

**CALIFORNIA CODE OF REGULATIONS
TITLE 14, DIVISION 1
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

[New Section]

Draft Amendments May 3, 2016

820.02 Drills and Exercises

(a) Applicability: The Drills and Exercises requirements in this section apply to the Inland Facilities. ~~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 the Inland Facility owner or operator is exempted from contingency plan requirements pursuant to Section ~~817.04.s 817.01(b), 817.04(b) and (c), 818.01(b), or 827.01(b).~~

As used in this section only:

- o Tier I Facilities are:
 - o ~~P~~roduction ~~F~~acilities with ~~an average daily oil production a RWCS volume~~ of 100 barrels or greater ~~from all producing wells connected to the facility~~;
 - o ~~R~~efineries;
 - o ~~distribution p~~ipelines; and
 - o ~~R~~ailroads
- o Tier II Facilities are:
 - o ~~P~~roduction ~~F~~acilities with ~~an average daily oil production a RWCS volume~~ of 20.0 – 99.9 barrels ~~from all producing wells connected to the facility~~.
- o Tier III Facilities are:
 - o ~~P~~roduction ~~F~~acilities with ~~an average daily oil production a RWCS volume~~ 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, t~~The Administrator may on a case-by-case basis determine that a different Tier is more appropriate for a particular any facility.

(b) Equipment Deployment Drills and Tabletop Exercises (as defined in Section 790) shall be designed to exercise either a ~~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~~ annually.

2. Any number of objectives as described in Subsection (f e) may be tested during the required exercises.

3. Over a three year period, each objective as described in Subsection (f e) 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). For blanket plans, each facility shall complete these drills.

(C) For Tier I Facilities that are relying on their own on-water 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 (f h) 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 f) may be tested during the required exercises.

3. Over a three year period, each objective as described in Subsection (g f) 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 SMT~~. For blanket plans, each facility shall complete these drills.

(C) For Tier II Facilities that are relying on their own on-water 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 (f h) 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 (f g) are to be tested and successfully met within a calendar year.

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~~SMT. For blanket plans, each facility shall complete these drills.

(C) For Tier III Facilities that are relying on their own on-water 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 (f h) 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 c) 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 d) Scheduling & Design: Drills and exercises 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 Tabletop 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>.

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

(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 <https://www.wildlife.ca.gov/OSPR/Preparedness/Drills-Exercises-Forms> <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~~ Only two in-state Tabletop Exercises are allowed to be scheduled per weekday. However, the Administrator may allow additional ~~drills/exercises~~ Tabletop Exercises to be scheduled on a case-by-case basis.

(5) Equipment Deployment Drills as required in (b) 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 or /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 or /exercises to be rescheduled on a case-by-case basis.

(f e) Tier I Facility Tabletop Exercise Objectives

Tabletop Eexercise 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 g) 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.

| (#h) 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 on-water containment strategies outlined in the contingency plan. Equipment identified in the plan must be rotated each year so all equipment is tested over the three year period.

(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 and /Exercise Documentation and Credit

(1) Documentation: 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 or /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> <https://www.wildlife.ca.gov/OSPR/Preparedness/Drills-Exercises-Forms>), incorporated by reference, shall be submitted to provide documentation for drill credit.

~~(2)(A)~~ 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 drills or exercises.

~~(3)(B)~~ 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)(2)~~ Drill and /Exercise Credit:

~~(1) OSPR's~~ To request credit, the Request for Drill/Exercise Credit – Inland Form (DFW 1969 (02/20/15) ~~located at:~~ <http://www.dfg.ca.gov/ospr/Drill-Forms.aspx> <https://www.wildlife.ca.gov/OSPR/Preparedness/Drills-Exercises-Forms>), 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 or /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)(A)~~ The Administrator will audit all documentation, ~~as outlined in Subsection (i)~~, to determine whether objectives were successfully met commensurate with drill or exercise scenario and scope, and verify that the drill or exercise was done in accordance with the credit request. The Administrator shall issue a credit approval letter or a report of deficiencies to the Plan Holder.

~~(3)(B)~~ For Tabletop Exercises only, any objectives not successfully met, the Administrator may require an additional exercise within six months 90 days of an exercise's completion after the Plan Holder receives an exercise letter or report from the Administrator.

~~(4)(C)~~ Any additional inadequacies noted by the Administrator must be addressed ~~in writing~~ by the Plan Holder ~~within 60 days of~~ pursuant to subdivision paragraphs (e)(1)(C)-(E) of Section 817.04, after receipt of notice of the inadequacies. Remedies to the noted inadequacies may include, but not be limited to, any necessary changes to the plan, corrected contact information, any changes in contracted or owned response resources, and/or changes in or additions to training, ~~and/or the need for additional drills or exercises~~.

(D) The Equipment Deployment Drill is evaluated on a pass/fail basis. All objectives outlined in subsection (h) must be successfully met. If the first drill fails, a second drill shall be required in the second six months of the calendar year pursuant to (d)(5).

~~(5)(E)~~ For Quarterly Notification Drills, the request for credit is not required; however, documentation shall be maintained, as outlined in subsection ~~(j)(3)~~ (i).

~~(4)~~ (j) Reconsideration and Hearing Procedures

(1) Request for reconsideration: The Plan Holder may request reconsideration of a ~~an~~ drill or 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 or exercise report.

(C) The request for reconsideration shall state the reason~~(s)~~s for the reconsideration, including presenting any new information or facts pertinent to the issue~~s~~(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 request a hearing in writing; 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- k)~~ Substitution

(1) Unannounced Equipment Deployment Drills

An unannounced Equipment Deployment 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 h)~~; and

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

(2) Unannounced Tabletop Exercises

An unannounced Tabletop 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 g); and

(C) The Plan Holder submits a credit request, including documentation as outlined in Subsection (j i), 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 or exercise credit. Credit may be granted upon request of the Plan Holder if all of the following conditions are met:

1. For Equipment Deployment Drill 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 a OSPR-approved~~ contingency plan approved by Administrator, 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 i), 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 g); and
 - iii. The response was carried out in accordance with ~~an OSPR-approved a~~ contingency plan approved by Administrator, 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 i), 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 or /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.