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New OPA90 PREP Guidelines Bring Flexibility to WCD Response Testing

Oil transfer and storage businesses (onshore), which fall under the Oil Pollution Act of 1990 (OPA90), are familiar with the 2016 National Preparedness for Response Exercise Program (PREP) Guidelines.

PREP Guidelines require downstream and midstream operators to stress-test incident responses for worst-case discharges (WCDs) at complex facilities. These facilities fall under one or more governmental jurisdictions that are part of OPA90, such as the Environmental Protection Agency (EPA), the Pipeline and Hazardous Materials Safety Administration (PHMSA) and the U.S. Coast Guard (USCG).

The original PREP Guidelines require incident management teams (IMTs) to conduct an annual exercise (as part of their triennial cycle) to ensure that the IMT can use its response plan effectively and execute all countermeasures described in the plan.

These “tabletop” exercises are simulated responses to a hypothetical small, medium and worst-case emergency (such as a well/tank, dock, or breakout tank/pipeline incident) to help facilitate and enhance general awareness, build conceptual understanding and identify

strengths and areas for improvement in incident response. They can also be used to validate plans and procedures as well as assess systems needed to guide incident prevention, mitigation, response and recovery.

Historically, operators who follow the PREP Guidelines have been obliged to focus their triennial exercise on the highest impact WCD scenarios when falling under two or more government jurisdictions, i.e., USCG and EPA. This is a logical approach, but one that may overlook vulnerabilities in other incident response plans.

To provide added flexibility and a more thorough testing framework, the PREP Guidelines were recently updated to allow complex facilities to conduct alternative WCD exercises during different triennial cycles, so that they do not have to do the same exercise every three years. For example, a complex facility can conduct a pipeline WCD exercise during one cycle and a tank WCD during the next cycle.

As operators develop IMT exercise plans for the coming year and future years, they should take advantage of the ability to do alternative testing to reevaluate overall WCD response priorities and update their plans accordingly. It is important to test for the highest impact WCD at least every six years, so a wise approach would be to conduct a tabletop exercise for that scenario in the current triennial period and then consider the alternative WCD in the next triennial cycle.

The changes to PREP are subtle, but they are important in broadening the benefits of WCD response testing. Emergency management and incident response teams should strive to review, understand and apply the new guidelines.

Furthermore, since WCDs that fall under EPA jurisdiction are generally the highest impact ones at a facility, there may be lingering expectations that these incidents will be the ones tested. Operators that intend to test an alternative scenario should inform regional EPA inspectors and ensure that they too are aware of the new rules.

One consideration for optimizing response effectiveness is to engage outside help to plan and facilitate the WCD exercise strategy. An objective third-party expert can bring a fresh perspective and help uncover both nuanced vulnerabilities and opportunities, as well as help ensure that all stakeholders understand and are on board with the new approach.

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