

**Department of Fish and Wildlife  
Office of Spill Prevention and Response**

## **GUIDANCE DOCUMENT**

**For use in the preparation of  
Contingency Plans**

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# **Oil Spill Response Organization Rating Program**

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**Regulation**

California Code of Regulations Title 14, § 819 *et seq.*

## BACKGROUND

The *Lempert-Keene-Seastrand Oil Spill Prevention & Response Act* [the Act; Gov. C. §8670.1 *et seq.*; significantly amended in 2014 by Senate Bill 861 (SB 861)] requires the Administrator for oil spill response, acting at the direction of the Governor, to ensure the State fully and adequately responds to all oil spills in state waters and to represent the State in any coordinated response efforts with the federal government. The goal and purpose of the Act is for the Administrator to provide for the best achievable protection of waters of the state from oil spills. This includes establishing and periodically revising a California Oil Spill Contingency Plan that provides integrated and effective coordination for state agencies to address the results of major oil spills.

The Administrator must implement activities relating to oil spill response, such as emergency drills for preparedness, oil spill containment and cleanup, and financial responsibility. This also specifically includes adopting and implementing regulations governing the adequacy of oil spill contingency plans that must be prepared and implemented by vessels and facilities that could spill oil into state waters.

The Administrator has the primary authority to direct prevention, removal, abatement, response, containment, and cleanup efforts with regard to all aspects of any oil spill in waters of the state. This includes authority over the use of all response methods, such as *in situ* burning, dispersants, and other oil spill cleanup agents in connection with an oil discharge. The Administrator must cooperate with any federal on-scene coordinator, as specified in the National Contingency Plan.

The Administrator is required to establish a network of rescue and rehabilitation stations for wildlife injured by oil spills in waters of the state, including sea otters and other marine mammals. This network is known as the Oiled Wildlife Care Network (OWCN), and is administered through the Wildlife Health Center at the University of California, Davis. If a plan holder has a spill that injures wildlife, plan holders are encouraged to use a local OWCN facility if there is one in the area.

Owners or operators of facilities that have the potential to spill oil into state waters are required to prepare and submit an oil spill contingency plan (C-plan) to the Office of Spill Prevention and Response (OSPR) for approval. [Ref. CA Government Code §§8670.28, 8670.28.5, 8670.29, 8670.30.5, and 8670.31] Contingency plans are prepared and used for response activities in the event of an oil spill or threatened spill into waters of the state. The Act authorizes the Administrator to require that contingency plans provide for best achievable protection taken and that sufficient response resources are capable of

arriving on-scene and equipment deployed within a certain timeframe for effective containment and response.

## **DISCLAIMER**

The purpose of the guidance document is to assist owner/operators in complying with the oil spill contingency plan (C-plan), drills and exercises, financial responsibility and other requirements established by the Office of Spill Prevention and Response. C-plans are mandated for certain vessels and facilities by the *Lempert-Keene-Seastrand Oil Spill Prevention & Response Act* (the Act; Gov. C. §8670.1 *et seq.*), which was significantly amended in 2014 by Senate Bill 861 (SB 861).

This document does not contain specific requirements, nor does it replace any statutory requirements established by the Act, SB 861 amendments, or regulations promulgated to implement the Act and SB 861 amendments. This guidance document helps explain how to comply with the Act and the implementing regulations. However, all applicable laws and regulations should be read before using this guidance document for the preparation of C-plans.

All guidance documents can be obtained by visiting our website at <http://www.wildlife.ca.gov/OSPR/Preparedness/Inland-Facilities-Contingency-Plan>.

Guidance documents may be updated periodically without notice, as necessary, to reflect any changes in applicable laws or regulations. Comments or questions regarding a guidance document should be addressed to the OSPR Branch listed on the specific guidance document.

## **PURPOSE**

The purpose of this guidance document is to discuss the Oil Spill Response Organization (OSRO) rating process. This process was developed to facilitate the preparation and review of oil spill contingency plans. An owner or operator who is required to submit a contingency plan must, among other requirements, identify and ensure by contract or other approved means the availability of personnel and equipment necessary to respond to all contingency requirements. Plan holders that have a contract or other approved means for booming, on-water and terrestrial recovery and storage; shoreline protection services of a Rated OSRO do not have to list that OSRO's response resources in their plan, only a means of verification that the OSRO is under contract or other approved means for these resources. A Rated OSRO must receive an OSRO Rating letter from OSPR for satisfactory completion of an unannounced drill exercise. The rating lasts 3 years, unless modified or revoked.

## **APPLICATION CONTENT**

An individual or entity may apply for consideration to be a rated OSRO for oil spill response operations. OSPR will only grant Ratings by Geographic Regions (or Response Planning Areas). The following information is required before an application will be reviewed. The application must have the OSRO's name, contact person, mailing and physical address, facsimile and telephone numbers. All subcontractor's name(s) and contact information must be included in the application. In addition, any documentation of oil spills responded to or equipment deployment, exercises participated in, including personnel and equipment used for the response/exercise must be included. Also, the application must include an organizational diagram depicting the OSRO's response team and management/command structure. Lastly, a description of the OSRO's communication equipment must be included in the application.

The application must include for each location, where the equipment is stored and the identification of the operating area. A detailed list of the equipment should include quantity and types for each working environment. This would include backhoes, dump trucks, storage bins and vacuum trucks, dependent on the territory. Containment, recovery and storage capabilities are also required in the application.

For all personnel identified as a spill responder, the application must include, for each Response Planning Area, a request for a possible OSRO rating and narrative listing the number of personnel utilized for response activities at the different hour of response. In addition, training records and qualifications are required for oil spill response.

The OSRO Terrestrial Rating shall only be required to provide a written narrative for the first six (6) hours. For all personnel identified as a spill response resource, the application shall include for each Geographic Region that the OSRO is requesting a

Rating, the number of personnel that are to be utilized for response activities at the six hour response or earlier, their assignments during spill response and whether they are dedicated or OSRO-owned and controlled or non-dedicated personnel. In addition, the plan for mobilization of personnel including cascading additional personnel and estimated time of mobilization and a list of training qualifications.

## **SUBCONTRACTOR RESOURCES**

For response resources that form the basis for the assigned Rating which are under contract from another party, the following information needs to be provided: on-site deployment timeframes by Geographic Region/Response Planning Area and operating systems. In addition, a valid contract from each company that is providing the contracted resources shall be submitted to OSPR for review. If all subcontracts are the same, submitting one contract shall suffice. The contract shall include the name of the company providing the resources (subcontractor). Also, a complete listing must be provided with storage locations of specific resources. Also, included must be the timeframe for which the agreement is valid and any limits on the availability of resources. A letter from the subcontractor by an authorized individual to the OSRO stating the information provided regarding (subcontractor) response equipment and personnel is factual and correct to the best of owner(s)/operator(s) knowledge and belief must be included. An agreement to allow OSPR personnel access to the facility and records for the purpose of verifying the information contained in the Rating application for listed assets must be provided in the application. An agreement to participate in announced and unannounced drills must also be included in the application.

An OSRO who is granted a Terrestrial Rating shall only be subject to unannounced equipment inspections for the purpose of granting and renewing the Rating. Terrestrial Ratings will not be required to mobilize any response resources to other parts of the Response Planning Areas, unless additional changes such as Counties or Response Planning Areas are requested after initial Rating has been granted. Any reduction of response resources listed in the OSRO application may also trigger additional unannounced drills.

## **SERVICE SPECIFIC INFORMATION**

A List of Area Contingency Plans or Response Planning Areas (RPA), or Counties and the operating Environment in which spill response services are being offered is required in the OSRO application. The services being offered for terrestrial spill cleanup including containment, recovery, storage and disposal must be listed. In addition, estimated timeframes to deploy equipment and resources at the scene for each service Requested Rating level is a necessary component of the application.

For a written plan of operations, for each Response Planning Area, the Terrestrial service Ratings shall only be required to provide a written narrative for the first six (6) hours.

The applicant must submit a description of the systems approach for services offered, for example, on-land spill containment, recovery, storage and disposal. A description of Terrestrial Equipment shall be listed: bulldozers/backhoes/vacuum trucks, manufacture, size and type. All equipment, inspections and maintenance must be documented and the records maintained for 3 years. The location of the records must be noted in the application and records must be available for review during verification inspections conducted by OSPR. Any equipment not located in the Geographic Response Area, for which a Rating is sought, the applicant shall provide documentation that the equipment is available and transportable for use within the Rating time period. Equipment shall be listed only if it is fully operable.

All personnel identified as a spill response resource in the application must include each Geographic Response Area for which the OSRO is requesting a Rating, the number of personnel that are to be utilized for response activities at the six hour response level, or earlier, their assignments during the spill response and whether they are dedicated or OSRO-owned and controlled or non-dedicated personnel. Also to be included, the plan mobilization of personnel, including cascading additional personnel and estimated time of arrival. A list of training and qualifications required for each spill response assignment including: all appropriate State and Federal safety and training requirements and the OSHA requirement for Hazardous Operations and Emergency Response. A list of the number of trained supervisors and laborers, the type of training received and the procedures for training personnel must be included in the application.

Each facility that is required to submit a contingency plan must identify certain areas and resources at risk to be protected for a Reasonable Worst Case Spill (RWCS) discharge and identify protection strategies. References to information in Area Contingency Plans (ACPs), Geographic Response Plans (GRPs) or other similar documents created by state or local agencies satisfy this aspect of the contingency plan's content.

## **RESPONSE TIMES AND RECOVERY RATES**

The Response Resources necessary to address the RWCS are brought to the incident over a period of time. The timeframes for arrival and operational deployment of Response Resources is measured from the time of notification of the spill or drill. The capability of Response Resources and the timeframes for on-scene delivery are specified in the Response Times & Containment Recovery Rate Table below:

**Table – Response Times & Containment Recovery Rates**

Within 6 Hours	Within 12 Hours	Within 24 Hours
10 % RWCS	50 % RWCS	100 % RWCS

## **APPLICATION REVIEW**

An application will be reviewed within 90 days of receipt or resubmission.

The Administrator shall rate an OSRO upon the determination that the applicant has met all the requirements for the appropriate Rating levels. These will include: equipment, services and operating environments.

OSRO's are subject to unannounced drills by OSPR to verify the ability of the OSRO to respond and deploy equipment and personnel as stated in the OSRO's application. Plan holders are still subject to unannounced drills for all required services in areas they apply for.

Upon satisfactorily meeting the requirements, including an inspection or unannounced drill, an OSRO will receive the OSRO Rating letter. The letter will state which Geographic Response Planning Areas, services provided and timeframes are included in the Rating. The letter shall remain valid unless modified, suspended or revoked for three years.