

**Department of Fish and Wildlife
Office of Spill Prevention and Response**

GUIDANCE DOCUMENT

For use in the preparation of

Contingency Plans

Drills and Exercises

Title 14, CCR Section 820.02

BACKGROUND

The *Lempert-Keene-Seastrand Oil Spill Prevention & Response Act* [the Act; Gov. C. §8670.1 *et seq.*; significantly amended in 2014 by Senate Bill 861 (SB 861)] requires the Administrator for oil spill response, acting at the direction of the Governor, to ensure the State fully and adequately responds to all oil spills in state waters and to represent the State in any coordinated response efforts with the federal government. The goal and purpose of the Act is for the Administrator to provide for the best achievable protection of waters of the state from oil spills. This includes establishing and periodically revising a California Oil Spill Contingency Plan that provides integrated and effective coordination for state agencies to address the results of major oil spills.

The Administrator must implement activities relating to oil spill response, such as emergency drills for preparedness, oil spill containment and cleanup, and financial responsibility. This also specifically includes adopting and implementing regulations governing the adequacy of oil spill contingency plans that must be prepared and implemented by vessels and facilities that could spill oil into state waters.

The Administrator has the primary authority to direct prevention, removal, abatement, response, containment, and cleanup efforts with regard to all aspects of any oil spill in waters of the state. This includes authority over the use of all response methods, such as *in situ* burning, dispersants, and other oil spill cleanup agents in connection with an oil discharge. The Administrator must cooperate with any federal on-scene coordinator, as specified in the National Contingency Plan.

The Administrator is required to establish a network of rescue and rehabilitation stations for wildlife injured by oil spills in waters of the state, including sea otters and other marine mammals. This network is known as the Oiled Wildlife Care Network (OWCN), and is administered through the Wildlife Health Center at the University of California, Davis. If a plan holder has a spill that injures wildlife, plan holders are encouraged to use a local OWCN facility if there is one in the area.

Owners or operators of facilities that have the potential to spill oil into state waters are required to prepare and submit an oil spill contingency plan (C-plan) to the Office of Spill Prevention and Response (OSPR) for approval. [Ref. CA Government Code §§8670.28, 8670.28.5, 8670.29, 8670.30.5, and 8670.31] Contingency plans are prepared and used for response activities in the event of an oil spill or threatened spill into waters of the state. The Act authorizes the Administrator to require that contingency plans provide for best achievable protection taken and that sufficient response resources are capable of arriving on-scene and equipment deployed within a certain timeframe for effective containment and response.

DISCLAIMER

The purpose of the guidance document is to assist owner/operators in complying with the oil spill contingency plan (C-plan), drills and exercises, financial responsibility and other requirements established by the Office of Spill Prevention and Response. C-plans are mandated for certain vessels and facilities by the *Lempert-Keene-Seastrand Oil Spill Prevention & Response Act* (the Act; Gov. C. §8670.1 *et seq.*), which was significantly amended in 2014 by Senate Bill 861 (SB 861).

This document does not contain specific requirements, nor does it replace any statutory requirements established by the Act, SB 861 amendments, or regulations promulgated to implement the Act and SB 861 amendments. This guidance document helps explain how to comply with the Act and the implementing regulations. However, all applicable laws and regulations should be read before using this guidance document for the preparation of C-plans.

All guidance documents can be obtained by visiting our website at

<http://www.wildlife.ca.gov/OSPR/Preparedness/Inland-Facilities-Contingency-Plan>.

Guidance documents may be updated periodically without notice, as necessary, to reflect any changes in applicable laws or regulations. Comments or questions regarding a guidance document should be addressed to the OSPR Branch listed on the specific guidance document.

INTRODUCTION

All facilities required to develop and submit contingency plans pursuant to Title 14, California Code of Regulations Sections 817.04, are also required to participate in drills and exercises to ensure the plan will function in an emergency. This document is designed to provide plan holders and preparers additional information regarding drills and exercises.

Facilities:

Facilities have been grouped into the following Tiers based on a determination of risk.

- Tier I Facilities include the following: production facilities with an average daily oil production of 100 barrels or greater from all producing wells connected to the facility; refineries
- distribution pipelines
- Railroad
- Tier II Facilities include the following:
 - 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 include the following:
 - 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 designated by the Tiers provided above shall be designated a Tier I facility. However, the Administrator may on a case-by-case basis determine that a different Tier designation is more appropriate for a particular facility. This may occur following OSPR inspection of the facility or by written request providing a justification by the plan holder for a reconsideration of a Tier designation..

FACILITY OWNER/OPERATOR DRILLS AND EXERCISES

A facility owner/operator is required to conduct drills and exercises to ensure that their contingency plan will function in an emergency. Each plan is required to describe the facility's drill/exercise program. Required elements are as follows:

- (A) An annual (one per calendar year) tabletop exercise of the facility's spill management team.
- (B) Quarterly notification drills, including actual calls to the qualified individual (QI), the response contractors (Oil Spill Response Organization), and the spill management team (internal or contracted);

- (C) A semiannual (during the first six months of the calendar year) drill to test the deployment of facility-owned equipment.

If drill credit is desired, the facility owner/operator must invite the Administrator to participate. This is accomplished by submitting a completed form DFW 1964 (which can be found on the [OSPR website](#)) at least 30 days in advance of a drill or at least 60 days in advance of an exercise. Consult the [OSPR Calendar](#) and/or a drill coordinator to identify dates that are available. OSPR may provide personnel to assist with and evaluate either tabletop or equipment deployment drills, as necessary.

After each drill/exercise, the owner/operator shall conduct a “hot wash” or debrief, recording best practices and lessons learned.

Within 60 days of the drill’s/exercise’s completion, the plan holder must submit a request for credit (DFW 1969, which can be found on the OSPR website), along with all supporting documentation and “hot wash” results, to the Administrator.

The Administrator will determine whether elements of the plan were adequately tested and issue an approval letter, listing objectives that were met. Credit will be based on the objectives established in Sections 820.02 (f)-(i). If necessary, a report may be prepared and provided, evaluating the performance of participants and identifying areas for improvement.

The facility owner/operator is required to maintain records sufficient to document any drill/exercise for three years following the completion of the event. All such documentation must be made available to the Administrator upon request.

SPILL MANAGEMENT TEAM TABLETOP EXERCISES

Discussion-based exercises are a starting point in exercise complexity and may be used to test a few specific objectives in great detail. Functional exercises are more commonly used and employ Incident Command Post role-play. The expectation is for facility plan holders to progress from discussion-based to functional events. The full-scale exercise is the most complex, closely simulating a real event by engaging players in functional roles, both in the Incident Command Post and in the field (e.g., deploying equipment or other mobile resources, taking samples, simulating Shoreline Cleanup Assessment Team (SCAT) activities, etc.).

OSPR highly recommends assembling a Design Team in order to maximize exercise effectiveness. Design Team members should include facility personnel, response contractor(s), federal regulators (EPA), and OSPR. Depending on the size and scope of the exercise, other members may be included and the team should meet between 2 and 4 times in the preceding months and weeks. Design Team members should not be exercise players. Activities of the Design Team generally include, but are not limited to,

the following: identifying goals and objectives, scripting the spill scenario, developing the Master Scenario Events List (MSEL) / injects, arranging logistics, and conducting outreach to potential participants. This type of planning allows exercise participants to focus on demonstrating their knowledge of the plan and ability to respond according to it, while evaluators can keep track of objectives as they are met.

Exercise objectives for Tiers I, II, and III are listed in Sections 820.02 (f), (g), and (h), respectively. Tiers were developed considering facility size and potential spill volume, in order to base expectations on risk. While exercises may be designed to test either individual components of the plan or the entire response plan, such exercises, individually or in combination, shall ensure that each objective is successfully tested at least once every three years. In order to meet objectives containing specific deliverables, the identified product(s) must be completed. OSPR evaluators will track these, as well as the following measures.

Each member of the facility's spill management team must be trained in and be familiar with the responsibilities and authorities of their position and how they interact within the Incident Command System structure. During the exercise, each member of the team must demonstrate an understanding of the responsibilities of his/her assigned position(s), as per the facility plan. In some cases, a single person may fill more than one position.

An Incident Command Post capable of supporting the response must be established; considerations include internet and electrical accommodations, support equipment, security, and overall room size(s) (including tables, chairs, wall space, etc.).

The team's response activities are expected to follow the operational "Planning P," using a posted meeting schedule (ICS Form 230) and agendas as per the EPA Incident Management Handbook. Meetings should be attended only by the appropriate personnel. Conducting meetings in front of an audience (e.g., observers or other responders) is an option; however, the audience should not participate.

All plans, press releases, and documents developed during the exercise must be reviewed and approved by the Unified Command, typically comprised of representatives from the Responsible Party (facility), the federal government (EPA or USCG, as appropriate), and the state (OSPR). In some cases, a local government representative may also be included.

The spill management team must demonstrate a working knowledge of applicable ICS Forms and their appropriate use. For example, correct forms should be used for resource ordering and tracking, work assignments, and activity logs. All documents generated and forms completed should be collected at the conclusion of the exercise for use in supporting the credit request. As mentioned previously, exercise documentation should be maintained at the facility for no less than three years.

QUARTERLY NOTIFICATION DRILLS

Except for the notification to local, State, and Federal agencies, the appropriate notifications described in the facility response plan must be made within the time frames and priorities specified in the facility response plan. The notifications must be attempted in the order of priority outlined in the response plan. At a minimum the facility must contact the Qualified Individual (QI), the proper Oil Spill Response Organization (OSRO), and the spill management team.

The person(s) making the notifications must be familiar with and able to explain in detail what information is required to be reported. The person or office responsible for the reporting process and the information reporting requirements are contained in the facility response plan.

A request for credit is not necessary for a Quarterly Notification Drill. Records detailing who was notified by whom and at what time shall be kept at the facility for three years. These records must be made available to the Administrator upon request.

The recipient of the “notification call” should also keep a verifiable written record of all calls concerning both drill and spill notifications received.

SEMI-ANNUAL EQUIPMENT DEPLOYMENT DRILLS

Semi-annual equipment deployment drills are intended to test facility-owned (as opposed to contractor-owned) equipment. The most effective drills include a detailed spill scenario and realistic timeframes. Equipment may be deployed by facility or contracted personnel.

In order to pass a drill, the following criteria must be met:

- (1) State (CalOES) notification is made within the required time frame;
- (2) sufficient, trained staff are mobilized;
- (3) a safety briefing is conducted for all responders on scene;
- (4) appropriate response equipment is in good working condition and is deployed in accordance with planning times and any immediate containment strategies specified in the facility response plan; and,
- (5) effective communication is demonstrated among response personnel.

Evaluators will use the form DFW 1965 (which can be found on the OSPR website). If any one of the objectives does not pass, the whole drill fails. A second drill during the second six months of the calendar year must then be scheduled and must pass, in order to remain in compliance.

Federal Area Plans may be useful in making appropriate action determinations.

SUBSTITUTION

Per Section 820.02(m), an unannounced drill or exercise called by OSPR, U.S. Environmental Protection Agency or another local, state, or federal agency may be used to satisfy the Equipment Deployment Drill or annual Spill Management Team Tabletop requirements under the following conditions:

- Credit request is submitted per regulation, within 60 days.
- Objectives are met. For Equipment Deployments, see Subsection (i). For Tabletops, reference Subsections (f), (g) and (h).
- Adequate documentation is provided (to accompany DFW 1969).

Actions taken in response to an actual spill in California may also be considered for drill/exercise credit. OSPR staff must have responded to the incident. Credit may be granted upon request of the plan holder if all of the conditions contained in Section 820.02 (m)(3) are met.