

Revised PREP Guideline Review: What You Should Know?

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On April 11, 2016 the U.S. Coast Guard (USCG), the Environmental Protection Agency (EPA), the Pipeline and Hazardous Materials Safety Administration (PHMSA), and the Bureau of Safety and Environmental Enforcement (BSEE) released the 2016 National Preparedness for Response Exercise Program (PREP) Guidelines. The new guidelines became effective on June 10, 2016 and replaced the previous guidelines issued in 2002.

Established under the Oil Pollution Act of 1990 (OPA 90), the PREP guidelines were developed to provide a mechanism for compliance with response plan drill and exercise requirements under the Act and implementing regulations. Use of the PREP Guidelines is voluntary, however, compliance with the PREP guidelines will satisfy these requirements.

The 2016 PREP Guidelines apply to all OPA 90 response plan holders including USCG regulated vessels and marine transportation-related facilities, EPA non-transportation-related onshore and offshore facilities, PHMSA-regulated facilities and pipelines, BSEE-regulated offshore facilities and area on-scene coordinator (OSC) exercises. The guidelines specify that, within a three-year cycle, all elements of the Facility Response Plan (FRP) or Vessel Response Plan (VRP), including the 15 core components, should be exercised in a drill, or series of drills, involving the Owner/Operator, Qualified Individual (QI), Oil Spill Removal Organizations (OSRO) and Salvage and Marine Firefighting (SMFF) resource providers.

This paper will provide an overview of the PREP requirements, including plan holder initiated exercises, the remote assessment and consultation exercises (RACE) for vessels, shore-based tabletop exercises, response equipment deployment exercises, and Government Initiated Unannounced Exercises (GUIEs). As the QI, O'Brien's has designed, conducted, played, and or evaluated well over 1,000 PREP related activities. This paper will discuss the implementation of PREP from the QI's perspective, and the identification of some lessons learned and best practices that may be applicable more broadly to support the regulated industry and response community with the implementation of PREP.

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OVERVIEW OF THE 2016 PREP GUIDELINES

Established under the Oil Pollution Act of 1990 (OPA 90), the National Preparedness for Response Exercise Program (PREP) guidelines were developed to provide a mechanism for compliance with response plan drill and exercise requirements under the Act and implementing regulations. On April 11, 2016 the U.S. Coast Guard (USCG), the Environmental Protection Agency (EPA), the Pipeline and Hazardous Materials Safety Administration (PHMSA), and the Bureau of Safety and Environmental Enforcement (BSEE) released the 2016 PREP Guidelines. The new guidelines became effective on June 10, 2016 and replaced the previous guidelines issued in 2002.

The 2016 PREP Guidelines apply to all OPA 90 response plan holders including USCG regulated vessels and marine transportation-related facilities, EPA non-transportation-related onshore and offshore facilities, PHMSA-regulated facilities and pipelines, BSEE-regulated offshore facilities and area on-scene coordinator (OSC) exercises. The PREP Guidelines are organized into seven exercise types: (1) QI Notification Exercises, (2) Remote Assessment and Consultation Exercises (RACE), (3) Emergency Procedures Exercises, (4) Incident Management Team Tabletop Exercises (IMT TTX), (5) Shore-Based Salvage and Shore-Based Marine Firefighting Tabletop Exercises (SMFF TTX), (6) Equipment Deployment Exercises, and (7) Unannounced Exercises. Some of these exercises are required for the plan holder, and some are required for the entities covered by the plans (e.g., each vessel covered under a VRP).

Many existing requirements from the 2002 PREP Guidelines are either unchanged or have received only minor revisions in the 2016 PREP Guidelines. There are, however, several

new requirements that are discussed below, followed by a table with the complete summary of all of the exercises required under the 2016 PREP Guidelines. The new requirements include:

Remote Assessment and Consultation Exercise

The USCG now requires an annual exercise for each vessel operating in U.S. waters. Under these new guidelines, the vessel master or designee should exercise VRP notification and activation procedures to communicate an emergency procedures scenario with the contracted SMFF resource provider identified in the plan, and establish a communication process to support the completion of the vessel's stability and structural integrity assessment.

Shore-Based Salvage and Shore-Based Marine Firefighting Table Top Exercises

The USCG now requires an annual exercise for vessel response plan holders and the respective management teams, as established in the vessel response plan. The USCG stated this requirement should exercise the team's organization, communication, and decision-making in managing a salvage and a marine firefighting response.

Response Equipment Deployment Exercise – SMFF Providers

The USCG requires an annual exercise for vessel response plan holders, to be completed by the contracted SMFF service providers identified in the plan. The USCG stated these exercises should demonstrate the ability of personnel to deploy and operate response equipment, and ensure the equipment is in working order.

Plan Holder-Initiated Unannounced Exercise

The USCG requires vessel response plan holders to annually conduct either an emergency procedures exercise with an SMFF component, or the SMFF equipment deployment

as an unannounced exercise. This is in addition to the current requirement to annually conduct either the emergency procedures, IMT TTX, or equipment deployment as an unannounced exercise.

Government-Initiated Unannounced Exercise (GIUE)

While GIUEs are not new to PREP, there is a renewed emphasis on this program in the 2016 PREP Guidelines. Additional information on the GIUE program is included below.

The following table provides an overview of all the required exercises under the 2016 PREP Guidelines, including a brief summary of the purpose of the exercise, the applicable plan holder, the required frequency, and a reference to the relevant section of the 2016 PREP Guidelines.¹

Table 1: Summary of the 2016 PREP Guidelines

Exercise	Summary	Applicable Plan Holder	Frequency
QI notification exercises	The QI notification is intended to ensure that the QI listed in the response plan will respond as expected and carry out their duties during an incident	<ul style="list-style-type: none"> – USCG: Marine Transportation Related (MTR) Facility (3.1) – USCG: Manned Vessel (3.2) – USCG: Unmanned Tank Barge (3.3) – EPA: Inland Facility – PHMSA: Regulated Facilities & Pipelines (5.1) – BSEE: Regulated Offshore Facilities (6.1) 	Quarterly

¹ 2016 National Preparedness for Response Exercise Program (PREP) Guidelines. United States Coast Guard. April 11, 2016. Available at: https://www.bsee.gov/sites/bsee_prod.opengov.ibmcloud.com/files/final_2016_prep_guidelines.pdf

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Exercise	Summary	Applicable Plan Holder	Frequency
Remote assessment and consultation exercise	The RACE is intended to exercise plan notification and activation procedures to communicate a scenario from the plan's shipboard emergency procedures section with a salvage professional from the contracted SMFF provider identified in the plan	<ul style="list-style-type: none"> – USCG: Manned Vessel (3.4) – USCG: Unmanned Tank Barge (3.5) 	Annually
Emergency procedures exercises	The emergency procedures exercises are intended to ensure that personnel are capable of conducting the initial actions necessary to mitigate the effects of a spill	<ul style="list-style-type: none"> – USCG: Manned Vessels (3.6) – USCG: Tank Barges (3.7) – USCG: MTR Facilities (optional) (3.8) – EPA: Inland Facilities (optional) (4.2) 	Quarterly
Incident Management Team (IMT) exercises	The IMT exercises are intended to ensure that the IMT is familiar with the plan and is able to use it effectively to conduct a response, including all response countermeasures described in the plan	<ul style="list-style-type: none"> – USCG: MTR Facilities (3.9) – USCG: Tank and Certain NTVs (3.10) – EPA: Inland Facilities (4.3) – PHMSA: Regulated Facilities and Pipelines (5.2) – BSEE: Regulated Offshore Facilities (6.2) 	Annually
SMFF management team exercises for vessels	The SMFF exercises are intended to ensure that the salvage and marine firefighting management teams are familiar with the plan and is able to use it effectively to conduct a SMFF response.	<ul style="list-style-type: none"> – USCG: Tank and Certain NTVs (3.10 and 3.11) 	Annually

Exercise	Summary	Applicable Plan Holder	Frequency
Equipment deployment exercises	The equipment deployment exercises are intended to ensure that response equipment is appropriate for the operating environment in which it is intended to be used and that operating personnel are trained in its deployment and operation	<ul style="list-style-type: none"> – USCG: MTR Facilities (Facility-owned Equipment) (3.13) – USCG: MTR Facilities (OSRO and SMFF Equipment) (3.14) – USCG: Vessels (OSRO and SMFF Equipment) (3.15) – EPA: Inland Facilities (Company-owned Equipment) (4.4) – EPA: Inland Facilities (OSRO-owned Equipment) (4.5) – PHMSA: Regulated Facilities and Pipelines (5.3) – BSEE: Regulated Offshore Facilities (Equipment Staged Offshore) (6.3) – BSEE: Regulated Offshore Facilities (Equipment Staged Onshore) (6.4) – BSEE: Regulated Offshore Facilities (Source Control, Subsea Containment, and SSDI Equipment) (6.5) – 	Annually
Unannounced Exercises – plan holder initiated and government initiated	The unannounced exercises are intended to ensure the regulated entity has maintained the level of preparedness to respond to a spill effectively	<ul style="list-style-type: none"> – USCG: MTR Facilities (3.16) – USCG: Vessels (3.17) – EPA: Inland Facilities (4.6) – PHMSA: Regulated Facilities and Pipelines (5.4) – BSEE: Regulated Offshore Facilities (6.6) 	Variable

Plan Holder Initiated Exercises

Plan holder initiated exercises are focused on addressing the PREP three-year exercise cycle, and are initiated with an announced schedule or as an unannounced exercise. A modified Homeland Security and Exercise Evaluation Program (HSEEP) is often utilized to plan the exercise. The modified HSEEP includes an Initial Planning meeting, Mid-Planning meeting and Final Planning meeting. In year two and year three external stakeholders are often involved in the exercise planning process. In some jurisdictions an exercise must be scheduled and an evaluator assigned. The jurisdiction-assigned evaluator will prepare a report, which grants exercise credit against existing published criteria. A typical progression over the three-year exercise cycle is as follows:

Year 1 – Training preceding the exercise is conducted that includes new responder training (including the emergency response plan (ERP) and ICS training) and refresher training (ERP changes, ICS) for experienced responders. A simple exercise plan (EXPLAN) is prepared. The Functional Exercise (FE) includes internal notifications and developing an initial incident action plan. Outside Agencies may or may not be included in the training or exercise. A hot wash is conducted and an Improvement Plan developed. A report is prepared for self-certification.

Year 2 - Training preceding the exercise is conducted that includes new responder training (including the ERP and ICS training) and refresher training (ERP changes, ICS) for experienced responders. Agency personnel are often invited to participate in the training as well as the exercise. A comprehensive EXPLAN is prepared. The FE progresses beyond the reactionary stage of the Planning ‘P’ and proceeds through the

Tactics meeting and sometimes the Planning meeting. A hot wash is conducted and an Improvement Plan developed. A report is prepared for self-certification.

Year 3 - Training preceding the exercise is conducted that includes new responder training (including the ERP and ICS training) and refresher training (ERP changes, ICS) for experienced responders. Agency personnel are usually invited to participate in the training as well as the exercise. A comprehensive EXPLAN and Controller Evaluator Manual including exercise injects is typically prepared. The FE, and sometimes a full-scale exercise (FSE) progresses through the Planning 'P' and includes the preparation of a complete written Incident Action Plan (IAP). A hot wash is conducted and an Improvement Plan developed. A report is prepared for self-certification.

Government Initiated Unannounced Exercises (GIUEs)

The Government Initiated Unannounced Exercise is intended to allow regulatory agencies the opportunity to evaluate various aspects of a plan holder's preparedness. Specifically, they are evaluating the emergency procedures that are in place, as well as the capability for proper and timely equipment deployment from the contracted OSRO. Under the 2016 PREP Guidelines, the frequency of the GIUEs was established for each plan holder as follows:

- (1) USCG regulated vessels and facilities: a maximum of four total per COTP zone per year
- (2) EPA regulated facilities: a minimum of 10 percent of the plan holders per EPA region per year
- (3) PHMS regulated facilities: the number will be determined by the Department of Transportation (DOT)

- (4) For BSEE regulated offshore facilities: the number will be determined by the Oil Spill Preparedness Division (OSPD) chief

In order to be considered a successful exercise, the objectives and scope established for each particular GIUE must be met. Upon successful completion of the GIUE, facilities and vessels will not be required to participated in another GIUE for at least 36 months.

Additional Requirements for California and Washington

While the 2016 PREP Guidelines are self-certifying, there are additional state exercise requirements for vessels and facilities operating in California and Washington that involve evaluation and acceptance from the relative state authorities. For these exercises, plan holders are required to register the event with the applicable state agency typically 30 days prior to the requested exercise date. This will ensure the exercise is listed on the state regulators calendar.

For the evaluation of the exercise, the state will provide an evaluator and the plan holder, typically with the assistance of a third party, will provider an evaluator to assess the completion of the exercise. The plan holder will then request credit from the applicable state agency, and the state will determine whether all of the necessary criteria have been met for certification. There is also a review process available to resolve any differences or discrepancies for areas that did not receive approval from the state.

MANAGING PREP IMPLEMENTATION – QI PERSPECTIVE

As the QI and compliance consultants for the oil and gas industry and domestic and international shipping companies, O'Brien's has extensive experience with the implementation of PREP under the 2002 Guidelines, and is now working to better support and streamline implementation under the 2016 Guidelines. Over the years we have established a number of best

practices and procedures to ensure our clients are meeting their exercise requirements in a way that maximizes their preparedness for a response in an efficient manner. The 2016 PREP Guidelines brought a number of new challenges to the exercise programs, primarily for vessel owners and operators, and O'Brien's has remained actively engaged with the OSRO and SMFF service providers to ensure there is a clear and concise path forward for compliance. Nonetheless, there are a number of challenges that remain, and we are continuing to evolve and update our process, and continue to identify ways to maximize their preparedness for dealing with an incident effectively and efficiently. The following sections provide an overview of some of our key tools and processes for the implementation of PREP that may be transferable or serve as best practices for other parts of the response industry.

24-Hour Emergency Operations and Command Center

As the QI, it is critical that our team is available 24-hours a day, 365 days a year to respond in the event of an incident. As such, O'Brien's established a 24-hour Command Center that is continually operated by trained responders and watch standers, and is the first point of contact for the majority of our clients in the event of an incident. The Command Center has also played a critical role in the implementation of the PREP exercise requirements by ensuring a means to provide 24-hour availability for notification exercises, providing active participation in our incident management team exercises, and now serving as the initial point of contact for the remote assessment and consultation exercises.

The success of our Command Center is driven by a strict adherence to initial documentation and communication procedures with our clients to ensure all of the necessary information is comprehensive and readily available whether we are dealing with a drill notification or the beginning of a significant response. To ensure these procedures are

consistently and effectively implemented, we have developed a series of checklists to provide these steps. The following table provides a summary of the different protocols in place to address basic communication with our clients and implementation of the PREP exercise requirements.

Table 2: Command Center Basic Operation Procedures

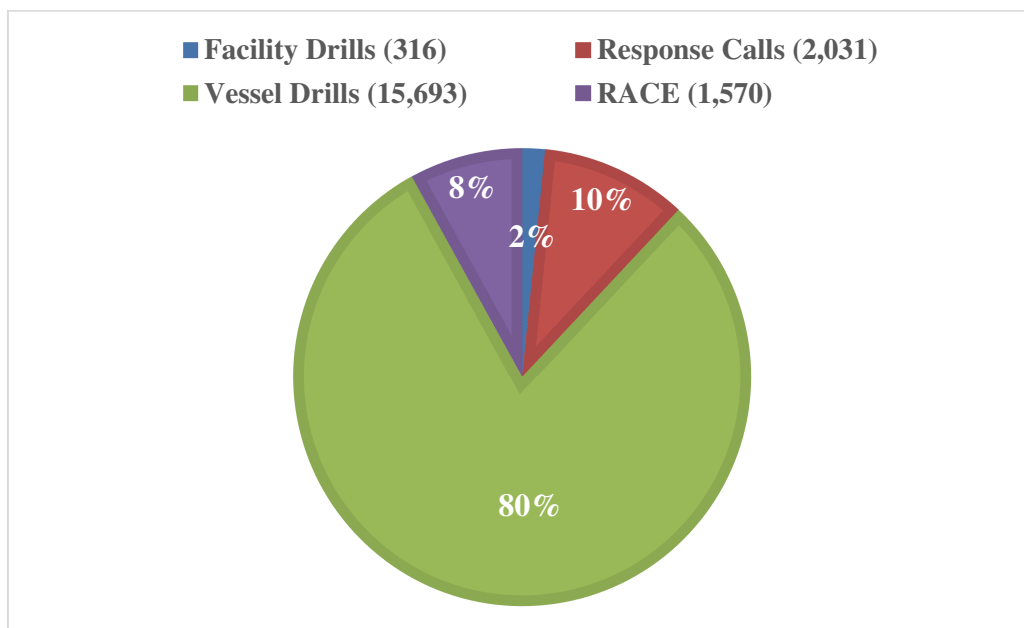
Activity	Protocols
Communication Pre-Check	At the beginning of each work shift the incoming watch stander completes a checklist to ensure that their various communications components are functional. This review involves ensuring all communication methods and operating platforms are functional, that the ship security alert system is operational, and that appropriate communication is established with the Duty Incident Commander (Duty IC).
Basic Communication	O'Brien's phones are answered by employees 24 hours per day seven days per week. When the phone rings in our Command Center, the Watch Stander answers all calls with, 'O'Brien's do you have an emergency?'. If the Caller does not have an emergency, the next words are 'How can I help you?' From there, protocols are followed based on the purpose of the call.
QI Notification Drills	<p>All PREP Drills and Exercises that include external parties begin with a notification. This is typically done over the phone, but may sometimes be initiated face-to-face. For the notification exercises, the following information is requested and documented by our watch stander:</p> <ul style="list-style-type: none"> - Client name - Facility or vessel name - IMO number (as applicable) - Point of contact - Phone: call back number <p>At this point the drill is concluded, and the watch stander notifies the client to log the notification with the applicable time.</p>

Activity	Protocols
Remote Assessment and Consultation Exercise (RACE)	<p>When conducting a RACE, the vessel master or designee must follow the VRP notification procedures to initiate communication with their SMFF provider. So the first step in the process is to contact the QI, as they would in the event of an incident. Communication with the QI is critical for this drill, as it ensures the vessel master is exercising the procedures they would implement in the event of an actual incident. When the vessel master contacts the Command Center, the watch stander takes the following information:</p> <ul style="list-style-type: none"> - Vessel Name - IMO or Official Number - Name of the Master or shipboard designee - Phone: call back number - Email - Location of the vessel stability model <p>The watch stander provides this information to the Duty QI, who then contacts the applicable SMFF provider. The SMFF provider contacts the vessel master directly to complete the exercise.</p>
Incident Management Team Drills and Incident Response	<p>The process of documentation for an incident drill and an actual incident response are the same, and begin with the development of a detailed incident summary.</p> <p>The incident summary will include basic information about the event (e.g., basic contact, time, location information, facility or vessel type, etc.), and more detailed information about the nature of the incident (e.g., incident description, material discharged and estimate of quantity spilled, inquiries and fatalities, etc.). The watch stander will also ensure they have accurate contact information for the vessel or facility and will relay all of this information to the Duty IC.</p> <p>The Duty IC will then follow up directly with the facility or vessel and will be initiating all applicable response actions and notifications.</p> <p>All of the information is thoroughly documented in a common operating platform so that it remains accessible to the team for the duration of the exercise or response.</p>

Command Center Activity

Since the implementation of the 2016 PREP Guidelines, the number of calls received by our command center has increased to include the new RACE notifications. The following figure provides the breakdown of the 19,610 calls received by our Command Center in 2016 based on the following call types: facility drills, that include QI notifications and emergency drills; vessel drills, that are primarily QI notifications; RACE initiations; and actual incident response calls.

Figure 1: 2016 Command Center Activity Breakdown



Source: O’Brien’s Response Management’s 2016 Command Center Logs

The number of calls received for the initiation of the RACE accounts for approximately 10% of the total call volume for 2016, and has increased the total number of calls received. However, despite the increase in call volume, we have found that by having applicable exercise protocols in place we have been able to adjust to the increase with little to no impact on our daily operation. By developing standard operating procedures, we can ensure that the necessary information is collected and disseminated quickly to reduce the amount of time for both our staff

and our clients for completing the exercise. Moving forward, the USCG has also clarified through the issuance of “Frequently Asked Questions” that the RACE initiation through the QI can be credited for one of the vessel’s quarterly QI notifications. This clarification will reduce the call volume for our Command Center, as well as reduce the number of exercises for vessel operators.

Understanding Exercise Requirements, Frequency, and Documentation

The 2016 PREP Guidelines include a number of specific exercises objectives and documentation requirements. Section 3.0 through 6.0 of the 2016 PREP Guidelines are organized by the regulated plan holder and provide a summary of the applicability, frequency, initiating authority, participating elements, scope, objective, documentation and recordkeeping, and evaluation of each of the exercises. One of the key lessons learned in our experience with the implementation of the PREP Guidelines is the importance of having clear documentation available when asked by the applicable regulatory authority. As such, O’Brien’s has established several guidance documents that provide an overview of the requirements for the PREP exercises, and documentation tools to ensure the necessary records are retained for the exercise. Documentation of compliance for PREP does not typically need to be submitted to the applicable regulatory authority (e.g., USCG), however, they may ask for documentation at any time. So it is critical to have a clear record of the exercises conducted to satisfy PREP readily available when asked.

Summary and Lessons Learned

The release of the 2016 PREP Guidelines posed a number of challenges for the regulated industries and response community. As the QI, O'Brien's has designed, conducted, played, and or evaluated well over 1,000 PREP related activities. Through this experience we have adapted our communication, documentation, and outreach efforts to better support the regulated industry and ensure we have all of the resources available to support compliance and response activities.

One of the key lessons learned through our experience with PREP implementation and response activities is the need for robust and accessible documentation. As such we have created a number of protocols, as described previously in this paper, that support consistent and thorough communication during an exercise or incident response. These protocols ensure we obtain and the necessary information in a timely and complete manner. In addition, by establishing these protocols we have been able to adapt to the increase in call volume to our Command Center with little to no impact on our daily operation. A key element of these protocols is that they continue to be adapted to incorporate lessons learned from exercise implementation and response activities.

Another key lesson learned is the importance of clear and concise guidance for the exercise procedures, timing, and recordkeeping requirements to ensure vessel operators are able to quickly assess and complete the necessary exercises, and maintain the appropriate documentation. By developing a series of checklists and documentation forms, we were able to summarize the 100-page PREP Guidelines into a brief but comprehensive summary of the applicable requirements for our clients. In addition, we have developed recordkeeping guides to

streamline the documentation procedure while ensuring all of the necessary components are addressed and readily available if requested by the applicable regulatory authority.

As we begin the second year under the 2016 PREP guidelines, we are continuing to update and evolve our process for our clients to provide for streamlined and effective implementation. We believe the tools described above have significantly aided that effort and offer our experience as a recommendation to the regulated industry and response community, and we will continue to review and renew our processes moving forward.