (using ICS Form 232) based on environmentally sensitive sites identified in the ACPs/GRPs.
 - (8.3.1) Waste Management and Disposal: Gather information for and discuss elements of a waste management plan, including procedures for waste segregation, characterization, minimization, quantification and final disposition, as appropriate.
- (8.4) Documentation: Collect, organize, and maintain all documents generated during the exercise. These documents shall be provided to the Administrator upon request.
- (9) Logistics: Provide necessary incident support, including personnel, facilities, and services.
 - (9.1) Communications: Establish an intra-organization communications system and establish communications between the administrative functions and the field units. Develop an Incident Communications Plan (ICS Form 205) for the response activities.
 - (9.2) Personnel and Incident Support: Identify and provide the necessary support of all personnel associated with the response including lodging, food services, transportation, communication, and operational/administrative space and services, as appropriate.
- (10) Finance: Provide the necessary support for cost tracking; develop a process for managing third-party claims.

(h) Tier III Facility Tabletop Exercise Objectives

Tabletop exercise objectives for Tier III Facility Plan Holders shall be tested and staffed to a degree that is commensurate with the exercise scenario and scope and shall include, but not be limited to, the following:

- (1) Notifications: Make actual notifications to the Plan Holder's OSRO, the QI, the Spill Management Team, the California Office of Emergency Services (Cal OES), the National Response Center (NRC), and as appropriate, local agencies (e.g. CUPA) and the Oiled Wildlife Care Network (OWCN). Notifications should be documented at the start of the exercise.
- (2) Staff Mobilization: Assemble the Spill Management Team and other personnel identified in the contingency plan; provide updated contact information.
- (3) Incident Command System: Organize the initial responders to operate under the framework of the Incident Command System (ICS), as outlined

in the U.S. Coast Guard and/or U.S. Environmental Protection Agency's Incident Management Handbook. This shall include implementation of the initial response phase of the operational planning cycle (Planning "P"). Facilitate an Incident Briefing, led by the Plan Holder Incident Commander based on ICS Form 201, and, as appropriate, conduct Unified Command Meetings to discuss important issues and/or key decisions.

- (4) Safety: Conduct an initial site safety assessment/job safety analysis, identify hazards using the Safety Data Sheet (SDS), and conduct a safety briefing.
- (5) Reserved.
- (6) Reserved.
- (7) Operations: Coordinate and manage field operations with Plan Holder-owned resources and/or an OSRO on-site, in accordance with initial Incident Commander (IC) objectives and priorities.
- (8) Planning: Collect, organize, and display basic information about the current status of the spill, including status and location of all incident resources and environmental data (e.g., weather, tides, currents and potential resources at risk). Develop strategies and tactics based on the initial objectives and priorities, for inclusion in an ICS 201 Form.

(i) Equipment Deployment Drill Objectives:

All of the following Equipment Deployment Drill objectives shall be tested for Tier I, Tier II, and Tier III Facility Plan Holders:

- (1) Notifications: Make actual notifications to the California Office of Emergency Services (Cal OES) and document at the start of the drill.
- (2) Staff Mobilization: Assemble sufficient staff to safely and effectively deploy the spill response equipment.
- (3) Safety: Conduct a safety briefing prior to deployment.
- (4) Equipment Deployment: Deploy equipment to meet the immediate containment strategies outlined in the contingency plan.
- (5) Communication: Provide appropriate communications to direct operations.

The Equipment Deployment Drill shall take place in the first six months of the calendar year and is evaluated on a pass/fail basis. All five objectives must

be successfully met. If the drill fails, a second drill shall be required in the second six months of the calendar year.

(j) Drill/Exercise Documentation

(1) The Plan Holder shall provide written (hard copy or electronic) documentation supporting the objectives tested (e.g., ICS Form 201, Site Safety Plan, Waste Management Plan, Communications Plan, Incident Action Plan, etc.), as appropriate, in order to be eligible for credit from OSPR for any drill/exercise conducted. All documentation is subject to verification by the Administrator including confirmation of participation of personnel listed. For Equipment Deployment Drills, the Equipment Deployment Evaluation Form (DFW 1965, (05/11/15) located at: <http://www.dfg.ca.gov/ospr/Drill-Forms.aspx>), incorporated by reference, shall be submitted to provide documentation for drill credit.

(2) Additionally, the Plan Holder shall include information on any recommendations for suggested action or improvement to facility plans or training programs, Area Contingency Plans, and/or Geographic Response Plans, OSROs, federal agencies, state agencies, or local agencies. These "lessons learned" should be incorporated by the Plan Holder into future exercises.

(3) The Plan Holder shall maintain adequate records of drills and exercises, for a period of three years, including records of any drills and exercises of the Plan Holder, resources identified in the contingency plan, and lessons learned. These records shall be maintained at the facility and shall be available for inspection by the Administrator.

(k) Drill/Exercise Credit

(1) OSPR's Request for Drill/Exercise Credit – Inland Form (DFW 1969 (02/20/15) located at: <http://www.dfg.ca.gov/ospr/Drill-Forms.aspx>), incorporated by reference, shall be completed and submitted, along with documentation, to the Drills and Exercises Unit within 60 days after completion of the drill/exercise. If the information submitted is insufficient, the Plan Holder will be notified and shall have 15 calendar days to send in the completed documentation or the request for credit will be denied.

(2) The Administrator will audit all documentation, as outlined in Subsection (i), to determine whether objectives were successfully met commensurate with exercise scenario and scope, and verify that the drill/exercise was done in accordance with the credit request. The Administrator shall issue a credit approval letter to the Plan Holder.

(3) For any objectives not successfully met, the Administrator may require an additional exercise within six months of an exercise's completion.

- (4) Any additional inadequacies noted by the Administrator must be addressed in writing by the Plan Holder within 60 days of receipt of notice of the inadequacies. Remedies to the noted inadequacies may include, but not be limited to, any necessary changes to the plan, any changes in contracted or owned response resources, changes in or additions to training, and/or the need for additional drills or exercises.
- (5) For Quarterly Notification Drills, the request for credit is not required; however, documentation shall be maintained, as outlined in subsection (j)(3).

(l) Reconsideration and Hearing Procedures

- (1) Request for reconsideration: The Plan Holder may request reconsideration of a/an drill/exercise report and any noted deficiencies or denial of credit.
- (2) Any Plan Holder requesting reconsideration of an action must comply with the following criteria:
 - (A) Any request for reconsideration must be in writing, signed by the Plan Holder requesting reconsideration or by the legal representative of that Plan Holder, and must be submitted to the Administrator.
 - (B) The request for reconsideration must be received by the Administrator within 20 calendar days of the date of the drill/exercise report.
 - (C) The request for reconsideration shall state the reason(s) for the reconsideration, including presenting any new information or facts pertinent to the issue(s) raised by the request for reconsideration.
- (3) Decision: The Administrator shall notify the Plan Holder of the decision within 15 calendar days of the receipt of the request for reconsideration. This notice shall be in writing and shall state the reasons for the decision. The notice shall also provide information concerning the right to a hearing and the procedures for requesting a hearing.
- (4) Hearing: The Plan Holder may, within 15 calendar days after receipt of notice that reconsideration has been denied, request a hearing in writing.
 - (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. (The Administrative Procedure Act) and shall be scheduled as expeditiously as possible.

(B) After conducting any hearing pursuant to this section, the hearing officer, within 30 calendar days after the hearing is held, shall issue a written decision. The decision of the hearing officer shall constitute the final administrative decision.

(m) Substitution

(1) Unannounced Equipment Deployment Drills

An unannounced drill called by the U.S. Environmental Protection Agency or another federal, state, or local agency may be used to satisfy the Equipment Deployment Drill requirements of this section under the following conditions:

(A) The drill tests deployment of Plan Holder-owned response equipment during the first six months of the calendar year; and

(B) At a minimum, the drill meets all the Equipment Deployment Drill Objectives described in Subsection (i); and

(C) The Plan Holder submits a credit request with documentation, as outlined in Subsection (j), to the Administrator within 60 days after the unannounced drill is conducted.

(2) Unannounced Exercises

An unannounced exercise called by the U.S. Coast Guard, U.S. Environmental Protection Agency, or another federal, state, or local agency may be used to satisfy the annual Tabletop Exercise requirements of this section under the following conditions:

(A) The exercise tests the mobilization and initial response capabilities of the Spill Management Team identified in the contingency plan; and

(B) At a minimum, the exercise meets all the Tier III Facility tabletop objectives described in Subsection (h); and

(C) The Plan Holder submits a credit request, including documentation as outlined in Subsection (j), to the Administrator within 60 days after the unannounced exercise is conducted.

(3) Actual Spill

(A) Actions taken in response to an actual spill in California may be considered for drill/exercise credit. Credit may be granted upon request of the Plan Holder if all of the following conditions are met:

1. For equipment deployment credit:

- i. An OSPR representative responds to the spill and observes and verifies the equipment deployment.
- ii. The response was carried out in accordance with an OSPR-approved contingency plan, the appropriate ACP or GRP, and/or in accordance with the directions of the Administrator or Federal On-Scene Coordinator; and
- iii. The Plan Holder submits a credit request, including documentation as outlined in Subsection (j), to the Administrator within 60 days of the conclusion of the response.

2. For tabletop exercise credit:

- i. An OSPR representative responds to the spill
- ii. The spill response meets all the Tier III Facility tabletop objectives described in Subsection (h); and
- iii. The response was carried out in accordance with an OSPR-approved contingency plan, the appropriate ACP or GRP, and/or in accordance with the directions of the Administrator or Federal On-Scene Coordinator; and
- iv. The Plan Holder submits a credit request, including documentation as outlined in Subsection (j), to the Administrator within 60 days of the conclusion of the response.

(B) Credit may only be granted for one spill every three years and will not be granted in consecutive years.

(C) For spills in which drill or exercises credit is requested, all documentation shall also be retained for three years.

(4) The Administrator may allow for additional drill/exercise substitutions on a case-by-case basis.

Note: Authority cited: Sections 8670.7.5, 8670.10 and 8670.29, Government Code.

Reference: Sections 8670.7, 8670.10, 8670.28, 8670.29, 8670.30, and 8670.31, Government Code.



EXERCISE NOTIFICATION - Statewide

Company Name:	
Company Address:	
Facility/Vessel Name:	
OSPR Contingency Plan #:	
Point of Contact:	Phone:
	Cell:
Email:	Fax:
Exercise Date :	Exercise Time:
Exercise Location:	
Type of Exercise: <input type="checkbox"/> Table Top/Functional <input type="checkbox"/> Equipment Deployment <input type="checkbox"/> (1 st 6 Months) <input type="checkbox"/> (2 nd 6 Months) <input type="checkbox"/> Unannounced <input type="checkbox"/> Other	
Level of Participation (optional): <input type="checkbox"/> Facility/vessel personnel <input type="checkbox"/> National Team <input type="checkbox"/> Regional Response Team <input type="checkbox"/> International Team	
Level of OSPR ICS Participation (optional): <input type="checkbox"/> IC <input type="checkbox"/> Planning <input type="checkbox"/> Operations <input type="checkbox"/> Other <input type="checkbox"/> ICS software to be used Type: _____ <input type="checkbox"/> None	
OSPR Design Team Participation (optional): <input type="checkbox"/> Yes <input type="checkbox"/> No	
Sensitive Site Location, if any (Site Number/Site Name):	
Exercise Scenario Description:	Scenario coordinate: Latitude: Longitude:
Objectives – Use numbers described in the <u>California Code of Regulations, Title 14, Section 820.01 (e-g), 820.02 (e-h):</u>	
Other Participants (Agencies, OSRO's, etc.):	



This form is to be submitted to OSPR pursuant to CCR Title 14, Division 1 Subdivision 4, Chapter 3, Subchapter 3, Section 820.01 (d) and 820.02 (d). It shall be filled in and sent to OSPR. The CCR states, the "Administrator shall be provided an opportunity to help design, attend and evaluate all equipment deployment drills and tabletop exercises. To ensure this, Plan Holders shall give advance notice of a minimum of 30 days for equipment deployment drills and 60 days for all other in-state drills and exercises." One, drill/exercise per form unless an equipment deployment is scheduled on the same day as a tabletop exercise.

Include the following information.

Company Name: Name of company plan holder conducting the exercise.

Company Address: Street address of the facility in this exercise.

Facility Name: The official name of the facility or vessel. (Example : Facility Plan number E1-11-1111, Vessel Plan number 08-01-1111).

Point of Contact: Person who will be the primary contact for the exercise.

Exercise Date and Time: Date and time exercise will be conducted.

Exercise Location: Name and street address where the exercise will be held.

Type of Exercise: Is the exercise a Tabletop/Functional, Equipment Deployment, Unannounced or Other. Other, includes discussion based exercises, seminars or workshops which are starting points in exercise complexity. If it's an Equipment Deployment, is it for the first 6 months of the year or the second 6 months?

Level of Participation (optional): Who will be players during the exercise? Is it the local facility personnel or will other team members participate?

Level of OSPR ICS Participation: Do you want OSPR to fill specific positions within the Incident Command System? What is the name of the response software used during the exercise?

OSPR Design Team Participation: OSPR has drill coordinators and subject matter experts to help with the design of the drill.

Sensitive Sites Location, if any: California has 660 marine sensitive sites and numerous rare species and natural communities state-wide. Will the exercise involve deploying boom near a sensitive site?

Exercise Scenario Description: Brief description of the incident that will be used during the exercise.

Scenario: Latitude/Longitude, coordinates of the spill site in the scenario.

Objectives: Listing of the objective numbers in CCR Title 14, Section 820.01 (e-g), for production facilities, pipelines and railroad, 820.02 (e-h).

Other Participants: List of other agencies who are invited to participate in the exercise.



SAVE

PRINT

	Deployment date:	
	Facility, Pipeline, Railroad:	
	Deployment location(s):	
	Time started:	
	Time ended:	
<input checked="" type="radio"/> Y <input type="radio"/> N	Objective 1 – Notifications: Make actual notifications to the California Office of Emergency Services (CalOES) and document at the start of the drill.	
	Objective 2 – Staff Mobilization: Assemble sufficient staff to safely and effectively deploy the spill response equipment. <input type="checkbox"/> Sufficient <input type="checkbox"/> Insufficient	
<input checked="" type="radio"/> Y <input type="radio"/> N	Objective 3 – Safety: Conduct a safety briefing prior to deployment.	
<input checked="" type="radio"/> Y <input type="radio"/> N	Objective 4 – Equipment Deployment: Deploy equipment to meet the immediate containment strategies outlined in the contingency plan.	
<input checked="" type="radio"/> Y <input type="radio"/> N	Objective 5 – Communication: Provide appropriate communications to direct operations.	
1.	Facility owned equipment: <input type="checkbox"/> Deployed by facility personnel <input type="checkbox"/> Deployed by OSRO Which OSRO was used to deploy the equipment?	
2.	List type and amount of all equipment (e.g., boom size, overall height in inches and skimmers) deployed and number of support personnel employed:	
3.	Describe goals of the equipment deployment. Did it utilize strategies of the response plan? (Attach a sketch or photo of equipment deployments and booming strategies):	



4.	Were communications established between personnel? <input type="checkbox"/> Yes <input type="checkbox"/> No Vessel to shore? <input type="checkbox"/> Yes <input type="checkbox"/> No Vessel to vessel? <input type="checkbox"/> Yes <input type="checkbox"/> No Type of communications <input type="checkbox"/> Radio <input type="checkbox"/> Cellphone <input type="checkbox"/> Voice	
5.	For deployment of facility-owned equipment, was the amount of equipment deployed at <u>least</u> the amount necessary to respond to the facility's average most probable spill? Was the equipment deployed in its intended operating environment?	
6.	Are all facility personnel that are responsible for response operations involved in a comprehensive training program, and all pollution response equipment involved in a comprehensive maintenance program?	
7.	Was the equipment deployed by personnel responsible for its deployment in the event of an actual spill?	
8.	Was all deployed equipment operational? If not, why not?	
9.	Equipment Deployment (1 st 6 Months) <input type="checkbox"/> Pass <input type="checkbox"/> Fail Equipment Deployment (2nd 6 Months) <input type="checkbox"/> Pass <input type="checkbox"/> Fail	
10.	Reason for failure:	
11.	Attach description of lesson(s) learned and person(s) responsible for follow up of corrective measures.	
12.	Evaluators signatures and date signed:	

Note: Retain this form for a minimum of 3 years.

Questions or comments can be directed to the Drills and Exercises Unit at 916 445-9338.

For submissions, contact OSPR at osprdrills@wildlife.ca.gov or FAX 916 327-0907



This form is to be used to record the actions and comments during an equipment deployment drill. The drill is pass/fail. To pass, the following objectives must be met.

Objective 1 - Notifications: Actual "drill" notifications shall be made to the California Governor's Office of Emergency Services. The notifications shall be documented with the Cal OES Control #.

Objective 2 - Staff mobilization: Assemble sufficient staff to safely and effectively deploy the spill response equipment. Note the number of staff participating in the drill. Shore side and on-water.

Objective 3 - Safety: A safety briefing shall be conducted prior to deployment. Hazards identified, PFD's worn by all near the water.

Objective 4 - Equipment Deployment: Equipment shall be deployed to meet the immediate containment strategies outlined in their contingency plan. Equipment deployed in its intended operating environment and is operational.

Objective 5 - Communication: Appropriate communications shall be provided to direct operations. Communications established between shore and on water.

The equipment deployment shall take place in the first six months of the calendar year and is evaluated on a pass/fail basis. All five objectives must be successfully met. If the drill fails, a second drill shall be required in the second six months of the calendar year. Failure may be due to inability to deploy the boom within the time frame of the C-Plan, defective equipment or untimely Credit Requests.

1. Who owns the equipment deployed and who deployed it?
2. Boats, boom and number of employees involved in the deployment. Boom length and height in inches from the top of the floatation to bottom of the skirt.
3. Describe the objectives of the deployment, create a collection point or setup a diversion or deflection for a collection point or for protection of the shoreline.
4. Communications must be established for a safe deployment. What devices were used to communicate from shore to response vessels?
5. The equipment deployed is appropriate in length for initial response to an average most probable spill. Is the boom the correct type for the conditions where it is being deployed?
6. Note if this deployment is part of a training program. Are the participating employees the first responders?
7. If the facility operates 24 hours per day, are the employees of each shift trained to deploy equipment?
8. Operational, boat motors started promptly, boom was in operating condition, no tears or splits, if the boom is stored on a reel, was the reel operational?
9. Successful deployment during the 1st 6 months of the year means that the facility has met the requirements for the Office of Spill Prevention and Response. Failure to deploy and meet the five listed objectives means another equipment deployment must be scheduled for the second six months.
10. List the reason that the deployment was a failure.
11. List any lessons learned from the deployment. Who will be in charge of correcting the problem?
12. Signatures of the individuals observing the deployment.



Date of Drill/Exercise: _____

Name of Facility, Pipeline or Railroad Plan: _____

Type of Facility: Tier I Refinery Distribution Pipeline Railroad
 Tier II
 Tier III

Location of Drill/Exercise: At the Facility or Off-site Latitude _____ Longitude _____

Address: _____ Name of Street or Road _____

City or County: _____ Zip Code _____

Plan Number(s):	OSPR Representative(s):

Name of Submitter: _____

Address: _____ Name of Street or Road _____

City or County: _____ Zip Code _____

Type of Drill or Exercise: Tabletop/Functional Equipment Deployment 1st 6 Mos. of Year
 Unannounced Actual Spill Other _____ 2nd 6 Mos. of Year

Check the Objectives that were met during the exercise or spill.

<input type="checkbox"/> 1. Notifications	<input type="checkbox"/> 7.3 Containment & Recovery	<input type="checkbox"/> 8.3.2 Applied Response Technology
<input type="checkbox"/> 2. Staff Mobilization	<input type="checkbox"/> 7.4 Firefighting	<input type="checkbox"/> 8.4 Documentation
<input type="checkbox"/> 3. Incident Command System	<input type="checkbox"/> 7.5 Wildlife Recovery & Rehabilitation	<input type="checkbox"/> 8.5 Volunteer Management
<input type="checkbox"/> 3.1 Unified Command	<input type="checkbox"/> 7.6 Safety of Responders and Public	<input type="checkbox"/> 9. Logistics
<input type="checkbox"/> 4. Safety Officer	<input type="checkbox"/> 7.7 Shoreline Protection	<input type="checkbox"/> 9.1 Communications
<input type="checkbox"/> 5. Public Information Officer	<input type="checkbox"/> 8. Planning	<input type="checkbox"/> 9.2 Personnel Support
<input type="checkbox"/> 6. Liaison Officer	<input type="checkbox"/> 8.1 Situation Unit	<input type="checkbox"/> 9.3 Incident Command Post Equipment & Support
<input type="checkbox"/> 7. Operations	<input type="checkbox"/> 8.2 Resource Unit	<input type="checkbox"/> 10. Finance
<input type="checkbox"/> 7.1 Source Control	<input type="checkbox"/> 8.3 Environmental Unit	
<input type="checkbox"/> 7.2 Assessment	<input type="checkbox"/> 8.3.1 Waste Management	

See Instructions on Page 2 for Objectives required by Tier.

Equipment Deployment

<input type="checkbox"/> 1. Notifications	<input type="checkbox"/> 3. Safety	<input type="checkbox"/> 5. Communication
<input type="checkbox"/> 2. Staff Mobilization	<input type="checkbox"/> 4. Equipment Deployment	

All objectives must be met to receive credit for equipment deployment.

Authorized Representatives Name: _____

Date: _____

Note: One Form for Each Drill Conducted is Required.
 Please send request via FAX to (916) 327-0907
 or email to OSPRDRILLS@WILDLIFE.CA.GOV



INSTRUCTIONS

1. **The date** of the planned drill/exercise.
2. **The name** of the Facility/Plan holder conducting the drill/exercise.
3. **Type of Facility:**
 - Tier I** (production facilities with an average daily oil production of 100 barrels or greater from all producing wells connected to the facility). Refinery Distribution Pipeline Railroad
 - Tier II** (production facilities with an average daily oil production of 20.0 – 99.9 barrels from all producing wells connected to the facility).
 - Tier III** (production facilities with an average daily oil production of 10.0 – 19.9 barrels from all producing wells connected to the facility).

Any inland Facility not otherwise listed in any of the Tiers above shall by default be a Tier I facility. However, the Administrator may on a case-by-case basis determine that a different Tier is more appropriate for a particular facility.
4. **Location of the drill/exercise.** Is it at the facility or will it be offsite at a different location?
5. **Address of the Drill/Exercise.** The street address of the drill/exercise. If available, latitude or longitude.
6. **List of the Contingency Plan** numbers participating in the exercise. Use additional sheets if more than 4. OSPR personnel at the exercise.
7. **The name of the person** who is submitting this form for credit.
8. **Address** of submitter.
9. **Type of the exercise** or was it an actual spill. **Tabletop/Functional** (an exercise as realistic as possible without deploying resources); **Equipment Deployment** (actual physical deployment of boom, response vessels, backhoe, bulldozers, vacuum trucks etc.). **Unannounced** (the drill or exercise was not on the calendar, it may have been called by another agency); **Actual Spill** (see 820.02 (l)(3), "Actions taken in response to an actual spill in California may be considered for drill/exercise credit"; **Other** (discussion-based exercises, seminars or workshops which are starting points in exercise complexity). **Full-scale exercises**, such as PREP exercises are also classified as "other".
10. **Check the Objectives** that were met during the exercise. See item 11 to determine required Objectives.
11. **Tier I** - All Objectives must be tested.
 - Tier II** - All Objectives **except**, **7. Safety of Responders and Public**, **7.7 Shoreline Protection**, **8.3.2 Applied Response Technology**, **8.5 Volunteer Management**, and **9.3 Incident Command Post Equipment and Support**.
 - Tier III** – **Only** Objectives **1. Notifications**, **2. Staff Mobilization**, **3. Incident Command System**, **4. Safety**, **7. Operations**, **8. Planning**, must be tested during tabletop exercises.
12. The Plan Holder shall provide written (hard copy or electronic) documentation supporting the objectives tested (e.g., ICS Form 201, Site Safety Plan, Waste Management Plan, Communications Plan, Incident Action Plan, etc.), as appropriate, in order to be eligible for credit from OSPR for any drill/exercise conducted. All documentation is subject to verification by the Administrator, including confirmation of participation of personnel listed.
13. **Equipment Deployment**, all 5 Objectives must be completed to pass. If the 5 are met, the second deployment does not need to be conducted.

Note: One Form for Each Drill Conducted is Required.
Please send request via FAX to (916) 327-0907
or email to OSPRDRILLS@WILDLIFE.CA.GOV