

CALIFORNIA CODE OF REGULATIONS
TITLE 14. NATURAL RESOURCES
DIVISION 1. FISH AND GAME COMMISSION – DEPARTMENT OF FISH AND GAME
SUBDIVISION 4. OFFICE OF OIL SPILL PREVENTION AND RESPONSE

**SECOND 15-DAY COMMENT PERIOD
ILLUSTRATION OF CHANGES**

Changes to section 820.02 of title 14 of the California Code of Regulations were approved by the Office of Administrative Law in a separate, concurrent rulemaking action (OAL Matter No. 2022-0525-04SR) on July 5, 2022, and will become effective on October 1, 2022. For this second additional 15-day public comment period, text is illustrated as follows:

- **bold single underline** is used to denote text added in OAL Matter No. 2022-0525-04SR that is not being changed in this action;
- ~~**bold single strikeout**~~ is used to denote deleted text in OAL Matter No. 2022-0525-04SR that has not been noticed to the public for repeal and is not being further changed in this action; and
- ~~**bold single underline and double strikeout**~~ is used to denote text added in OAL Matter No. 2022-0525-04SR that is proposed for deletion in this action.

The changes to section 820.02 noticed in the drills and exercises harmonization rulemaking action for the original 45-day public comment period also remain present as follows: added text is illustrated in single underline; deleted text in ~~single strikethrough~~.

**CALIFORNIA CODE OF REGULATIONS
TITLE 14. NATURAL RESOURCES
DIVISION 1. FISH AND GAME COMMISSION - DEPARTMENT OF FISH & GAME
SUBDIVISION 4. OFFICE OF SPILL PREVENTION AND RESPONSE
CHAPTER 3. OIL SPILL PREVENTION AND RESPONSE PLANNING
SUBCHAPTER 3.7. DRILLS AND EXERCISES – INLAND FACILITIES**

~~§ 820.02. Drills and Exercises – Inland Facilities.~~

~~(a) Applicability.~~

~~(1) This section provides the tabletop exercise and equipment deployment drill requirements for inland facility plan holders, and how to request credit for performing exercises and drills. This section only applies to inland facility owners and operators who are required to have an oil spill contingency plan pursuant to this subchapter. Drills and exercises are not required if the inland facility owner or operator is exempted from contingency plan requirements pursuant to subsections 817.04(b) and (c) of this chapter.~~

~~(2) Drill and exercise requirements are tiered based on the reasonable worst case spill volume of a particular inland facility. As used in this section only:~~

~~(A) Tier I facilities are inland facilities with a reasonable worst case spill volume of 1,000 barrels or more.~~

~~(B) Tier II facilities are inland facilities with a reasonable worst case spill volume of 500 barrels up to 999 barrels.~~

~~(C) Tier III facilities are inland facilities with a reasonable worst case spill volume up to 499 barrels.~~

~~(3) The Administrator may determine that a different tier is more appropriate for a particular facility if there is a change in the facility's reasonable worst case spill volume.~~

~~(b) Type and Frequency of Drills and Exercises.~~

~~Tabletop exercises and equipment deployment drills shall be executed to evaluate either a portion of the contingency plan or the entire plan, and accomplish the applicable objectives required by this section. The required drills and exercises are described below:~~

~~(1) For Tier I facilities:~~

~~(A) 1. A tabletop exercise, announced or unannounced, of the spill management team identified in the contingency plan shall be conducted annually.~~

~~2. Any number of objectives described in subsection (f) of this section may be tested during an exercise.~~

~~3. Over any consecutive three year period, all objectives described in subsection (f) of this section shall be tested and successfully met.~~

~~(B) Spill reporting or notification procedures listed in the contingency plan shall be conducted quarterly. Actual calls must be made by the plan holder to the qualified individual, the oil spill response organization, and the spill management team. For blanket plans (described at subsection 817.04(d)), the plan holder shall follow its procedures at each facility for reporting spills, so that all employees designated for contacting the qualified individual, oil spill response organization, and spill management team during a spill shall be proficient in making these calls.~~

~~(C) If a Tier I plan holder is relying on its own on-water containment and recovery equipment, then semi-annual equipment deployment drills shall be conducted to test the deployment of plan holder owned equipment. See subsection (i) of this section for the objectives for equipment deployment drills.~~

~~(2) For Tier II facilities:~~

~~(A) 1. A tabletop exercise, announced or unannounced, of the spill management team identified in the contingency plan shall be conducted annually.~~

~~2. Any number of objectives described in subsection (g) of this section may be tested during an exercise.~~

~~3. Over any consecutive three year period, all objectives described in subsection (g) of this section shall be tested and successfully met.~~

~~(B) Spill reporting or notification procedures listed in the contingency plan shall be conducted quarterly. Actual calls must be made by the plan holder to the qualified individual, the oil spill response organization, and the spill management team. For blanket plans (described at subsection 817.04(d)), the plan holder shall follow its procedures at each facility for reporting spills, so that all employees designated for contacting the qualified individual, oil spill response organization, and spill management team during a spill shall be proficient in making these calls.~~

~~(C) If a Tier II plan holder is relying on its own on-water containment and recovery equipment, then semi-annual equipment deployment drills shall be conducted to test the deployment of plan holder owned equipment. See subsection (i) of this section for the objectives for equipment deployment drills.~~

~~(3) For Tier III facilities:~~

~~(A) 1. A tabletop exercise, announced or unannounced, of the spill management team identified in the contingency plan shall be conducted annually.~~

~~2. All objectives described in subsection (h) of this section are to be tested and successfully met.~~

~~3. All of the objectives described in subsection (h) of this section shall be successfully met within a calendar year.~~

~~(B) Spill reporting or notification procedures listed in the contingency plan shall be conducted quarterly. Actual calls must be made by the plan holder to the qualified~~

individual, the oil spill response organization, and the spill management team. For blanket plans (described at subsection 817.04(d)), the plan holder shall follow its procedures at each facility for reporting spills, so that all employees designated for contacting the qualified individual, oil spill response organization, and spill management team during a spill shall be proficient in making these calls.

~~(C) If a Tier III plan holder is relying on its own on-water containment and recovery equipment, then semi-annual equipment deployment drills shall be conducted to test the deployment of plan holder-owned equipment. See subsection (i) of this section for the objectives for equipment deployment drills.~~

~~(c) Commencement.~~

~~The time during which exercises must occur depends upon when the contingency plan is deemed approved, as described in (1) and (2):~~

~~(1) For Tier I and Tier II plan holders, if the contingency plan is deemed approved between January 1 and September 30, the cycle is considered to have begun January 1. If the contingency plan is deemed approved between October 1 and December 31, then the cycle begins on the date of approval and ends on December 31 of the third full calendar year after approval.~~

~~(2) For Tier III plan holders, if the contingency plan is deemed approved between January 1 and September 30, the annual period is considered to have begun January 1. If the contingency plan is deemed approved between October 1 and December 31, then the annual period begins on the date of approval and ends on December 31 of the following full calendar year after approval.~~

~~(d) Scheduling and Design.~~

~~Tabletop exercises and equipment deployment drills must be scheduled and designed pursuant to the following requirements, which will make them eligible for credit:~~

~~(1) The Administrator shall be provided an opportunity to help design, attend and evaluate all equipment deployment drills and tabletop exercises. Plan holders shall give the Administrator a minimum of 30 calendar days advanced notice for equipment deployment drills and 60 calendar days for all in-state tabletop exercises.~~

~~(2) To schedule a drill or exercise, plan holders shall consult the Drills, Exercises, and Events Calendar to check for date availability, at the following link: <https://calspillwatch.dfg.ca.gov/Calendar>. **Only drills and exercises scheduled on the Calendar are eligible to receive credit from the Administrator.**~~

~~(3) For plan holders relying on their own on-water response resources, equipment deployment drills as required in subsection (b) of this section shall be scheduled in the first six months of the calendar year. If a second equipment employment drill is required, it shall be scheduled in the second six months of the calendar year.~~

~~(4) The plan holder shall provide written notice to the Administrator inviting the Administrator to participate in both equipment deployment drills and tabletop exercises. The plan holder shall provide this notice with Exercise Notification form DFW~~

1964(04/01/14), incorporated by reference herein. Incomplete forms will not be accepted and will be returned for re-submittal. Notice may be made via postal mail, e-mail, or fax and sent to:

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

(5) If the plan holder needs to reschedule a drill or exercise that has already been placed on the calendar, the plan holder shall notify the Office of Spill Prevention and Response as soon as possible, and re-scheduling must comply with the 30 or 60 day notice requirements described in subsection (d)(2). However, the Administrator may allow drills or exercises to be rescheduled for reasons such as operational needs, staffing issues, or environmental conditions.

(6) Where reference is made in this section to the use of ICS forms, the plan holder may use the U.S. Coast Guard ICS forms or other forms that substantially accomplish the objective for which they are used. The U.S. Coast Guard ICS forms may be found on the websites of the U.S. Coast Guard, other federal agencies, and the Office of Spill Prevention and Response.

(7) The contingency plan shall be available and used at all required drills and exercises.

(8) All other local, state, and federal laws, regulations and permitting requirements must be complied with as part of planning and conducting a drill or exercise.

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

(f) Tier I Facility Tabletop Exercise Objectives.

Tabletop exercise objectives for Tier I facility plan holders shall be tested and staffed to a degree that is commensurate with the exercise scenario and scope, and include the following:

(1) Notifications: Make actual notifications about the spill scenario to the oil spill response organization, qualified individual, and spill management team listed in the contingency plan, and to the California Office of Emergency Services and the National Response Center. These notifications shall be documented at the start of the exercise.

(2) Staff Mobilization: Assemble the spill management team and other personnel identified in the contingency plan.

(3) Incident Command System: Organize the initial responders to establish the incident command system as described in the plan holder's contingency plan, and integrate into the system used by the federal on-scene coordinator or the state on-scene coordinator. This shall include implementation of an operational planning cycle consistent with the "Planning P", as described in the Incident Management Handbook.

~~(3.1) Unified Command: Form a unified command consisting of federal, state, and responsible party representation. Local representation may be included as appropriate. The unified command shall develop the incident objectives, set response priorities, and identify any limitations and constraints (ICS Form 201 – Incident Briefing [rev. 6/13] or ICS Form 202 – Incident Objectives [rev. 4/04]) as appropriate.~~

~~(4) Safety Officer: Designate a safety officer, conduct an initial site safety assessment, identify hazards (e.g. applicable safety data sheets), and develop a site safety plan (ICS Form 208 – Site Safety and Health Plan [rev. 4/15]). Monitor operations to ensure compliance with the site safety plan.~~

~~(5) Public Information Officer: Provide an interface between the unified command and the media and public. Issue an initial press release announcing the establishment of the unified command, and develop at least two additional written media products (e.g., fact sheet, press release, talking points for press briefing, etc.) during each operational period.~~

~~(6) Liaison Officer: Invite stakeholders including, but not limited to, local government, first responders (e.g. fire and hazmat), natural resource trustees, and tribal representatives to participate in the exercise. Monitor the arrival of agency representatives and other stakeholders at the incident command post, assess their needs and available resources, and keep them informed of the incident status.~~

~~(7) Operations: Coordinate and manage field operations with plan holder owned resources and any oil spill response organization involved, in accordance with unified command objectives and action plans. Provide a list of available plan holder and oil spill response organization resources and deployment time frames.~~

~~(7.1) Source Control: Locate the source of the spill and initiate emergency shutdown procedures, according to the contingency plan.~~

~~(7.2) Assessment: Provide an estimate of the quantity spilled, extent of the spill, and an initial trajectory.~~

~~(7.3) Containment and Recovery: Describe procedures to deploy spill response resources immediately available, as identified in the contingency plan.~~

~~(7.4) Firefighting: Identify and make notifications to the firefighting resources identified in the contingency plan, as appropriate.~~

~~(7.5) Wildlife Recovery and Rehabilitation: Initiate proper wildlife protection procedures by making actual notifications to the Oiled Wildlife Care Network or to the wildlife care and treatment method approved in the contingency plan.~~

~~(7.6) Safety of Responders and Public: Identify health hazards associated with the spilled product (e.g. safety data sheet), and work with local emergency agencies, as appropriate, to identify and alert populations at risk from the hazards identified.~~

~~(7.7) Shoreline Protection: Evaluate and identify sufficient resources to effectively implement the protective strategies contained in the area contingency plan and~~

geographic response plan, and the respective industry contingency plan for the identified resources at risk.

~~(8) Planning: Develop strategies and tactics based on the unified command objectives and in coordination with other sections within the incident command system, for inclusion in an ICS Form 201 (Incident Briefing [rev. 6/13]) or an incident action plan.~~

~~(8.1) Situation Unit: Collect, organize, update, display, and disseminate information about the current status of the spill, including display the following: the name of the incident; a chart or map of the incident; an organization chart (ICS Form 207—Incident Organization Chart [rev. 01/07]); information on current and forecasted weather, tides, and currents; a meeting schedule (ICS Form 230—Daily Meeting Schedule [rev. 07/04]); and, as appropriate, an incident status summary (ICS Form 209—Incident Status Summary [rev. 06/05]).~~

~~(8.2) Resource Unit: Maintain the status and location of all incident resources, and establish a process for resource tracking and demobilization in coordination with the logistics and finance sections. Maintain, update, and distribute the organization assignment list and incident organization chart (ICS Form 203—Organization Assignment List [rev. 09/06] and ICS Form 207—Incident Organization Chart [rev. 01/07]) as well as the check-in list (ICS Form 211—Check-In List [rev. 04/15]).~~

~~(8.3) Environmental Unit: Gather environmental data including weather, tides, and currents. Generate an initial list of environmental and other resources at risk (ICS Form 232—Resources at Risk Summary [rev. 07/04]), based on sensitive sites identified in the relevant area contingency plans or geographic response plans and trajectory data.~~

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

~~(8.3.2) Applied Response Technology: Assist the Applied Response Technology Technical Specialist of the Office of Spill Prevention and Response in assessment of applied response technologies including: chemical dispersants, in-situ burning, bioremediation or other oil spill clean-up methods, utilizing the state and federal policies and procedures adopted in the federal Region 9 Regional Contingency Plan and applicable federal Area Contingency Plans.~~

~~(8.4) Documentation: Demonstrate the ability to work with the state on-scene coordinator or the federal on-scene coordinator to collect, organize, maintain, and disseminate, as appropriate, all documents generated during the exercise. Adequate documentation services shall be provided for all sections.~~

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

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

~~(9.1) Communications: Establish an intra-organization communications system and establish communications between the administrative functions and the field units. Develop an incident communications plan (ICS Form 205—Incident Radio Communications Plan [rev.09/12]).~~

~~(9.2) Personnel Support: Identify and provide for the support of all personnel associated with the response including lodging, food services, transportation, operational and administrative space, security, and a medical plan (ICS Form 206—Medical Plan [rev. 07/04]).~~

~~(9.3) Incident Command Post Equipment and Support: Provide and support equipment necessary for the incident command post infrastructure including internet service, telecommunication service, printers, copiers, and scanner/fax machines.~~

~~(10) Finance: Document and track daily expenditures and provide cost estimates for continuing operations. Establish and disseminate third-party claims procedures to the public information officer, liaison officer and situation unit, and process third-party claims.~~

~~(g) Tier II Facility Tabletop Exercise Objectives.~~

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

~~(1) Notifications: Make actual notifications about the spill scenario to the oil spill response organization, qualified individual, and spill management team listed in the contingency plan, and to the California Office of Emergency Services and the National Response Center. These notifications shall be documented at the start of the exercise.~~

~~(2) Staff Mobilization: Assemble the spill management team and other personnel identified in the contingency plan.~~

~~(3) Incident Command System: Organize the initial responders to establish the incident command system as described in the plan holder's contingency plan, and integrate into the system used by the federal on-scene coordinator or the state on-scene coordinator. This shall include implementation of an operational planning cycle consistent with the "Planning P", as described in either Incident Management Handbook.~~

~~(3.1) Unified Command: Form a unified command consisting of federal, state, and responsible party representation. Local representation may be included as appropriate. The unified command shall develop the incident objectives, set response priorities, and identify any limitations and constraints (ICS Form 201—Incident Briefing [rev. 6/13] or ICS Form 202—Incident Objectives [rev. 4/04]), as appropriate.~~

~~(4) Safety Officer: Designate a safety officer, conduct an initial site safety assessment, identify hazards (e.g. applicable safety data sheets), and conduct a safety briefing. As~~

~~appropriate, work with local emergency agencies to identify and alert populations at risk from these hazards.~~

~~(5) Public Information Officer: Provide an interface between the unified command and the media and public. Issue an initial press release announcing the establishment of unified command, and develop at least one additional written media product (e.g. fact sheet, press release, social media documentation, etc.).~~

~~(6) Liaison Officer: Identify relevant stakeholders, including local government and first responders (e.g. fire and hazmat), initiating contact as appropriate.~~

~~(7) Operations: Coordinate and manage field operations with plan holder owned resources and any oil spill response organization involved, in accordance with initial unified command objectives and priorities.~~

~~(7.1) Source Control: Locate the source and initiate emergency shutdown procedures according to the contingency plan.~~

~~(7.2) Assessment: Provide an estimate of the quantity spilled, the extent of the spill, and an initial trajectory.~~

~~(7.3) Containment and Recovery: Describe procedures to deploy spill response resources immediately available, as identified in the contingency plan.~~

~~(7.4) Firefighting: Identify and make notifications to the firefighting resources identified in the contingency plan, as appropriate.~~

~~(7.5) Wildlife Recovery and Rehabilitation: Initiate proper wildlife protection procedures by making actual notifications to the Oiled Wildlife Care Network or to the wildlife care and treatment method approved in the contingency plan.~~

~~(8) Planning: Develop strategies and tactics based on the initial objectives and priorities for inclusion in an ICS Form 201 (Incident Briefing [rev. 6/13]).~~

~~(8.1) Situation Unit: Collect, organize, update, and display information about the current status of the spill. At a minimum this shall include the following: the name of incident; chart or map of incident; an organization chart (ICS Form 207—Incident Organization Chart [rev. 01/07]); and information on current and forecasted weather, tides, and currents.~~

~~(8.2) Resource Unit: Maintain the status and location of all incident resources and establish a check in list (ICS Form 211—Incident Check In List [rev. 04/15]).~~

~~(8.3) Environmental Unit: Gather environmental data including weather, tides, and currents. Generate an initial list of environmental and other resources at risk (ICS Form 232—Resources at Risk Summary [rev. 07/04]), based on sensitive sites identified in the relevant area contingency plans or geographic response plans and trajectory data.~~

~~(8.3.1) Waste Management and Disposal: Gather information for and discuss elements of a waste management plan, including procedures for waste segregation, characterization, minimization, quantification and final disposition, as appropriate.~~

~~(8.4) Documentation: Demonstrate the ability work with the state on-scene coordinator or the federal on-scene coordinator to collect, organize, and maintain all documents generated during the exercise.~~

~~(9) Logistics: Provide necessary incident support, including personnel, facilities, and services.~~

~~(9.1) Communications: Establish an intra-organization communications system and establish communications between the administrative functions and the field units. Develop an incident communications plan (ICS Form 205—Incident Radio Communications Plan [rev. 09/12]).~~

~~(9.2) Personnel and Incident Support: Identify and provide the necessary support of all personnel associated with the response including lodging, food services, transportation, communication, and operational and administrative space and services, as appropriate.~~

~~(10) Finance: Provide the necessary support for cost tracking; develop a process for managing third-party claims.~~

~~(h) Tier III Facility Tabletop Exercise Objectives:~~

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

~~(1) Notifications: Make actual notifications about the spill scenario to the oil spill response organization, qualified individual, and spill management team listed in the contingency plan, and to the California Office of Emergency Services and the National Response Center. These notifications shall be documented at the start of the exercise.~~

~~(2) Staff Mobilization: Assemble the spill management team and other personnel identified in the contingency plan; provide updated contact information.~~

~~(3) Incident Command System: Organize the initial responders to establish the incident command system as described in the plan holder's contingency plan, and integrate into the system used by the federal on-scene coordinator or the state on-scene coordinator. This shall include implementation of an operational planning cycle consistent with the "Planning "P", as described in either Incident Management Handbook .~~

~~(3.1) Facilitate an incident briefing (ICS Form 201—Incident Briefing [rev. 6/13]) led by the plan holder incident commander, and, as appropriate, conduct unified command meetings to discuss important issues and/or key decisions.~~

~~(4) Safety Officer: Designate a safety officer, conduct an initial safety assessment, identify hazards (e.g. applicable safety data sheets), and conduct a safety briefing.~~

~~(5) Public Information Officer: Provide an interface between the unified command and the media and public. Develop at least one written media product (e.g. initial press release, holding statement, fact sheet, etc.)~~

~~(6) Liaison Officer: Identify relevant stakeholders, including local government and first responders (e.g. fire and hazmat), initiating contact as appropriate.~~

~~(7) Operations: Coordinate and manage field operations with plan holder owned resources and any oil spill response organization involved, in accordance with initial incident commander objectives and priorities.~~

~~(8) Planning: Develop strategies and tactics based on the initial objectives and priorities, for inclusion in ICS Form 201 (Incident Briefing [rev. 6/13]).~~

~~(8.1) Situation Status: Collect, organize, and display basic information about the current status of the spill, including status and location of all incident resources and environmental data (e.g., weather, tides, currents and potential resources at risk).~~

~~(i) Equipment Deployment Drill Objectives:~~

~~(1) If a contingency plan lists plan holder owned or controlled response resources for the purposes of meeting on-water containment, recovery, or storage requirements then all of the following equipment deployment drill objectives shall be tested:~~

~~(A) Notifications: Make actual notifications to the California Office of Emergency Services and document this at the start of the drill.~~

~~(B) Staff Mobilization: Assemble sufficient staff to safely and effectively deploy the spill response equipment.~~

~~(C) Safety: Conduct a safety briefing prior to deployment.~~

~~(D) Equipment Deployment: Deploy equipment to meet the immediate on-water containment strategies outlined in the contingency plan.~~

~~(E) Communication: Provide appropriate communications to direct operations.~~

~~(2) Equipment deployment drills are evaluated on a pass/fail basis, and all objectives must be successfully met. If a plan holder relies entirely on the on-water response resources of one or more rated oil spill response organization, then the plan holder does not have to do equipment deployment drills and does not need to request credit.~~

~~(j) Substitution:~~

~~Other activities may qualify and be substituted for a requirement to perform an equipment deployment drill or tabletop exercise objectives as required by this section, in the following situations:~~

~~(1) Unannounced Equipment Deployment Drill~~

~~(A) An unannounced equipment deployment drill called by the U.S. Coast Guard, U.S. Environmental Protection Agency, or another federal, state, or local agency may be used to satisfy the equipment deployment drill requirements of this section if the following conditions are met:~~

~~1. The drill tests deployment of plan holder owned response equipment during the first six months of the calendar year;~~

~~2. The scope of drill at a minimum met all the equipment deployment drill objectives described in subsection (i) of this section; and~~

~~3. The plan holder submits a credit request with documentation, as outlined in subsection (k) of this section.~~

~~(2) Unannounced Tabletop Exercise~~

~~(A) An unannounced tabletop exercise called by the U.S. Coast Guard, U.S. Environmental Protection Agency, or another federal, state, or local agency may be used to satisfy tabletop exercise objectives of this section if the following conditions are met:~~

~~1. The exercise tests the mobilization and initial response capabilities of the spill management team identified in the contingency plan;~~

~~2. The scope of the exercise at minimum met all the Tier III facility tabletop objectives described in subsection (h) of this section; and~~

~~3. The plan holder submits a credit request, including documentation as outlined in subsection (k) of this section.~~

~~(3) Actual spill~~

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

~~1. For equipment deployment drill credit:~~

~~a. An Office of Spill Prevention and Response representative responded to the spill and observed and verified the equipment deployment.~~

~~b. The response was carried out in accordance with a contingency plan approved by Administrator, the appropriate area contingency plan or geographic response plan, and in accordance with the directions of the Administrator or federal on-scene coordinator.~~

~~c. The plan holder submits a timely credit request, including documentation as outlined in subsection (k) of this section.~~

~~2. For tabletop exercise credit:~~

~~a. An Office of Spill Prevention and Response representative responded to the spill.~~

~~b. The scope of the spill response at a minimum met all Tier III facility tabletop objectives described in subsection (h) of this section.~~

~~c. The response was carried out in accordance with a contingency plan approved by Administrator, the appropriate area response plan or geographic response plan, and in accordance with the directions of the Administrator or federal on-scene coordinator; and~~

~~d. The plan holder submits a timely credit request, including documentation as outlined in subsection (k) of this section.~~

~~(B) Credit may only be granted for one spill every three years.~~

~~(4) A grant of a substitution does not relieve the plan holder from accomplishing all remaining objectives.~~

~~(k) Drill and Exercise Documentation and Credit.~~

~~(1) Documentation~~

~~(A) To be eligible for credit for a tabletop exercise or an equipment deployment drill, the plan holder shall document in writing (hard copy or electronic) the objectives were successfully tested at the drill or exercise (e.g., ICS Form 201, site safety plan, waste management plan, communications plan, incident action plan, etc.). All documentation is subject to verification by the Administrator including confirmation of participation by the listed personnel.~~

~~(B) For on-water equipment deployment drills, if staff from the Office of Spill Prevention and Response are not present for the drill then the drill shall be documented using the Equipment Deployment Evaluation form DFW 1965 (04/01/14), incorporated by reference herein. This form is located on the website of the Office of Spill Prevention and Response.~~

~~(C) The plan holder shall include information on any recommendations for suggested action or improvement to facility plans or training programs, area contingency plans, geographic response plans, oil spill response organizations, federal agencies, state agencies, or local agencies. These "lessons learned" should be incorporated by the plan holder into future drills or exercises.~~

~~(D) The plan holder shall maintain records documenting each drill and exercise, including substituted drills and exercises, quarterly notification drills, resources identified in the contingency plan that were used, and lessons learned. The records shall be maintained for three years from the date of a drill or exercise. These records shall promptly be made available for inspection by the Administrator upon request.~~

~~(2) Credit Request~~

~~(A) To request credit, the plan holder shall complete and submit the Request for Drill/Exercise Credit – Inland Facilities form DFW 1973 (06/05/17), incorporated by reference herein, to the Drills and Exercises Unit of the Office of Spill Prevention and Response within 60 calendar days after completion of the equipment deployment drill or tabletop exercise, along with the supporting documentation described in (1) above. The credit request form may be found on the website of the Office of Spill Prevention and Response. For equipment deployment drill credit, the Equipment Deployment Evaluation form DFW 1965 (04/01/14) shall also be submitted. If the information submitted is insufficient, the plan holder will be notified and shall have 15 calendar days after notification to send in the completed documentation or the request for credit will be denied.~~

~~(B) The Administrator will audit all documentation to determine whether objectives were successfully met commensurate with the drill or exercise scenario and scope, and verify~~

~~that the drill or exercise was done in accordance with the credit request. The Administrator shall issue a credit approval letter or a report of deficiencies to the plan holder within 180 calendar days of receipt of all the documentation.~~

~~(C) For tabletop exercises, if there are any objectives that are not successfully met, then the Administrator may require an additional exercise within 180 calendar days after the plan holder receives an exercise letter or report from the Administrator.~~

~~(D) Any additional inadequacies noted by the Administrator must be addressed by the plan holder pursuant to subsection 817.04(f) (contingency plan review), after receipt of notice of the inadequacies. Remedies to the noted inadequacies may include, but are not limited to, any necessary changes to the contingency plan, corrected contact information, any changes in contracted or owned response resources, or changes in or additions to training.~~

~~(E) Each equipment deployment drill is evaluated on a pass/fail basis. All objectives outlined in subsection (i) must be successfully met. If the first drill is not completely successful, a second drill shall be required in the second six months of the calendar year pursuant to subsection (d) of this section.~~

~~(F) For quarterly notification drills, the request for credit is not required. Documentation shall be maintained, however, as outlined in subsection (k)(1) of this section.~~

~~(A) **Request for** Reconsideration.~~

~~(1) Request for reconsideration: A plan holder may request reconsideration of a drill or exercise report and any noted deficiencies, or a denial of credit **by following the process described in section 790.5 of chapter 4.**~~

~~(2) The request for reconsideration must comply with the following criteria:~~

~~(A) The request for reconsideration must be in writing and signed by the plan holder requesting reconsideration or by a legal representative of that plan holder, and must be submitted to the Administrator.~~

~~(B) The request for reconsideration must be received by the Administrator within 15 business days of the date of the drill or exercise report.~~

~~(C) The request for reconsideration shall state the reasons for the reconsideration, including any new information or facts pertinent to the issues raised by the request for reconsideration.~~

~~(3) Decision: The Administrator shall issue a written decision to the plan holder within 15 business days of the receipt of the request for reconsideration. This decision shall state the reasons for the decision. The decision shall also provide information concerning the right to a hearing and the procedures for requesting a hearing.~~

~~(4) Hearing: The plan holder may request a hearing in writing within 15 business days after receipt of the decision that reconsideration has been denied.~~

~~(A) Any hearing required under this subchapter shall be conducted by an independent hearing officer, according to the procedures specified in Government Code section 11400, et. seq. (Administrative Procedure Act) and shall be scheduled as expeditiously as possible.~~

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

~~Note: Authority cited: Sections 8670.7.5, 8670.10 and 8670.29, Government Code.
Reference: Sections 8670.7, 8670.10, 8670.28, 8670.29 and 8670.31, Government Code.~~