

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE
OFFICE OF SPILL PREVENTION AND RESPONSE

INITIAL STATEMENT OF REASONS
including
ECONOMIC IMPACT ASSESSMENT

Title 14, California Code of Regulations
Adopt Section 820.1;

Repeal Sections 820.01 and 820.02;

Amend Sections 815.01, 817.02, 817.03, 817.04, 818.02, 818.03, 819.03, 827.02, 830.6

Date of this Initial Statement of Reasons: January 20, 2022

I. Description of Regulatory Action

The California Department of Fish and Wildlife, Office of Spill Prevention and Response (OSPR) is proposing to adopt through this regular rulemaking a consolidation of two similar regulations pertaining to the requirements for vessels, mobile transfer units, and marine and inland facilities to initiate and participate in equipment deployment drills and tabletop exercises in preparation for potential oil spills into state waters (referred to here as Drills and Exercises).

General Background

The Lempert-Keene-Seastrand Oil Spill Prevention and Response Act [Chapter 1248, Statutes of 1990) (Act)], created a comprehensive state oil spill program for marine waters. Among its many provisions, the Act authorized the Administrator to create regulations which ensure the development of oil spill contingency plans for vessels, mobile transfer units, and marine facilities. These plans are to be used to prepare for the response effort that would be necessary in the event of a discharge of oil into the marine waters of the state. The Act authorizes the Administrator of OSPR to require that all necessary prevention measures are taken, and that sufficient response capability is available to handle a reasonable worst-case oil spill.

Additionally, the Administrator is required to establish regulations that provide for the best achievable protection of the coastal and marine resources and ensure that all areas of the coast are at all times protected by prevention, response, containment and clean-up equipment and operations. The marine drills and exercise regulations implementing the Act have been in place since the 1990's (Title 14 California Code of Regulations § 820.01).

In 2014, Senate Bill 861 was signed by the Governor and took effect immediately. It created a statewide oil spill prevention, preparedness, and response program by expanding the long-standing marine program to apply to operators of *inland* facilities

that pose an oil spill threat to inland surface waters. The regulations to implement this bill were adopted in 2018 (Title 14 California Code of Regulations § 820.02).

II. *Problem the Regulatory Action Intends to Address* [Government Code section 11346.2(b)(1)]

Currently, separate Drills and Exercise regulations exist for vessels, mobile transfer units, and marine facilities (14 CCR § 820.01) as well as for inland facilities (14 CCR § 820.02). The OSPR drills and exercises unit has faced several challenges posed by enforcing these separate regulations, and harmonizing them has been discussed since the adoption of the inland regulations in 2018. In addition to harmonizing these regulations to encompass all marine and inland plan holders, this opportunity is also being used to streamline, add more specific language, remove subjectivity and vagueness, provide clarity, standardize language and consistency, and integrate lessons learned from evaluating drills and exercises. This also includes reducing and redesigning the forms required by these sections to increase efficiency and clarity.

Currently, there is no requirement for any marine or inland plan holders to use federally created Incident Command System (ICS) forms, which are the forms integrated with the *Incident Management Handbook* (IMH, as defined in section 790) that is utilized by the U.S. Coast Guard, U.S. EPA, and state agencies such as OSPR, for managing an oil spill. Integrating into the Incident Command System is currently required for all plan holders [14 CCR § 820.01(e)(3), 820.01(f)(3), 820.02(f)(3), 820.02(g)(3), and 820.02(h)(3)]; more detailed information is provided later in this Initial Statement of Reasons [14 CCR § 820.1(c)(3), (d)(3), and (e)(3)]. This lack of standardization has resulted in myriad plan holders and consultants having their own versions of the IMH and ICS forms. This defeats the purpose of ICS, which is for everyone involved in a spill or exercise, regardless of affiliation, to speak the same organizational language. Lessons learned from exercises and actual spills have indicated the disconnect caused by this flexibility leads to confusion, miscommunication, and ultimately results in delayed response activities as compared to when the same organizational language is being utilized by all responders, regardless of their affiliation. These regulations will ensure that all plan holders are speaking the same organizational language as currently implemented by the federal and state agencies involved in oil spill response.

Although the current sections 820.01 and 820.02 are being repealed in this rulemaking and replaced by this proposed merged section 820.1, many of the provisions and concepts have not changed. The result refreshes and realigns the Drills and Exercises regulations that now apply to all plan holders, regardless of the type of waters of the state they may impact, which also makes the regulations and associated forms more user-friendly for both OSPR and all plan holders.

III. Purpose, Rationale, and Necessity for the Amendment, Addition, or Repeal of the Regulations [Government Code section 11346.2(b)(1)]

Government Code sections 8670.5, 8670.7.5, 8670.10, 8670.28, 8670.29, grant the Administrator of OSPR the authority to adopt regulations and guidelines regarding drills and exercises. The proposed regulations implement, interpret, and add specificity to the provisions of Government Code sections 8670.7, 8670.10, 8670.28, 8670.29, 8670.31.

The following identifies and sets forth a discussion of each added, amended, or repealed regulatory provision proposed in this rulemaking action and why each provision is reasonably necessary to carry out the purpose and addresses the problem for which it is proposed.

Adopt Section 820.1. – Drills and Exercises – Facilities, Vessels, and Mobile Transfer Units.

Adopting section 820.1 is intended to merge and replace sections 820.01 and 820.02 of subchapters 3.5 and 3.7, respectively.

Throughout these proposed regulations, OSPR incorporates by reference a number of ICS forms. The ICS forms incorporated here are federally created, are used nationally, and are part of the National Preparedness for Response Exercise Program (PREP) guidelines. The U.S. Coast Guard and U.S. EPA use these forms during spill response and for exercises; they are the standard by which any oil spill is organized and documented. These forms have been used for many years and are well known by industry. It is crucial that all response personnel can efficiently identify and communicate issues and solutions using a common language and problem-solving management structure, which the ICS forms provide; therefore, it is necessary to require use of the U.S. Coast Guard and U.S. EPA ICS forms so all response personnel, regardless of their affiliation, will be able to communicate effectively.

These forms are integrated with the IMH for managing an oil spill. The IMH is published by both the U.S. Coast Guard and U.S. EPA. The forms are readily available, for free, on the websites of OSPR, the U.S. Coast Guard, the Federal Emergency Management Agency (FEMA), and other federal agencies, and can be provided upon request from OSPR.

Subsection (a)

Purpose: The purpose of subsection (a) is to describe the applicability of these regulations and to identify and define terms specific to these regulations. The applicability and requirements largely remain unchanged for both marine and inland plan holders. The most notable difference is the adoption of the three tiers utilized for inland exercises by marine plan holders.

When describing the applicability of these regulations, the following terms are used:

Term	Group Includes:
Marine plan holders or marine contingency plans	Marine facilities, small marine fueling facilities, all vessels, mobile transfer units
Inland plan holders or inland contingency plans	Inland facilities
All or any existing plan holders	marine plan holders, inland plan holders

Table 1. Defines the groups of plan holders or contingency plans included in a specific term.

Necessity: Subsection (a)(1) describes the intent and general applicability of these regulations and to identify the marine and inland plan holders to whom these drill and exercise requirements apply. The applicability of these regulations is unchanged for all existing plan holders.

Subsection (a)(2) describes how the state is divided for drill and exercise scheduling and attendance purposes. These boundaries were developed by OSPR in response to the 2014 statutory mandates of Senate Bill 861 expanding OSPR's jurisdiction to inland environments. These boundaries were identified because they equally distribute ports, response areas, and field response team staff while preserving boundaries for marine area contingency plans and response planning areas. The counties composing each region are listed for clarity. These regions are currently being utilized for drills and exercises and are not new to any of the existing plan holders.

Subsection (a)(3) describes the predetermined exercise requirement categories for marine and inland contingency plan holders. Categorizing oil spill contingency plans in tiers is not new to inland plan holders; the tier system, tier determination by reasonable worst-case spill volume in barrels, and barrel values of those tiers are maintained from section 820.02(a)(2).

It has been a long-standing practice to refer to marine contingency plans as tier I (marine facilities and all vessels) or tier II (small marine fueling facilities and mobile transfer units). These proposed new regulations (14 CCR 820.1) will incorporate marine contingency plans into the existing inland tier system to facilitate consistency, clarity, and brevity in a way that best represents their current drill and exercise requirements from section 820.01. Marine facilities will be categorized based on their reasonable worst-case spill volume in barrels, consistent with their inland counterparts. All vessels will be tier I to match current requirements, where all marine facility objectives and two additional vessel-only objectives must be successfully met. Mobile transfer units will be tier III due to their relatively low reasonable worst-case spill volume, akin to the risk posed by inland tier III facilities.

Subsection (a)(4) provides the Administrator flexibility to recategorize a plan holder to a more appropriate tier to provide best achievable protection of waters and natural resources and ensure public safety, pursuant to sections 8670.5, 8670.7, and 8670.28 of the Government Code. Substantively, this provision is not new to any of the existing plan holders.

Subsection (a)(5) describes the Administrator's authority to require a drill or exercise at any time to test the oil spill contingency plan, pursuant to section 8670.7 of the Government Code. An additional drill or exercise would be required if a plan holder does not successfully achieve one or more mandatory objectives, pursuant to subsections (c) through (f), during a required drill or exercise. This requirement will not be new to any of the existing plan holders. [14 CCR § 820.01(a) and 820.02(k)(2)(C)]

Subsection (a)(6) defines terms that are applicable specifically to these regulations. These terms are defined to increase clarity and brevity throughout.

The term "CalTriVEX" only applies to vessel plans and is therefore not applicable to marine facility, small marine fueling facility, mobile transfer unit, or inland plan holders. CalTriVEX is a term currently being used for in-state, triennial, large-scale exercises required by vessels and is defined here for clarity.

The term "CoreVEX" refers to an exercise that tests only the core objectives that are common throughout all vessel exercises, and is therefore not applicable to marine facility, small marine fueling facility, mobile transfer unit, or inland plan holders. In section 820.01(k)(2), plan holders hosting exercises out-of-state may substitute that exercise for their annual in-state requirement in years where a CalTriVEX is not required. The vast majority of vessel plan holders do business (and therefore exercise) out-of-state and take advantage of this option; but, this option is not available to vessel plan holders only doing business within the state of California, who are therefore required to hold an annual tabletop exercise with OSPR. Drill coordinators are unable to evaluate out-of-state exercises in-person and reviewing documentation submitted with the out-of-state request for credit does not yield evaluation results comparable to in-person evaluations. To remedy this inconsistency, out-of-state exercises will no longer be a substitute for non-CalTriVEX annual exercises; instead, all vessel plan holders will be required to have a CoreVEX, where the two core response objectives are tested and achieved [proposed 14 CCR § 820.1(c)(12)(A)]. This requirement is necessary to make evaluating non-CalTriVEX exercises consistent regardless of whether they are held in-state or out-of-state.

The term "Drill Coordinator" is used to specify the Administrator's designee for plan holders to contact with questions and follow-up. The inclusion of this term is aimed at streamlining communication between OSPR and plan holders.

The term "Drills and Exercises Unit" is defined for clarity and to specify the program within OSPR that is responsible for managing drills and exercises.

The term “Mandatory Objective” is defined for clarity and brevity throughout these regulations, and to specify exactly which objective(s) are being referred to when requirements in other subsections will apply.

The term “OSPRIE” is used to specifically refer to unannounced events that are initiated by OSPR, which are the only type of unannounced event that will be eligible for drill or exercise credit by OSPR pursuant to this subchapter. Currently, plan holders can request drill or exercise credit from OSPR for a Government Initiated Unannounced Exercise planned by a regulating federal agency. With OSPR’s drill and exercise requirements (14 CCR § 820.01 and 820.02) being more rigorous than, but not in conflict with, federal regulations, plan holders would mostly be unable to obtain drill or exercise credit from OSPR. To remedy this, and to incorporate drill and exercise requirements for rated oil spill response organizations (pursuant to subchapter 3.5) and certified spill management teams (pursuant to subchapter 5), OSPR will initiate unannounced events that test plan holders commensurate to OSPR requirements to increase the likelihood plan holders will be able to receive drill or exercise credit and alleviate some financial burden associated with a scheduled drill or exercise.

The term “Sensitive Site” is used to clearly identify the resources that are expected to be considered for protection during actual spills, and therefore exercises. The area contingency plans and geographic response plans have been and continue to be utilized by federal, state, and local agencies as well as plan holders to identify the environmental and economic resources that may be at risk due to an oil spill. It is necessary to include in order to clarify for any new plan holders where this information resides. The National Historic Preservation Act of 1966 (NHPA) sets the federal policy for preserving our nation’s heritage and established partnerships and programs to preserve its historical and cultural foundations. Reference to the NHPA clarifies the historic and cultural/tribal resources that may be at risk due to an oil spill.

Subsection (b)

Purpose: The purpose of subsection (b) is to describe the type and frequency of the drills, exercises, and additional notifications required by these regulations.

Necessity: Subsection (b) is necessary to describe the type and frequency of the various required drills, exercises, and additional notifications in a way that maximizes clarity of all the requirements.

Subsection (b)(1)

Subsection (b)(1) describes the frequency for tabletop exercises for all plan holders. The type and frequency of drills, and additional notifications will not change for any existing plan holders.

Subsection (b)(1)(A) describes an exercise requirement for existing plan holders operating in multiple regions. This does not change the frequency of the current

exercise requirement [14 CCR § 820.01(a)(1)(A)1., 820.01(a)(3)(A)1., 820.02(b)(1)(A)1., 820.02(b)(2)(A)1., and 820.02(b)(2)(A)1.] since no additional exercise will be required. Rather, it will require plan holders to rotate the location of their annual exercise to test their spill response capabilities in every region they operate to increase preparedness and test identification and contact of local stakeholders and resources. This will be a new requirement in response to plan holders currently operating in multiple regions or with multiple assets that decline to hold exercises to test their capabilities in various locations included in their contingency plan. Since natural resources and stakeholders are highly variable throughout the state, requiring plan holders to test their capabilities in all applicable locations would increase preparedness and response effectiveness, and therefore also increase natural resource protection and communication with stakeholders.

Subsection (b)(1)(B) describes an exercise requirement for vessel plan holders (this requirement does not apply to marine facility, small marine fueling facility, mobile transfer unit, or inland facility plan holders). This does not change the frequency of the current exercise requirement [14 CCR § 820.01(a)(2)(A)1.] since an exercise will still be required annually; rather, it updates the requirement to clarify the current CalTriVEX requirement and ensure non-CalTriVEX exercises are held and evaluated consistently for all existing vessel plan holders, regardless of whether they operate out-of-state or not.

A CalTriVEX is a triennial exercise where all objectives must be successfully achieved; this is not a new requirement for any existing vessel plan holders [14 CCR § 820.01(a)(2)(A)2.] and will be included here for clarity. For non-CalTriVEX years, it is necessary to remove the out-of-state substitution option that is available to the majority of, but not all, vessel plan holders and replace it with an exercise that tests only the core objectives that are common throughout all exercises; this type of exercise will be called “CoreVEX”. This will allow all vessel exercises to be evaluated equally, regardless of the scope or location of the exercise being held.

Subsection (b)(2)

Subsection (b)(2) describes the applicability of equipment deployments to identify which contingency plans must practice deploying equipment with OSPR; the applicability will not change for any existing plan holders [14 CCR § 820.01(a)(1)(C), 820.01(a)(3)(C), 820.02(b)(1)(C), 820.02(b)(2)(C), and 820.02(b)(3)(C)]. This subsection also describes the frequency of equipment deployments, which will not change for any existing plan holders [14 CCR § 820.01(a)(1)(C), 820.01(a)(3)(C), and 820.02(d)(3)].

Subsection (b)(3)

Subsection (b)(3) describes the frequency of additional notifications, provides reference to the Notification objective to provide context for the term “additional notifications”, and describes specific requirements for plan holders operating in multiple regions. It also provides an alternate way for plan holders to meet the quarterly notifications

requirement, which is not currently available to any existing plan holders and is intended to offset the financial burden to maintain compliance with these regulations.

Subsection (A) describes the quarterly notification requirement, which applies to all existing facility plan holders. The requirement to test spill notifications quarterly will not be new for any existing facility plan holder (including mobile transfer unit) [14 CCR § 820.01(a)(1)(B), 820.01(a)(3)(B), 820.02(b)(1)(B), 820.02(b)(2)(B), and 820.02(b)(3)(B)]. For contingency plan holders operating in more than one region or with multiple assets, the current requirement is for staff at each facility to make notifications each quarter. The change described in these proposed regulations would require staff at a facility in each region to make the notifications each quarter. This is designed to minimize the burden for plan holders and OSPR in ensuring compliance while still requiring plan holders to test notifications across different areas of operation for spill preparedness. Counting successfully achieved notifications at a drill or exercise toward the applicable quarterly notifications will also minimize the burden for plan holders while still addressing ongoing issues with notifications.

Subsection (B) describes the vessel notification requirement, which applies to all existing vessel plan holders. The requirement to make notifications to the qualified individual quarterly or at least 72 hours prior to entering waters of the state is not new for any existing vessel plan holder [14 CCR § 820.01(a)(2)(B) and 820.01(a)(3)(B)].

Subsection (b)(4)

Subsection (b)(4) provides the citation to the regulations pertaining to drill requirements of oil spill response organizations. This information is necessary to include here to clearly identify other types of drill and exercise requirements separate from those described in these proposed regulations.

Subsection (b)(5)

Subsection (b)(5) provides the citation to the regulations pertaining to drill requirements for shoreline protection. The cited requirements only apply to marine plan holders and is not new [14 CCR § 820.01(b)(1) and 820.01(b)(2)]. This information is necessary to include here to clearly identify other types of drill and exercise requirements separate from those described in these proposed regulations.

Subsection (c)

Purpose: The purpose of subsection (c) is to describe the exercise requirements for tier I plan holders – vessels and the largest of facilities – in a way that maximizes clarity of all the requirements.

Currently, vessels carrying oil as secondary cargo are required to test fewer objectives than tank and nontank vessels, and the objectives they have in common have fewer requirements to be successfully achieved. However, since vessels carrying oil as secondary cargo exclusively exercise with tank and nontank vessels, they are

operationally held to the same requirements as tank and nontank vessels. Although vessels carrying oil as secondary cargo will have to comply with all vessel requirements in these regulations, it will not result in operational changes for vessels carrying oil as secondary cargo; the descriptions throughout this document are indicative of that.

None of the requirements described in this subsection apply to small marine fueling facility, mobile transfer unit, or current tier II or tier III inland facility plan holders. For purposes of the discussion in this Initial Statement of Reasons, for this subsection only, the phrase “all applicable plan holders” will be utilized to mean any marine facility, vessel, and tier I inland facility plan holders, the phrase “all applicable marine plan holders” will be utilized to mean any marine facility or vessel plan holder, and the phrase “all applicable inland plan holders” will be utilized to mean any tier I inland facility plan holder; otherwise specific plan holder types will be stated.

Necessity: This subsection specifies the objectives and deadlines applicable to tier I plan holders in a way that maximizes clarity of all the requirements.

Conducting exercises so the scenario, scope, and staffing are sufficient to test and successfully achieve the objectives will not be a new requirement for any applicable plan holder [14 CCR § 820.01(e) and 820.02(f)]. The objectives direct plan holders to designate staff; these positions are specifically stated to address ongoing issues with plan holders expecting OSPR staff to achieve the work required in the objective to earn objective credit.

It will be a new requirement for marine facility and all applicable inland plan holders to successfully achieve the Notifications (1) and Staff Mobilization (2) objectives at every exercise. Achieving Notifications at every exercise is necessary to address ongoing issues with plan holders not demonstrating the ability to do so during drills, exercises, and actual spills. Achieving Staff Mobilization at every exercise is necessary for the drills and exercises unit to be able to enforce current requirements to utilize the contingency plan at every exercise [14 CCR § 820.01(a) and 820.02(d)(7)]. The requirement to successfully achieve all other objectives over any consecutive three-year period will not change for marine facility or any applicable inland plan holder [14 CCR § 820.01(a)(1)(A)3., and 820.02(b)(1)(A)2.].

For CalTriVEX, it will not be a new requirement of vessel plan holders to successfully achieve all objectives during a single exercise [14 CCR § 820.01(a)(2)(A)2.]. This requirement does not apply to marine facility or tier I inland facility plan holders.

Currently, vessel plan holders have the option to substitute an out-of-state exercise for one of their non-CalTriVEX exercises in any consecutive three-year period [14 CCR § 820.01(k)(6)]; but this is only an option if the vessel plan holder does business (and therefore exercises) out-of-state. The vast majority of vessel plan holders utilize this substitution regularly, but there are a handful of plan holders that only do business in the state of California and therefore must hold an annual exercise with OSPR. The evaluation that OSPR performs in-person at in-state exercises is vastly different than

the evaluation performed using only supporting documentation generated during the exercise that is compiled and submitted to OSPR. To remedy this inconsistency and to put all non-CalTriVEX exercises and vessel plan holders on equal footing, it is necessary to remove the out-of-state substitution requirement and create a new type of exercise to replace the existing options for non-CalTriVEX years. The result will be a CoreVEX being held in-state or out-of-state for non-CalTriVEX years that tests only the core objectives, resulting in 27 fewer objectives than the current requirement. It will give vessel plan holders the flexibility in the size and scope of their exercises, while maintaining consistent standards and evaluation across all vessel exercises. This requirement does not apply to marine facility or any applicable inland plan holders.

Subsection (c)(1)

Subsection (c)(1) describes the Notifications objective, which will not be a new objective for any applicable plan holder [14 CCR § 820.01(e)(1) and 820.02(f)(1)]. Reporting of oil spills to the Office of Emergency Services is required by section 8670.25.5 of the Government Code, and section 153.203 of Title 33 of the Code of Federal Regulations requires reporting to the National Response Center. Making these actual notifications within the stated time frame required by OSPR's contingency plan regulations will not be a new requirement for any applicable plan holder; however, the time requirement is included here for clarity and consistency with OSPR's contingency plan regulations [ref. 14 CCR § 817.02(g), 818.02(h), 818.03(h), and 817.04(g)]. Phone calls are currently the most common type of notification being made to satisfy this requirement, but they are specifically included here for clarity and consistency. Notifications being witnessed by a drill coordinator will be a new explicitly stated requirement for all applicable plan holders, but the expectation has been that drill coordinators would be able to witness notifications to ensure compliance. This is necessary to address ongoing issues with plan holders not successfully achieving Notifications and disallowing drill coordinators to observe notifications being made. Chronicling notifications using an ICS Form 201 will be a new explicitly stated requirement for all applicable plan holders, but the expectation has long been that notifications would be documented on page two of the ICS Form 201, to disseminate to all response personnel.

In response to plan holders demonstrating difficulty in achieving this objective during drills, exercises, and actual spills, it will be a new requirement for marine facility and all applicable inland plan holders to successfully achieve this objective at every exercise. It will not be a new requirement for vessel plan holders to achieve this objective during every CalTriVEX [14 CCR § 820.01(a)(2)(A)2. and 820.01(e)(1)] and this objective does not apply to CoreVEX. The notifications requirement for CoreVEX is described later.

Subsection (c)(2)

Subsection (c)(2) describes the Staff Mobilization objective, which will not be a new objective for any applicable plan holder [14 CCR § 820.01(e)(2), 820.02(f)(2)]. Assembling the initial response personnel will not be a new concept or requirement for any applicable plan holder [14 CCR § 820.01(e)(2), 820.02(f)(2)]; terminology is simply

updated to be consistent with recent amendments to 14 CCR § 790. Notifying the spill management team (SMT) identified in the contingency plan will not be a new requirement for any applicable inland plan holder [14 CCR § 820.02(f)(1)] but it will be an explicitly new requirement for all applicable marine plan holders. This has been the expectation since the SMT would need to be notified before they can arrive on-scene per the current requirement [14 CCR § 820.01(e)(2)]. Specifying the SMT be certified will be a new requirement and is necessary to be consistent with the recently adopted SMT certification regulations (14 CCR § 830.1 through 830.11). Documenting the notification to the certified SMT will not be a new requirement for any applicable inland plan holder [14 CCR § 820.02(f)(1)]. Utilizing the ICS Form 201 as the form of documentation will be a new explicitly stated requirement, but the expectation has been that notifications would be documented on page two of the ICS Form 201, to disseminate to all response personnel. For all applicable marine plan holders, documenting the notification will be a new requirement since they are not currently required to notify their SMT. This documentation requirement is necessary to maintain consistency with the current highest standards and to disseminate the notification information to all response personnel.

Contingency plans must be available to response personnel and to relevant state and federal agencies [Gov. C. § 8670.29(f)]. The purpose of plan holders conducting drills and exercises is to test their contingency plan [14 CCR § 820.01(a) and 820.02(b)]. The requirement to have the contingency plan available and used at all exercises will not be a new requirement for any applicable plan holder [14 CCR § 820.01(a) and 820.02(d)(7)]. This requirement is not currently included in any exercise objective, so there is no way for the drills and exercises unit to ensure plan holder compliance. To resolve this issue, OSPR proposes including this requirement as part of an exercise objective to enable evaluation by OSPR and ensure plan holder compliance. This objective will need to be successfully achieved at every exercise.

Even though Staff Mobilization will not be a new objective for any applicable plan holder [14 CCR § 820.01(e)(2) and 820.02(f)(2)], successfully achieving this objective at every exercise will be a new requirement for marine facility and applicable inland plan holders; however, successfully achieving this objective at every CalTriVEX will not be a new requirement for vessel plan holders [14 CCR § 820.01(a)(2)(A)2. and 820.01(e)(2)].

Subsection (c)(3)

Subsection (c)(3) describes the Incident Command System objective, which will not be a new objective for any applicable plan holder [14 CCR § 820.01(e)(3) and 820.02(f)(3)]. Organizing the initial response personnel using the incident command system (ICS) and implementing the operational planning cycle will not be new requirements for any applicable plan holder [14 CCR § 820.01(e)(3) and 820.02(f)(3)]. All applicable marine plan holders are currently required to utilize ICS as outlined in the U.S. Coast Guard *Incident Management Handbook*, as defined in 14 CCR § 790, so this will not be a new requirement for any applicable marine plan holder [14 CCR § 820.01(e)(3)]. All applicable inland plan holders are currently required to integrate into the system used

by the Federal or State On-Scene Coordinator [14 CCR § 820.02(f)(3)] who operate according to either *Incident Management Handbook* referenced in this objective, so they are included here to clarify current expectations of performance standards and will not be a new requirement for applicable inland plan holders.

Documenting response personnel on an organization chart will be an explicitly new requirement for all applicable plan holders, which is necessary to ensure that response personnel are actually organized using the incident command system as is currently required [14 CCR § 820.01(e)(3) and 820.02(f)(3)]. This has been the ongoing expectation since it is necessary to disseminate to all response personnel so they can identify the individuals holding specific positions they will need to communicate and collaborate with to coordinate response activities.

Subsection (c)(3.1) describes the Unified Command objective, which will not be a new objective for any applicable plan holder [14 CCR § 820.01(e)(4) and 820.02(f)(3.1)]. Forming a Unified Command consisting of federal, state, plan holder, and local representation will not be a new requirement for any applicable plan holder [14 CCR § 820.01(e)(4) and 820.02(f)(3.1)]; verbiage is simply updated for clarity. Local government representation is not currently required in most counties in California, but “where applicable” refers to the few notable exceptions where the local Certified Unified Program Agency (a local agency that issues permits, conducts inspections, and engages in enforcement activities to protect Californians from hazardous waste and hazardous materials within its jurisdiction) participates in the Unified Command. Assessing engagement with additional agencies and addressing emerging concerns will be a new requirement for all applicable plan holders, stemming from the need to consider important issues that these regulations cannot foresee; for example, health and safety considerations during the COVID-19 pandemic.

It will not be a new requirement for any applicable plan holder to develop incident objectives and response priorities [14 CCR § 820.01(e)(4) and 820.02(f)(3.1)]. It will be a new requirement as part of this objective for all applicable plan holders to develop critical information requirements; but, it will not be a new task for a Unified Command to develop the critical information requirements as a part of the operational planning cycle (Unified Command Objectives Meeting) per the *Incident Management Handbook*. This requirement is specifically included here for clarity.

Developing an ICS Form 202 will not be a new requirement for any applicable marine plan holder [14 CCR § 820.01(e)(4)]. For applicable inland plan holders the current requirement is to develop an ICS Form 201 or ICS Form 202 “as appropriate” [14 CCR § 820.02(f)(3.1)]. The ICS Form 201 is developed during the initial response phase of the operational planning cycle prior to the formation of Unified Command and is therefore not an appropriate form to include in the Unified Command objective. In this regard, updating the requirement to develop only an ICS Form 202 is to clarify current expectations of performance standards and will not be a new requirement for any applicable inland plan holder since it is the only appropriate form to document incident objectives and response priorities developed by Unified Command.

Populating an ICS Form 233 will be a new requirement for all applicable plan holders to achieve as part of the Unified Command objective. The ICS Form 233 is currently used by most plan holders to track open actions assigned by the Unified Command and is necessary to drive the work generated by response personnel.

Subsection (c)(4)

Subsection (c)(4) describes the Safety Officer objective, which will not be a new objective for any applicable plan holder [14 CCR § 820.01(e)(7) and 820.02(f)(4)]. This subsection requires designating a Safety Officer, which will not be a new requirement for any applicable inland plan holder [14 CCR § 820.02(f)(4)]. Even though this position is commonly filled by applicable marine plan holders during exercises, actual designation of a Safety Officer will be a new explicitly stated requirement for all applicable marine plan holders. This ICS position is necessary to maintain the current highest standards for this objective and clarify, per the *Incident Management Handbook*, the position responsible for completing the current requirements of conducting an initial site safety assessment, developing a site safety plan, and monitoring operations to ensure compliance with the site safety plan [14 CCR § 820.01(e)(7)].

Currently, all applicable plan holders are required to generate safety products and monitor operations to ensure compliance with the site safety plan [14 CCR § 820.01(e)(7) and 820.02(f)(4)]; but there is no requirement that responders must be made aware of hazards, which leads to communication breakdown regarding safety. To address this problem, conducting a safety briefing will be a new explicitly stated requirement for all applicable plan holders, which is necessary to ensure safety information is disseminated to all response personnel. The task of monitoring the health and safety of personnel will not be a new requirement for any applicable plan holder [14 CCR § 820.01(e)(7) and 820.02(f)(4)].

Identifying hazards updates the current requirement of conducting an initial site safety assessment for all applicable plan holders [14 CCR § 820.01(e)(7) and 820.02(f)(4)] to be clearer and more concise; therefore, it will not be a substantively new requirement for any applicable plan holder. Developing a site safety plan (ICS Form 208) [14 CCR § 820.01(e)(7) and 820.02(f)(4)] and providing the safety data sheet [14 CCR § 820.01(e)(8.8) and 820.02(f)(7.6)] are currently required, therefore these will not be new requirements for any applicable plan holder. The requirement to secure Unified Command approval of the site safety plan will be a new requirement for all applicable plan holders. This is necessary to address shortfalls with plan holders not providing the relevant agencies a chance to review and provide feedback for site safety plans, which directly affects the safety of the initial response personnel of those agencies.

Generating an ICS Form 215a will be a new requirement for all applicable plan holders. Per the *Incident Management Handbook*, the ICS Form 215a is developed by the Safety Officer and it is necessary for plan holders to develop mitigation strategies for the identified safety hazards.

Subsection (c)(4.1) describes the Safety of the Public objective, which is an updated version of the Safety of Responders and Public objective that is currently required of all applicable plan holders [14 CCR § 820.01(e)(8.8) and 820.02(f)(7.6)]. Making an actual notification to the local Certified Unified Program Agency (CUPA) will be a new requirement for all applicable plan holders, which is necessary to test actual notifications to the local regulatory agency that serves to protect Californians from hazardous waste and hazardous materials. These local agencies would respond to an actual spill by an OSPR regulated plan holder since they have the authority to protect public health and safety, which includes working with local public health and activating the community warning system. Documenting this notification on page two of the ICS Form 201 will be a new requirement for all applicable plan holders, which is necessary to clearly identify the documentation used to disseminate notification information to all response personnel.

Considering threats to public health updates the current requirement to identify and alert populations at risk [14 CCR § 820.01(e)(8.8) and 820.02(f)(7.6)] to be clearer and more concise; therefore, it will not be a substantively new requirement for any applicable plan holder. A common threat to public health associated with plan holders is toxic air contaminants associated with crude oil and refined hydrocarbon products handled by plan holders. Providing support for community air monitoring, where applicable, will be a new requirement for all applicable plan holders whose operations may result in a spill that has the potential to impact public health and safety. It is necessary for plan holders to identify and provide tactical resources to support local agencies in ensuring public health and safety. This objective is consistent with the certification exercise objective for spill management teams [14 CCR 830.6(b)].

Identifying and documenting other relevant public health agencies updates the current requirement to work with local emergency agencies [14 CCR § 820.01(e)(8.8) and 820.02(f)(7.6)] since those representatives are usually not available to participate in exercises and there is currently no specific deliverable to determine objective achievement. Including regional air quality management districts and regional water quality control boards is necessary to ensure the local agencies with the authority and resources to safeguard the public are identified during exercises so they can be promptly notified during an actual spill. This will not be a substantively new requirement for any applicable plan holder.

Subsection (c)(5)

Subsection (c)(5) describes the Public Information Officer objective, which will not be a new objective for any applicable plan holder [14 CCR § 820.01(e)(5) and 820.02(f)(5)]. Designating a Public Information Officer will be a new requirement for all applicable plan holders who are currently required to provide an interface between the Unified Command and the media and public [14 CCR § 820.01(e)(5) and 820.02(f)(5)]; this ICS position is necessary to clarify, per the *Incident Management Handbook*, who this responsibility falls to.

Developing a press release will not be a new requirement for any applicable plan holder [14 CCR § 820.01(e)(5) and 820.02(f)(5)]. Currently, all applicable marine plan holders are also required to develop and issue at least one written fact sheet [14 CCR § 820.01(e)(5)], whereas applicable inland plan holders are also required to develop at least two additional written media products [14 CCR § 820.02(f)(5)]; therefore, all applicable marine plan holders will be required to develop one additional written media product, which is necessary to maintain the current highest exercise standards, and applicable inland plan holders will not have a new requirement. Specifying these written media products are for Unified Command approval is to clarify the process outlined in the *Incident Management Handbook*. Since some products are mostly pre-populated using a template and others require information and interaction during the exercise to produce, specific products are included here; this is necessary to ensure plan holders are knowledgeable and practiced in generating products that are relevant to actual spills, and therefore exercises.

Subsection (c)(6)

Subsection (c)(6) describes the Liaison Officer objective, which will not be a new objective for any applicable plan holder. Designating staff to work with the agency Liaison Officer will be a new requirement for all applicable plan holders, who are currently required to perform select Liaison Officer duties but commonly fill this position despite agency staff presence; in an actual spill response it is an agency that will staff Liaison Officer, not the plan holder. This requirement is necessary to clarify who fills the Liaison Officer position and what liaison role plan holder staff play during an actual spill response, and therefore an exercise. For comparison, the Region IX Regional Contingency Plan also indicates that the liaison officer role will be filled by an appropriate government representative (ref. section 2410).

Identifying and documenting stakeholders will be a new requirement for all applicable plan holders; initiating contact with stakeholders will not be a new requirement for any applicable marine plan holder [14 CCR § 820.01(e)(6)], but it will be a new requirement for applicable inland plan holders. Currently, applicable inland plan holders are required to invite stakeholders to participate in the exercise [14 CCR § 820.02(f)(6)]; updating this requirement is necessary to clarify plan holder responsibilities in engaging with stakeholders, since they must be identified, and contact information documented, before they can be contacted. Stakeholder invitations are a part of the exercise planning process and will remain a planning consideration, but invitations to participate in an exercise are not a part of conducting an exercise, so it is necessary to remove that requirement for applicable inland plan holders for clarity.

Including the listed examples of stakeholders in these regulations is new information for all applicable marine plan holders but is not new information for any applicable inland plan holder [14 CCR § 820.02(f)(6)]; this information is necessary to clarify the types of stakeholders this objective refers to. Assessing the needs and available resources of stakeholders, monitoring their arrival at the incident command post, and keeping them

informed of the incident status will not be new requirements for any applicable plan holder [14 CCR § 820.01(e)(6) and 820.02(f)(6)].

Subsection (c)(7)

Subsection (c)(7) describes the Operations Section objective, which has an updated name for consistency and clarity (currently “Operations”) but will not be a new objective for any applicable plan holders [14 CCR § 820.01(e)(8) and 820.02(f)(7)]. Coordinating and managing field operations with tactical resources and a rated oil spill response organization according to Unified Command objectives will not be new requirements for any applicable plan holder [14 CCR § 820.01(e)(8) and 820.02(f)(7)]. Utilizing an ICS Form 234 will be a new requirement for all applicable plan holders, which is necessary for plan holders to convert Unified Command objectives into strategic and tactical operations, per the *Incident Management Handbook*. Utilizing an ICS Form 215 will also be a new requirement for all applicable plan holders, which is necessary for plan holders to develop work assignments and allocate tactical resources based on strategic requirements (gleaned from the ICS Form 234), per the *Incident Management Handbook*.

Information regarding what constitutes field operations is included but will not be substantively new to any applicable marine plan holder [14 CCR § 820.01(e)(8)]; this information is new to all applicable inland plan holders and is necessary to provide clear parameters of what field operations entail for the purposes of achieving this objective. Providing a list of resources and deployment time frames will not be new requirements for any applicable plan holder [14 CCR § 820.01(e)(8) and 820.02(f)(7)]. Providing resource location and operational actions will be new explicitly stated requirements for all applicable plan holders, but the expectation has been that location and operational actions are provided to accurately track response resources and activities; this information is also used to populate the ICS Form 234 and ICS Form 215.

Updating the ICS Form 201 and relevant maps will be a new explicitly stated requirement for all applicable plan holders, but the expectation has been that the ICS Form 201 and relevant maps are always updated so all the work done and information gathered by the Operations Section is disseminated to all response personnel, who need to utilize some or all this information to fulfill their roles and responsibilities.

Subsection (c)(7.1) describes the Source Control objective, which will not be a new objective for any applicable plan holder [14 CCR § 820.01(e)(8.1) and 820.02(f)(7.1)]. Locating the source of the spill and initiating emergency shutdown procedures will not be new requirements for any applicable plan holder [14 CCR § 820.01(e)(8.1) and 820.02(f)(7.1)]. Documenting source control and associated actions on the ICS Form 201 will be a new explicitly stated requirement for all applicable plan holders but the expectation has been that the ICS Form 201 is updated to disseminate the information to all response personnel.

Subsection (c)(7.2) describes the Assessment objective, which will not be a new objective for any applicable plan holder [14 CCR § 820.01(e)(8.2) and 820.02(f)(7.2)]. Providing an initial estimate of the volume spilled, extent of the spill, and an initial trajectory will not be new requirements for any applicable plan holder [14 CCR § 820.01(e)(8.2) and 820.02(f)(7.2)].

Calculating the actual spill volume will be a new requirement for all applicable plan holders, which is necessary to complete spill assessment, especially since the amount spilled often differs from the initial estimate. Updating the California Office of Emergency Services will be a new requirement for all applicable plan holders, which is necessary for the Governor's Office of Emergency Services Hazardous Materials Spill Report to reflect updated information to be disseminated to anyone looking at the report, including members of the public. Documenting this update on the ICS Form 201 will be a new requirement for all applicable plan holders, which is necessary to disseminate the information to all response personnel.

Subsection (c)(7.3) describes the Firefighting objective, which will not be a new objective for any applicable plan holder [14 CCR § 820.01(e)(8.5) and 820.02(f)(7.4)]. Making an actual notification to the firefighting resource identified in the contingency plan will not be a new requirement for any applicable plan holder since there is not a circumstance in dealing with a flammable or explosive substance that notifying firefighting resources would not be appropriate, as in the current requirement [14 CCR § 820.01(e)(8.5) and 820.02(f)(7.4)]. Requiring the identification and notification of a non-emergency number, if 911 is identified in the contingency plan, is necessary to ensure that 911 is not actually called during an exercise and all plan holders, regardless of the firefighting resource they identify, are required to make one actual notification to achieve credit for this objective. Documenting this notification on an ICS Form 201 will be a new explicitly stated requirement for all applicable plan holders, but the expectation has been that the ICS Form 201 is updated to disseminate the notification information to all response personnel.

Subsection (c)(7.4) describes the Wildlife Care objective, which has an updated name for clarity and brevity (currently "Wildlife Recovery and Rehabilitation") but will not be a new objective for any applicable plan holder [14 CCR § 820.01(e)(8.7) and 820.02(f)(7.5)]. Making a notification to the Oiled Wildlife Care Network or other wildlife care and treatment organization listed in the oil spill contingency plan will not be a new requirement for any applicable plan holder [14 CCR § 820.01(e)(8.7) and 820.02(f)(7.5)]. Documenting this notification on the ICS Form 201 will be a new explicitly stated requirement for all applicable plan holders but the expectation has been that the ICS Form 201 is updated to disseminate the notification information to all response personnel.

Requiring that contact information be accurate in the contingency plan will be a new explicitly stated requirement for all applicable plan holders, since the purpose of these exercises is to test the contingency plan and ensure accurate information is available during an actual spill. This requirement ensures all applicable plan holders are

complying with the contingency plan requirement of describing how oiled wildlife care will be provided for [14 CCR § 817.02(i) and 817.04(o)] to ensure wildlife is protected during an actual spill.

Subsection (c)(7.5) describes the Protective Strategies objective, which has an updated name to accurately include both marine and inland site strategies (currently “Shoreline Protection”) but will not be a new objective for any applicable plan holder [14 CCR § 820.01(e)(8.6) and 820.02(f)(7.7)].

Implementing the strategies from the listed plans will not be a new requirement for any applicable marine plan holder [14 CCR § 820.01(e)(8.6)] but it will be a new requirement for all applicable inland plan holders, which is necessary to clearly identify the sensitive site protections and maintain the current highest performance standards. Information regarding the sites being identified by the Environmental Unit is new information for all applicable plan holders, which is necessary to clarify the unit responsible for identifying the sensitive sites that need protection during any given scenario or location.

Coordinating with a rated oil spill response organization will not be a new requirement for any applicable plan holder since this is currently required as a part of the Operations objective [14 CCR § 820.01(e)(8) and 820.02(f)(7)]. Identifying resources to implement the strategies will not be a new requirement for any applicable plan holder [14 CCR § 820.01(e)(8.6) and 820.02(f)(7.7)]. Providing the resources will be an explicitly new requirement for all applicable plan holders, but the expectation has been that the resources must be provided to implement the strategies, as per the current requirement [14 CCR § 820.01(e)(8.6) and 820.02(f)(7.7)].

Showing relevant sensitive sites and protective strategies on a chart or map will be a new explicitly stated requirement for all applicable plan holders, but the expectation has been that the map required to be displayed as part of the current Situation Unit objective [14 CCR § 820.01(e)(9.1) and 820.02(f)(8.1)] include this information so it can be disseminated to all response personnel. Including the chart or map on the situation status display is a current requirement in the Situation Unit objective and will not be a new requirement for any applicable plan holder [14 CCR § 820.01(e)(9.1) and 820.02(f)(8.1)]. Updating the chart or map along with the resources list will be new explicitly stated requirements for all applicable plan holders, but the expectation has been that these documents are updated to achieve the current requirement of maintaining the status and location of all incident resources as currently required in the Resource Unit objective [14 CCR § 820.01(e)(9.2) and 820.02(f)(8.2)].

Subsection (c)(8)

Subsection (c)(8) describes the Planning Section objective, which has an updated name for consistency and clarity (currently “Planning”) but will not be a new objective for any applicable plan holder [14 CCR § 820.01(e)(9) and 820.02(f)(8)]. The current requirement for all applicable plan holders is to develop strategies and tactics based on the Unified Command objectives and coordinate with other sections for inclusion in an

ICS Form 201 or an Incident Action Plan [14 CCR § 820.01(e)(9) and 820.02(f)(8)]. This requirement contains actions that, per the *Incident Management Handbook*, are completed by the Operations Section; therefore, it is necessary to update the requirements for this objective to be better suited to test the Planning Section.

Designating a Planning Section Chief will be a new requirement for all applicable plan holders, which is necessary because this position plays a key role in organizing and driving the spill response, including overseeing plan development and tracking plan status (e.g., demobilization plan is in progress), which is necessary because plans developed by response personnel are the foundation of the Incident Action Plan (IAP). This position is already commonly filled by the plan holder during exercises, but due to difficulties plan holder staff have fulfilling the role and responsibilities it will be included here to clarify current expectations of performance standards and to encourage plan holder staff to utilize the job aids associated with the *Incident Management Handbook* to learn more about this position.

The requirement for plans to be submitted for Unified Command approval will be a new explicitly stated requirement for all applicable plan holders, but the expectation has been that plans would be submitted for Unified Command approval as part of the process described in the *Incident Management Handbook* leading up to the development of an IAP to allow them to speak with one voice and manage a coordinated response, so it will be included here to clarify current expectations of performance standards. The ICS Form 201 (currently required by all applicable inland plan holders [14 CCR § 820.02(f)(8)] but currently only an *option* for all applicable marine plan holders [14 CCR § 820.01(e)(9)]) is not an appropriate form for Unified Command approved plans, so it is necessary to remove this form as an option and maintain the current highest standard of developing an IAP [14 CCR § 820.01(e)(9) and 820.02(f)(8)]; this will be the sole requirement for approved form inclusion in this objective.

Implementation of the operational planning cycle will not be a new requirement for any applicable plan holder as it is currently required in the Incident Command System objective [14 CCR § 820.01(e)(3) and 820.02(f)(3)] and its implementation is important to maintain because it helps drive the creation of the IAP, which informs response operations for the next operational period; this requirement has been moved here. Designating a Planning Section Chief as the individual to perform these tasks is included for clarity since the Planning Section is responsible for maintaining the meeting schedule, which documents the scheduling of the operational planning cycle. The Planning Section Chief facilitating meetings per the *Incident Management Handbook* will be a new explicitly stated requirement for all applicable plan holders, but this has been the expectation and is included here to clarify current expectations of performance standards.

Subsection (c)(8.1) describes the Situation Unit objective, which will not be a new objective for any applicable plan holder [14 CCR § 820.01(e)(9.1) and 820.02(f)(8.1)]. Designating a Situation Unit Leader will be a new requirement for all applicable plan

holders, which is necessary to identify the person in charge of maintaining the situation status display. In this objective, maintaining this display includes collecting, organizing, updating, disseminating, and displaying information. Four of those five tasks (collecting, organizing, disseminating, and displaying information) will not be new requirements for any applicable marine plan holder [14 CCR § 820.01(e)(9.1)]; and none of the tasks will be new requirements for any applicable inland plan holder [14 CCR § 820.02(f)(8.1)]. Updating this information will be a new explicitly stated requirement for all applicable marine plan holders, but the expectation has been that the information displayed be updated as new information becomes available to keep all response personnel informed and it is included here to clarify current expectations of performance standards.

Having the situation status display in a common area of the Incident Command Post will be a new explicitly stated requirement for all applicable plan holders, but the expectation has been that plan holders place it in a common area; its location is included here to clarify current expectations of performance standards and ensure all response personnel have access to it and are able to stay informed. Displaying the name of the incident, a chart or map, an ICS Form 207, weather, tides, and currents, an ICS Form 230, and an ICS Form 209 will not be new requirements for any applicable plan holder [14 CCR § 820.01(e)(9.1) and 820.02(f)(8.1)]. Displaying actual notifications, trajectories, safety data sheet, approved site safety plan, and the ICS Form 201 or an approved Incident Action Plan will be new explicitly stated requirements for all applicable plan holders, but the expectation has been that this information be displayed to keep response personnel informed and support the response and other objectives (e.g., posting the safety data sheet and approved site safety plan allows response personnel to be informed as to safety standards which supports the Safety Officer and safety monitoring). Page three of an ICS Form 201 is the initial response equivalent of the ICS Form 207 (both are organization charts) which will not be a new requirement for any applicable plan holder [14 CCR § 820.01(e)(9.1) and 820.02(f)(8.1)]; rather, it will give all applicable plan holders a chance to achieve this objective during an initial response exercise.

Subsection (c)(8.2) describes the Resource Unit objective, which will not be a new objective for any applicable plan holder [14 CCR § 820.01(e)(9.2) and 820.02(f)(8.2)]. Establishing a process for resource ordering will not be a new requirement for any applicable marine plan holder but will be a new requirement for all applicable inland plan holders, which is necessary for plan holder staff to practice establishing an ordering process for all response personnel to order resources necessary to support the response. When the plan holder is the responsible party in an actual spill, it is the plan holders' obligation to pay for all response resources incurred. Establishing a resource ordering process that all responding organizations and agencies can utilize will allow them to save money during an actual spill response versus reimbursing organizations and agencies for having to order their own resources independently. Establishing a process for resource tracking in coordination with the Logistics and Finance Sections will not be a new requirement for any applicable plan holder [14 CCR § 820.01(e)(9.2) and 820.02(f)(8.2)].

Ensuring all response personnel sign in to the Incident Command Post will be a new explicitly stated requirement for all applicable plan holders, but the expectation has been that everyone sign in so the list can be used to account for everyone in the event of a real emergency situation. It is necessary to list the required components of the sign-in sheet to ensure all the pertinent information is collected because the check-in sheet that is currently required is no longer an active U.S. Coast Guard or U.S. Environmental Protection Agency form.

Documenting and regularly updating the status and location of all tactical resources will be a new explicitly stated requirement for all applicable plan holders, but the expectation has been that the status and location of all incident resources is maintained to keep Unified Command and all response personnel briefed on the timeline of available tactical resources so they can plan response activities accordingly.

Subsection (c)(8.3) describes the Environmental Unit objective, which will not be a new objective for any applicable plan holder [14 CCR § 820.01(e)(9.3) and 820.02(f)(8.3)]. Designating staff to work with the agency Environmental Unit Leader will be a new requirement for all applicable plan holders, which is necessary to clarify the plan holder's role to accomplish the requirements included with this objective. Gathering this environmental data will not be a new requirement for any applicable plan holder [14 CCR § 820.01(e)(9.3) and 820.02(f)(8.3)] and analyzing the environmental data is something the natural resource trustee can assist with, as it is necessary to inform trajectories and make an educated prediction as to how the spilled product will move in the environment which informs response decisions.

Developing more than just an initial trajectory will be a new requirement for all applicable plan holders, which is necessary to ensure plan holders are utilizing the information and tools available to them to consider how their product is going to act in the environment to inform response decisions. Four trajectories are necessary to adequately forecast product movement for all applicable plan holders because, as time moves on, a large spill amount has a wide enough variability in its actions with considerations to weather, tides, currents, and other events that relying solely on an initial trajectory is not sufficient to accurately inform future response decisions. For example, developing four trajectories would be adequate to analyze movement caused by the ebb and flood of a single tidal cycle for any applicable marine plan holder, or to visualize the impact of delaying or moving forward with water releases from a dam impacting the spill area for any applicable inland plan holder. Developing these trajectories using time frames appropriate for the scenario is necessary to give plan holders realistic options for the required number of trajectories. Based on discussions with environmental response subject matter experts, the Environmental Unit objective is where this requirement is best suited.

Generating an ICS Form 232 and utilizing trajectories and the relevant plans from this list to inform it will not be new requirements for any applicable plan holders [14 CCR § 820.01(e)(9.3) and 820.02(f)(8.3)]. It is necessary to combine the plans used by both marine and inland plan holders for clarity and to use the term "relevant" so each plan

holder will use the pertinent plans from this list without being required to use irrelevant plans. A reference for the definition of sensitive sites is included for clarity and necessary to ensure plan holders can accurately identify the relevant resources that may be at risk.

Subsection (c)(8.3.1) describes the Waste Management objective, which has an updated name for brevity (currently “Waste Management and Disposal”) for all applicable inland plan holders but will not be a new objective for any applicable plan holder [14 CCR § 820.01(e)(9.3.1) and 820.02(f)(8.3.1)]. Developing a waste management plan for Unified Command approval will not be a new requirement for any applicable plan holder [14 CCR § 820.01(e)(9.3.1) and 820.02(f)(8.3.1)]; working with their rated oil spill response organization to develop this plan will be a new explicitly stated requirement for all applicable plan holders but the expectation has been that these organizations are involved in this process, serving as waste management experts, so it is included here for clarity.

Including procedures for waste segregation, obtaining permits and/or waivers, quantifications, characterization, and disposal (formerly final disposition) in the waste management plan will not be new requirements for any applicable plan holder [14 CCR § 820.01(e)(9.3.1) and 820.02(f)(8.3.1)]. Including procedures for storage and transportation in the waste management plan will be new explicitly stated requirements, but the expectation has been that storage and transportation are included since they are both necessary to manage response waste from its creation to its final disposition.

Subsection (c)(8.4) describes the Documentation Unit objective, which has an updated name for consistency and clarity (currently “Documentation”) but will not be a new objective for any applicable plan holder [14 CCR § 820.01(e)(9.4) and 820.02(f)(8.4)]. Collecting, organizing, and disseminating all documents generated during the exercise will not be new requirements of any applicable plan holder [14 CCR § 820.01(e)(9.4) and 820.02(f)(8.4)]. Reviewing and updating all documents will be new explicitly stated requirements for all applicable plan holders, but the expectation has been that these are part of maintaining the documents, which is the current requirement for all applicable plan holders and included here to clarify continued expectations of performance standards. Designating a Documentation Unit leader will be a new requirement for all applicable plan holders, which is necessary to call out the individual whose responsibility it is, per the *Incident Management Handbook*, to oversee and accomplish the tasks required of this objective for clarity.

Establishing a filing system accessible by all response personnel will be a new explicitly stated requirement for all applicable plan holders, but the expectation has been that a filing system be established to organize all documents, which is a current requirement for all applicable plan holders [14 CCR § 820.02(e)(9.4) and 820.02(f)(8.4)]. The requirement that all response personnel have access to the filing system is consistent with the ongoing requirement in the National Oil and Hazardous Substances Pollution Contingency Plan that the On-Scene Coordinators and trustees of affected natural

resources have access to the documentation. This requirement is included here to clarify current expectations of performance standards.

Briefing all response personnel on documentation procedures will be a new explicitly stated requirement for all applicable plan holders, but the expectation has been that these procedures are shared to inform all response personnel what to do with the documentation they are generating; it is included here to clarify current expectations of performance standards. The Documentation Unit Leader being the individual disseminating this information will be a new requirement for all applicable plan holders; it is necessary to clarify the role responsible for managing all the documentation, per the *Incident Management Handbook*. Transitioning to an agency Documentation Unit Leader will be a new explicitly stated requirement for all applicable plan holders, but it is the responsibility of the On-Scene Coordinators, per the National Oil and Hazardous Substances Pollution Contingency Plan, to ensure the collection and safeguarding of information, samples, and reports. This has been the expectation and is therefore included here to clarify current expectations of performance standards.

All documentation being provided to the drill coordinator upon request will be a new explicitly stated requirement for all applicable plan holders, but the expectation has been that plan holders provide drill coordinators with any documentation they request for verification and inspection based on the current requirement that documentation must be provided to the Administrator or a designee, upon request [14 CCR § 820.01(e)(9.4) and 820.02(k)(1)(D)]. This requirement is to clarify current expectations of performance standards and address plan holder resistance when drill coordinators request to see documentation.

Subsection (c)(8.5) describes the Volunteer Unit objective, which has an updated name for consistency and clarity (currently “Volunteer Management”) but will not be a new objective for any applicable plan holder [14 CCR § 820.01(e)(9.5) and 820.02(f)(8.5)]. Designating staff to engage with the Volunteer Coordinator and establishing a Volunteer Unit will be new explicitly stated requirements for all applicable plan holders, but the expectation has been that plan holders provide at least one person to engage with the Volunteer Coordinator to provide local knowledge and expertise to help develop a Non-Wildlife Volunteer Plan, which is developed after a Volunteer Unit is established; they are included here to clarify current expectations of performance standards and timeline of work products.

Obtaining the approved volunteer plan will be a new requirement for all applicable plan holders and is necessary to inform plan holders on the volunteer plan that is to be used as a template in California and ensure familiarity with it in case of an actual spill. Establishing a volunteer hotline and developing messaging for media products will be new requirements for all applicable plan holders, which is necessary to ensure plan holder familiarity with Volunteer Unit responsibilities in case of an actual spill. Keeping Unified Command briefed on Volunteer Unit actions is a new explicitly stated requirement but it has been the expectation that Unified Command is kept briefed on all

new information and determinations so the response can be managed with the most accurate information possible.

Subsection (c)(9)

Subsection (c)(9) describes the Logistics Section objective, which has an updated name for consistency and clarity (currently “Logistics”) but will not be a new objective for any applicable plan holder [14 CCR § 820.01(e)(10) and 820.02(f)(9)]. Developing and disseminating the resource request and ordering process is a current logistics requirement for all applicable inland plan holders [14 CCR § 820.02(f)(9)]. Designating a Logistics Section Chief will be a new requirement for all applicable inland plan holders, which is necessary to clarify, per the *Incident Management Handbook*, who this responsibility falls to. Specifying the positions the Logistics Section Chief coordinates with is new information for all applicable inland plan holders, which is necessary to include to clarify current expectations of performance standards and the responsibilities outlined in the *Incident Management Handbook*. For all applicable marine plan holders, designating a Logistics Section Chief and coordinating with other positions to establish and disseminate a resource request and ordering process will be new requirements, which are necessary to be consistent with all applicable inland plan holders to maintain the current highest standard.

Identifying and providing necessary personnel, facilities, services, and materials to support response activities will not be a new requirement for any applicable plan holder [14 CCR § 820.01(e)(10) and 820.02(f)(9)]. Utilizing an ICS Form 213RR to achieve this will be a new requirement for all applicable plan holders, which is necessary to adopt the resource request and ordering process adopted by federal and state agencies with jurisdiction to respond to an actual spill, similar to the current requirement for all applicable marine plan holders to operate as outlined in the U.S. Coast Guard’s *Incident Management Handbook* and for all applicable inland plan holders to integrate into the system used by the Federal or State On-Scene Coordinator [14 CCR § 820.01(e)(3) and 820.02(f)(3)]. The requirement to generate at least four forms is necessary to ensure those plan holders with the highest spill volume risk have adequate practice of utilizing these ICS forms, which are the resource order forms used during actual spills and therefore exercises.

Subsection (c)(9.1) describes the Communications Unit objective, which has an updated name for consistency and clarity (currently “Communications”) but will not be a new objective for any applicable plan holder [14 CCR § 820.01(e)(10.1) and 820.02(f)(9.1)]. Establishing communication systems to support the response and utilizing an ICS Form 205 will not be new requirements for any applicable plan holder [14 CCR § 820.01(e)(10.1) and 820.02(f)(9.1)]. Disseminating the communication systems will be a new explicitly stated requirement for all applicable plan holders, but the expectation has been that any communication systems generated would be disseminated (otherwise response personnel wouldn’t know they exist).

The current requirement for all applicable plan holders is to establish an intra-organization communications system [14 CCR § 820.01(e)(10.1) and 820.02(f)(9.1)]. Utilizing an ICS Form 205a to satisfy this will be a new explicitly stated requirement for all applicable plan holders, but the expectation has been that a 205a be utilized to achieve this requirement.

Subsection (c)(9.2) describes the Personnel Support objective, which will not be a new objective for any applicable plan holder [14 CCR § 820.01(e)(10.2) and 820.02(f)(9.2)]. Identifying and providing support for response personnel including operational space, administrative space, security, an ICS Form 206, lodging, food services, and transportation will not be new requirements for any applicable plan holder [14 CCR § 820.01(e)(10.2) and 820.02(f)(9.2)]. Ensuring the support covers the current and subsequent operational periods will be a new explicitly stated requirement for all applicable plan holders, but the expectation has been that personnel support encompasses support for the response personnel that are on-site as well as for those working the next shift, who are not all considered during most exercises; therefore, it is necessary to include this requirement to clarify current expectations of performance standards.

Subsection (c)(9.3) describes the Response Infrastructure objective, which has an updated name for clarity and brevity (currently “Incident Command Post Equipment and Support”) but will not be a new objective for any applicable plan holder [14 CCR § 820.01(e)(10.3) and 820.02(f)(9.3)]. Providing and maintaining equipment necessary to support the Incident Command Post infrastructure including internet service, telecommunication service, printers, copiers, and scanners will not be a new requirement for any applicable plan holder [14 CCR § 820.01(e)(10.3) and 820.02(f)(9.3)].

Providing office supplies will be a new explicitly stated requirement for all applicable plan holders, but it has been the expectation that these supplies would be provided because, like with the equipment, these supplies are a necessity for the Incident Command Post to function. It is called out here to clarify current expectations of performance standards for all applicable plan holders.

Providing internet service is a current requirement for all applicable plan holders [14 CCR § 820.01(e)(10.3) and 820.02(f)(9.3)]. The necessity for the internet to be wireless, accessible by all response personnel, and capable of supporting all response activities will be new explicitly stated requirements for all applicable plan holders, but this has been the expectation. This expectation is based on the functional limitations of hardline internet and its inability to support a rapidly escalating response at an Incident Command Post. Wireless internet does not have the functional limitations of hardline internet, but in order to support the response it needs to be accessible by all response personnel and have the bandwidth for them to fulfill their roles and responsibilities simultaneously. These requirements have been included to clarify current expectations of performance standards and ensure plan holders are capable of supporting response activities at the Incident Command Post during an actual spill.

Subsection (c)(10)

Subsection (c)(10) describes the Finance Section objective, which has an updated name for consistency and clarity (currently “Finance”) but will not be a new objective for any applicable plan holder [14 CCR § 820.01(e)(11) and 820.02(f)(10)]. Designating a Finance Section Chief will be a new requirement for all applicable plan holders, which is necessary to identify the individual whose responsibility it is, per the *Incident Management Handbook*, to oversee and accomplish the tasks required of this objective for clarity.

Establishing and disseminating third-party claims procedures to the Situation Unit, Public Information Officer, and Liaison Officer will not be new requirements for any applicable plan holder [14 CCR § 820.01(e)(11) and 820.02(f)(10)].

Documenting and tracking daily expenditures will not be new requirements for any applicable plan holder [14 CCR § 820.01(e)(11) and 820.02(f)(10)]. Calculating total costs and expenses and the coordination involved will be new explicitly stated requirements for all applicable plan holders to update the current requirement [14 CCR § 820.01(e)(11) and 820.02(f)(10)] and clarify current expectations of performance standards and the responsibilities outlined in the *Incident Management Handbook*. These new explicitly stated requirements are currently expected of all applicable plan holders to accomplish providing necessary financial support, per the *Incident Management Handbook*, and are included here for clarity due to ongoing issues with plan holders not providing sufficient financial support.

Subsection (c)(11)

Subsection (c)(11) describes the Vessel Lightering and Salvage objective, which combines both of the current vessel-only objectives, Vessel Emergency Services [14 CCR § 820.01(e)(8.3)] and Lightering [14 CCR § 820.01(e)(8.4)], but will not be a new objective in and of itself and only applies to vessel plan holders (does not apply to marine or inland facility plan holders). Making notifications to the vessel emergency service and lightering service providers will not be a new requirement for vessel plan holders [14 CCR § 820.01(e)(8.3) and (e)(8.4)]. Documenting these notifications on the ICS Form 201 will be a new explicitly stated requirement, but the expectation has been that notifications would be documented on the ICS Form 201 to disseminate to all response personnel. Developing lightering and salvage plans will not be new requirements for vessel plan holders since there are few instances where a spill is large enough to achieve all the required objectives as currently required where these plans would not be appropriate to develop as stated in the current requirement [14 CCR § 820.01(e)(8.3) and (e)(8.4)].

Subsection (c)(12)

Subsection (c)(12) describes the CoreVEX requirements, which only apply to vessel plan holders (do not apply to marine or inland facility plan holders) and is necessary to update the current vessel exercise requirements for clarity and inclusivity.

Currently, vessel plan holders are required to have an annual tabletop exercise [14 CCR § 820.01(a)(2)(A) and 820.01(a)(3)(A)], which can be substituted by an exercise conducted out-of-state [14 CCR 820.01(k)(2)(A)]. As mentioned in subsection (a) with the CoreVEX definition, this new exercise type is necessary to make evaluating non-CalTriVEX exercises consistent regardless of whether they are held in-state or out-of-state.

Subsection (c)(12)(A) describes the CoreVEX objectives, which are necessary to clearly define the expectations for plan holders to successfully achieve exercise credit with OSPR.

The Notifications objective will not be a new objective for vessel plan holders to achieve during an out-of-state exercise [14 CCR § 820.01(k)(2)(A), (a)(2)(A), and (e)(1)]; this objective is necessary to address plan holder difficulty in achieving this objective during exercises and to ensure vessel plan holders are actually confirming the contact information for California-required notifications is correct in their contingency plan for the two years exercises may not be held in-state. The notifications that will be required are consistent with the notifications for all other exercises and will not be new requirements for vessel plan holders. Documentation of call times and contact names for each notification are necessary to provide sufficient information for OSPR to confirm calls were actually made.

The Staff Mobilization objective will not be a new objective for vessel plan holders to meet during an out-of-state exercise [14 CCR § 820.01(k)(2)(A), (a)(2)(A), and (e)(2)] and it is necessary to ensure response personnel are assembled to respond to a spill for the two years exercises may not be held in-state. An exercise participants list is necessary to provide sufficient information for OSPR to confirm the response personnel were actually assembled.

Subsection (c)(12)(B) describes the applicability, requirements, and responsibilities of an independent drill monitor, which is a program that will not be new to vessel plan holders [14 CCR § 820.01(k)(3)]. The program itself is necessary to implement Government Code section 8670.10; and updates included here are necessary to streamline it and provide clarity.

The current independent drill monitor requirement [14 CCR § 820.01(k)(3)] applies when the OSPR Administrator, the United States Coast Guard, or any other qualified public agency is unable to attend a drill of an oil spill contingency plan held outside the state. Reference to Government Code section 8670.10 is used here to provide further support for the requirement. Current independent drill monitor approvals are valid for a

period of three years, but unless a monitor is actively utilizing knowledge and understanding of the requirements described in OSPR's regulations, that knowledge and understanding will quickly fade. It is necessary that approvals only be valid for a single CoreVEX to ensure monitors continue to meet the minimum requirement of possessing knowledge and understanding of these regulations and therefore be able to evaluate CoreVEX consistent with OSPR's expectations.

The qualifications for being an independent drill monitor [subsection (B)1.] will not be new [14 CCR § 820.01(k)(3)(B)]. Having a scheduled exercise date (subsection a.) will be new for vessel plan holders and is necessary to be consistent with the limitation that the application approvals are only good for a single CoreVEX. Having a scheduled exercise date is necessary to ensure a drill monitor applicant has the knowledge and understanding required to evaluate that CoreVEX consistent with OSPR's expectation, as determined by the application process, and the knowledge does not fade prior to the CoreVEX being held. Limiting the approval to a single CoreVEX is necessary to ensure independent drill monitor standards are maintained, CoreVEX evaluations are consistent, and to alleviate the \$1,000 burden per application that is currently required to maintain the program. Possessing knowledge and understanding of these regulations (subsection b.) will be a new requirement, which is necessary to ensure that all independent drill monitors are knowledgeable of the performance standards described in the proposed section. Having at least five years of job experience evaluating drills and exercises in California (subsection c.) will be an updated requirement from the current five years of experience required in spill response and drills with experience specific to California. This is necessary to ensure applicants are familiar with OSPR's current practice and performance standards and that they do not rely on spill or drill experience gained where plan holders do not meet current expectations. Required incident command system training (subsection d.) will not be a new requirement for vessel plan holders and all courses listed in this subsection are currently required [14 CCR § 820.01(k)(3)(B)]. The requirement that independent drill monitor applicants not be currently employed by the plan holder or the spill management team (subsection e.) will also not be new for vessel plan holders [14 CCR § 820.01(k)(3)(B)].

Application procedures [subsection (B)2.] will not be new [14 CCR § 820.01(k)(3)], but the process and requirements have been greatly reduced to be more clear, streamlined, and user-friendly. Filing applications with OSPR will not be a new requirement [14 CCR § 820.01(k)(3)(C)] but specifying that submissions be made via email will be a new requirement; this is necessary to be consistent with the other submission requirements in this proposed section and to provide an easy, inexpensive way to apply to be an independent drill monitor. Allowing certain application information to be kept confidential is also not new [14 CCR § 820.01(k)(3)(D)].

Interviews [subsection (B)3.] are currently required of applicants that meet the requirements [14 CCR § 820.01(k)(3)(F)] and therefore it will not be new. The ability to communicate effectively, relay experience in drill evaluation, and demonstrate

knowledge and understanding of OSPR's drills and exercises regulations will not be new requirements [14 CCR § 820.01(k)(3)(F)].

The issuance of a written decision by the Administrator [subsection (B)4.] will not be new [14 CCR § 820.01(k)(3)(H) and (I)]. There is not currently a timeline identified for the Administrator to issue a decision on the application, but it is necessary to include now to ensure an independent drill monitor has adequate time to be considered within the minimum advanced-notice requirements for CoreVEX and to be consistent with current timelines identified throughout OSPR's regulations.

Responsibilities is an updated subsection [subsection (B)5.] to the current exercise participation process [14 CCR § 820.01(k)(3)(K)]. Attending the exercise will be a new explicitly stated requirement for independent drill monitors but it has been the expectation that independent drill monitors need to attend the exercise to evaluate it. Developing an evaluation report, including a description of how the objectives were successfully met, and submitting it to OSPR will not be new requirements [14 CCR § 820.01(k)(3)(K)]; but updating the submission to be email only will be a new requirement which is necessary to be consistent with the rest of this proposed section and to provide an easy, inexpensive way for an independent drill monitor to submit their report. Having 15 calendar days to achieve this will not be a substantively new requirement for independent drill monitors as the current requirement is for a preliminary report to be submitted within 14 days [14 CCR § 820.01(k)(3)(K)2.]; it is necessary to update this to 15 calendar days to be consistent with current timelines identified throughout OSPR's regulations.

Subsection (d)

Purpose: The purpose of subsection (d) is to describe the exercise requirements for tier II plan holders – the middling marine and inland facilities – in a way that maximizes clarity of all the requirements.

None of the requirements described in this subsection apply to vessel, small marine fueling facility, mobile transfer unit, or current tier I or III inland plan holders. For the purposes of the discussion in this Initial Statement of Reasons, for this subsection only, the phrase “all applicable plan holders” will be utilized to mean any marine facility that will be considered tier II per these regulations and tier II inland facility plan holders, “all applicable marine plan holders” will be utilized to mean any marine facility that will be considered tier II per these regulations, and “all applicable inland plan holders” will be utilized to mean any tier II inland facility plan holder; otherwise specific plan holder types will be stated.

Necessity: This subsection specifies the objectives and deadlines applicable to tier II plan holders in a way that maximizes clarity of all the requirements.

Conducting exercises so the scenario, scope, and staffing are sufficient to test and successfully achieve the objectives will not be a new requirement for any applicable

plan holder [14 CCR § 820.01(e) and 820.02(g)]. The objectives direct plan holders to designate staff; these positions are specifically stated to address ongoing issues with plan holders expecting OSPR staff to achieve the work required in the objective to earn objective credit.

It will be a new requirement for all applicable plan holders to successfully achieve the Notifications (1) and Staff Mobilization (2) objectives at every exercise. Achieving Notifications at every exercise is necessary to address ongoing issues with plan holders not demonstrating the ability to do so during drills, exercises, and actual spills. Achieving Staff Mobilization at every exercise is necessary for the drills and exercises unit to be able to enforce current requirements to utilize the contingency plan at every exercise [14 CCR § 820.01(a) and 820.02(d)(7)]. The requirement to successfully achieve all other objectives over any consecutive three-year period will not change for any applicable plan holder [14 CCR § 820.01(a)(1)(A)3. and 820.02(b)(1)(A)2.].

Subsection (d)(1)

Subsection (d)(1) describes the Notifications objective, which will not be a new objective for any applicable plan holder [14 CCR § 820.01(e)(1) and 820.02(g)(1)]. Reporting of oil spills to the Office of Emergency Services is required by section 8670.25.5 of the Government Code, and section 153.203 of Title 33 of the Code of Federal Regulations requires reporting to the National Response Center. Making these actual notifications within the stated time frame required by OSPR's contingency plan regulations will not be a new requirement for any applicable plan holder; however, the time requirement is included here for clarity and consistency with OSPR's contingency plan regulations [ref. 14 CCR § 817.02(g) and 817.04(g)]. Phone calls are currently the most common type of notification being made to satisfy this requirement, but they are specifically included here for clarity and consistency. Notifications being witnessed by a drill coordinator will be a new explicitly stated requirement for all applicable plan holders, but the expectation has been that drill coordinators would be able to witness notifications to ensure compliance. This is necessary to address ongoing issues with plan holders not successfully achieving Notifications and disallowing drill coordinators to observe notifications being made. Chronicling notifications using an ICS Form 201 will be a new explicitly stated requirement for all applicable plan holders, but the expectation has long been that notifications would be documented on page two of the ICS Form 201, to disseminate to all response personnel.

In response to plan holders demonstrating difficulty in achieving this objective during drills, exercises, and actual spills, it will be a new requirement for all applicable plan holders to successfully achieve this objective at every exercise.

Subsection (d)(2)

Subsection (d)(2) describes the Staff Mobilization objective, which will not be a new objective for any applicable plan holder [14 CCR § 820.01(e)(2) and 820.02(g)(2)]. Assembling the initial response personnel will not be a new concept or requirement for

any applicable plan holder [14 CCR § 820.01(e)(2) and 820.02(g)(2)]; terminology is simply updated to be consistent with recent amendments to 14 CCR § 790. Notifying the spill management team (SMT) identified in the contingency plan will not be a new requirement for any applicable inland plan holder [14 CCR § 820.02(g)(1)] but it will be an explicitly new requirement for all applicable marine plan holders. This has been the expectation since the SMT would need to be notified before they can arrive on-scene per the current requirement [14 CCR § 820.01(e)(2)]. Specifying the SMT be certified will be a new requirement and is necessary to be consistent with the recently adopted SMT certification regulations (14 CCR § 830.1 through 830.11). Documenting the notification to the certified SMT will not be a new requirement for any applicable inland plan holder [14 CCR § 820.02(g)(1)]. Utilizing the ICS Form 201 as the form of documentation will be a new explicitly stated requirement, but the expectation has been that notifications would be documented on page two of the ICS Form 201, to disseminate to all response personnel. For all applicable marine plan holders, documenting the notification will be a new requirement since they are not currently required to notify their SMT; this documentation requirement is necessary to maintain consistency with the current highest standards and to disseminate the notification information to all response personnel.

Contingency plans must be available to response personnel and to relevant state and federal agencies [Gov. C. § 8670.29(f)]. The purpose of plan holders conducting drills and exercises is to test their contingency plan [14 CCR § 820.01(a) and 820.02(b)]. The requirement to have the contingency plan available and used at all required exercises will not be a new requirement for any applicable plan holder [14 CCR § 820.01(a) and 820.02(d)(7)] 31his requirement is not currently included in any exercise objective, so there is no way for the drills and exercises unit to ensure plan holder compliance. To resolve this issue, OSPR proposes including this requirement as part of an exercise objective to enable evaluation by OSPR and ensure plan holder compliance. This objective will need to be successfully achieved at every exercise.

Subsection (d)(3)

Subsection (d)(3) describes the Incident Command System objective, which will not be a new objective for any applicable plan holder [14 CCR § 820.01(e)(3) and 820.02(g)(3)]. Organizing the initial response personnel using the incident command system (ICS) and implementing the operational planning cycle will not be new requirements for any applicable plan holder [14 CCR § 820.01(e)(3) and 820.02(g)(3)]. All applicable marine plan holders are currently required to utilize ICS as outlined in the U.S. Coast Guard *Incident Management Handbook*, as defined in 14 CCR § 790, so this will not be a new requirement for any applicable marine plan holder [14 CCR § 820.01(e)(3)]. All applicable inland plan holders are currently required to integrate into the system used by the Federal or State On-Scene Coordinator [14 CCR § 820.02(g)(3)] who operate according to either *Incident Management Handbook* referenced in this objective, so they are included here to clarify current expectations of

performance standards and will not be a new requirement for any applicable inland plan holder.

Documenting response personnel on an organization chart will be an explicitly new requirement for all applicable plan holders, which is necessary to ensure that response personnel are actually organized using the incident command system as is currently required [14 CCR § 820.01(e)(3) and 820.02(g)(3)]. This has been the ongoing expectation since it is necessary to disseminate to all response personnel so they can identify the individuals they will need to communicate and collaborate with to coordinate response activities.

Subsection (d)(3.1) describes the Unified Command objective, which will not be a new objective for any applicable plan holder [14 CCR § 820.01(e)(4) and 820.02(g)(3.1)]. Forming a Unified Command consisting of federal, state, plan holder, and local representation will not be a new requirement for any applicable plan holder [14 CCR § 820.01(e)(4) and 820.02(g)(3.1)]; verbiage is simply updated for clarity. Local government representation is not currently required in most counties in California, but “where applicable” refers to the few notable exceptions where the local Certified Unified Program Agency (a local agency that issues permits, conducts inspections, and engages in enforcement activities to protect Californians from hazardous waste and hazardous materials within its jurisdiction) participates in the Unified Command. Assessing engagement with additional agencies and addressing emerging concerns will be a new requirement for all applicable plan holders, stemming from the need to consider important issues that these regulations cannot foresee; for example, health and safety considerations during the COVID-19 pandemic.

It will not be a new requirement for any applicable plan holder to develop incident objectives and response priorities [14 CCR § 820.01(e)(4) and 820.02(g)(3.1)]. It will be a new requirement as part of this objective for all applicable plan holders to develop critical information requirements; but it will not be a new task for Unified Command to develop the critical information requirements as a part of the operational planning cycle (Unified Command Objectives Meeting) per the *Incident Management Handbook*. This requirement is specifically included here for clarity.

Developing an ICS Form 202 will not be a new requirement for any applicable marine plan holder [14 CCR § 820.01(e)(4)]. For applicable inland plan holders the current requirement is to develop an ICS Form 201 or ICS Form 202 “as appropriate” [14 CCR § 820.02(g)(3.1)]. The ICS Form 201 is developed during the initial response phase of the operational planning cycle prior to the formation of Unified Command and is therefore not an appropriate form to include in the Unified Command objective. In this regard, updating the requirement to develop only an ICS Form 202 is to clarify current expectations of performance standards and will not be a new requirement for any applicable inland plan holder since it is the only appropriate form to document incident objectives and response priorities developed by Unified Command.

Subsection (d)(4)

Subsection (d)(4) describes the Safety Officer objective, which will not be a new objective for any applicable plan holder [14 CCR § 820.01(e)(7) and 820.02(g)(4)]. This subsection requires designating a Safety Officer, which will not be a new requirement for any applicable inland plan holder [14 CCR § 820.02(g)(4)]. Even though this position is commonly filled by applicable marine plan holders during exercises actual designation of a Safety Officer will be a new explicitly stated requirement for all applicable marine plan holders. This ICS position is necessary to maintain the current highest standards for this objective and clarify, per the *Incident Management Handbook*, the position responsible for completing the current requirements of conducting an initial site safety assessment, developing a site safety plan, and monitoring operations to ensure compliance with the site safety plan [14 CCR § 820.01(e)(7)].

Conducting a safety briefing will not be a new requirement for any applicable inland plan holder [14 CCR § 820.02(g)(4)]; it will be a new explicitly stated requirement for all applicable marine plan holders, but the expectation has been that all response personnel would be made aware of safety information so they can be safe. Monitoring health and safety will not be a new requirement for any applicable marine plan holder [14 CCR § 820.01(e)(7)]; it will be a new explicitly stated requirement for all applicable inland plan holders, but the expectation has been that safety would be monitored at the Incident Command Post to maintain the safety of all response personnel.

Identifying hazards updates the current requirement of conducting an initial site safety assessment for all applicable marine plan holders [14 CCR § 820.01(e)(7)] to be clearer and more concise; therefore, it will not be a substantively new requirement for any applicable marine plan holder. Identifying hazards will not be a new requirement for any applicable inland plan holder [14 CCR § 820.02(g)(4)]. Developing a site safety plan (ICS Form 208) and providing the safety data sheet will not be new requirements for any applicable marine plan holder [14 CCR § 820.01(e)(7) and (e)(8.8), respectively], but these will be new requirements for all applicable inland plan holders, which is necessary to be consistent with all applicable marine plan holders to maintain the current highest standards. Submitting the ICS Form 208 to Unified Command will be a new requirement for all applicable plan holders and is necessary to address issues with plan holders not providing the relevant agencies a chance to review and provide feedback for site safety plans, which directly affects the safety of the initial response personnel from those agencies.

Subsection (d)(4.1) describes the Safety of the Public objective, which will be a new objective for all applicable inland plan holders but simply updates the Safety of Responders and Public objective currently required of all applicable marine plan holders and will not be a new objective [14 CCR § 820.01(e)(8.8)]. Adding this objective for all applicable inland plan holders is necessary to make health and safety of the public a response consideration and to be consistent with the objective required of all applicable marine plan holders to maintain the current highest standard. Making an actual notification to the local Certified Unified Program Agency (CUPA) will be a new

requirement for all applicable plan holders, which is necessary to test actual notifications to the local regulatory agency that serves to protect Californians from hazardous waste and hazardous materials. These local agencies respond to an actual spill by an OSPR regulated plan holder since they have the authority to protect public health and safety, which includes working with local public health and activating the community warning system. Documenting this notification on page two of the ICS Form 201 will be a new requirement for all applicable plan holders, which is necessary to clearly identify the documentation used to disseminate the information to all response personnel.

For all applicable marine plan holders, considering threats to public health updates the current requirement to identify and alert populations at risk [14 CCR § 820.01(e)(8.8)] to be clearer and more concise; therefore it will not be a substantively new requirement for any applicable marine plan holder. This will be a new requirement for all applicable inland plan holders, which is necessary to ensure threats to public health are considered during exercises and spill responses to maintain the current highest standard. A common threat to public health associated with plan holders is toxic air contaminants associated with crude oil and refined hydrocarbon products handled by plan holders. Providing support for community air monitoring, where applicable, will be a new requirement for all applicable plan holders whose operations may result in a spill that has the potential to impact public health and safety. It is necessary for plan holders to identify and provide tactical resources to support local agencies in ensuring public health and safety. This objective is consistent with the certification exercise objective for spill management teams [14 CCR § 830.6(b)].

For all applicable marine plan holders, identifying and documenting other relevant public health agencies updates the current requirement to work with local emergency agencies [14 CCR § 820.01(e)(8.8)] since those representatives are usually not available to participate in exercises and there is currently no specific deliverable to determine objective achievement; this will not be a substantively new requirement for any applicable marine plan holder. Identifying and documenting other relevant public health agencies will be a new requirement for all applicable plan holders, which is necessary to ensure the agencies responsible for public health and safety are notified in a timely manner in case of a real emergency. Including regional air quality management districts and regional water quality control boards is necessary to ensure the local agencies with the authority and resources to safeguard the public are identified during exercises so they can be promptly notified during an actual spill.

Subsection (d)(5)

Subsection (d)(5) describes the Public Information Officer objective, which will not be a new objective for any applicable plan holder [14 CCR § 820.01(e)(5) and 820.02(g)(5)]. Designating a Public Information Officer will be a new requirement for all applicable plan holders who are currently required to provide an interface between the Unified Command and the media and public [14 CCR § 820.01(e)(5) and 820.02(g)(5)]; this is

necessary to clarify, per the *Incident Management Handbook*, who this responsibility falls to.

Developing a press release and at least one additional written media product will not be new requirements for any applicable plan holder [14 CCR § 820.01(e)(5) and 820.02(g)(5)]. Specifying these written media products are for Unified Command approval is to clarify the process outlined in the *Incident Management Handbook*. Since some products are mostly pre-populated using a template and others require information and interaction during the exercise to produce, specific products are included here; this is necessary to ensure plan holders are knowledgeable and practiced in generating products that are relevant to actual spills, and therefore exercises.

Subsection (d)(6)

Subsection (d)(6) describes the Liaison Officer objective, which will not be a new objective for any applicable plan holder [14 CCR § 820.01(e)(6) and 820.02(g)(6)]. Designating staff to work with the agency Liaison Officer will be a new requirement for all applicable plan holders who are currently required to perform select Liaison Officer duties but commonly fill this position despite agency staff presence; in an actual spill response it is an agency that will staff Liaison Officer, not the plan holder. This requirement is necessary to clarify who fills the Liaison Officer position and what liaison role plan holder staff play during an actual spill response, and therefore an exercise. For comparison the Region IX Regional Contingency Plan also indicates that the liaison officer role will be filled by an appropriate government representative (ref. section 2410).

Identifying stakeholders will not be a new requirement for any applicable inland plan holder [14 CCR § 820.02(g)(6)], but it will be a new requirement for all applicable marine plan holders; initiating contact with stakeholders will not be a new requirement for any applicable marine plan holder [14 CCR § 820.01(e)(6)] but will be a new requirement for all applicable inland plan holders; and documenting stakeholders will be a new requirement for all applicable plan holders. Updating this objective to include all three requirements for all applicable plan holders is necessary to clarify plan holder responsibilities in engaging with stakeholders, since they must be identified, and contact information documented, before they can be contacted. Including the listed examples of stakeholders in these regulations is new information for all applicable marine plan holders but is not new information for any applicable inland plan holder [14 CCR § 820.02(g)(6)]; this information is necessary to clarify the types of stakeholders this objective refers to.

Assessing the needs and available resources of stakeholders, monitoring their arrival at the Incident Command Post, and keeping them informed of the incident status will not be new requirements for any applicable marine plan holders [14 CCR § 820.01(e)(6)], but they will be new requirements of all applicable inland plan holders, which is necessary to maintain the current highest standard.

Subsection (d)(7)

Subsection (d)(7) describes the Operations Section objective, which has an updated name for consistency and clarity (currently “Operations”) but will not be a new objective for any applicable plan holder [14 CCR § 820.01(e)(8) and 820.02(g)(7)]. Coordinating and managing field operations with tactical resources and a rated oil spill response organization according to Unified Command objectives will not be new requirements for any applicable plan holder [14 CCR § 820.01(e)(8) and 820.02(g)(7)]. Utilizing an ICS Form 234 will be a new requirement for all applicable plan holders, which is necessary for plan holders to convert Unified Command objectives into strategic and tactical operations, per the *Incident Management Handbook*.

Information regarding what constitutes field operations is included but will not be substantively new to any applicable marine plan holder [14 CCR § 820.01(e)(8)]; this information will be new to all applicable inland plan holders and is necessary to provide clear parameters of what field operations entail for the purposes of achieving this objective. Providing a list of resources and deployment time frames will not be new requirements for any applicable marine plan holder [14 CCR § 820.01(e)(8)] but it will be a new explicitly stated requirement for all applicable inland plan holders; the expectation has been that this information would be provided to Unified Command to inform response management decisions. Providing available tactical resource location and operational actions will be new explicitly stated requirements for all applicable plan holders, but the expectation has been that resource location and operational actions are provided to accurately track response resources and activities; this information is also used to populate the ICS Form 234.

Updating the ICS Form 201 and relevant maps will be a new explicitly stated requirement for all applicable plan holders, but the expectation has been that the ICS Form 201 and relevant maps are always updated so all the work done and information gathered by the Operations Section is disseminated to all response personnel, who need to utilize some or all this information to fulfill their roles and responsibilities.

Subsection (d)(7.1) describes the Source Control objective, which will not be a new objective for any applicable plan holder [14 CCR § 820.01(e)(8.1) and 820.02(g)(7.1)]. Locating the source of the spill and initiating emergency shutdown procedures will not be new requirements for any applicable plan holder [14 CCR § 820.01(e)(8.1) and 820.02(g)(7.1)]. Documenting source control and associated actions on the ICS Form 201 will be a new explicitly stated requirement for all applicable plan holders, but the expectation has been that the ICS Form 201 is updated to disseminate the information to all response personnel.

Subsection (d)(7.2) describes the Assessment objective, which will not be a new objective for any applicable plan holder [14 CCR § 820.01(e)(8.2) and 820.02(g)(7.2)]. Providing an initial estimate of the volume spilled, extent of the spill, and an initial trajectory will not be new requirements for any applicable plan holder [14 CCR § 820.01(e)(8.2) and 820.02(g)(7.2)].

Calculating the actual spill volume will be a new requirement for all applicable plan holders, which is necessary to complete spill assessment, especially since the amount spilled often differs from the initial estimate. Updating the California Office of Emergency Services will be a new requirement for all applicable plan holders, which is necessary for the Governor's Office of Emergency Services Hazardous Materials Spill Report to reflect updated information to be disseminated to anyone looking at the report, including members of the public. Documenting this update on the ICS Form 201 will be a new requirement for all applicable plan holders, which is necessary to disseminate the information to all response personnel.

Subsection (d)(7.3) describes the Firefighting objective, which will not be a new objective for any applicable plan holder [14 CCR § 820.01(e)(8.5) and 820.02(g)(7.4)]. Making an actual notification to the firefighting resource identified in the contingency plan will not be a new requirement for any applicable plan holder since there is not a circumstance in dealing with a flammable or explosive substance that notifying firefighting resources would not be appropriate, as in the current requirement [14 CCR § 820.01(e)(8.5) and 820.02(g)(7.4)]. Requiring the identification and notification of a non-emergency number, if 911 is identified in the contingency plan, is necessary to ensure that 911 is not actually called during an exercise and all plan holders, regardless of the firefighting resource they identify, are required to make one actual notification to achieve credit for this objective. Documenting this notification on an ICS Form 201 will be a new explicitly stated requirement for all applicable plan holders, but the expectation has been that the ICS Form 201 is updated to disseminate the notification information to all response personnel.

Subsection (d)(7.4) describes the Wildlife Care objective, which has an updated name for clarity and brevity (currently "Wildlife Recovery and Rehabilitation") but will not be a new objective for any applicable plan holder [14 CCR § 820.01(e)(8.7) and 820.02(g)(7.5)]. Making a notification to the Oiled Wildlife Care Network or other wildlife care and treatment organization listed in the oil spill contingency plan will not be a new requirement for any applicable plan holder [14 CCR § 820.01(e)(8.7) and 820.02(g)(7.5)]. Documenting this notification on the ICS Form 201 will be a new explicitly stated requirement for all applicable plan holders but the expectation has been that the ICS Form 201 is updated to disseminate the notification information to all response personnel.

Requiring that contact information be accurate in the contingency plan will be a new explicitly stated requirement for all applicable plan holders, since the purpose of these exercises is to test the contingency plan and ensure accurate information is available during an actual spill. This requirement ensures all applicable plan holders are complying with the contingency plan requirement of describing how oiled wildlife care will be provided for [14 CCR § 817.02(i) and 817.04(o)] to ensure wildlife is protected during an actual spill.

Subsection (d)(7.5) describes the Protective Strategies objective, which has an updated name to accurately include both marine and inland site strategies (currently "Shoreline

Protection”) for all applicable marine plan holders [14 CCR § 820.01(e)(8.6)] but will not be a new objective. This will be a new objective for all applicable inland plan holders, which is necessary to test protections for environmentally sensitive areas pursuant to section 8670.10(a)(2) of the Government Code.

Implementing the strategies from the listed plans will not be a new requirement for any applicable marine plan holder [14 CCR § 820.01(e)(8.6)] but it will be a new requirement for all applicable inland plan holders, which is necessary to clearly identify the sensitive site protections and maintain the current highest performance standards. Information regarding the sites being identified by the Environmental Unit is new information for all applicable plan holders, which is necessary to clarify the unit responsible for identifying the sensitive sites that need protection during any given scenario or location.

Coordinating with a rated oil spill response organization will not be a new requirement for any applicable plan holder since this coordination is currently required as a part of the Operations objective [14 CCR § 820.01(e)(8) and 820.02(g)(7)]. Identifying resources to implement the strategies will not be a new requirement for any applicable marine plan holder [14 CCR § 820.01(e)(8.6)] but will be a new requirement for all applicable inland plan holders, which is necessary to ensure protective strategies will have enough resources to be implemented. Providing the resources will be an explicitly new requirement for all applicable marine plan holders, but the expectation has been that the resources must be provided to implement the strategies, as per the current requirement [14 CCR § 820.01(e)(8.6)]. This will be a new requirement for all applicable inland plan holders, which is necessary to ensure plan holders are knowledgeable in acquiring the resources necessary to implement the strategies.

Showing relevant sensitive sites and protective strategies on a chart or map will be a new explicitly stated requirement for all applicable marine plan holders, but the expectation has been that the map, required to be displayed as part of the current Situation Unit objective [14 CCR § 820.01(e)(9.1)], include this information so it can be disseminated to all response personnel. This will also be a new requirement for all applicable inland plan holders, which is necessary so the relevant sensitive sites and protective strategies are disseminated to all response personnel, including Unified Command to inform the response direction. Including the chart or map on the situation status display is a current requirement in the Situation Unit objective and will not be a new requirement for any applicable plan holder [14 CCR § 820.01(e)(9.1) and 820.02(g)(8.1)]. Updating the chart or map along with the resources list will be new explicitly stated requirements for all applicable plan holders, but the expectation has been that these documents are updated to achieve the current requirement of maintaining the status and location of all incident resources as currently required in the Resource Unit objective [14 CCR § 820.01(e)(9.2) and 820.02(g)(8.2)].

Subsection (d)(8)

Subsection (d)(8) describes the Planning Section objective, which has an updated name for consistency and clarity (currently “Planning”) but will not be a new objective for any

applicable plan holder [14 CCR § 820.01(e)(9) and 820.02(g)(8)]. The current requirement for all applicable plan holders is to develop strategies and tactics based on the incident objectives and coordinate with other sections [14 CCR § 820.01(e)(9) and 820.02(g)(8)]. This requirement contains actions that, per the *Incident Management Handbook*, are completed by the Operations Section; therefore, it is necessary to update the requirements for this objective to be better suited to test the Planning Section.

Designating a Planning Section Chief will be a new requirement for all applicable plan holders, which is necessary because this position plays a key role in organizing and driving the spill response, including overseeing plan development and tracking plan status (e.g., demobilization plan is in progress), which is necessary because plans developed by response personnel are the foundation of the Incident Action Plan (IAP). This position is already commonly filled by the plan holder during exercises, but due to difficulties plan holder staff have had fulfilling the role and responsibilities, it will be included here to clarify current expectations of performance standards and to encourage plan holder staff to utilize the job aids associated with the *Incident Management Handbook* to learn more about this position.

The requirement for plans to be submitted for Unified Command approval will be a new explicitly stated requirement for all applicable plan holders, but the expectation has been that plans would be submitted for Unified Command approval as part of the process described in the *Incident Management Handbook* leading up to the development of an IAP to allow them to speak with one voice and manage a coordinated response, so it will be included here to clarify current expectations of performance standards. The ICS Form 201 (currently required by all applicable inland plan holders [14 CCR § 820.02(g)(8)] but currently only an *option* for all applicable marine plan holders [14 CCR § 820.01(e)(9)]), is not typically utilized past the initial response phase and is therefore is not an appropriate form for Unified Command approved plans, so it is necessary to remove this form as an option and maintain the current highest standard of developing an IAP [14 CCR § 820.01(e)(9)]; this will be the sole requirement for approved form inclusion in this objective.

Implementation of the operational planning cycle will not be a new requirement for any applicable plan holder as it is currently required in the Incident Command System objective [14 CCR § 820.01(e)(3) and 820.02(g)(3)] and its implementation is important to maintain because it helps drive the creation of the IAP, which informs response operations for the next operational period. This requirement has been moved here. Designating a Planning Section Chief as the individual to perform these tasks is included for clarity since the Planning Section is responsible for maintaining the meeting schedule, which documents the scheduling of the operational planning cycle. The Planning Section Chief facilitating meetings per the *Incident Management Handbook* will be a new explicitly stated requirement for all applicable plan holders, but this has been the expectation and is included here to clarify current expectations of performance standards.

Subsection (d)(8.1) describes the Situation Unit objective, which will not be a new objective for any applicable plan holder [14 CCR § 820.01(e)(9.1) and 820.02(g)(8.1)]. Designating a Situation Unit Leader will be a new requirement for all applicable plan holders, which is necessary to identify the person in charge of maintaining the situation status display. In this objective, maintaining this display includes collecting, organizing, updating, disseminating, and displaying information. Three of those five tasks (collecting, organizing, and displaying information) will not be new requirements for any applicable plan holder [14 CCR § 820.01(e)(9.1) and 820.02(g)(8.1)]. Updating this information will not be a new requirement for any applicable inland plan holder [14 CCR § 820.02(g)(8.1)]. Updating this information will be a new explicitly stated requirement for all applicable marine plan holders, but the expectation has been that the information displayed be updated as new information becomes available to keep all response personnel informed and it is included here to clarify current expectations of performance standards. Disseminating information will not be a new requirement for any applicable marine plan holder [14 CCR § 820.01(e)(9.1)]. Disseminating information will be a new explicitly stated requirement for all applicable inland plan holders, but the expectation has been that updated information be distributed to all response personnel to keep them apprised of the most up-to-date information.

Having the situation status display in a common area of the Incident Command Post will be a new explicitly stated requirement for all applicable plan holders, but the expectation has been that plan holders place it in a common area; its location is included here to clarify current expectations of performance standards and ensure all response personnel have access to it and are able to stay informed. Displaying the name of the incident, a chart or map, an ICS Form 207, and weather, tides, and currents will not be new requirements for any applicable plan holder [14 CCR § 820.01(e)(9.1) and 820.02(g)(8.1)]. Displaying an ICS Form 230 will not be a new requirement for any applicable marine plan holder [14 CCR § 820.01(e)(9.1)] but will be a new requirement for all applicable inland plan holders, which is necessary to keep all response personnel informed of the schedule of the operational planning cycle meetings. Displaying actual notifications, trajectories, safety data sheet, site safety plan, and the ICS Form 201 or an approved Incident Action Plan will be new explicitly stated requirements for all applicable plan holders, but the expectation has been that this information be displayed to keep all response personnel informed and support the response and other objectives (e.g., posting the safety data sheet and site safety plan allows response personnel to be informed as to safety standards which supports the Safety Officer and safety monitoring). Page three of an ICS Form 201 is the initial response equivalent of the ICS Form 207 (both are organization charts), which will not be a new requirement for any applicable plan holder; rather, it will give all applicable plan holders a chance to achieve this objective during an initial response exercise [14 CCR § 820.01(e)(9.1) and 820.02(g)(8.1)].

Subsection (d)(8.2) describes the Resource Unit objective, which will not be a new objective for any applicable plan holder [14 CCR § 820.01(e)(9.2) and 820.02(g)(8.2)]. Establishing a process for resource tracking in coordination with the Logistics and

Finance Sections will not be a new requirement for any applicable marine plan holder [14 CCR § 820.01(e)(9.1)] but will be a new requirement for all applicable inland plan holders, which is necessary to ensure Unified Command is kept informed of all aspects of the tactical resources available to them to inform response management and decisions. Establishing a process for resource ordering will not be a new requirement for any applicable marine plan holder [14 CCR § 820.01(e)(9.1)] but will be a new requirement for all applicable inland plan holders, which is necessary for plan holder staff to practice establishing an ordering process for all response personnel to order resources necessary to support the response. When the plan holder is the responsible party in an actual spill, it is the plan holder's obligation to pay for all response resources incurred. Establishing a resource ordering process that all responding organizations and agencies can utilize will allow them to save money during an actual spill response versus reimbursing organizations and agencies for having to order their own resources independently.

Ensuring all response personnel sign in to the Incident Command Post will be a new explicitly stated requirement for all applicable plan holders but the expectation has been that everyone sign in so the list can be used to account for everyone in the event of a real emergency situation. It is necessary to list the required components of the sign-in sheet to ensure all the pertinent information is collected because the check-in sheet that is currently required is no longer an active U.S. Coast Guard or U.S. Environmental Protection Agency form.

Documenting and regularly updating the status and location of all tactical resources will be a new explicitly stated requirement for all applicable plan holders, but the expectation has been that the status and location of all incident resources is maintained to keep Unified Command and all response personnel briefed on the timeline of available tactical resources so they can plan response activities accordingly.

Subsection (d)(8.3) describes the Environmental Unit objective, which will not be a new objective for any applicable plan holder [14 CCR § 820.01(e)(9.3) and 820.02(g)(8.3)]. Designating staff to work with the agency Environmental Unit Leader will be a new requirement for all applicable plan holders, which is necessary to clarify the plan holder's role to accomplish the requirements included with this objective. Gathering this environmental data will not be a new requirement for any applicable plan holder [14 CCR § 820.01(e)(9.3) and 820.02(g)(8.3)] and analyzing the environmental data is something the natural resource trustee can assist with, as it is necessary to inform trajectories and make an educated prediction as to how the spilled product will move in the environment which informs response decisions.

Developing more than just an initial trajectory will be a new requirement for all applicable plan holders, which is necessary to ensure plan holders are utilizing the information and tools available to them to consider how their product is going to act in the environment to inform response decisions. Two trajectories are necessary to adequately forecast product movement for all applicable plan holders because, as time moves on, a moderate spill amount has enough variability in its actions with

considerations to weather, tides, currents, and other events that relying solely on an initial trajectory is not sufficient to accurately inform future response decisions. For example, developing two trajectories would be adequate to analyze movement caused by the ebb and flood of a single tidal cycle for any applicable marine plan holder, or to visualize the potential impact of a storm feeding into a watershed for any applicable inland plan holder. Developing these trajectories using time frames appropriate for the scenario is necessary to give plan holders realistic options for the required number of trajectories. Based on discussions with environmental response subject matter experts, the Environmental Unit objective is where this requirement is best suited.

Generating an ICS Form 232 and utilizing trajectories and the relevant plans from this list to inform it will not be new requirements for any applicable plan holder [14 CCR § 820.01(e)(9.3) and 820.02(g)(8.3)]. It is necessary to combine the plans used by both marine and inland plan holders for clarity and to use the term relevant so each plan holder will use the pertinent plans from this list without being required to use irrelevant plans. A reference for the definition of sensitive sites is included for clarity and necessary to ensure plan holders can accurately identify the relevant resources that may be at risk.

Subsection (d)(8.3.1) describes the Waste Management objective, which has an updated name for brevity (currently “Waste Management and Disposal”) for all applicable inland plan holders but will not be a new objective for any applicable plan holder [14 CCR § 820.01(e)(9.3.1) and 820.02(g)(8.3.1)]. Developing a waste management plan for Unified Command approval will not be a new requirement for any applicable marine plan holder [14 CCR § 820.01(e)(9.3.1)] but it will be a new requirement for all applicable inland plan holders. The current requirement for all applicable inland plan holders is to gather information and discuss the components of a waste management plan as appropriate [14 CCR § 820.02(g)(8.3.1)]; it is always appropriate to manage waste since even the smallest of spills generate waste in some way, shape, or form and it is necessary to develop a plan to document the discussions that are currently required as well as be consistent with all applicable marine plan holders to maintain the current highest standard. Submitting this plan for Unified Command approval is necessary so agencies are provided an opportunity to review and provide feedback on the plan.

Working with their rated oil spill response organization to develop this plan will be a new explicitly stated requirement for all applicable plan holders but the expectation has been that these organizations are involved in this process and associated discussions, serving as waste management experts, so it is included here for clarity.

The waste management plan (all applicable marine plan holders) or discussions (all applicable inland plan holders) including procedures for waste segregation, quantification, characterization, and disposal (currently final disposition) will not be new requirements for any applicable plan holder [14 CCR § 820.01(e)(9.3.1) and 820.02(g)(8.3.1)]. Including procedures for obtaining permits in the waste management plan will not be a new requirement for any applicable marine plan holder [14 CCR §

820.01(e)(9.3.1)], but will be a new requirement for all applicable inland plan holders which is necessary to ensure the discussions currently required are compliant with other applicable regulations. Including procedures for storage and transportation in the waste management plan will be new explicitly stated requirements for all applicable plan holders, but the expectation has been that storage and transportation are included since they are both necessary to manage response waste from its creation to its final disposition.

Subsection (d)(8.4) describes the Documentation Unit objective, which has an updated name for consistency and clarity (currently “Documentation”) but will not be a new objective for any applicable plan holder [14 CCR § 820.01(e)(9.4) and 820.02(g)(8.4)]. Collecting and organizing all documents generated during the exercise will not be new requirements of any applicable plan holder [14 CCR § 820.01(e)(9.4) and 820.02(g)(8.4)]. Reviewing and updating all documents will be new explicitly stated requirements for all applicable plan holders but the expectation has been that these are part of maintaining the documents, which is the current requirement for all applicable plan holders [14 CCR § 820.01(e)(9.4) and 820.02(g)(8.4)] and included here to clarify current expectations of performance standards. Disseminating the documentation will not be a new requirement for any applicable marine plan holder [14 CCR § 820.01(e)(9.4)]. Disseminating the documentation will be a new explicitly stated requirement for all applicable inland plan holders, but the expectation has been to keep all response personnel briefed on the documentation that has been generated as well as the information that documentation contains. Designating staff to work in the Documentation Unit will be a new requirement for all applicable plan holders, which is necessary to call out the unit responsible, per the *Incident Management Handbook*, to oversee and accomplish the tasks required of this objective for clarity.

Establishing a filing system accessible by all response personnel will be a new explicitly stated requirement for all applicable plan holders, but the expectation has been that a filing system be established to organize all documents, which is a current requirement of all applicable plan holders [14 CCR § 820.01(e)(9.4) and 820.02(g)(8.4)]. The requirement that all response personnel have access is consistent with the ongoing requirement in the National Oil and Hazardous Substances Pollution Contingency Plan that the On-Scene Coordinators and trustees of affected natural resources have access to the documentation. This requirement is included here to clarify current expectations of performance standards.

Briefing all response personnel on documentation procedures will be a new explicitly stated requirement for all applicable plan holders, but the expectation has been that these procedures are shared to inform all response personnel what to do with the documentation they are generating; it is included here to clarify current expectations of performance standards. The Documentation Unit disseminating this information will be a new requirement for all applicable plan holders; it is necessary to clarify the unit responsible for managing all the documentation, per the *Incident Management Handbook*. Transitioning to an agency Documentation Unit Leader will be a new

explicitly stated requirement for all applicable plan holders, but it is the responsibility of the On-Scene Coordinators, per the National Oil and Hazardous Substances Pollution Contingency Plan, to ensure the collection and safeguarding of information, samples, and reports. This has been the expectation and is therefore included here to clarify current expectations of performance standards.

All documentation being provided to the drill coordinator upon request will be a new explicitly stated requirement for all applicable plan holders, but the expectation has been that plan holders provide drill coordinators with any documentation they request for verification and inspection based on the current requirement that documentation must be provided to the Administrator or a designee, upon request [14 CCR § 820.01(e)(9.4) and 820.02(k)(1)(D)]. This requirement is included here to clarify current expectations of performance standards and address plan holder resistance when drill coordinators request to see documentation.

Subsection (d)(8.5) describes the Volunteer Unit objective, which has an updated name for consistency and clarity (currently “Volunteer Management”) for all applicable marine plan holders but will not be a new objective [14 CCR § 820.01(e)(9.5)]. This will be a new objective for all applicable inland plan holders and is necessary because their reasonable worst-case spill volume is high enough to potentially warrant the use of non-wildlife volunteers, for which they need to be prepared, and to be consistent with all applicable marine plan holders to maintain the current highest standard.

Designating staff to engage with the Volunteer Coordinator and establishing a Volunteer Unit will be new explicitly stated requirements for all applicable marine plan holders, but the expectation has been that plan holders provide at least one person to engage with the Volunteer Coordinator to provide local knowledge and expertise to help develop a Non-Wildlife Volunteer Plan, which is developed after a Volunteer Unit is established; they are included here to clarify current expectations of performance standards and timeline of work products. This will be a new requirement for all applicable inland plan holders and is necessary to introduce them to the volunteer management process approved for use in California and ensure their familiarity with it in case of an actual spill. Discussion items will be a new requirement for all applicable plan holders and are necessary to ensure plan holders’ familiarity with the volunteer management process.

Subsection (d)(9)

Subsection (d)(9) describes the Logistics Section objective, which has an updated name for consistency and clarity (currently “Logistics”) but will not be a new objective for any applicable plan holder [14 CCR § 820.01(e)(10) and 820.02(g)(9)]. Providing support for the incident will not be a new requirement for any applicable plan holder [14 CCR § 820.01(e)(10) and 820.02(g)(9)]. Identifying the support that needs to be provided will not be a new requirement for any applicable marine plan holder [14 CCR § 820.01(e)(10)], however it will be a new explicitly stated requirement for all applicable inland plan holders, but the expectation has been that support must be identified before it can be provided. Support including personnel, facilities, and services will not be a new

requirement for any applicable plan holder [14 CCR § 820.01(e)(10) and 820.02(g)(9)]. Providing materials to support the response will not be a new requirement for any applicable marine plan holder [14 CCR § 820.01(e)(10)], however it will be a new explicitly stated requirement for all applicable inland plan holders, but the expectation has been that anything necessary to support the response, including materials, be considered and provided.

Establishing and disseminating a resource request and ordering process will be a new explicitly stated requirement for all applicable plan holders, but the expectation has been that this process must be established and disseminated before any support can be provided, otherwise response personnel would not know how to order the support. Designating staff to work in the Logistics Section and coordinating with the Resources Unit and Finance Section will be new requirements for all applicable plan holders, which are necessary to include to clarify, per the *Incident Management Handbook*, who these responsibilities fall to. Utilizing an ICS Form 213RR will be a new requirement for all applicable plan holders and is necessary to clarify the form described by the *Incident Management Handbook* and utilized by the Federal and State On-Scene Coordinators; integrating into this system will not be a new requirement for any applicable plan holder [14 CCR § 820.01(e)(3) and 820.02(g)(3)]. Two forms are necessary to ensure plan holders have practice utilizing these ICS forms, which are the resource order forms used during actual spills and therefore exercises.

Subsection (d)(9.1) describes the Communications Unit objective, which has an updated name for consistency and clarity (currently “Communications”) but will not be a new objective for any applicable plan holder [14 CCR § 820.01(e)(10.1) and 820.02(g)(9.1)]. Establishing communications will not be a new requirement for any applicable plan holder [14 CCR § 820.01(e)(10.1) and 820.02(g)(9.1)]. Disseminating the communication systems will be a new explicitly stated requirement for all applicable plan holders, but the expectation has been that any communication systems generated be disseminated (otherwise response personnel wouldn’t know they exist). Posting to the situation status display will be a new requirement for all applicable plan holders, which is necessary to clarify current expectations of performance standards and ensure communications are disseminated.

The current requirement for all applicable plan holders is to establish an intra-organization communications system [14 CCR § 820.01(e)(10.1) and 820.02(g)(9.1)]. Utilizing an ICS Form 205a to satisfy this will be a new explicitly stated requirement for all applicable plan holders, but the expectation has been that an ICS 205a be utilized to achieve this requirement.

Subsection (d)(9.2) describes the Personnel Support objective, which has an updated name for clarity and brevity (currently “Personnel and Incident Support”) for all applicable inland plan holders, but will not be a new objective for any applicable plan holder [14 CCR § 820.01(e)(10.2) and 820.02(g)(9.2)]. Identifying and providing support for response personnel including operational space, administrative space, lodging, food, and transportation will not be new requirements for any applicable plan holder [14 CCR

§ 820.01(e)(10.2) and 820.02(g)(9.2)]. Identifying and providing security and an ICS Form 206 will not be new requirements for any applicable marine plan holder [14 CCR § 820.01(e)(10.2)] but will be new for all applicable inland plan holders, which are necessary to ensure the security of all response personnel and their welfare, should they become injured.

Ensuring the support covers the current and subsequent operational periods will be a new explicitly stated requirement for all applicable plan holders, but the expectation has been that personnel support encompasses support for the response personnel that are on-site as well as for those working the next shift, who are not all considered during most exercises; therefore, it is necessary to include this requirement to clarify current expectations of performance standards.

Subsection (d)(9.3) describes the Response Infrastructure objective, which has an updated name for clarity and brevity (currently “Incident Command Post Equipment and Support”) for all applicable marine plan holders, but will not be a new objective [14 CCR § 820.01(e)(10.3)]. However, this will be a new objective for all applicable inland plan holders, which is necessary to ensure all applicable inland plan holders are capable of physically supporting operations at the Incident Command Post, which is the nerve center of any response. Providing and maintaining equipment necessary to support the Incident Command Post infrastructure including internet service, telecommunication service, printers, copiers, and scanners will not be a new requirement for any applicable marine plan holder [14 CCR § 820.01(e)(10.3)]. All applicable inland plan holders are currently required to provide incident support [14 CCR § 820.02(g)(9.2)]; however, providing and maintaining internet service, telecommunication service, printers, copiers, and scanners will be new explicitly stated requirements for all applicable inland plan holders to clarify current expectations of performance standards and maintain the current highest standards, but the expectation has been this support be provided to support the incident so it is necessary to include here.

Providing office supplies will be a new explicitly stated requirement for all applicable plan holders, but the expectation has been that these supplies be provided because, like with the equipment, these supplies are a necessity for the Incident Command Post to function. Office supplies needed to support the Incident Command Post vary based on the size, scope, and documentation of the exercise, but generally include pens, pencils, paper, printer ink and toner, highlighters, staplers and staples, etc. It is included here to clarify current expectations of performance standards for all applicable plan holders.

Providing internet service is a current requirement for all applicable marine plan holders [14 CCR § 820.01(e)(10.3)] and has been expected of all applicable inland plan holders to achieve the current requirement of providing operational services as currently required [14 CCR § 820.02(g)(9.3)] since internet is required to provide the connectivity ICS requires, which is currently required of all applicable plan holders to integrate into [14 CCR § 820.01(e)(3) and 820.02(g)(3)]. The necessity for the internet to be wireless, accessible by all response personnel, and capable of supporting all response activities

will be new explicitly stated requirements for all applicable plan holders, but this has been the expectation. This expectation is based on the functional limitations of hardline internet and its inability to support a rapidly escalating response at an Incident Command Post. Wireless internet does not have the functional limitations of hardline internet, but in order to support the response it needs to be accessible by all response personnel and have the bandwidth for them to fulfill their roles and responsibilities simultaneously. These requirements have been included to clarify current expectations of performance standards and ensure plan holders are capable of supporting response activities at the Incident Command Post during an actual spill.

Subsection (d)(10)

Subsection (d)(10) describes the Finance Section objective, which has an updated name for consistency and clarity (currently "Finance") but will not be a new objective for any applicable plan holder [14 CCR § 820.01(e)(11) and 820.02(g)(10)]. Designating a Finance Section Chief will be a new requirement for all applicable plan holders, which is necessary to identify the individual whose responsibility it is, per the *Incident Management Handbook*, to oversee and accomplish the tasks required of this objective for clarity. Establishing and disseminating third-party claims procedures to the Situation Unit, Public Information Officer, and Liaison Officer will not be new requirements for any applicable marine plan holder [14 CCR § 820.01(e)(11)]. All applicable inland plan holders are currently required to develop a process for managing third-party claims [14 CCR § 820.02(g)(10)]; establishing and disseminating third-party claims procedures to the Situation Unit, Public Information Officer, and Liaison Officer will be new explicitly stated requirements for all applicable inland plan holders to clarify current expectations of performance standards and maintain the current highest standards.

Documenting and tracking daily expenditures will not be new requirements for any applicable marine plan holder [14 CCR § 820.01(e)(11)]. All applicable inland plan holders are currently required to provide the necessary support for cost tracking [14 CCR § 820.02(g)(10)]; documenting and tracking daily expenditures will be new explicitly stated requirements for all applicable inland plan holders to clarify current expectations of performance standards and maintain current highest standards. Calculating total costs and expenses and the coordination involved will be new explicitly stated requirements for all applicable plan holders to update the current requirement for all applicable marine plan holders to provide cost estimates [14 CCR § 820.01(e)(11)] and for all applicable inland plan holders to provide support for cost tracking [14 CCR § 820.02(g)(10)] to clarify current expectations of performance standards and the responsibilities outlined in the *Incident Management Handbook*. These new explicitly stated requirements are currently expected of all applicable plan holders to accomplish providing necessary financial support, per the *Incident Management Handbook*, and are included here for clarity due to ongoing issues with plan holders not providing sufficient financial support.

Subsection (e)

Purpose: The purpose of subsection (e) is to describe the exercise requirements for tier III plan holders – the smallest of facilities and all mobile transfer units – in a way that maximizes clarity of all the requirements.

As previously mentioned, drill and exercise requirements for all existing marine plan holders are not currently tiered by reasonable worst-case spill volume like they are for all existing inland plan holders, therefore the tier possibilities of each existing marine plan type had to be determined to inform the changes to each type of existing marine plan holder. The changes for tiers I and II are more straightforward since the requirements for all existing marine plan holders that will become tiers I and II are the same (vessel and marine facility plan holders), so the differences to these regulations are the same. However, tier III includes existing marine plan holders that currently have different requirements (marine facility vs. small marine fueling facility and mobile transfer unit plan holders), so the changes to the requirements in these regulations are also different. Even though small marine fueling facility plan holders are subject to the tier categories like any other marine facility, there are currently none with a reasonable worst-case spill volume greater than 249 barrels that may impact marine waters; and since they currently have different requirements than marine facilities, they are being specifically included in this subsection for clarity.

None of the requirements described in this subsection apply to vessel or current tier I or II inland plan holders. For the purposes of the discussion in this Initial Statement of Reasons, for this subsection only, the phrase “all applicable plan holders” will be utilized to mean any marine facility that will be considered tier III per these regulations (including all current small marine fueling facilities), mobile transfer unit, and tier III inland facility plan holders; “all applicable marine plan holders” will be utilized to mean any marine facility that will be considered tier III per these regulations (including all current small marine fueling facilities) and mobile transfer unit plan holders; and “all applicable inland plan holders” will be utilized to mean any tier III inland facility plan holders; otherwise specific plan holder types will be stated.

Necessity: This subsection specifies the objectives and deadlines applicable to tier III plan holders in a way that maximizes clarity of all the requirements.

Conducting exercises so the scenario, scope, and staffing are sufficient to test and successfully achieve the objectives will not be a new requirement for any applicable plan holder [14 CCR § 820.01(e), 820.01(f), and 820.02 (h)]. Plan holder staff are specifically stated to address ongoing issues with plan holders expecting OSPR staff to achieve the work required in the objective to earn objective credit.

All applicable inland plan holders are currently required to test and successfully achieve all applicable objectives at every exercise [14 CCR § 820.02(b)(3)(A)2.]; therefore, it will not be a new requirement for any applicable inland plan holder to successfully achieve the Notifications (1) and Staff Mobilization (2) objectives at every exercise. It will be a

new requirement for all applicable marine plan holders to successfully achieve the Notifications (1) and Staff Mobilization (2) objectives at every exercise. Achieving Notifications at every exercise is necessary to address ongoing issues with plan holders not demonstrating the ability to do so during drills, exercises, and actual spills. Achieving Staff Mobilization at every exercise is necessary for the drills and exercises unit to be able to enforce current requirements to utilize the contingency plan at every exercise [14 CCR § 820.01(a)]. The requirement to successfully achieve all other objectives over any consecutive three-year period will not change for any applicable marine plan holder [14 CCR § 820.01(a)(1)(A)3. and 820.01(a)(3)(A)1.].

To ensure tier III plan holders are prepared to respond sufficiently to provide the best possible natural resource protection, it is necessary to test more objectives than are currently required, which many applicable inland plan holders already do. To accommodate the additional objectives, all applicable inland plan holders will need to successfully achieve all objectives from subsection (3) through (9) in any consecutive three-year period, the same requirement as tier I and tier II plan holders, which will be a new requirement for all applicable inland plan holders. This will allow for additional time to achieve the additional objectives compared with the current requirement of achieving all objectives every year [14 CCR § 820.02(b)(3)(A)2.].

Subsection (e)(1)

Subsection (e)(1) describes the Notifications objective, which will not be a new objective for any applicable plan holder [14 CCR § 820.01(e)(1), 820.01(f)(1), and 820.02(h)(1)]. Reporting of oil spills to the Office of Emergency Services is required by section 8670.25.5 of the Government Code, and section 153.203 of Title 33 of the Code of Federal Regulations requires reporting to the National Response Center. Making these actual notifications within the stated time frame required by OSPR's contingency plan regulations will not be new requirements for any applicable plan holder [14 CCR § 820.01(e)(1), 820.01(f)(1), and 820.02(h)(1)]; however, the time requirement is included here for clarity and consistency with OSPR's contingency plan regulations [ref. 14 CCR § 817.02(g), 817.03(g), and 817.4(g)]. Phone calls are currently the most common type of notification being made to satisfy this requirement, but they are specifically included here for clarity and consistency. Notifications being witnessed by a drill coordinator will be a new explicitly stated requirement for all applicable plan holders, but the expectation has been that drill coordinators would be able to witness notifications to ensure compliance. This is necessary to address ongoing issues with plan holders not successfully achieving Notifications and disallowing drill coordinators to observe notifications being made. Chronicling notifications on an ICS Form 201 will be a new explicitly stated requirement for all applicable plan holders, but the expectation has long been that notifications be documented on page two of the ICS Form 201 to disseminate the information to all response personnel.

It will not be a new requirement for any applicable inland plan holder to successfully achieve this objective at every exercise [14 CCR § 820.02(b)(3)(A)2.] but it will be a new requirement for all applicable marine plan holders, which is necessary to address

ongoing plan holder difficulty in achieving this objective during drills, exercises, and actual spills.

Subsection (e)(2)

Subsection (e)(2) describes the Staff Mobilization objective, which will not be a new objective for any applicable plan holder [14 CCR § 820.01(e)(2), 820.01(f)(2), and 820.02(h)(2)]. Assembling the initial response personnel will not be a new concept or requirement for any applicable plan holder [14 CCR § 820.01(e)(2), 820.01(f)(2), and 820.02(h)(2)]; terminology is simply updated to be consistent with recent amendments to 14 CCR § 790. Notifying the spill management team (SMT) identified in the contingency plan will not be a new requirement for any applicable inland plan holder [14 CCR § 820.02(h)(1)] but it will be an explicitly new requirement for all applicable marine plan holders. This has been the expectation since the SMT would need to be notified before they can arrive on-scene per the current requirement [14 CCR § 820.01(e)(2) and 820.01(f)(2)]. Specifying the SMT be certified will be a new requirement and is necessary to be consistent with the recently adopted SMT certification regulations (14 CCR § 830.1 through 830.11). Documenting the notification to the certified SMT will not be a new requirement for any applicable inland plan holder; utilizing the ICS Form 201 will be a new explicitly stated requirement, but the expectation has been that notifications would be documented on page two of the ICS Form 201 to be disseminated to all response personnel. For all applicable marine plan holders, documenting the notification will be a new requirement since they are not currently required to notify their SMT; this documentation requirement is necessary to maintain consistency with the current highest standards and to disseminate the information to all response personnel.

Contingency plans must be available to response personnel and to relevant state and federal agencies [Gov. C. § 8670.29(f)]. The purpose of plan holders conducting drills and exercises is to test their contingency plan [14 CCR § 820.01(a) and 820.02(b)]. The requirement to have the contingency plan available and used at all required exercises will not be a new requirement for any applicable plan holder [14 CCR § 820.01(a) and 820.02(d)(7)]. But this requirement is not currently included in any objective, so there is no way for the drills and exercises unit to ensure plan holder compliance. To resolve this issue, OSPR proposes including this requirement as part of an exercise objective to enable evaluation by OSPR and ensure plan holder compliance. This objective will need to be successfully achieved at every exercise. Successfully achieving this objective at every exercise will not be a new requirement for any applicable inland plan holder [14 CCR § 820.02(b)(3)(A)2.]. It will be a new requirement for all applicable marine plan holders to successfully achieve this objective at every exercise, which is necessary to ensure accountability of meeting the current requirement for the contingency plan to be available and used at all exercises [14 CCR § 820.01(a)].

Subsection (e)(3)

Subsection (e)(3) describes the Incident Command System objective, which will not be a new objective for any applicable plan holder [14 CCR § 820.01(e)(3), 820.01(f)(3), and 820.02(h)(3)]. Organizing the initial response personnel using the incident command system (ICS) and implementing the operational planning cycle will not be new requirements for any applicable plan holder [14 CCR § 820.01(e)(3), 820.01(f)(3), and 820.02(h)(3)]. All applicable marine plan holders are currently required to utilize ICS as outlined in the U.S. Coast Guard *Incident Management Handbook*, as defined in 14 CCR § 790, so this will not be a new requirement for any applicable marine plan holder [14 CCR § 820.01(e)(3) and 820.01(f)(3)]. All applicable inland plan holders are currently required to integrate into the system used by the Federal or State On-Scene Coordinator [14 CCR § 820.02(h)(3)] who operate according to either *Incident Management Handbook* referenced in this objective, so they are included here to clarify current expectations of performance standards and will not be a new requirement for any applicable inland plan holder.

Documenting response personnel on an organization chart will be an explicitly new requirement for all applicable plan holders, which is necessary to ensure that response personnel are actually organized using the incident command system as currently required [14 CCR § 820.01(e)(3), 820.01(f)(3), and 820.02(h)(3)]. This has been the ongoing expectation since it is necessary to disseminate to all response personnel so they can identify the individuals they will need to communicate and collaborate with to coordinate response activities.

Subsection (e)(3.1) describes the Unified Command objective, which has an updated name for consistency and clarity (currently “Facilitate an incident briefing”) for all applicable inland plan holders but will not be a new objective for any applicable plan holder [14 CCR § 820.01(e)(4), 820.01(f)(4), and 820.02(h)(3.1)]. The incident commander developing initial incident objectives and response priorities will be a lesser requirement for all applicable marine plan holders who are currently required to form a Unified Command and then develop the objectives and priorities, which is better suited to those in the tier with the lowest spill volume [14 CCR § 820.01(e)(4) and 820.01(f)(4)]; this will be a new requirement for all applicable inland plan holders and is necessary for plan holders to understand and practice making decisions that drive the early hours of a response.

Reviewing these objectives with the Federal or State On-Scene Coordinator will not be a new requirement for any applicable marine plan holder [14 CCR § 820.01(e)(4), 820.01(f)(4)], who are currently required to form a Unified Command which entails reviewing these objectives and priorities. However, this will be a new explicitly stated requirement for all applicable inland plan holders, but the expectation has been the Federal or State On-Scene Coordinator, who may be present for the incident briefing in which the initial objectives and priorities are usually announced, is provided an opportunity to discuss and provide feedback on the initial objectives and priorities to inform response direction during an actual spill.

Discussing the need to engage with other agencies will be a new explicitly stated requirement for all applicable marine plan holders, but the expectation has been this occurs during the Unified Command meetings that are currently required, per the *Incident Management Handbook* [14 CCR § 820.01(e)(4) and 820.01(f)(4)]; but it will be a new requirement for all applicable inland plan holders who are currently not required to form a Unified Command and have these discussions, which is necessary to ensure the applicable agencies are identified for inclusion in the response during an actual spill. Addressing emerging concerns will be a new requirement for all applicable plan holders, stemming from the need to consider important issues that these regulations cannot foresee; for example, health and safety considerations during the COVID-19 pandemic.

Documenting the objectives and priorities on an ICS Form 201 will be a new explicitly stated requirement for all applicable marine plan holders because this step is completed prior to the current requirement of forming a Unified Command [14 CCR § 820.01(e)(4) and 820.01(f)(4)] This will also be a new explicitly stated requirement for all applicable inland plan holders, but the expectation has been initial objectives and priorities be developed and documented on the ICS Form 201 to achieve the current requirement of facilitating an incident briefing, per the *Incident Management Handbook* [14 CCR § 820.02(h)(3.1)].

Subsection (e)(4)

Subsection (e)(4) describes the Safety Officer objective, which has an updated name for consistency and clarity (currently “Safety”) for small marine fueling facility and mobile transfer unit plan holders. This will not be a new objective for any applicable plan holder [14 CCR § 820.01(e)(7), 820.01(f)(7), and 820.02(h)(4)]. However, actual identification of a Safety Officer will be a new requirement for all applicable plan holders. This ICS position is necessary to clarify, per the *Incident Management Handbook*, the position responsible for completing the proposed requirements.

Conducting a safety briefing will not be a new requirement for small marine fueling facility, mobile transfer unit, or any applicable inland plan holders [14 CCR § 820.01(f)(7) and 820.02(h)(4)]. However, it will be a new explicitly stated requirement for marine facility plan holders, but the expectation has been a safety briefing is conducted to achieve the current requirement of ensuring compliance with the site safety plan [14 CCR § 820.01(e)(7)] because it cannot be accomplished without first disseminating safety information to all response personnel. Monitoring health and safety will not be a new requirement for marine facility plan holders [14 CCR § 820.01(e)(7)]. However, it will be a new explicitly stated requirement for small marine fueling facility, mobile transfer unit, and all applicable inland plan holders, but the expectation has been health and safety be monitored since safety is the number one priority.

Generating an initial site safety plan will be a new explicitly stated requirement for all applicable plan holders, but the expectation has been an initial site safety plan be generated as a result of the initial site safety assessment, and this assessment will not be a new requirement for any applicable plan holder [14 CCR § 820.01(e)(7),

820.01(f)(7), and 820.02(h)(4)]. Identifying hazards will not be a new requirement for small marine fueling facility, mobile transfer unit, or any applicable inland plan holders [14 CCR § 820.01(f)(7), and 820.02(h)(4)]. However, it will be a new explicitly stated requirement for marine facility plan holders, but the expectation has been it is a necessary component of the initial site safety assessment which is currently required [14 CCR § 820.01(e)(7)]. Providing the safety data sheet will not be a new requirement for any applicable plan holder [14 CCR § 820.01(e)(8.8), 820.01(f)(7), and 820.02(h)(4)].

Subsection (e)(4.1) describes the Safety of the Public objective, which simply updates the Safety of Responders and Public objective that is currently required of marine facility plan holders [14 CCR § 820.01(e)(8.8)]; it will not be a new objective. This will be a new objective for small marine fueling facility, mobile transfer unit, and all applicable inland plan holders which is necessary to ensure these plan holders are considering and prepared to act on behalf of public safety. Considering threats to public health will not be a new requirement for marine facility plan holders [14 CCR § 820.01(e)(8.8)] but it will be a new requirement for small marine fueling facility, mobile transfer unit, and all applicable inland plan holders, which is necessary to ensure threats to public health are considered during exercises and responses.

Identifying and documenting the local Certified Unified Program Agency (CUPA) will be a new explicitly stated requirement for all applicable plan holders, but the expectation has been these agencies be identified since they are the local regulatory agency that serves to protect Californians from hazardous waste and hazardous materials. These agencies would respond to an actual spill by an OSPR regulated plan holder since they have the authority to protect public health and safety, which includes working with local public health. Identifying and documenting other relevant public health agencies will be a new requirement for all applicable plan holders, which is necessary to ensure the agencies responsible for public health and safety have been identified so they can be notified in a timely manner in case of a real emergency.

Subsection (e)(5)

Subsection (e)(5) describes the Public Information Officer objective, which will not be a new objective for any applicable plan holder [14 CCR § 820.01(e)(5), 820.01(f)(5), and 820.02(h)(5)]. Identifying a Public Information Officer will be a new requirement for all applicable plan holders, who are currently required to provide an interface between Unified Command and the media and public [14 CCR § 820.01(e)(5), 820.01(f)(5), and 820.02(h)(5)]; this ICS position is necessary to clarify, per the *Incident Management Handbook*, who this responsibility falls to.

Developing a written media product will not be a new requirement for any applicable plan holder [14 CCR § 820.01(e)(5), 820.01(f)(5), and 820.02(h)(5)]; an initial press release is currently an option for all applicable plan holders to fulfill the current requirement [14 CCR § 820.01(e)(5), 820.01(f)(5), and 820.02(h)(5)], but it is included here to specify the most appropriate written media product for Unified Command approval. Having the initial press release be approved by the incident commander or

Unified Command will be a new explicitly stated requirement for all applicable plan holders, but the expectation has been all products need to be submitted to the incident commander or Unified Command for approval prior to it being finalized and released, per the *Incident Management Handbook*.

Subsection (e)(6)

Subsection (e)(6) describes the Liaison Officer objective, which has an updated name for consistency and clarity (currently “Liaison”) for small marine fueling facility and mobile transfer unit plan holders but will not be a new objective for any applicable plan holder [14 CCR § 820.01(e)(6), 820.01(f)(6), and 820.02(h)(6)].

Utilizing relevant area contingency plans, geographic response plans, and the oil spill contingency plan to identify stakeholders will be a new explicitly stated requirement for all applicable plan holders, but the expectation has been these plans are utilized to generate a stakeholder list; it is included here to clarify current expectations of performance standards.

Identifying stakeholders will not be a new requirement for small marine fueling facility, mobile transfer unit, or any applicable inland plan holders [14 CCR § 820.01(f)(5) and 820.02(h)(5)]. However, it will be a new explicitly stated requirement for marine facility plan holders, but they are currently required to initiate contact with stakeholders [14 CCR § 820.01(e)(6)] and the expectation has been they must be identified before contact can be initiated. Documenting stakeholders will be a new explicitly stated requirement for all applicable plan holders, but the expectation has been their contact information must be documented prior to initiating contact with them. Initiating contact with stakeholders will not be a new requirement for any applicable plan holder [14 CCR § 820.01(e)(6), 820.01(f)(6), and 820.02(h)(6)]; for all applicable inland plan holders, the current requirement is to initiate contact as appropriate [14 CCR § 820.02(h)(5)], but it is never inappropriate to initiate contact with stakeholders. Identifying, documenting, and initiating contact with stakeholders is included here to clarify current expectations of performance standards. Including the listed examples of stakeholders in these regulations is new information for all applicable marine plan holders, but is not new information for any applicable inland plan holder [14 CCR § 820.02(h)(6)]; this information is necessary to clarify the types of stakeholders this objective refers to.

Subsection (e)(7)

Subsection (e)(7) describes the Operations Section objective, which has an updated name for consistency and clarity (currently “Operations”) but will not be a new objective for any applicable plan holder [14 CCR § 820.01(e)(8), 820.01(f)(8), and 820.02(h)(7)]. Coordinating and managing field operations with tactical resources and a rated oil spill response organization will not be new requirements for any applicable plan holder [14 CCR § 820.01(e)(8), 820.01(f)(8), and 820.02(h)(7)]. Doing this work in accordance with incident objectives will be a new explicitly stated requirement for all applicable plan holders, but the expectation has been operations are conducted in accordance with the

applicable response objectives. For all applicable marine plan holders, it will expand upon the current requirement of working in accordance to Unified Command objectives [14 CCR § 820.01(e)(8) and 820.01(f)(8)] and for all applicable inland plan holders it will expand upon the current requirement of working in accordance to initial incident commander objectives [14 CCR § 820.02(h)(7)]; this expansion will allow for objective credit to be earned for working in accordance to either incident commander or Unified Command objectives, whichever is applicable to the scenario and scope of the exercise.

Information regarding what constitutes field operations is included but will not be substantively new to any applicable marine plan holder [14 CCR § 820.01(e)(8) and 820.01(f)(8)], but will be new to all applicable inland plan holders and is necessary to provide clear parameters of what field operations entail for the purposes of achieving this objective. Providing a list of resources and deployment time frames will not be new requirements for marine facility plan holders [14 CCR § 820.01(e)(8)], but will be new requirements for small marine fueling facility, mobile transfer unit, and all applicable inland plan holders, which is necessary to ensure the Operations Section has the information required to perform their roles and responsibilities. Providing resource location and operational actions will be new explicitly stated requirements for all applicable plan holders, but the expectation has been their locations and operation actions are provided to accurately track response resources and activities.

Updating the ICS Form 201 and relevant maps will be a new explicitly stated requirement for all applicable plan holders, but the expectation has been that the ICS Form 201 and relevant maps are always updated so all the work done and information gathered by the Operations Section is disseminated to all response personnel, who need to utilize some or all this information to fulfill their roles and responsibilities.

Subsection (e)(7.1) describes the Source Control objective, which stems from a single objective that is split for consistency, clarity, and straightforward evaluation (currently “Source Control and Assessment”) for small marine fueling facility and mobile transfer unit plan holders but will not be a new requirement for any applicable marine plan holder [14 CCR § 820.01(e)(8.1) and 820.01(f)(8.1)]. This will be a new objective for all applicable inland plan holders, which is necessary to ensure response personnel are knowledgeable of emergency procedures to secure the source in case of an actual spill. This will result in more quickly stopping the spill to minimize its impact to California’s natural resources and also maintains the current highest performance standards.

Locating the source of the spill and initiating emergency shutdown procedures will not be new requirements for any applicable marine plan holder [14 CCR § 820.01(e)(8.1) and 820.01(f)(8.1)], but will be new for all applicable inland plan holders, which is necessary to ensure locating and stopping the source of a spill is a practiced skillset of response personnel to utilize during an actual spill and to maintain the current highest performance standards. Documenting source control and associated actions on the ICS Form 201 will be a new explicitly stated requirement for all applicable marine plan holders, but the expectation has been that the ICS Form 201 is updated to disseminate the information to all response personnel.

Subsection (e)(7.2) describes the Assessment objective, which stems from a single objective that is split for consistency, clarity, and straightforward evaluation (currently “Source Control and Assessment”) for small marine fueling facility and mobile transfer unit plan holders but will not be a new requirement for any applicable marine plan holder [14 CCR § 820.01(e)(8.2) and 820.01(f)(8.1)]. This will be a new objective for all applicable inland plan holders which is necessary to ensure response personnel are knowledgeable of assessing the spill to provide accurate spill volumes to Unified Command and the public and this also maintains the current highest performance standards.

Providing an initial estimate of the volume spilled, extent of the spill, and an initial trajectory will not be new requirements for any applicable marine plan holder [14 CCR § 820.01(e)(8.2) and 820.01(f)(8.1)] but will be new requirements of all applicable inland plan holders. These are necessary to ensure response staff have the skillset to provide an initial spill estimate to agencies with jurisdiction so an appropriate amount of staff and resources can be mobilized as soon as possible to help abate and mitigate damage caused by the spill. This also maintains the current highest performance standards.

Calculating the actual spill volume will be a new requirement for all applicable plan holders, which is necessary to complete spill assessment, especially since the amount spilled often differs from the initial estimate. Documenting this volume will be a new requirement for all applicable plan holders, which is necessary to disseminate updated information to all response personnel.

Subsection (e)(7.3) describes the Wildlife Care objective, which has an updated name for clarity and brevity (currently “Wildlife Recovery and Rehabilitation”) but will not be a new objective for any applicable marine plan holder [14 CCR § 820.01(e)(8.7) and 820.01(f)(8.4)]. However, it will be a new objective for all applicable inland plan holders, which is necessary to ensure wildlife impacted by an actual spill are protected and cared for. Making a notification to the Oiled Wildlife Care Network or other wildlife care and treatment organization listed in the oil spill contingency plan will not be a new requirement for any applicable marine plan holder [14 CCR § 820.01(e)(8.7) and 820.01(f)(8.4)]; however, this will be a new requirement for all applicable inland plan holders, which is necessary to ensure wildlife are protected and cared for and maintain the current highest performance standard. Documenting this notification on the ICS Form 201 will be a new explicitly stated requirement for all applicable marine plan holders, but the expectation has been the ICS Form 201 is updated to disseminate the notification information to all response personnel. This will be a new requirement for all applicable inland plan holders, which is necessary to disseminate the notification information to all response personnel.

Requiring that contact information be accurate in the contingency plan will be a new explicitly stated requirement for all applicable plan holders since the purpose of these exercises is to test the contingency plan and ensure accurate information is available during an actual spill. This requirement ensures all applicable plan holders are complying with the contingency plan requirement of describing how oiled wildlife care

will be provided for [14 CCR § 817.02(i), 817.03(i), and 817.04(o)] to ensure wildlife is protected during an actual spill.

Subsection (e)(7.4) describes the Protective Strategies objective. This objective has an updated name for marine facility plan holders [14 CCR § 820.01(e)(8.6)] (currently “Shoreline Protection”) to accurately include both marine and inland site strategies, but will not be a new objective. This will be a new objective for small marine fueling facility, mobile transfer unit, and all applicable inland plan holders, which is necessary to test protections for environmentally sensitive areas pursuant to section 8670.10(a)(2) of the Government Code.

Implementing the strategies from the listed plans will not be a new requirement for marine facility plan holders [14 CCR § 820.01(e)(8.6)] but it will be a new requirement for small marine fueling facility, mobile transfer unit, and all applicable inland plan holders, which is necessary to clearly identify the foundation of sensitive site protections and maintain the current highest performance standards. Information regarding the sites being identified by the Environmental Unit is new information for all applicable plan holders, which is necessary to clarify the unit per the *Incident Management Handbook* responsible for identifying the sensitive sites that need protection during any given scenario or location.

Coordinating with a rated oil spill response organization will not be a new requirement for any applicable plan holder since this coordination is currently required as a part of the Operations objective [14 CCR § 820.01(e)(8), 820.01(f)(8), and 820.02(h)(7)]. Identifying resources to implement the strategies will not be a new requirement for marine facility plan holders [14 CCR § 820.01(e)(8.6)] but will be a new requirement for small marine fueling facility, mobile transfer unit, and all applicable inland plan holders, which is necessary to ensure protective strategies will have enough resources to be implemented. Providing the resources will be an explicitly new requirement for marine facility plan holders but the expectation has been that the resources must be provided to implement the strategies, as per the current requirement [14 CCR § 820.01(e)(8.6)]. This will also be a new requirement for small marine fueling facility, mobile transfer unit, and all applicable inland plan holders, which is necessary to ensure plan holders are knowledgeable in acquiring the resources necessary to implement the strategies.

Showing relevant sensitive sites and protective strategies on a chart or map will be a new explicitly stated requirement for marine facility plan holders, but the expectation has been that the map required to be displayed as part of the current Situation Unit objective [14 CCR § 820.01(e)(9.1)] include this information so it can be disseminated to all response personnel. This will be a new requirement for small marine fueling facility, mobile transfer unit, and all applicable inland plan holders, which is necessary so the relevant sensitive sites and protective strategies are disseminated to all response personnel, including Unified Command, to inform the response direction. Including the chart or map on the situation status display is a current requirement in the Situation Unit objective and will not be a new requirement for any applicable marine plan holder [14 CCR § 820.01(e)(9.1) and 820.01(f)(9.1)]; this will be a new explicitly stated requirement

for all applicable inland plan holders, but the expectation has been that a chart or map be displayed as part of displaying basic information about the current status of the spill as currently required in the Situation Status objective [14 CCR § 820.02(h)(8.1)].

Subsection (e)(8)

Subsection (e)(8) describes the Planning Section objective, which has an updated name for consistency and clarity (currently “Planning”) but will not be a new objective for any applicable plan holder [14 CCR § 820.01(e)(9), 820.01(f)(9), and 820.02(h)(8)]. The current requirement for all applicable plan holders is to develop strategies and tactics based on initial objectives and priorities [14 CCR § 820.01(e)(9), 820.01(f)(9), and 820.02(h)(8)]. This requirement contains actions that, per the *Incident Management Handbook*, are completed by the Operations Section; therefore, it is necessary to update the requirements for this objective to be better suited to test the Planning Section.

Overseeing plan development based on incident objectives and tracking plan status will be new requirements for all applicable plan holders, which are necessary because plans developed by response personnel are the foundation of the Incident Action Plan (IAP). Submission of these plans for Unified Command approval will be a new requirement for all applicable plan holders, which is necessary, per the *Incident Management Handbook*, for the Unified Command to speak with one voice and manage a coordinated response. Implementation of the operational planning cycle, which is currently required of all applicable plan holders [14 CCR § 820.01(e)(3), 820.01(f)(3), and 820.02(h)(3)], helps drive the creation of the IAP, which informs response operations for the next operational period.

Implementation of the operational planning cycle will not be a new requirement of any applicable plan holder as it is currently required in the Incident Command System objective [14 CCR § 820.01(e)(3), 820.01(f)(3), and 820.02(h)(3)]. Facilitating meetings following the agendas described in the *Incident Management Handbook* will be a new explicitly stated requirement for all applicable plan holders, but the expectation has been the agendas be followed since they are currently required to integrate into the system described in the *Incident Management Handbook* and the agendas are necessary to keep meetings organized, efficient, and effective.

Subsection (e)(8.1) describes the Situation Unit objective, which has an updated name for consistency and clarity (currently “Situation Status”) for all applicable inland plan holders but will not be a new objective for any applicable plan holders [14 CCR § 820.01(e)(9.1), 820.01(f)(9.1), and 820.02(h)(8.1)]. Collecting and organizing information will not be new requirements for any applicable plan holder [14 CCR § 820.01(e)(9.1), 820.01(f)(9.1), and 820.02(h)(8.1)]. Disseminating information will not be a new requirement for marine facility plan holders [14 CCR § 820.01(e)(9.1)] but it will be a new requirement for small marine fueling facility, mobile transfer unit, and all applicable inland plan holders, which is necessary to ensure all response personnel are kept informed about the status of the spill. Displaying information will not be a new

requirement for any applicable plan holder [14 CCR § 820.01(e)(9.1), 820.01(f)(9.1), and 820.02(h)(8.1)]. Updating this information will be a new explicitly stated requirement for all applicable plan holders, but the expectation has been that the information displayed be updated as new information becomes available to keep all response personnel informed and it is included here to clarify current expectations of performance standards.

Having the situation status display in a common area of the Incident Command Post will be a new explicitly stated requirement for all applicable plan holders, but the expectation has been that plan holders place it in a common area; its location is included here to clarify current expectations of performance standards and ensure all response personnel have access to it and are able to stay informed. Displaying the name of the incident, a chart or map of the incident, and information on weather, tides, and currents will not be new requirements for any applicable marine plan holder [14 CCR § 820.01(e)(9.1) and 820.01(f)(9.1)]. Displaying weather, tides, and currents will not be a new requirement for any applicable inland plan holder [14 CCR § 820.02(h)(8.1)]. Displaying the name and a map or chart of the incident will be new explicitly stated requirements for all applicable inland plan holders, but the expectation has been that the incident name and a chart or map be displayed as part of displaying basic information about the current status of the spill as currently required in the Situation Status objective [14 CCR § 820.02(h)(8.1)]. Displaying the relevant trajectory will be a new explicitly stated requirement for all applicable plan holders, but the expectation has been that the trajectory be displayed to disseminate the potential areas of impact of the spill to drive response activities and planning. Displaying actual notifications will be a new explicitly stated requirement for all applicable plan holders, but the expectation has long been that notifications are documented on the ICS Form 201 and displayed to disseminate the information to all response personnel. Displaying the safety data sheet will be a new explicitly stated requirement for all applicable plan holders, but the expectation has been that the safety data sheet is displayed so all response personnel know exactly what product they are dealing with and what the associated hazards are.

Displaying pages one through four of the ICS Form 201 will be new explicitly stated requirements for all applicable plan holders, but the expectation has been that this form is a living document that is constantly updated and displayed to disseminate updated information to all response personnel; these pages are also currently displayed by most applicable plan holders during their annual tabletop exercises. Page one is the scenario description and a map, page two is a list of current actions, page three is the initial organization chart, and page four is a list of resources; all these things are necessary to inform response activities to effectively respond to the spill. Displaying an ICS Form 230 will not be a new requirement for marine facility plan holders [14 CCR § 820.01(e)(9.1)] but will be a new requirement for small marine fueling facility, mobile transfer unit, and all applicable inland plan holders, which is necessary to keep all response personnel informed of the schedule of the operational planning cycle meetings.

Subsection (e)(8.2) describes the Environmental Unit objective, which will not be a new objective for any applicable marine plan holder [14 CCR § 820.01(e)(9.3) and 820.01(f)(9.3)] but will be a new objective for all applicable inland plan holders, which is necessary to ensure resources at risk are considered and identified to inform response decisions and maintain the current highest performance standards. Identifying sensitive sites utilizing the relevant plan listed will not be a new requirement for any applicable marine plan holder since this is what occurs while generating an ICS Form 232 which is a current requirement for these plan holders [14 CCR § 820.01(e)(9.3) and 820.01(f)(9.3)]; however, this will be a new requirement for all applicable inland plan holders, which is necessary to identify resources at risk and set the foundation to ensure their protection and to maintain the current highest performance standards. A reference for the definition of sensitive sites is included for clarity and necessary to ensure plan holders can accurately identify the relevant resources that may be at risk.

Subsection (e)(8.3) describes the Documentation Unit objective, which has an updated name for consistency and clarity (currently “Documentation”) for all applicable marine plan holders but will not be a new objective for any applicable marine plan holder [14 CCR § 820.01(e)(9.4) and 820.01(f)(9.5)]. However, this will be a new objective for all applicable inland plan holders, which is necessary to address ongoing issues regarding plan holder documentation and to maintain the current highest performance standards. Collecting and organizing documentation will not be new requirements for any applicable plan holder [14 CCR § 820.01(e)(9.4), 820.01(f)(9.5), and 820.02(k)(1)(A) and (D)]. Reviewing and updating all documents will be new explicitly stated requirements for all applicable marine plan holders, but the expectation has been that these are part of maintaining the documents, which is the current requirement for all applicable marine plan holders [14 CCR § 820.01(e)(9.4) and 820.01(f)(9.5)] and is included here to clarify current expectations of performance standards. Reviewing and updating all documents will also be new explicitly stated requirements for all applicable inland plan holders, but the expectation has been, to meet the current requirement of displaying basic information about the current status of the spill [14 CCR § 820.02(h)(8.1)], that documents are reviewed prior to being displayed to maintain the accuracy of the information and are updated to display the most current information. Disseminating the documentation will not be a new requirement for marine facility plan holders [14 CCR § 820.01(e)(9.4)]; however, this will be a new explicitly stated requirement for small marine fueling facility, mobile transfer unit, and all applicable inland plan holders, but the expectation has been to keep all response personnel briefed on the documentation that has been generated as well as the information that documentation contains.

Establishing a filing system accessible by all response personnel will be a new explicitly stated requirement for all applicable plan holders, but the expectation has been that a filing system be established to organize all documents, as outlined by the *Incident Management Handbook*, and it is being included here for clarity. The requirement that all response personnel have access is consistent with the ongoing requirement in the National Oil and Hazardous Substances Pollution Contingency Plan that the On-Scene

Coordinators and trustees of affected natural resources have access to the documentation. This requirement is included here to clarify current expectations of performance standards.

Briefing all response personnel on documentation procedures will be a new explicitly stated requirement for all applicable plan holders, but the expectation has been that these procedures be disseminated to inform all response personnel what to do with the documentation they are generating; it is being included here to clarify current expectations of performance standards. All documentation being provided to the drill coordinator upon request will be a new explicitly stated requirement for all applicable plan holders, but the expectation has been that plan holders provide drill coordinators with any documentation they request for verification and inspection based on the current requirement that documentation must be provided to the Administrator, which includes a designee, upon request [14 CCR § 820.01(e)(9.4), 820.01(f)(9.5), and 820.02(k)(1)(D)]. This requirement is included here to clarify current expectations of performance standards and address plan holder resistance when drill coordinators request to see documentation.

Subsection (e)(9)

Subsection (e)(9) describes the Communications Unit objective, which has an updated name for consistency and clarity (currently “Communications”) for marine facility plan holders but will not a new objective [14 CCR § 820.01(e)(10.1)]. However, this will be a new objective for small marine fueling facility, mobile transfer unit, and all applicable inland plan holders, which is necessary to ensure plan holders can communicate and collaborate within and between sections to efficiently conduct a coordinated response. Establishing communications will not be a new requirement for any marine facility plan holders [14 CCR § 820.01(e)(10.1)] but it will be a new requirement for small marine fueling facility, mobile transfer unit, and all applicable inland plan holders, which is necessary to ensure plan holders are capable of establishing response communications for an actual response and therefore collaborate and coordinate response activities among all responding agencies and organizations. Disseminating communications will be a new explicitly stated requirement for marine facility plan holders, but the expectation has been that communications be disseminated (otherwise response personnel wouldn’t know they exist). This will also be a new requirement for small marine fueling facility, mobile transfer unit, and all applicable inland plan holders, which is necessary to ensure all response personnel have the information needed to communicate and collaborate with other response personnel. Utilizing a sign-in sheet with specific information to establish communications will be an updated requirement for marine facility plan holders to test this objective in lieu of the current requirement to develop an ICS Form 205 [14 CCR § 820.01(e)(10.1)] commensurate with the lower risk associated with the smaller reasonable worst-case spill volume of tier III facilities; this will be a new requirement for small marine fueling facility, mobile transfer unit, and all applicable inland plan holders, which is necessary to ensure plan holders can

communicate and collaborate within and between sections, regardless of their agency or organization, to conduct a coordinated response.

Subsection (f)

Purpose: The purpose of subsection (f) is to describe the equipment deployment requirements for on-water containment equipment that is owned by a plan holder, regardless of tier.

Necessity: This subsection specifies the objectives and deadlines applicable to equipment deployments in a way that maximizes clarity of all the requirements.

The requirement that these drills be evaluated on a pass/fail basis and that all objectives must be successfully achieved will not be new requirements for any existing plan holder [14 CCR § 820.01(g) and 820.02(i)(2)]. Specifying this applies at every drill, regardless of tier, is necessary to clarify when these requirement apply.

Subsection (f)(1) describes the Notifications objective, which will not be a new objective for any applicable plan holder [14 CCR § 820.01(g)(1) and 820.02(i)(1)(A)]. It will not be a new requirement for any applicable plan holder to notify the California Office of Emergency Services or to document this notification at the start of the drill [14 CCR § 820.01(g)(1) and 820.02(i)(1)(A)]. Notifying the qualified individual, rated oil spill response organization, and National Response Center, initiating calls within 30 minutes, and documenting them will be new requirements for all applicable plan holders, which are necessary to be consistent with exercise notification requirements and address plan holder difficulties in making timely notifications to emergency response resources identified in the oil spill contingency plan and required by their respective contingency plan regulations in subchapter 3 and subchapter 4 of this chapter. Notifications being witnessed by a drill coordinator will be a new explicitly stated requirement for all existing plan holders, but the expectation has been that drill coordinators would be able to witness notifications to ensure compliance and is necessary to address ongoing issues with plan holders not successfully achieving Notifications and disallowing drill coordinators to observe notifications being made.

Documenting the notifications, time stamps, and control numbers will be a new explicitly stated requirement for all applicable plan holders, but this has been the expectation to achieve the current documentation requirement [14 CCR § 820.01(e)(9.4), 820.01(f)(9.5), and 820.02(k)(1)(A)]; it is necessary to clarify the requirement to ensure the pertinent information is documented and available to disseminate to all response personnel.

Stating that this objective does not count towards an exercise notification requirement will be a new limitation for all applicable plan holders and is necessary to clarify what is and is not eligible for credit to avoid potential confusion as well as to thoroughly address ongoing notification issues.

Subsection (f)(2) describes the Staff Mobilization objective, which will not be a new objective for any applicable plan holder [14 CCR § 820.01(g)(2) and 820.02(i)(1)(B)]. Specifying plan holder staff will not be a new requirement as they are the staff currently assembled for equipment deployments; they are included here to clarify for new plan holders moving forward.

Subsection (f)(3) describes the Safety objective, which will not be a new objective for any applicable plan holder [14 CCR § 820.01(g)(3) and 820.02(i)(1)(C)]. Conducting a safety briefing prior to deployment will not be a new requirement for any applicable plan holder [14 CCR § 820.01(g)(3) and 820.02(i)(1)(C)]. It will be a new requirement for drill coordinators to witness the safety briefing for all applicable plan holders, which is necessary to ensure the safety briefing occurred and is sufficient for staff to safely deploy the equipment.

Subsection (f)(4) describes the Communications objective, which will not be a new objective for any applicable plan holder [14 CCR § 820.01(g)(5) and 820.02(i)(1)(E)]. Establishing communications to direct operations will not be a new requirement for any applicable plan holder [14 CCR § 820.01(g)(5) and 820.02(i)(1)(E)]. Including communications between on-water and land-based resources will be a new explicitly stated requirement for all applicable plan holders, but it has been the expectation and is necessary to call out here for clarity to address issues with plan holders not establishing communications between on-water and land-based resources which has led to poor overall communication and inefficient coordination of resources.

Subsection (f)(5) describes the Equipment Deployment objective, which will not be a new objective for any applicable plan holder [14 CCR § 820.01(g)(4) and 820.02(i)(1)(D)]. Deploying equipment to achieve containment will not be a new requirement for any applicable plan holder [14 CCR § 820.01(g)(4) and 820.02(i)(1)(D)]. Deploying up to 600 feet of boom to achieve containment within 30 minutes of discovery of a spill, and giving additional time to deploy more than 600 feet of boom will not be new requirements for small marine fueling facility plan holders [14 CCR § 817.03(d)(4)]. This is an achievable standard that all equipment deployments have been held to; but it is necessary to make this a new explicit requirement for marine facility and all existing inland plan holders to maintain consistency in equipment deployment standards across all plan holder types and tiers.

Subsection (g)

Purpose: The purpose of subsection (g) is to describe additional notification requirements for all existing plan holders, regardless of tier.

Necessity: This subsection specifies the objectives and deadlines applicable to additional notifications in a way that maximizes clarity of all the requirements.

It will not be a new requirement for any facility or mobile transfer unit plan holder to conduct quarterly notifications [14 CCR § 820.01(a)(1)(B), 820.01(a)(3)(B),

820.02(b)(1)(B), 820.02(b)(2)(B), and 820.02(b)(3)(B)]. It will not be a new requirement for any vessel plan holder to notify their qualified individual [14 CCR § 820.01(a)(2)(B)]. Subsection (g)(1) describes the Quarterly Notifications objective, which will be a new explicitly stated objective for all facility and mobile transfer unit plan holders. It is necessary to make the current requirement [14 CCR § 820.01(a)(1)(B), 820.01(a)(3)(B), 820.02(b)(1)(B), 820.02(b)(2)(B), and 820.02(b)(3)(B)] consistent with the organization of these regulations for clarity and to make it more user friendly.

Quarterly notifications to the qualified individual and the oil spill response organization will not be new requirements for any facility or mobile transfer unit plan holder [14 CCR § 820.01(a)(1)(B), 820.01(a)(3)(B), 820.02(b)(1)(B), 820.02(b)(2)(B), and 820.02(b)(3)(B)]; however, notifications to the California Office of Emergency Services and National Response Center will be new requirements, which are necessary to make these notifications consistent with current and proposed exercise notification objectives and to require additional testing of notifications that plan holders have been struggling with.

Subsection (g)(2) describes the Vessel Notifications objective, which will be a new explicitly stated objective for all vessel plan holders. It is necessary to make the current requirement [14 CCR § 820.01(a)(2)(B) and 820.01(a)(3)(B)] consistent with the organization of these regulations for clarity and to make the objective more achievable. It will not be a new requirement for tank or nontank vessel plan holders to document these notifications in the vessel's log [14 CCR § 820.01(a)(2)(D)], but this will be a new requirement only for plan holders of vessels carrying oil as secondary cargo (VCOASC) and is necessary to maintain consistency with the current highest performance standard. Documenting the time stamp and name of the qualified individual contacted will be a new explicitly stated requirement, since the current requirement is to maintain documentation of all drills and exercises [14 CCR § 820.01(a)(2)(D) and 820.01(h)(1)]. This is necessary to ensure adequate documentation exists to confirm compliance with these regulations.

Vessel notifications to the qualified individual will not be a new requirement for any vessel plan holder [14 CCR § 820.01(a)(2)(B) and 820.01(a)(3)(B)]. Currently, VCOASCs, such as ferries and tugs, are required to call their qualified individual, marine facility personnel, oil spill response organization, and spill management team quarterly [14 CCR § 820.01(a)(3)(B)]; however, it is necessary to include their requirement as part of this vessel notification requirement for consistency with these proposed regulations. Since VCOASCs do not leave waters of the state, the requirement to notify their qualified individual quarterly will not change.

Information regarding the notifications that may be made by the qualified individual after their initial notification is not new for any tank or nontank vessel plan holder [14 CCR § 820.01(a)(2)(B)]. It is necessary for clarity to call out the specific notifications that may be made by the qualified individual. This will be new information for vessels carrying oil as secondary cargo plan holders, but it is necessary to maintain consistency with the current performance standards.

Subsection (h)

Purpose: The purpose of subsection (h) is to describe when the drill, exercise, and quarterly notification requirements begin, and when an OSPRIE or actual spill is eligible for credit, in relation to the oil spill contingency plan being approved by OSPR.

Necessity: Specifying the time frames with which the requirements described in this subsection are applicable maximizes clarity.

This description, including time frames, will be new to all existing marine plan holders but will not be new to any existing inland plan holder [14 CCR § 820.02(c)]. It is necessary to apply to all existing marine plan holders because there is no equivalent information that exists in 14 CCR § 820.01 and without this information new marine plan holders will not know when the initial drill and exercise requirements must commence.

The language that exists in 14 CCR § 820.02 is not as clear as it should be, thus it is necessary to update it to clarify the time during which drills, exercises, and quarterly notifications must occur for all existing inland plan holders. For clarity, dates referring to both the beginning of the cycle as well as the end of the first consecutive three-year cycle are provided. This subsection describes a new three-year cycle time frame for all existing inland tier III plan holders, which is necessary because tier III exercise requirements will change to adopt the consecutive three-year cycle being implemented by all other existing plan holders.

Subsection (i)

Purpose: The purpose of subsection (i) is to describe the scheduling requirements for a drill or exercise to be eligible for credit with OSPR.

Necessity: Specifying the process, forms, and deadlines applicable to scheduling a drill or exercise with OSPR maximizes clarity of all the requirements.

Subsection (i)(1) describes the drill and exercise scheduling process and how drill coordinators are incorporated. Providing an opportunity to OSPR to attend and evaluate all drills and exercises will not be a new requirement for any existing plan holder [14 CCR § 820.01(d)(2) and 820.02(d)(1)].

Providing advanced notice to OSPR, at least 30 days prior to a drill or 60 days prior to an in-state exercise, will not be a new requirement for marine facility, small marine fueling facility, mobile transfer unit, or any existing inland plan holders [14 CCR § 820.01(d)(2) and 820.02(d)(1)]. For all vessel plan holders, it will not be a new requirement to provide advanced notice to OSPR for drills and exercises [14 CCR § 820.01(d)(2)], however the advanced notice required is updated for consistency and to reflect the proposed exercise updates. CoreVEX are vessel exercises that may be held in-state or out-of-state, including out-of-country. Currently, in-state vessel exercises require advanced notice of at least 60 days prior to the exercise [14 CCR § 820.01(d)(2)], so this will not be a new requirement for any existing vessel plan holder.

Currently, out-of-state vessel exercises require advanced notice of at least 45 days prior to the exercise and out-of-country exercises require advanced notice of at least 30 days prior to the exercise [14 CCR § 820.01(k)(2)]. This requirement is updated to 60 days to allow vessel exercises that are not CalTriVEX to be streamlined into a single category with a single set of requirements for simplicity, consistency, clarity, and ease-of-use while maintaining the current highest advanced notice standard. Currently, CalTriVEX exercises require advanced notice of at least 60 days prior to the exercise [14 CCR § 820.01(d)(2)]. This requirement is updated to 120 days to allow adequate planning time for these large-scale [14 CCR § 820.01(a)(2)(A)2.], multi-agency, high-involvement, generally multi-day, exercises.

The inclusion of provisions concerning submitting a complete notification form (new Drills and Exercises Notification form DFW 1954) to OSPR to provide advanced notice of drills and exercises, and the consequences of submitting incomplete forms, will not be new requirements for any existing plan holder [14 CCR § 820.01(d)(2) and 820.02(d)(1)]; however, the form itself is necessary to update and renumber to simplify, streamline, and clarify the information plan holders must provide. Submitting this form via email is currently the preferred option for most plan holders despite the other submission options available; so, the submission requirement has been updated to reflect the most widely utilized type of submission. This update also provides cost savings in both time, physical resources, and postage and overall simplifies the process to submit timely notifications for all existing plan holders. The DFW 1954 replaces Exercise Notification form DFW 1964 (04/01/14) being repealed in this rulemaking. Purpose and necessity for the new DFW 1954 is provided as an attachment to this Initial Statement of Reasons.

Subsection (i)(2) describes parameters for plan holders to select an available date for a drill or exercise with OSPR. This is necessary to clearly identify drill and exercise date availability, provide the opportunity for OSPR to attend and evaluate all drills and exercises, and to streamline the notification and scheduling process for all existing plan holders.

Requiring plan holders to consult the applicable calendar to check for date availability will not be a new requirement for any existing plan holder [14 CCR § 820.01(d)(3) and 820.02(d)(2)]. The location of these calendars as cited in the proposed regulations has been updated for accuracy, which is necessary to disseminate calendar access to all existing plan holders. Requiring drills and exercises to be scheduled on these calendars to be eligible for credit will not be a new requirement for any existing plan holder [14 CCR § 820.01(d)(4) and 820.02(d)(2)].

Preventing drills and exercises from being scheduled on dates with conflicting events will not be a new limitation to any existing marine plan holder [14 CCR § 820.01(d)(5)], but it will be a new explicitly stated limitation for all existing inland plan holders. All existing inland plan holders have been held to this standard because OSPR is not given an opportunity to attend and evaluate a drill or exercise if it occurs on a date where

OSPR is not available; therefore, it is necessary to explicitly state here to not be in conflict with other requirements in these regulations.

A maximum of two drills and two exercises being scheduled per week per region will not be a new limitation for any existing marine plan holder [14 CCR § 820.01(d)(4)], but it will be a new limitation for all existing inland plan holders, which is necessary to allow OSPR to have time and staff available to attend and evaluate every exercise, assist in exercise design and planning, and process notifications and credit requests in a timely manner. The circumstances under which the Administrator may allow additional drills and exercises clarifies the current allowance for all existing marine plan holders and provides proposed allowances for all existing inland plan holders in conjunction with their proposed limitations.

It is necessary to impose scheduling limitations upon all existing plan holders for drills and exercises requiring direct involvement and attendance from OSPR, which is based on the agency's staff availability.

CoreVEX will not require direct involvement or attendance from OSPR, therefore none of these scheduling limitations apply. It is necessary to explicitly state this information for clarity for vessel plan holders, to which CoreVEX apply.

Subsection (i)(3) describes plan holder requirements when rescheduling a drill or exercise that has already been scheduled. Notifying OSPR as soon as possible will not be a new requirement for any existing plan holder [14 CCR § 820.01(d)(6) and 820.02(d)(5)]. Compliance with the notification requirements described in this subsection when rescheduling drills or exercises will be a new explicitly stated requirement for all existing marine plan holders but will not be a new requirement for any existing inland plan holder [14 CCR § 820.02(d)(5)]. All existing marine plan holders have been held to this requirement since having to reschedule a drill or exercise is akin to scheduling another drill or exercise and therefore subject to scheduling requirements and time frames; it is necessary to explicitly state here to clarify the requirement for all existing marine plan holders, consistent with this requirement being explicitly stated for all existing inland plan holders. It is necessary to establish criteria for exigent circumstances that warrant the rescheduling of a drill or exercise within the minimum advanced notice to update the current information provided to all existing inland plan holders [14 CCR § 820.02(d)(5)] and marine plan holders for clarity, so that all plan holders know what their rescheduling options are.

Subsection (j)

Purpose: The purpose of subsection (j) is to describe requirements for drill and exercise planning in order for them to be eligible for credit with OSPR.

Necessity: This subsection specifies the in-state drill and exercise planning requirements in a way that maximizes clarity of all the requirements and ensures drills

and exercises are designed in a way that allows compliance with the requirements described in these regulations.

Subsection (j)(1) describes the requirement for OSPR to be included in drill and exercise design, which will not be a new requirement for any existing plan holder [14 CCR § 820.01(d)(2) and 820.02(d)(1)]. Planning meeting requirements will be new to all existing plan holders and are necessary to address ongoing issues with plan holders not informing OSPR about logistical changes to drills and exercises that impact OSPR staff, as well as to address design issues that inadvertently prevent the plan holder from testing a mandatory objective that is required to maintain compliance with these regulations. For all existing vessel plan holders, CoreVEX do not require direct involvement or attendance from OSPR so these planning meeting requirements do not apply; but, due to the large-scale and complexity of CalTriVEX, additional planning meetings are necessary to ensure the exercise is conducted in a way that enables compliance with these regulations and provides drill coordinators with adequate time to secure the requested staffing and resources.

Subsection (j)(2) describes the requirement for all other laws and regulations to be complied with during the drill and exercise process, which will not be a new requirement for marine facility, vessel, or any existing inland plan holder [14 CCR § 820.01(a)(1)(G), 820.01(a)(2)(E), and 820.02(d)(8)]. This will be an explicitly new requirement for small marine fueling facility and mobile transfer unit plan holders, but the expectation has been that all plan holders comply with all other laws and regulations, so it is necessary to call out here for clarity and consistency.

Subsection (k)

Purpose: The purpose of subsection (k) is to describe the documentation required for drills, exercises, additional notifications, OSPRIE, or actual spills to be eligible for credit with OSPR.

Necessity: This subsection specifies what documentation is needed to get credit for a drill, exercise, additional notifications, OSPRIE, or actual spill in a way that maximizes clarity of all the requirements.

Subsection (k)(1) describes the requirement for all documentation to be provided to the Administrator upon request, which will not be a new requirement for any existing plan holder [14 CCR § 820.01(e)(9.4), 820.01(f)(9.5), and 820.02(k)(1)(D)].

Subsection (k)(2) describes the requirement for ICS forms to be completed in their entirety to be considered for credit; this will be a new requirement for all existing plan holders and is necessary to address ongoing issues with plan holders partially populating forms to achieve an objective when it is within the scope of the exercise for the forms to be populated in their entirety. The website to locate the ICS forms referenced in these regulations will be new to all existing plan holders and is necessary to provide for clarity and ease-of-use for plan holders in locating the required forms.

Subsection (k)(3) describes the identification, documentation, and incorporation of areas for improvement, which will not be new requirements for any existing plan holder [14 CCR § 820.01(h)(2) and 820.02(k)(1)(C)].

Subsection (k)(4) describes the duration for which all documentation must be maintained, which will not be a new requirement for marine facility, vessel, or any existing inland plan holders [14 CCR § 820.01(a)(1)(F), 820.01(a)(2)(D), 820.02(k)(1)(D)]. This will be an explicitly new requirement for small marine fueling facility and mobile transfer unit plan holders, but the expectation has been that plan holders maintain this documentation as required by all other existing plan holders, so it is necessary to call out here for clarity and consistency.

The requirement to maintain records for a minimum of three years is aligned with the National Preparedness for Response Exercise Program (PREP), provides OSPR with time to review the records, and to compare plan holder performance over time. PREP was developed in the early 1990's to establish a workable exercise program that meets the intent of the Oil Pollution Act of 1990 (OPA 90). (Title 33 United States Code §1321 (j)(6)(7)). PREP provides a mechanism for compliance with the federal exercise requirements. PREP is a unified federal effort and satisfies the exercise requirements of the U.S. Coast Guard (USCG), U.S. EPA, Pipeline and Hazardous Materials Safety Administration (PHMSA), and the Bureau of Safety and Environmental Enforcement (BSEE). PREP is the standard and structure used by industry across the country. OSPR's marine equipment deployment drills and tabletop exercises have been based upon and are consistent with PREP [14 CCR 820.01].

Subsection (l)

Purpose: The purpose of subsection (l) is to describe how plan holders request credit for drills, exercises, additional notifications, OSPRIE, and actual spills with OSPR.

Necessity: This subsection specifies the requirements and process of requesting and receiving credit for events being held to be compliant with Government Code section 8670.10.

Subsection (l)(1) describes the process of requesting and receiving credit for the events described in these regulations. Completing a credit request form (DFW 1955) and submitting it within 60 days of the event will not be new requirements for any existing plan holder [14 CCR § 820.01(h)(1) and 820.02(k)(2)(A)]. There are three forms currently being utilized for this purpose (DFW 1965, 1967 and 1973); for improved efficiency all are being repealed and replaced with one form, the DFW 1955. It is necessary to update, simplify, streamline, and clarify the information plan holders must provide to request credit for the appropriate objectives. Purpose and necessity for the new DFW 1955 is provided as an attachment to this Initial Statement of Reasons.

Resubmittal of forms deemed incomplete or incorrect will be an explicitly new requirement for all existing plan holders. Currently, if a plan holder submits insufficient

information they have 15 days to provide completed documentation or the credit will be denied [14 CCR § 820.01(h)(1) and 820.02(k)(2)(A)]; however, if plan holders submit their credit requests prior to 45 days after the exercise date, then the 15 days currently required actually gives them less time to submit a complete and accurate credit request form with the added potential to have credit denied, which would require a makeup drill or exercise. The proposed requirement will allow drill coordinators to identify issues with the credit request form upon submission and all existing plan holders will have the full 60 days allocated for submitting a complete and accurate credit request.

Including documentation with the credit request form that supports the objectives tested will not be a new requirement for any applicable plan holder [14 CCR § 820.01(h)(1) and 820.02(k)(2)(A)], although it is currently more explicitly stated for all existing marine plan holders as compared to all existing inland plan holders, so it is necessary to clarify. The documentation needing to be legible will be a new explicitly stated requirement for all existing plan holders, but the expectation has been that the forms would be legible to allow the Administrator to verify the documentation, which is currently required of all existing plan holders [14 CCR §820.01(h)(1) and 820.02(k)(1)(A)]. Objectives with insufficient supporting documentation not being eligible for credit will be new explicitly stated content, but the expectation has been that all objectives for which credit is being requested will be accompanied by documentation that supports that the objectives have been tested and successfully achieved, so it is necessary to call out here for clarity. This content is based off the current requirement that all existing plan holders shall include documentation to support the objectives tested with the credit request [14 CCR § 820.01(h)(1), 820.01(i)(3), 820.02(k)(1)(A), and 820.02(k)(2)(A)].

Submitting this form and supporting documentation via email is currently the most commonly used option for the majority of plan holders despite the other submission options available. As such, the submission requirement has been updated to reflect the most widely utilized type of submission, which will also provide cost savings in both time, physical resources, and postage and simplifies the process for all existing plan holders to submit timely credit requests.

Subsection (l)(1)(A) describes a new requirement for companies that facilitate an exercise for the benefit of multiple plan holders. The facilitation company must update OSPR with all OSPR-approved vessel contingency plans the facilitation company covers. This is necessary to ensure all applicable vessel contingency plans receive exercise credit for the large-scale exercises held by facilitation companies. Plan numbers not on the approval letter would not receive credit and may be subject to a violation for not holding an exercise after exercise commencement [14 CCR § 820.1(h)]. Facilitation companies do not currently have this requirement, so there have been ongoing issues with vessel plan holders being added to a facilitation company's coverage after an exercise has received credit. OSPR not receiving an updated list results in those plan holders being identified as non-compliant for not holding an exercise because OSPR was never provided an updated contingency plan list to evaluate plan holder compliance. The proposed new requirement will remedy this issue.

Giving facilitation companies until the end of the calendar year provides ample time for those companies to submit an updated plan holder list while allowing OSPR to have access to this information when violations are being processed; this has been tested with industry to ensure it is attainable and there were no issues with the companies that replied to OSPR's request for an updated plan holder list. Since credit must be requested no more than 60 days after the date of the exercise, October 31 is the last day of the year when the credit request is due in the same calendar year. After that, the 60 days moves into the next calendar year, so allowing plan holder that time is necessary to ensure this requirement is not in conflict with the time allowed for those companies to request credit for their exercise.

Subsection (l)(1)(B) describes the circumstance where a plan holder will be provided a second opportunity (15 calendar days) to supply documentation necessary to support a mandatory objective before credit is withheld. Having 15 calendar days to provide sufficient documentation before credit is denied is not new for any existing plan holder [14 CCR § 820.01(h)(1) and 820.02(k)(2)(A)].

Subsection (l)(1)(C) describes the additional notification requirements for compliance. Making quarterly notifications will not be a new requirement for marine or inland plan holders. Documenting quarterly notifications and promptly making them available to the Administrator upon request is not a new requirement for inland plan holders; but is a new requirement for marine plan holders, which is necessary because no equivalent exists in the previous marine regulations and the Administrator cannot inspect documentation to ensure compliance with these regulations if documenting the notifications nor providing documentation is required. The term promptly is necessary to define in calendar days to clarify the deadline for marine and inland plan holders as well as OSPR.

Subsection (l)(2) describes the time frame and outcomes of the credit request process. OSPR having 180 calendar days to process the credit request will not be new for any existing inland plan holder [14 CCR § 820.02(k)(2)(B)], but the time frame will change for all existing marine plan holders who currently are issued a credit approval letter within 90 days [14 CCR § 820.01(i)]. The increase in time frame for all existing marine plan holders aligns with the procedure for inland plan holders and is necessary to provide OSPR enough time to adequately inspect and verify all documentation associated with every drill, exercise, additional notification, OSPRIE, or actual spill submitted for credit.

OSPR issuing a credit approval letter will not be new for any existing plan holder since this is how credit is currently issued for drills and exercises [14 CCR § 820.01(i) and 820.02(k)(2)(B)]; but specifying criteria for approval with regards to mandatory objectives is new explicitly stated content which is necessary to clarify when an approval letter will be issued and is consistent with existing practices.

The cross-references to subsections (l)(1)(B) and (l)(3) are included here for further clarity and ease-of-use, so that all potential outcomes of a credit request can be found in a single location.

Subsection (l)(3) describes the process when a plan holder does not successfully achieve one or more mandatory objectives during their exercise. Receiving a partial credit approval letter and an after action report will not be new to any existing plan holder because this is the current operating procedure for all exercises with unsuccessful mandatory objectives and is necessary to describe here for clarity. The opportunity to hold an additional exercise when one or more mandatory objectives are not successfully met will not be new for any existing plan holder [14 CCR § 820.01(d)(7) and 820.02(k)(2)(C)]. If a makeup exercise is to be held, holding it within 180 calendar days of receiving a written report of exercise deficiencies will not be new for any existing inland plan holder [14 CCR § 820.02(k)(2)(C)] and will not be substantively new for any existing marine plan holder [14 CCR § 820.01(d)(7)]. For all existing marine plan holders, the time frame of 180 days will replace the current 6-month time frame [14 CCR § 820.01(d)(7)] and having that time commence once the report is received rather than upon the drill's completion will allow comparable time as that provided for their inland counterparts.

The limitation that plan holders have a single makeup exercise for the original exercise with failed mandatory objectives, is necessary to clarify OSPR's current operating procedures. Limiting the makeup exercise opportunity to once in three years will be a new limitation for plan holders, and is necessary to maintain consistency with the opportunity to receive credit for an actual spill [subsection (m)(2) of these regulations] and to ensure plan holders are provided equal opportunity to make up failed mandatory objectives so as to be compliant with all requirements described in these regulations [e.g., notification requirements and scheduling limitations described in subsection (i)].

Notification and credit request requirements applying to makeup exercises will be a new explicitly stated limitation for all existing plan holders, but the expectation has been that makeup exercises are scheduled, held, and credit requested the same as any other exercise, so it is necessary to include here for clarity. Exercises being designed to adequately test the failed objectives will be a new explicitly stated requirement, but the expectation has been that makeup exercises are designed to encompass the testing of the failed objectives rather than being held to test only the failed objectives. For example, if the Public Information Officer objective is failed, it is not adequate to give a scenario only to a Public Information Officer to generate media products without involvement of any other incident command system participants. Instead, the plan holder would need to have an exercise to include at least the Unified Command (i.e., the plan holder, federal, and state representation, local representation, where applicable, etc.) in order for the Public Information Officer to engage with supplemental simulated scenarios (commonly known as "injects") as part of an exercise to simulate public or media interest, as well as some Planning and Operations Sections participants to keep Unified Command engaged and implement the operational planning cycle while

the Public Information Officer performs their role and responsibilities. The incident command system roles in exercises are multi-faceted and highly interconnected; it is not possible for one or two isolated participants to perform their roles and responsibilities without having other participants and a flow of information to play off and interact with, which is why this requirement is necessary.

Applying the objectives achieved during a makeup exercise only to the calendar year of the original exercise will be a new explicitly stated requirement for all existing plan holders. This has been the ongoing expectation and practice, to treat makeup exercises as an extension of the original exercise and therefore not have any objectives count towards future exercise requirements. It is necessary to include here for clarity. For example, if a plan holder failed an objective in October 2021 and held a makeup exercise in January 2022, it is commonly requested to receive exercise credit for both 2021 and 2022. Since the makeup exercise was held specifically to test the failed 2021 objective(s), credit would only be given for the 2021 calendar year and an exercise to test all mandatory objectives in 2022 would still be required.

Subsection (l)(4) describes the follow-up action(s) that will be expected of all existing plan holders pertaining to any contingency plan deficiencies identified by OSPR (e.g., incorrect contact information for wildlife care, contractors, stakeholders, etc.). This will be a new requirement for all existing plan holders and is necessary to clarify the current expectation and address ongoing issues where identified contingency plan deficiencies have not been addressed by the plan holder for multiple years. Reference to subchapter 3 and subchapter 4 is necessary to clarify the procedures for addressing contingency plan deficiencies, and reference to subsection (b)(1) is included as guidance to the provisions outlining the frequency of drills, exercises, and additional notifications.

Subsection (m)

Purpose: The purpose of subsection (m) is to describe the events that can be substituted for drill or exercise credit in lieu of holding a scheduled drill or exercise.

Necessity: This subsection specifies the requirements for receiving credit for unannounced events or actual spills in a way that maximizes clarity of all the requirements and allows plan holders the opportunity to take advantage of work completed during one of these events.

Receiving drill or exercise credit for participation in unannounced events or actual spills will not be new options for any existing plan holder [14 CCR § 820.01(k)(5), 820.01(k)(6), and 820.02(j)]; the events that are potentially eligible for drill or exercise credit are included here for clarity. Substitutions for credit only applying to the calendar year in which the event occurred will be a new explicitly stated limitation for all existing plan holders, but the expectation has been that only the calendar year in which the substituting event occurred would be eligible to receive credit; this is included here to clarify current expectations of performance standards.

Subsection (m)(1) specifies that only an OSPRIE may be substituted for credit. It will be a new limitation for all existing plan holders that only unannounced events initiated by OSPR will be considered for credit. This is necessary to clarify since other government initiated unannounced exercises, for which OSPR has accepted as a substitution for credit, have not yielded results that are equal to or exceeding those of OSPR's existing drills and exercises regulations.

Subsection (m)(1)(A) describes the eligibility parameters to substitute an OSPRIE for exercise credit. Meeting the objectives described in these regulations will not be a new requirement for any existing plan holder [14 CCR § 820.01(k)(1)(D) and 820.02(j)(2)(A)2.] and is necessary to maintain current performance standards for exercises. Submitting a credit request pursuant to these regulations will not be a new requirement for any existing inland plan holder [14 CCR § 820.02(j)(2)(A)3.]. It will not be a substantively different requirement for any existing marine plan holder since they currently need to submit a written request within 60 days to request credit for an unannounced exercise [14 CCR § 820.01(k)(5)(A)] and a credit request form is already submitted to request credit for regularly scheduled exercises [14 CCR § 820.01(h)(1)]. It will not be a new requirement for any existing plan holder to achieve all objectives over any consecutive three-year period [14 CCR § 820.01(a)(1)(A)3., 820.01(a)(2)(A)2., 820.01(a)(3)(A), 820.02(b)(1)(A)3., and 820.02(b)(2)(A)3.], excluding tier III inland plan holders who are currently required to achieve all objectives each year [14 CCR § 820.02(b)(3)(A)3.] as described in subsection (e); it is reiterated here for clarity.

Subsection (m)(1)(B) describes the eligibility parameters to substitute an OSPRIE for drill credit. Meeting the objectives described in these regulations will not be a new requirement for any existing plan holder [14 CCR § 820.01(k)(1)(D) and 820.02(j)(1)(A)2.] and is necessary to maintain current performance standards for drills. Submitting a credit request pursuant to these regulations will not be a new requirement for any existing inland plan holders [14 CCR § 820.02(j)(1)(A)3.]. It will not be a substantively different requirement for any existing marine plan holder since they currently need to submit a written request within 60 days to request credit for an unannounced exercise [14 CCR 820.01(k)(5)(A)] and a credit request form is already submitted to request credit for regularly scheduled drills [14 CCR § 820.01(h)(1)].

Subsection (m)(2) describes the requirements necessary for actual spills to be substituted for credit. It will not be a new restriction for any existing plan holder to only be eligible for one spill credit in any three-year period [14 CCR § 820.01(k)(6)(A)5. and 820.02(j)(3)(B)].

Subsection (m)(2)(A) describes the eligibility parameters to receive exercise credit for an actual spill. For all existing vessel plan holders, it will now be explicitly stated that CalTriVEX are not eligible for substitution, but this has been the expectation given the current requirement that all objectives must be successfully achieved in a single exercise [14 CCR § 820.01(a)(2)(A)2.] and spills are mostly not large enough to accomplish a comparable result; it is necessary to include this information for clarity. For all existing vessel plan holders, it will now be explicitly stated that CoreVEX (currently

out-of-state) are only eligible for substitution when the spill is within OSPR's jurisdiction, which is necessary for a representative to respond to the spill, which will not be a new requirement for any existing vessel plan holder [14 CCR § 820.01(k)(6)(A)4.]; it is necessary to include this information for clarity.

OSPR responding to the spill will not be a new requirement for any existing plan holder [14 CCR § 820.01(k)(6)(A)4. and 820.02(j)(3)(A)2.a.]. The Administrator, or designee, attending, observing, and evaluating the response will be a new requirement for all existing plan holders and is necessary to ensure plan holders are meeting the minimum requirements to successfully achieve the objectives for the applicable tier; this addresses ongoing issues with plan holders not providing sufficient documentation to support achieving exercise objectives and removes the burden from the responders who are fulfilling response-specific responsibilities. The plan holder meeting the objectives described in these regulations will not be a new requirement for any existing plan holder [14 CCR § 820.01(k)(1)(D) and 820.02(j)(3)(A)2.b.] and is necessary to maintain current performance standards for exercises. Submitting a credit request within 60 days will not be a new requirement for any existing inland plan holder [14 CCR § 820.02(j)(3)(A)2.d.] and it will not be substantively different requirement for any existing marine plan holder since they currently need to submit a written request within 60 days to request credit for an actual spill [14 CCR § 820.01(k)(6)(A)1.], and a credit request form is already submitted to request credit for regularly scheduled exercises [14 CCR § 820.01(h)(1)]. It will not be a new requirement for any existing plan holder to achieve all objectives over any consecutive three-year period [14 CCR § 820.01(a)(1)(A)3., 820.01(a)(2)(A)2., 820.01(a)(3)(A), 820.02(b)(1)(A)3., and 820.02(b)(2)(A)3.], excluding tier III inland plan holders which are currently required to achieve all objectives each year [14 CCR § 820.02(b)(3)(A)3.] as mentioned in subsection (e); it is reiterated here for clarity.

Subsection (m)(2)(B) describes the parameters for being eligible to receive drill credit for an actual spill. OSPR having personnel at the spill will not be a new requirement for any existing plan holder [14 CCR § 820.01(k)(6)(A)4. and 820.02(j)(3)(A)1.a.]. The Administrator, or designee, observing and verifying the equipment deployment will not be a new requirement for any existing plan holder [14 CCR § 820.01(k)(6)(A)4. and 820.02(j)(3)(A)1.a.], but the verbiage is updated to be consistent with exercise requirements for actual spills. The plan holder meeting the objectives described in these regulations will not be a new requirement for any existing plan holder [14 CCR § 820.01(k)(1)(D) and 820.02(j)(4)] and is necessary to maintain current performance standards for drills. Submitting a credit request within 60 days will not be a new requirement for any existing inland plan holder.

Subsection (n)

Purpose: Subsection (n) directs plan holders to the section within OSPR's regulations that outlines the process to request reconsideration of a decision made by OSPR regarding drills or exercises.

Necessity: The opportunity to seek remedy of a decision made by OSPR provides the plan holder with due process.

Amend Sections 815.01, 817.02, 817.03, 817.04, 818.02, 818.03, 819.03, 827.02, and 830.6 of Chapter 3.

Included in this rulemaking are nonsubstantive, conforming revisions to several other OSPR regulations, to update the cross-referenced citations consistent with the adoption of section 820.1 and the repeal of sections 820.01 and 820.02 of subchapters 3.5 and 3.7, respectively. Overall changes to punctuation, grammar, spelling, capitalization, typography, etc., are not made in these collateral sections; instead, they will be addressed in the near future with a larger, more comprehensive rulemaking action.

Amend Section 815.01 of Subchapter 3 – General Outline.

Section 820.01 Drills and Exercises Evaluation and Credit is deleted from the list because it is being repealed in this rulemaking. The proposed section to be adopted in place of 820.01, as well as 820.02, will also not be within subchapter 3 and therefore is not being added to the list that is section 815.01.

Amend Sections 817.02, 817.03, 817.04, 818.02, 818.03, 819.03, 827.02, and 830.6.

The following subsections have non-substantive edits to update the citation consistent with the new section (§ 820.1) proposed for adoption in this rulemaking.

Section	Subsection
817.02 - Marine Facility Plan Content (Except for Those Small Marine Fueling Facilities Addressed in Section 817.03 of This Subchapter).	(k)(1) & (2)
817.03 – Small Marine Fueling Facility Plan Content.	(k)(1)
817.04 – Inland Facility Oil Spill Contingency Plans.	(t)
818.02 – Tank Vessel Plan Content (Except for Those Vessels Carrying Oil As Secondary Cargo Addressed in Section 818.03 of This Subchapter).	(l)(1) & (2)
818.03 – Vessels Carrying Oil As Secondary Cargo (VCOASC) Plan Content.	(l)(1)
819.03 – Application Review Verification and Drills.	(d); (d)(1)(C); (d)(2)(H)
827.02 – Nontank Vessel Plan Content.	(e)(1) & (2); (m)(1) & (2)

Section	Subsection
830.6 – Exercise Objectives Required for Full Certification	(a)(1)(A)

Repeal Sections 820.01 and 820.02. – Drills and Exercises.

Sections 820.01 and 820.02 of subchapters 3.5 and 3.7, respectively, are being repealed in this rulemaking, along with any forms associated with them. New section 820.1 consolidates and replaces those sections.

IV. Economic Impact Assessment [Government Code sections 11346.2(b)(2)(A),(5); 11346.3(a)]

The proposed regulations add new section 820.1, repeals sections 820.01 and 820.02, and amends sections 815.01, 817.02, 817.03, 817.04, 818.02, 818.03, 819.03, 827.02, and 830.6. The regulations implement, interpret, and add specificity to the provisions of Government Code sections 8670.7, 8670.10, 8670.28, 8670.29, 8670.31.

(a) What is the evidence supporting a finding of No Significant Statewide Adverse Economic Impact directly affecting business, including the ability of California businesses to compete with businesses in other states?

These proposed regulations will not have a significant statewide adverse economic impact. They serve to harmonize existing marine plan holder and inland plan holder drill and exercise requirements into a single set of regulations, remove inconsistencies, clarify and reorganize requirements, reduce the number of required forms, and streamline the reporting process.

These are not considered “major regulations” because the economic impact assessment concludes that the impacts, summing both costs and benefits, will be considerably less than \$50 million dollars annually.

(b) Will there be any effects of the regulation on the creation or elimination of jobs within the State?

None.

(c) Will there be any effects of the regulation on the creation of new businesses or the elimination of existing businesses within the State?

None.

(d) Will there be any effects of the regulation on the expansion of businesses currently doing business within the State?

None.

(e) Will there be any benefits to the health and welfare of California residents, worker safety, or to the State's environment?

None.

(h) Will there be any other benefits of the regulations?

Harmonizing the marine and inland drills and exercises regulations into one section allows for ease of identification and refreshes and realigns the requirements to apply to all plan holders, regardless of the type of waters of the state they may impact. The result is updated, more streamlined regulations that include clearer language, elimination of subjectivity and vagueness, improved clarity, standardized language and consistency, and integration of lessons learned from evaluating drills and exercises. It also includes reducing and redesigning the forms required by these regulations to be more user-friendly for both OSPR and its regulated which in turn increases efficiency.

V. *Studies, Reports, or Documents Relied Upon* [Government Code section 11346.2(b)(3)]

The following are the technical, theoretical, and/or empirical studies, reports, or documents that OSPR has relied upon during this rulemaking process. These documents are linked to the sources to the extent that they are available online. All documents are available from OSPR upon request.

- Occupational Employment and Wage Statistics for First Line Supervisors of Production and Operating Workers, U.S. Bureau of Labor Statistics, May 2020
- Occupational Employment and Wage Statistics for Petroleum Engineers, U.S. Bureau of Labor Statistics, May 2020

VI. *Reasonable Alternatives to Regulatory Action* [Government Code section 11346.2(b)(4)(A)(B)]

OSPR could identify no alternatives that would have the same desired regulatory effect or would meet the same goals for harmonizing, streamlining, and clarifying existing drill and exercise requirements.

VII. *Duplication or Conflict with Federal Regulations* [Government Code section 11346.2(b)(6)]

The regulations in this rulemaking are similar to, but do not conflict with, federal regulations. The National Preparedness for Response Exercise Program (PREP) was developed in 1990 to establish exercise program guidelines for spill response preparedness pursuant to Section 1321(j)(6) and (7) of Title 33 of the United States Code. However, states are not preempted from building upon PREP, which OSPR has done since the mid-1990's. OSPR's requirements generally are more thorough than the federal requirements. OSPR works closely with its federal counterparts, such as the

U.S. Coast Guard, U.S. Environmental Protection Agency, and the U.S. Bureau of Safety and Environmental Enforcement. OSPR, the USCG, and EPA regularly conduct tabletop exercises and equipment deployment drills with plan holders on average several times a month.

VIII. Mitigation Measures Required by Regulatory Action

This proposed regulatory action will not have a negative impact on the environment; therefore, no mitigation measures are needed.

END

Attachment to Initial Statement of Reasons

Purpose and Necessity Statements for Drills and Exercises Notification Form DFW 1954 (Rev. 03/24/21)

General Purpose and Necessity

A new Drills and Exercises Notification form was created to replace DFW 1964 (Exercise Notification). The new form eliminates unnecessary fields, incorporates the spill management team certification notification as required by Title 14, California Code of Regulations (CCR), section 830.6, streamlines data entry, and improves accessibility for compliance with the Americans with Disabilities Act. The form is required for plan holders to provide advanced notice for drills or exercises conducted pursuant to 14 CCR 820.1(i).

Page 1

Title of Form

Purpose: The title includes department name, form title, form number, and log.

Necessity: To comply with the State Administrative Manual and Department of General Services policies and guidelines for department-created and approved forms.

Section 1: Plan Information

Purpose: This section provides the Office of Spill Prevention and Response with details regarding the plan holder and their contingency plan(s) that will be tested during the proposed drill and/or exercise.

Necessity: All plan holders have annual drill and exercise requirements pursuant to 14 CCR 820.1(b). Providing plan holder name, facility/vessel/mobile transfer unit name, address, and contingency plan number(s) are necessary for the Office of Spill Prevention and Response to identify the contingency plan(s) being drilled or exercised to track their compliance with the drill and/or exercise requirements. Providing this information is not a new requirement.

This section also identifies whether an exercise will be used to certify a spill management team and, if so, identifies the spill management team's certification number. This information is included in the form to meet requirements pursuant to 14 CCR 830.6.

Section 2: Contact Information

Purpose: This section identifies the plan holder and, when applicable, facilitator to serve as the drill or exercise contact(s).

Necessity: This information is necessary because the plan holder, or their representative, provided in this section will be contacted by the Office of Spill Prevention

and Response for drill or exercise planning purposes. Providing the name, phone number, and email of the drill or exercise contact(s) are not new requirements.

Section 3: Drill or Exercise Information

Purpose: This section defines the type, duration, and location of the drill or exercise.

Necessity: This information is necessary to schedule a drill or exercise pursuant to 14 CCR 820.1(i). Providing the drill or exercise type, date, time, and address of the drill or exercise location are not new requirements.

CoreVEX (formerly known as “out-of-state”) and CalTriVEX are new drill or exercise titles on the form, but this information was previously required to be provided in the “other” field of the former notification form (DFW 1964) being repealed. These drill and exercise types are specifically called out here for clarity and ease.

The multi-day exercise field is information that was previously required to be provided in the “date” field of the former notification form. It is specifically called out here for clarity and ease.

Tier and region information are new requirements. Tier information is necessary for the Office of Spill Prevention and Response to have an immediate idea of the size and associated expectations of the exercise, as the number of objectives and requirements to meet those objectives increase from tier III to tier I. Region is necessary to immediately determine which Office of Spill Prevention and Response staff will be involved in the drill or exercise planning and completion because participation is broken down by regions.

Section 4: Submission

Purpose: This section identifies the plan holder, or their representative, submitting the form pursuant to 14 CCR 820.1(i).

Necessity: This information is necessary for the Office of Spill Prevention and Response to identify the plan holder, or their representative, submitting the form and the date it is submitted to be able to contact the correct person regarding the notification form as well as tracking compliance with the deadlines described in 14 CCR 820.1(i). Providing a submitter name and submission date are not new requirements.

Page 2

Instructions

Purpose: This section provides detailed instructions to assist the plan holder, or their representative, in completing and submitting the form correctly.

Necessity: An instruction page is necessary to provide guidance to the plan holder, or their representative, in filling out the form completely and submitting it correctly, pursuant to 14 CCR 820.1(i). The intent is to mitigate delays in the processing of the application due to incomplete or incorrect information.

Attachment to Initial Statement of Reasons

Purpose and Necessity Statements for Drills and Exercises Credit Request Form DFW 1955 (Rev. 11/08/21)

General Purpose and Necessity

A new Drills and Exercises Credit Request (DFW 1955) was created to replace DFW 1967 (Marine – Request for Credit) and DFW 1973 (Inland – Request for Credit). The new form combines necessary elements from each form to create a single form for all credit requests and reflects changes outlined in Title 14 California Code of Regulations (CCR), section 820.1. The consolidation of forms also eliminates unnecessary fields, streamlines data entry, and improves accessibility for compliance with the Americans with Disabilities Act. The form is required for plan holders to request credit for drills or exercises conducted pursuant to 14 CCR 820.1(l).

Page 1

Title of Form

Purpose: The title includes department name, form title, form number, and log.

Necessity: To comply with the State Administrative Manual and Department of General Services policies and guidelines for department-created and approved forms.

Section 1: Event Information

Purpose: This section provides the Office of Spill Prevention and Response with details regarding the drill, exercise, or substitution conducted for credit pursuant to 14 CCR 820.1(l).

Necessity: This information is necessary for the Office of Spill Prevention and Response to identify the drill, exercise, or substitution conducted by the plan holder or facilitation company and track compliance for the assigned contingency plan number(s) pursuant to 14 CCR 820.1(l). Providing the plan holder name, facility/vessel/mobile transfer unit name, date, drill, exercise, or substitution type, scenario/incident location, and contingency plan number(s) are not new requirements.

The multi-day exercise field is information that was previously required to be provided in the “date of drill/exercise” field of the former credit request forms. It is specifically called out here for clarity and ease.

Region information is a new requirement and is necessary for the Office of Spill Prevention and Response to immediately identify the staff responsible for processing the credit request pursuant to 14 CCR 820.1(l).

Section 2: Contact Information

Purpose: This section identifies the plan holder and, when applicable, an additional representative to receive credit request related communications pursuant to 14 CCR 820.1(I).

Necessity: This information is necessary because the plan holder, or their representative, provided in this section will be contacted by the Office of Spill Prevention and Response for credit request related communications, including the approval letter. The approval letter is necessary for the plan holder to show compliance with 14 CCR 820.1.

An additional name, phone number, and email was previously provided, when applicable, in the “name of submitter” field in the former credit request forms. Those have dedicated fields here for clarity and ease.

Section 3: Credit Request

Purpose: This section identifies the specific credit the plan holder is requesting for the applicable drill, exercise, or substitution, pursuant to 14 CCR 820.1(I). It is divided into three subsections for clarity and ease.

3A: Equipment Deployment Drill

Necessity: This information is necessary for plan holders required to test on-water containment equipment and for the Office of Spill Prevention and Response to track their compliance, pursuant to 14 CCR 820.1(b)(2). The objectives provided have not changed and indicating which objectives are being requested for credit is not a new requirement.

Deployment coordinates is a new requirement which is necessary for the Office of Spill Prevention and Response to accurately identify the specific location of the actual equipment deployment. On the former credit request forms, plan holders were required to provide the “location of drill/exercise” as an “address” and the “scenario coordinates”; however, neither location field accurately represented or identified where an actual deployment occurred.

3B: CoreVEX

Necessity: This information is necessary for vessel plan holders when a CoreVEX (formerly known as “out-of-state”) is conducted, which is required for two years in any consecutive three-year period, and for the Office of Spill Prevention and Response to track their compliance, pursuant to 14 CCR 820.1(b) and (c). Providing the location, and indicating which objectives are being requested for credit are not new requirements; however, the number of objectives has been significantly reduced and all current objectives required are included on the form for clarity and ease.

Page 2

3C: Tabletop Exercise and CalTriVEX

Necessity: This information is necessary for facility and mobile transfer unit plan holders when a tabletop exercise is conducted, which is required annually, or vessel plan holders when a CalTriVEX is conducted, which is required one year in any consecutive three-year period, and for the Office of Spill Prevention and Response to track their compliance, pursuant to 14 CCR 820.1(b) and (c). Providing the location of the exercise and indicating which objectives are being requested for credit are not new requirements.

On the former credit request form, marine plan holder objectives were grouped by facility, vessel, or mobile transfer unit type. These types have been incorporated into the inland three-tier structure in 14 CCR 820.1(a), which is reflected here. Tiers have been divided for clarity and ease.

On the former credit request form, inland plan holder objectives were all listed in a single section with a field to indicate the applicable tier. The plan holders were left to determine their objective requirements without any assistance. These tiers have been divided with the applicable objectives listed for each tier independently for clarity and ease.

Section 4: Submission

Purpose: This section identifies the plan holder, or their representative, submitting the form pursuant to 14 CCR 820.1(I).

Necessity: This information is necessary for the Office of Spill Prevention and Response to identify the plan holder, or their representative, submitting the form and the date it is submitted to be able to contact the correct person regarding the credit request form as well as tracking compliance with deadlines described in 14 CCR 820.1(I). By submitting the form, this person is legally certifying that all the information contained on and with the form is truthful and accurate. Providing a submitter name and submission date are not new requirements.

Page 3

Instructions

Purpose: This section provides detailed instructions to assist the plan holder, or their representative, in completing and submitting the form correctly.

Necessity: An instructions page is necessary to provide guidance to the plan holder, or their representative, in filling out the form completely and submitting it correctly, pursuant to 14 CCR 820.1(I). The intent is to mitigate delays in the processing of the application due to incomplete or incorrect information.