

CALIFORNIA CODE OF REGULATIONS
TITLE 14. NATURAL RESOURCES
DIVISION 1. FISH AND GAME COMMISSION - DEPARTMENT OF FISH AND GAME
SUBDIVISION 4. OFFICE OF SPILL PREVENTION AND RESPONSE
CHAPTER 3. OIL SPILL PREVENTION AND RESPONSE PLANNING
SUBCHAPTER 3.5. OIL SPILL RESPONSE ORGANIZATION RATINGS

§ 819. ~~Oil Spill Response Organization (OSRO) Rating~~Purpose and Scope.

(a) The oil spill response organization rating process was developed to evaluate the capability of persons providing oil spill cleanup services and to facilitate the preparation and review of oil spill contingency plans.

(b) A vessel or facility owner or operator who is required to submit an oil spill contingency plan pursuant to this chapter must, among other things, identify and ensure by contract or other approved means the availability of personnel and equipment necessary to respond to all contingency plan requirements. Plan holders can rely on a rated oil spill response organization to comply with contingency plan requirements. Plan holders that have a contract or other approved means for spill containment, recovery, storage, or shoreline protection services of a rated oil spill response organization do not have to list that oil spill response organization's response resources in their plan.

§ 819.01. ~~Purpose and Scope~~Oil Spill Response Organization (OSRO) Ratings.

~~(a) The Oil Spill Response Organization Rating 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 things, identify and ensure by contract or other approved means the availability of personnel and equipment necessary to respond to all contingency plan requirements. Plan holders that have a contract or other approved means for the booming, on-water recovery and storage, and shoreline protection services of a Rated OSRO do not have to list that OSRO's response resources in their plan. A Rated OSRO has received an OSRO Rating Letter (ORL) from OSPR for the booming, on-water recovery and storage and shoreline protection services as listed in their application.~~

(a) An oil spill response organization may voluntarily apply to the Administrator for any or all of the following ratings: terrestrial service rating, on-water service rating for marine water, on-water service rating for inland water, or a shoreline protection service rating.

(b) The Administrator will only grant ratings for applicable planning time frames within each area contingency plan or response planning area, as applicable. Ratings are issued based on the capability to provide the services of containment, recovery, or oil storage, or sensitive site protection in the following environments:

(1) Inland water that is less than three inches deep (e.g. dry washes; very shallow waterways), or inland water that is more than three inches deep but for less than 182 days a year. This is applicable to terrestrial ratings.

(2) Inland water that is at least three inches deep for more than 182 days a year.

(3) Marine waters.

(4) Shoreline protection of environmentally sensitive sites, as described subsection 819.02(e)(4).

(c) An oil spill response organization with a current on-water rating may request terrestrial services rating, and vice versa, upon meeting the applicable rating requirements. The Administrator will treat such a rating as a modification to the rating letter and the expiration date of the current rating letter will remain in effect.

(d) An unrated oil spill response organization must submit a complete application at least 90 calendar days prior to a plan holder citing the oil spill response organization's response resources and services to comply with the plan holder's contingency planning requirements.

(ee) Only OSRO'soil spill response organizations that receive a rRating from OSPRthe Administrator are eligible to enter into pre-spill agreements for to provide response services to the Administrator for spills where the responsible party cannot be identified or is unable or unwilling to provide timely response and cleanup, pursuant to Government Code section 8670.56.6(j)(1), for the response resources as listed in their ORL.

(f) An oil spill response organization's rating shall remain in effect for three years from the date of the letter's issuance unless revoked.

(bg) The rRatings levels assigned pursuant to this section-subchapter are for planning purposes and may not reflect the exigencies of actual spill response.

Note: Authority cited: Sections 8670.7.5, 8670.28, 8670.30 and 8670.56.6-(j)(1), Government Code. Reference: Sections 8670.28, 8670.30 and 8670.56.6-(j)(1), Government Code.

§ 819.02. Oil Spill Response OrganizationOSRO Rating Application Content.

(a) General InformationAn individual or entity may apply for consideration as a rRated OSROoil spill response organization for to provide oil spill response operationsservices and capabilities to plan holders. A written application meeting all the relevant requirements of this subsection shall be delivered in person, by post mail, or by electronic mail to the following:

Department of Fish and Wildlife
Office of Spill Prevention and Response (OSPR)
Attn: Preparedness Branch
1700 K Street, Suite 250
Sacramento, CA 95811
E-mail: osro@wildlife.ca.gov

~~After review of an OSRO's application for Rating in a geographic region, OSPR will only grant Ratings for applicable planning timeframes in each Operating Environment contained in the Geographic Regions (or Geographic Response Areas, if established) for the following services: booming; on-water recovery and storage; and shoreline protection. An OSRO's existing Letter of Approval issued from the Administrator shall remain valid unless revoked, and shall be deemed to meet the requirements of this section for three years from the date of the letter's issuance. OSROs without a current Letter of Approval must submit a completed application within 60 calendar days prior to citing the OSRO's response resources and services to comply with the contingency planning requirements for tank vessels, nontank vessels and marine facilities. The following information is required before an application will be reviewed:~~

(b) All relevant information in this subsection and subsections (c), (d), (e) and (f) is required before an application will be considered complete to be reviewed by the Administrator:

~~(1) t~~The OSRO's oil spill response organization's name, contact person, mailing and physical addresses, e-mail address, facsimile and telephone numbers;

~~(2) a~~All subcontractor's company name(s) (if applicable), contact person, mailing and physical addresses, e-mail address, facsimile, and telephone numbers;

~~(3) l~~List of plan holders contracted with;

~~(4) f~~For the previous two years from the date of the application, documentation of California oil spills responded to or California equipment deployment exercises/drills participated in, including personnel and equipment used for the response/exercise;

~~(5) A~~n organizational diagram depicting the oil spill response organization's OSRO's response organization and management or /command structure;

~~(6) A~~a description of the roles, responsibilities and method to interface/integrate the oil spill response organization OSRO's organization with an the State Incident Command System and/or the a Unified Command Structure as required by Title 8, California Code of Regulations CCR, Subsectionsection 5192(q)(3)(A); (The OSRO may utilize the appropriate Area Contingency Plan as a reference for information on the Incident Command System/Unified Command Structure).

~~(7) F~~for each type of service, identify the types of oil to which the oil spill response

organization OSRO is willing and able to respond; and

(8) A description of the oil spill response organization's OSRO's communications equipment, to include:

(A) Ithe amount and type of equipment;

(B) Ithe frequencies to be used; and

(C) Ithe number of certified operators.

(bc) Response Resources - Equipment and Personnel

The application shall include ~~for each location (i.e., where the equipment is stored, moored and operating area), the following relevant information, as applicable, for each area contingency plan or response planning area. for the response equipment and personnel available to respond.~~ The application shall indicate whether the response resources are company owned/employee OSRO-owned and controlled (as defined in section 790) or subcontracted (including subcontractor's name); and The application shall also indicate whether the response resources are dedicated or non-dedicated (as defined in section 790 and described in 819.04(a)). or OSRO-owned and controlled (as defined in Section 815.05 of this subchapter), that forms the basis for the requested Rating. Note: Ratings for six hours or earlier require sufficient dedicated response resources (as defined in Section 815.05(c)) or OSRO-owned and controlled resources (as defined in Section 815.05(k)), except for shoreline protection services in which the six hour dedicated resources requirement is specified in Section 819.02(d)(4) of this subchapter. The required application shall include the following information for on-water and terrestrial response resources, including the stored location for each item, as applicable, shall include but not be limited to:

(1) A description of the boom to include:

(A) Itotal lengths of boom by type;

(B) Mmanufacturer name and model;

(C) Ffreeboard and draft;

(D) Cconnector type; and

(E) Intended operating environments; and

(F) Associated anchoring systems.

(2) A description of the skimmers or skimming system, ~~(including oOil sSpill rResponse vVessels (OSRV) and vacuum trucks,~~ to include:

(A) Itotal number of skimmers by type;

(B) Skimmer manufacturer name and model;

(C) Intended skimmer Operating Environments, including water current;

(D) Skimmer type by design (i.e., stationary, advancing, self-propelled, stationary/advancing);

- (E) Skimmer setup as either self-contained or part of a system;
- (EF) Skimmer manufacturer's nameplate capacity;
- (FG) Effective Daily Recovery Capacity (EDRC);
- (GH) On-board storage capacity integral to the skimmer;
- (H) Storage capacity of the skimming system external to the skimmer (e.g., dracones, tank barges, etc.), if any, and pump rate for off-loading on-board storage; and
- (I) Maximum draft of the each skimmer;
- (JK) For OSRV's used to deploy skimmers, provide the each vessels with built-in or on-board skimming capability, provide the details outlined above in (A) thru (J), as applicable engine output, LOA (Length Overall), beam, draft and the intended Operating Environments; and
- (L) For each vacuum truck, provide the details outlined above in (A) thru (J), as applicable, as well as the license number of the truck.

(3) A description of the response all vessels used for response efforts, (not including OSRV's) to include:

- (A) Vessel name, registration number, and International Maritime Organization (IMO) number, as applicable;
- (B) Vessel length, width, and draft;
- (C) Vessel type by design;
- (D) current documentation/registration;
- (E)(D) Intended response use or purpose for the vessel, and the operating environments;
- (F)(E) ability to tow Towing capability and capacity;
- (G)(F) Hhorsepower;
- (H)(G) Amount of boom on board;
- (H) Amount of on-board storage for recovered liquids;
- (I) Ppump rate for off-loading on-board storage; and
- (J) Applicable design limits, including suitability for different types of oils, operating environments as related to adverse weather, and draft;_

(4) A description of the any barge and its on-board portable or fixed tanks, to store recovered oil storage and liquids, to include:

- (A) type/Vessel name;
- (B) Oofficial number;
- (C) Llength/beam/draft; and
- (D) Mmaximum capacity;_
- (E) a copy of the vessel's Certificate of Inspection or other documentation as applicable;

(5) For terrestrial containment and recovery, a description of all equipment including, but not limited to:

- (A) Backhoes;
- (B) Bulldozers;

- (C) Vacuum trucks, including their size and storage capacity;
- (D) Portable or fixed storage tanks, including maximum capacity amount(s);
- (E) Hydraulic cranes including manufacturer name, size and type; and
- (F) Pumps including size, type and pump rate.

(6) For shoreline protection, a description of the boom, anchoring systems, vessels, skimmers, special equipment, trained personnel, and other response resources identified for each site or strategy in the "Protect by Hour" time frames in the Shoreline Protection Tables.

(57) For all equipment, all inspections and maintenance must be documented and the records maintained for ~~three~~3 years. The location of the records must be noted in the application, and all records must be available for review during verification inspections conducted by ~~OSPR~~the Office of Spill Prevention and Response.

(68) For any equipment not located within the Geographic Region area contingency plan or response planning area for which a RRating is sought, the applicant shall provide attestation that the equipment is transportable and available for use within the RRating time period;.

(79) Equipment shall be listed only if it is in a fully operable condition. Future equipment, ordered but not yet delivered and fully operable, may be listed, but it must be listed and identified separately with its date of availability indicated.

(810) Personnel

For all personnel identified as a spill-response resource, the application shall include the following for each Geographic Region area contingency plan or response planning area in which the OSRO is requesting a Rrating is requested:

(A) The number of personnel that are to be utilized for response ~~activities~~ efforts at within the first six hours of a spill response level or earlier, their assignments during spill response, ~~and whether they are dedicated or non-dedicated response resources, and whether they are OSRO-owned and controlled or non-dedicated are subcontracted~~ personnel. A list matching trained personnel by name to the equipment type and the services offered shall be made available for review during verification inspections by OSPRthe Office of Spill Prevention and Response;

(B) The plan for mobilization of personnel including cascading additional personnel, and estimated time of mobilization;

(C) A list of the training and qualifications required for each spill response assignment including:

1. All appropriate sState and federal safety and training requirements, including the California OSHAOccupational Safety and Health Administration requirements for Hazardous Operations and Emergency Response, and the requirements under Title 8,

California Code of Regulations, ~~s~~Section 5192;

2. ~~T~~Ithe number of trained supervisors and laborers, and the types of training received;
3. ~~T~~Ithe procedures for training personnel;
4. ~~T~~Ithe timelines for mobilizing and training additional response personnel not under contract; and
5. ~~A~~A statement by the oil spill response organization ~~OSRO~~ certifying that all personnel within a job category or for specific equipment use have the requisite training and qualifications for their assignment during spill response.

~~6.~~ ~~(D)~~ Documentation of training and qualifications shall be maintained by the oil spill response organization ~~OSRO~~ and shall be made available to the Administrator upon request.

~~(ed)~~ Subcontracted Response Resources

If response resources that form the basis for ~~the a assigned r~~ Rating is ~~are~~ under contract from another party, and if the information required in this subsection is not listed elsewhere, ~~provide the following information~~ is required in the application:

(1) ~~on-site~~ On-scene deployment time frames by ~~Geographic Region~~ area contingency plan or response planning area, as applicable, and operating environments;

(2) Evidence of a ~~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 along with the signature pages for any additional contracts shall suffice. The evidence of a contract shall include, but not be limited to, the following:

(A) ~~T~~Ithe name of the company providing the resources (subcontractor);

(B) ~~A~~A complete listing and storage location of the specific resources being provided;

(C) ~~T~~Ithe time frame for which the agreement is valid;

(D) ~~A~~Any limits on the availability of resources; and

(E) ~~A~~A signed letter from the subcontractor by an authorized individual, to the oil spill response organization ~~OSRO~~ stating the following:

"The information provided regarding [subcontractor] response equipment and personnel is factual and correct to the best of my knowledge and belief. I agree to allow ~~OSPR~~ Office of Spill Prevention and Response personnel access to my facility and records for the purpose of verifying the information contained in the ~~R~~ Rating application in which my assets are listed. I agree to participate in announced and unannounced

drills as set forth in ~~§~~Section 819.03 of this subchapter Title 14 of the California Code of Regulations, to verify any or all of the information regarding ~~my~~the response equipment and personnel resources contained in my Rating application.”

(3) Any drill or inspection of subcontracted response resources shall be coordinated with the oil spill response organization OSRO whose application contains the subcontracted response resources.

~~(4) If the subcontracted response resources are not dedicated response resources, the OSRO must ensure the availability of non-dedicated response resources by contract in quantities equal to twice what the OSRO requires of the dedicated response resources. These non-dedicated response resources are subject to verification inspections and will be required by the Administrator to participate in an announced and unannounced drill(s). If any subcontracted response resources are relied upon for the first six hours, then those response resources must be dedicated response resources, and indicated as subcontracted dedicated response resources in the application pursuant to subsection (c).~~

~~(d)~~ Service-Specific Information

The application for a rating must include the following:

~~(1) A List of the Geographic Regions, (or the Geographic Region(s) as defined in Chapter 1, Section 790 (ACP Areas), the GRA's (if established), and the Operating Environment, area contingency plans or response planning areas in within which spill response services are being offered. Include for each Geographic Region and, if applicable, GRA area:~~

~~(A) The services being offered and/or under contract (i.e., booming/containment, on-water or terrestrial recovery, and storage, and shoreline protection services);~~

~~(B) Estimated time frames to deploy equipment/response resources at on-scene for each service;~~

~~(C) The oOperating eEnvironment(s) for the services, as described in Title 14, CCR Section 790, as applicable, including the habitat types, minimum operating depth, and currents or flow for vessels, skimmers, and containment boom;~~ and;

~~(D) The requested rRating level, as described in §subsection 819.04(a) of this subchapter.~~

~~(2) fFor each Rating level (as described in §Section 819.04), and for each service offered, a written plan of operations including or a narrative describing the call-out list of the response resources for within each GRA, or Geographic Region (ACP area if GRA's are not established), area contingency plan or response planning area and operating environment of response coverage. The written plan of operations or narrative can be limited to the following time frames described in section 819.04(a)(1).: six hours for High~~

Volume Ports; 12 hours for Facility Transfer Areas; and 18 hours for Balance of the Coast (except for Shoreline Protection Ratings for small harbors which is limited to 7 hours). The description shall account for seasonal environmental conditions or other conditions that may be reasonably anticipated that would hinder response efforts.

However, In addition, the application may include a written general plan to acquire response resources beyond these time frames. is still required. As applicable, the plan will describe the number(s), type(s), means of deployment, and operations of all oil spill response equipment and trained personnel, including subcontracted resources, that the applicant would use for a spill of 50 barrels, a spill of 3,125 barrels and the largest reasonable worst case spill for which the applicant would be contractually responsible.

(3) A The applicant shall submit a description of the systems approach (as defined in sSection 790815.05 of this subchapter) for the services offered (i.e., booming, on-water recovery and storage, and shoreline protection services) in a narrative format, for the equipment listed in sSubsection (b) including. The narrative shall include, but not be limited to:

(A) Ffor all boom or containment:

1. A description describe of how containment equipment, including boom, is transported and the method of deployment.

(B) Ffor all skimmers (including vacuum trucks and vessel of opportunity skimming systems-(VOSS)):

1. A description describe of how the skimmer is deployed and operated;.

2. A description describe of how the skimmer is transported.

(C) Ffor all vessels (oil spill response organization OSRO-owned vessels, and subcontracted vessels):

1. A description describe of how the vessel is transported.; and

2. A description describe of the type of spill response service the vessel is primarily to be used for (e.g., OSRV, skimming, towing boom, boom deployment).

(D) Ffor all recovered oil and liquid storage:

1. A description describe of how recovered oil is transported to and #from storage.

(E) For heavy equipment:

1. A description of how the equipment is transported and deployed, if applicable.

(4) ~~f~~For all-shoreline protection services of environmentally sensitive sites:

~~(A) OSRO's will receive a Rating for each Geographic Response Area (GRA). Ratings will reflect the OSRO's capability to deliver and deploy the response resources necessary to protect each type of shoreline and all applicable sensitive sites in the time frames required, as outlined in the appropriate SP Tables (SP Tables, see Section 790, incorporated by reference herein and posted on OSPR's website). The SP Tables shall be reviewed and updated as needed (e.g., to reflect updates to the ACPs, etc.).~~

~~1. An OSRO may propose alternatives to what is listed in the SP Tables for boats and staff only. The proposal may be tested by the Administrator anytime prior or subsequent to plan approval.~~

~~(B)~~(A)The following information shall be submitted with ~~each~~the application for a Shoreline Protection Rating for impacts within the first six hours:

1. Sensitive site name and its strategy or site number, or plan holder identified site;

2. The "Protect by Hour", as defined in the Shoreline Protection Tables, for the site for which the rating is sought (Eexpected time of impact);

3. Expected time of arrival and deployment of response resources; and

4. Identify at least the minimum Aamount of boom, anchoring systems, vessels, skimmers, special equipment, trained personnel, and other resources necessary to protect the identified for each site or strategy in the "Protect by Hour" time frames in the Shoreline Protection Tablesrequired. Dedicated equipment must be identified.

~~5. For impacts at seven hours and beyond, the total amount of response resources (boom, boats, staff, etc.) necessary to protect the remaining sensitive sites.~~

5. A description of how the shoreline protection response resources are transported and deployed.

~~(C) To receive a rating for shoreline protection services, OSROs shall participate in the OSPR Sensitive Site Strategy Evaluation Program (SSSEP, as defined in S. 790), and shall comply with all local, state and federal laws, regulations and permitting requirements, including minimization measures and equipment specifications.~~

~~1. Each OSRO applying for a Rating for Shoreline Protection services shall be subject annually to at least one, but not more than four, announced SSSEP drills that test the protective response strategies that are designed to exclude or divert oil spills away from environmentally sensitive sites, in each ACP Area or ACP2 GRA, in which they apply to provide services.~~

2. OSROs that participate in the OSPR SSSEP will receive a yearly schedule from OSPR which lists the sensitive sites to be drilled. The OSROs shall make arrangements to provide all the necessary equipment and personal. The Administrator will develop this schedule to assure that a representative number and type of sensitive sites that could potentially be impacted will be exercised. The schedule shall reflect OSPR's Best Achievable Protection mandate, factoring in OSPR's workload, and seasonal variability and sensitivities. OSPR will work with the OSRO to ensure that all local, state, and federal laws, regulations and permitting requirements are complied with as part of the SSSEP drill planning and implementation.

3. For marine facilities that conduct their own sensitive site drill planning and implementation, OSPR will work with the facility Plan Holder to ensure that all local, state, and federal laws, regulations and permitting requirements are complied with as part of the drill planning and implementation.

4. OSROs are required to exercise the sensitive site response strategies that are identified in the applicable ACP or Shoreline Protection Tables (SP Tables, incorporated by reference herein and posted on OSPR's website).

(D) The Rating(s) requested by the OSRO shall be justified by providing documentation specifying: location of both ACP and plan holder identified sensitive sites to be protected, as determined by the OSRO; equipment and personnel; estimated time of arrival at the site to be protected; and deployment times. Announced and unannounced drills will be used to validate the Rating(s).

(E) Ratings up to and including six hours require sufficient dedicated response resources or OSRO owned and controlled resources. (OSRO owned and controlled resources refers to equipment owned by the OSRO, and personnel who are employed directly by the OSRO). The following table lists the applicable percentage of dedicated shoreline protection boats and staff that are required for each ACP Area or Geographic Region:

Geographic Region (also known as ACP Area)	%-DEDICATED RESOURCES FOR SHORELINE PROTECTION
1	50% dedicated boats and staff
2	75% dedicated boats and staff
3	0% (non-dedicated boats and staff allowed)
4	0% (non-dedicated boats and staff allowed) *For Port Hueneme only, 75% dedicated boats and staff required
5	75% dedicated boats and staff
6	50% dedicated boats and staff

(F) Shoreline Protection Requirements for Vessels Operating in Small Harbors Included in the SP Tables is a listing of Small Harbors throughout the state. OSROs may apply for a Rating for each Small Harbor by meeting the requirements in the Table. The

requirements in the Small Harbor Table apply to all vessels over 300 GT that operate in the small harbors as listed. The following apply to the Small Harbor Table only:

1. ~~Non-dedicated resources are allowed for shoreline protection for the vessels that operate in these harbors.~~
2. ~~The amounts of boom, boats and staff, as listed, are required for the vessels that operate in these harbors. In some locations additional response resources may be required for included or adjacent sensitive sites if this has been identified in the applicable AGPs.~~
3. ~~Resource requirements can be met either with pre-positioned equipment (as identified in the owner/operator's Contingency Plan) or by a contract with a Rated OSRO. Advance notice to the OSRO is required before the plan holder can begin operating in the small harbor.~~
4. ~~Unless otherwise specified in the Small Harbor Table, anytime that a vessel over 300 GT operates in these small harbors, that vessel shall have a contract or other approved means for a minimum of 2,500 feet of boom that can be deployed in 6 hours.~~
5. ~~An OSRO may propose lesser amounts of shoreline protection resources than that listed in the Small Harbor Table, for carrying out planned projects in the Balance of the Coast, upon petitioning and approval of the Administrator. The proposal may be tested by the Administrator anytime prior or subsequent to plan approval.~~
6. ~~An OSRO may apply for a Temporary Small Harbor Rating for shoreline protection for a specific timeframe to cover a vessel being used for a specific project. Unannounced Drills for these Temporary Ratings will not require actual deployment of equipment.~~

(ef) Attestation

The application shall contain the following language, signed and dated ~~from~~ by an authorized representative of the OSRO ~~oil spill response organization, by an authorized individual:~~

“The information provided regarding response equipment and personnel is factual and correct to the best of my knowledge and belief. I agree to allow Office of Spill Prevention and Response personnel access to my facility and equipment, prior and subsequent to receiving a Rrating, for the purpose of verifying the information contained in this application. I understand that all response resources identified for Rrating purposes are subject to verification visits. I agree to participate in announced and unannounced drills as set forth in Section 819.03 of this subchapter of Title 14 of the California Code of Regulations, to verify any or all of the information contained in this application, prior and ~~or~~ subsequent to receiving a Rrating.”

(fg) Confidentiality

(1) ~~An oil spill response organization rating applicant may request that designate proprietary information in the application to be kept confidential. Such a request must include justification for designating the information as confidential. The Administrator will make a determination regarding that information which may be considered confidential and removed from any copy of the application that is made available for public review.~~

~~(A) Additionally, An oil spill response organization rating applicant may also request that designate any reports, or studies prepared or submitted under pursuant to any OSRO oil spill response organization certification rating requirements be designated as proprietary information. Such a request must include justification for designating the report or study as confidential.~~

(2) ~~Any~~ Each instance of information designated as confidential must be clearly identified as proprietary, and cite the specific legal authority for each designation. Generic assertions or nonspecific designations will not be accepted or recognized. The Administrator will make a determination regarding which information may be considered confidential and removed from any copy of the application that is made available for public review.

(3) If an oil spill response organization rating applicant designates information as confidential, two different copies of the application must be submitted as follows:

(A) ~~One~~ one copy must contain the confidential information. This application will be utilized in the review and ~~R~~rating process; and

(B) ~~One~~ one copy must be submitted with the confidential information ~~removed~~redacted. This copy will be available for public review. This application must contain sufficient information in place of the ~~confidential~~redacted information so that any individual reviewing the application will understand all the elements of the application.

Note: Authority cited: Sections 8670.7.5, 8670.28 and 8670.30, Government Code.
Reference: Sections 8670.10, 8670.19, 8670.28 and 8670.30, Government Code.

§ 819.03. Application Review, Verification and Drills.

(a) Review ~~For~~of Rating Application

(1) ~~An~~ A complete application for a rating will be reviewed within 90 calendar days of receipt ~~or resubmission~~.

(2) The Administrator shall rate an ~~OSRO~~ oil spill response organization upon determination that the applicant has met the requirements for the appropriate ~~R~~rating levelscriteria, as outlined in this subchapter ~~Subsection 819.04(b)(2)~~, for the equipment, services and operating environments listed in the application. ~~The Administrator shall not issue a Rating until the applicant OSRO successfully completes an unannounced drill to verify the information in the OSRO's application.~~

(3) The Administrator shall not issue a rating until the applicant oil spill response organization successfully completes an unannounced equipment deployment drill to verify the information in the oil spill response organization's application, pursuant to subsection (d)(2) below.

~~(3)(4)~~ A requested rRating may be denied or an existing rating may be modified if the Administrator determines that the oil spill response organizationOSRO applicant fails to meet the ~~criteria for the r~~Rating level criteria of any services, based upon inspection, verification or performance of an announced and unannounced drill or actual spill, or for other reasons as determined by the Administrator. The Administrator may require the satisfactory completion of an unannounced drill of ~~each a~~ rated oil spill response organizationOSRO prior to being granted a modified rating, ~~or for renewal,~~ or prior to reinstatement of a revoked or suspended rating.

(5) Upon meeting the requirements of this subchapter, an oil spill response organization will receive a rating letter from the Administrator that will state the type of response services, the area contingency plan or response planning area where the ratings apply, rating time frames, on-water or terrestrial daily containment and recovery rates, storage capacity, or shoreline protection ratings, as applicable, and any conditions or restrictions.

(6) A rating cannot be assigned, transferred, or assumed.

(b) Standards For Review

Oil spill response organizationOSRO rRating lLetters will be issued to the oil spill response organizationOSROs subject to the following conditions:

(1) Equipment, equipment maintenance and inspection records, registration records (e.g. vehicles and vessels), and personnel training records, and personnel-specific equipment qualifications must be ~~verifiable by~~ available for inspection and verification by the Administrator. Any resources not on site at the time of an inspection will not be counted until verified by subsequent inspection.

(2) Response personnel must comply with all appropriate sState and federal safety and training requirements. Safety requirements include, but are not limited to, the following (found in Title 8, California Code of Regulations):

Trenching and Shoring (sSections 1504, 1539-1547)

Electrical Safety (sSections 2299-2974)

Injury and Illness Prevention Program (sSection 3203)

Employee Exposure Records (sSection 3204)

Transporting Employees (sSection 3702)

Crane Safety (sSections 4885-5049)

Noise/Hearing Conservation (sSections 5095-5100)

Ergonomics (sSection 5110)

Respiratory Protection (§Sections 5141 and 5144)
Airborne Contaminants/Employee Exposure Monitoring (§Section 5155)
Confined Space (§Sections 5157-5159)
Hazardous Waste Operation and Emergency Response (§Section 5192)
Hazard Communication (§Section 5194)
Benzene Standard (§Section 5218)

(3) Safety ~~and training~~ records may be inspected for verification.

(c) Inspections and Verification of Response Resources

(1)(A) ~~OSROs~~An oil spill response organization seeking that has applied for a rRating ~~are is~~ subject to unannounced inspections any time prior and subsequent to receiving a rRating to verify the response resources and services cited in the application.

(B) An oil spill response organization that has applied for a terrestrial service rating may be subject to one unannounced equipment verification inspection every year, in each response planning area, unless the Administrator determines that facts or circumstances compel additional inspections to verify rated capabilities.

~~(A)~~(C) Any contract or sub-contract for response resources listed in the application must acknowledge ~~OSPR~~the Office of Spill Prevention and Response personnel's right to inspect and verify listed contracted response resources ~~as provided in this section~~ or those response resources will not be counted. Inspection of sub-contracted response resources shall be coordinated with the ~~OSRO~~oil spill response organization whose application contains the subcontracted response resources.

(2) The submittal of a rating application and the acceptance of a rating grants the Administrator or any duly authorized representative of OSPR~~the Office of Spill Prevention and Response~~ may the consent and authority to do any of the following:

(A) Enter the oil spill response organization's~~OSRO's~~ or sub-contractor's facility or other areas where response service equipment is stored or serviced, to inspect the response ~~services~~ resources cited in the application;

(B) Document, photograph or videotape any response ~~service equipment~~resources;

(C) Rrequest start up, operation, or demonstration of any response ~~service equipment~~resources or response system cited in the application;

(D) Inspect and copy any documents, reports, equipment maintenance records, employee training records, or other information required to verify the response ~~services~~ resources cited in the application.

(3) Deficiencies noted during ~~the an~~ inspection may result in denial of the application, or revocation or modification of the ~~OSRO's~~oil spill response organization's rRating ~~as~~

described in Section 819.06 of this subchapter.

(4) The Administrator may accept an inspection completed by a governmental agency if all requirements of Sections 819 through 819.07 this subchapter are met.

~~(5)(d)~~ OSRO Announced Drills and Inspections; and Unannounced Equipment Deployment Drills

Announced and unannounced equipment deployment drills shall be conducted to verify any or all of the elements of the services provided by an OSRO oil spill response organization in its application prior to and subsequent to issuing a Rating. The Administrator may determine if actual spill response may be substituted in lieu of a drill, as described in ~~CCRS~~ section 820.01(k) of this subchapter.

~~(A)(1)~~ Announced Equipment Deployment Drills and Inspections

All ~~OSRO~~ oil spill response organizations shall submit annual drill schedules to ~~OSPR~~ the Office of Spill Prevention and Response and conduct equipment deployment drills for equipment-response resources listed in the application, including subcontracted equipment, for any services for which they are rated for. The exact dates of the ~~exercises~~ drills shall be submitted 30 calendar days prior to the ~~exercise~~ drill being conducted.

~~1.(A)~~ At least ~~50%~~ fifty percent of all response equipment other than boom shall be ~~exercised~~ drilled each year. All response equipment, including boom, shall be ~~exercised~~ drilled over a two-year period. The OSRO oil spill response organization will ensure that this equipment is identified/labeled and the same equipment is not used repeatedly for each ~~exercised~~ drill.

~~2.~~

~~3.(B)~~ For the equipment deployment ~~exercises~~ drills, the oil spill response organization ~~OSRO~~ shall operate boats, boom and skimmers in each type of operating environment contained in the application.

~~4.(C)~~ Documentation that these ~~exercises~~ drills/inspections have been performed shall be submitted to ~~OSPR~~ the Office of Spill Prevention and Response within 30 calendar days after completion of the ~~exercised~~ drill/inspection. The equipment deployment ~~exercises~~ drills pursuant to this subsection will also satisfy the equipment deployment ~~exercise~~ drill requirement of ~~s~~ Section 818.02(l)(3) for any vessel, ~~or s~~ Section 817.02(k)(3), or section 817.04(u) for any ~~marine~~ facility that utilizes the OSRO's oil spill response organization's resources to fulfill the response element of the vessel or ~~marine~~ facility's own plan. These ~~exercises~~ drills will not fulfill the semi-annual equipment deployment ~~exercise~~ drill requirement of ~~marine~~ facility-owned equipment pursuant to ~~s~~ Section 817.02(k)(1)(B) or section 817.04(u).

~~5.(D) OSROs~~ The oil spill response organization shall ensure they it coordinates equipment deployment exercises drills with all of their its subcontractors. Full systems must be deployed and operating for all booming, on-water recovery and storage, and shoreline protection services.

~~(B)(2)~~ Unannounced Equipment Deployment Drills

Oil spill response organizations OSROs are subject to unannounced equipment deployment drills(s) by OSPR the Office of Spill Prevention and Response to verify the ability of the oil spill response organization OSRO to respond and deploy equipment and personnel as stated in the oil spill response organization's OSRO's application, prior to and subsequent to receiving a rating. Unannounced equipment deployment drills will only be held to verify rRatings of the first 24 hours or earlier of capability.

~~4.(A)~~ An oil spill response organization OSRO shall be subject to one unannounced drill per year in each ACP-area contingency plan or response planning area in which a rRating has been applied for or issued by OSPR the Administrator. However, for ACP Area 2 only (as described in Chapter 1, Section 790(g)(2)(B)), if an OSRO applies for and receives a Rating for six hours or earlier they shall be subject to one unannounced drill each year in each of the Geographic Response Plan areas (GRA) identified in the ACP.

~~(i)1.~~ The Administrator may call a an unannounced drill to test every containment, recovery, and storage rating services that the oil spill response organization OSRO intends to provide, pursuant to the oil spill response organization OSRO's application. Plan holders are still subject to unannounced drills for all required services, including those which OSPR does not Rate the OSRO.

~~(ii)2.~~ Each oil spill response organization OSRO applying for a rating to provide shoreline protection services shall be subject to one unannounced drill that tests their its ability to provide sensitive shoreline site protection services in each Geographic Region (or Geographic Response Plan area, if established) area contingency plan or geographic response plan in which they it apply applies to provide shoreline protection services.

(B) For a requested terrestrial service rating within a single response planning area, an unannounced drill will not require equipment or personnel to be mobilized. However, if an oil spill response organization applies for a terrestrial service rating within more than one response planning area, then the Administrator may conduct one or more unannounced drills requiring mobilization of response resources.

~~2.(C)~~ Significant reductions changes in resources, as described in sSection 819.05 of this subchapter, may warrant additional unannounced drills.

~~3.(D)~~ Failure to participate in an unannounced drill may result in denial or revocation of the oil spill response organization's OSRO's rRating as described in sSection 819.06 of this subchapter.

~~4.(E)~~ The Administrator may modify, suspend or revoke an oil spill response organization's OSRO's Rating if the oil spill response organization OSRO fails to satisfactorily complete an unannounced drill.

~~5.(F)~~ The Administrator may cancel an announced or unannounced drill at any time due to hazardous or other operational circumstances, which shall include but not be limited to:

- ~~i.1.~~ Any unsafe activity or condition;
- ~~ii.2.~~ Oil or cargo transfer operations are occurring;
- ~~iii.3.~~ Inclement weather or sea state;
- ~~iv.4.~~ on-going Ongoing spill response activities;
- ~~v.5.~~ Emergency situation as determined by the U.S. Coast Guard Captain of the port; or
- ~~vi.6.~~ Other situations or conditions related to hazards or operational concerns, as determined by the Administrator.

~~6.(G)~~ All non-governmental costs associated with an unannounced drill are the obligation of the oil spill response organization OSRO.

~~7.(H)~~ An oil spill response organization OSROs may identify client plan holders(s) who wish to receive credit for a drill as described in CCR ~~§~~ Section 820.01 of this subchapter.

~~8.(I)~~ The Administrator shall issue a written report evaluating the performance of the oil spill response organization OSRO after every unannounced drill called by the Administrator within 30 calendar days.

~~9.(J)~~ The Administrator shall determine whether an unannounced drill called upon the oil spill response organization OSRO by a federal agency qualifies as an unannounced drill for the purpose of this section, ~~as described in CCR Section 820.01(j)~~.

Note: Authority cited: Sections 8670.7.5, 8670.28 and 8670.30, Government Code.
Reference: Sections 8670.19, 8670.28 and 8670.30, Government Code.

§ 819.04. Oil Spill Response Organization OSRO Rating Standards, Updates, and Renewals Procedure.

~~(a) Filing~~

~~Applications must be filed with the Administrator of the Office of Spill Prevention and Response in the Department of Fish and Wildlife. Applications shall either be delivered in person or sent by registered mail with return receipt requested, or other means as approved by the Administrator to the Preparedness Branch of OSPR.~~

~~(b) OSRO Rating~~

~~(1) Upon satisfactorily meeting the requirements of this subchapter, an OSRO will receive the OSRO Rating Letter (ORL) that will state the type of response services,~~

~~Operating Environments, GRA or ACP area, Rating time frame(s), the on-water daily recovery rate or Shoreline Protection Rating as applicable, and any applicable conditions or restrictions. An OSRO Rating may not be assigned, transferred, or assumed. An OSRO's existing Letter of Approval issued from the Administrator shall remain valid unless modified, suspended or revoked, and shall be deemed to meet the requirements of this section for three years from the date of the letter's issuance. OSROs without a current Letter of Approval must submit a completed application within 60 calendar days prior to citing the OSRO's response equipment and services to comply with the contingency planning requirements for tank vessels, nontank vessels and marine facilities.~~

(a) Rating Standards

~~(2)(1) Ratings for Containment Booming, and On-Water Recovery, and Storage~~
An oil spill response organization may apply for a rating within an area contingency plan or a response planning area, or county within a response planning area to provide containment, on-water or terrestrial recovery, or storage services to plan holders. Ratings for an ACP or GRA will reflect for the type of response service(s) offered based on the projected arrival time of the response equipment and personnel within the designated Operating Environments areas.

~~(A) Note: Regarding marine waters, R~~atings for the first six hours or earlier of on-water services require sufficient dedicated response resources (as defined in Section 815.05(c)) or OSRO-owned and controlled resources (as defined in Section 815.05(k)790). Ratings for containment booming services only will be limited issued for the first to 12 hours or earlier of capability. For eContainment booming, and on-water recovery, and storage “(on-scene”) means that the equipment is at the scene location of the drill or spill, and deployed and operating within one hour of arrival at the scene of the spill, but no later than the designated time frame for each rRating(s). The marine water rRating time frames apply to all operating environments and are as follows:

<u>Ratings by Hour</u>	<u>Equipment On-Scene Times</u>
0	On-scene <u>and operational</u> within 30 minutes
1	On-scene <u>and operational</u> within 1 hour
2	On-scene <u>and operational</u> within 2 hours (Temporary storage on-scene within 4 hours)
3	On-scene <u>and operational</u> within 3 hours
4	On-scene <u>and operational</u> within 4 hours
6	On-scene <u>and operational</u> within 6 hours
12	On-scene <u>and operational</u> within 12 hours
18	On-scene <u>and operational</u> within 18 hours
24	On-scene <u>and operational</u> within 24 hours
36	On-scene <u>and operational</u> within 36 hours
60	On-scene <u>and operational</u> within 60 hours

(B) Regarding inland waters, ratings for the first six hours of on-water services require sufficient dedicated response resources. The response resources must be at the location of the drill or spill, and deployed and operating within one hour of arrival, but no later than the designated time frame for each rating. The inland on-water rating time frames are as follows:

<u>Ratings by Hour</u>	<u>Equipment Times</u>
<u>6</u>	<u>On-scene and operational within 6 hours</u>
<u>12</u>	<u>On-scene and operational within 12 hours</u>
<u>24</u>	<u>On-scene and operational within 24 hours</u>

(C) Regarding inland terrestrial ratings, dedicated response resources are not required. Terrestrial response resources may be owned or subcontracted by the oil spill response organization to meet the terrestrial service rating and on-scene requirements. The equipment must be at the location of the drill or spill, and deployed and operating within one hour of arrival, but no later than the designated time frame for each rating. The inland terrestrial rating time frames are as follows:

<u>Ratings by Hour</u>	<u>Equipment Times</u>
<u>6</u>	<u>On-scene and operational within 6 hours</u>
<u>12</u>	<u>On-scene and operational within 12 hours</u>
<u>24</u>	<u>On-scene and operational within 24 hours</u>

(32) Ratings for Shoreline Protection

(A) Ratings for shoreline protection will be based on the ability of the OSRO oil spill response organization to meet the response requirements of the applicable ACP, GRA or Shoreline Protection Tables (SP Tables, see Section 790, incorporated by reference herein and posted on OSPR's website). Note: Subsection 819.02(d)(4)(D) lists the applicable percentage of dedicated shoreline protection boats and staff that are required for each Geographic Region . The OSRO Rating Letter (ORL) for Shoreline Protection will list the applicable SP Tables or ACP/GRA sites and time frames for which the OSRO has been Rated perform identified protection strategies for a sensitive site in the time frames required, as outlined in the appropriate Shoreline Protection Tables (as defined in section 790 and posted on the Office of Spill Prevention and Response's website) or for sites identified by plan holders. To receive a rating for Shoreline Protection, the OSRO must participate in the Sensitive Site Strategy Evaluation Program, as described in subsection 819.02 (d)(4)(C) above.

(B) Ratings for sites with "protect by hour" times up to and including six hours require dedicated response resources or OSRO-owned and controlled resources, as defined in section 790. The following table lists the applicable percentage of dedicated response resources that are required for each area contingency plan:

<u>Area Contingency Plan</u>	<u>% DEDICATED RESPONSE RESOURCES FOR SHORELINE PROTECTION - 0 to 6 Hours -</u>
<u>1</u>	<u>50%</u>
<u>2</u>	<u>75%</u>
<u>3</u>	<u>0%</u>
<u>4</u>	<u>0%</u> <u>Except, for Channel Islands Harbor and Port Hueneme sites only, 75% dedicated response resources are required.</u>
<u>5</u>	<u>75%</u>
<u>6</u>	<u>50%</u>

(C) For shoreline protection coverage for vessels operating in small harbors, the Shoreline Protection Tables include a listing of small harbors throughout the state. An oil spill response organization may apply for a rating for each small harbor by meeting the requirements in the table. The following apply to ratings for the Small Harbor Table only:

1. Non-dedicated resources are allowed for shoreline protection coverage for vessels that operate in small harbors.
2. The amounts of boom, boats and personnel, as listed in the Shoreline Protection Tables, are required for the vessels that operate in small harbors. In some locations additional response resources may be federally required in the applicable area contingency plan.
3. Response resource requirements can be met either with pre-positioned equipment (as identified in the plan holder's contingency plan) or by a contract with a rated oil spill response organization. Advance notice to the oil spill response organization is required before the plan holder can begin operating a small harbor.
4. An oil spill response organization may apply for a temporary small harbor rating for shoreline protection for a specific timeframe to cover a vessel being used for a specific project. Unannounced drills for these temporary ratings will not require actual deployment of equipment.

(D) To receive a rating for shoreline protection services, an oil spill response organization shall participate in the Office of Spill Prevention and Response's sensitive site strategy evaluation program (SSSEP, as defined in section 790), and shall comply with all local, state and federal laws, regulations, and permitting requirements (e.g. damage minimization measures and equipment specifications).

1. An oil spill response organization that applies for a rating for shoreline protection services shall be subject annually to at least one, but not more than four, announced sensitive site strategy evaluation program drills that test the protective response

strategies that are designed to exclude or divert oil spills away from environmentally sensitive sites for which they apply to provide services.

2. An oil spill response organization that participates in the sensitive site strategy evaluation program will receive a yearly schedule from the Office of Spill Prevention and Response which lists the sensitive sites to be drilled. The oil spill response organization shall make arrangements to provide all the necessary equipment and personnel. The Administrator will develop this schedule to assure that a representative number and type of sensitive sites that could potentially be impacted will be exercised. The schedule shall reflect the Office of Spill Prevention and Response's Best Achievable Protection mandate, factoring in the Office of Spill Prevention and Response's workload, and seasonal variability and sensitivities. The Office of Spill Prevention and Response will work with the oil spill response organization to ensure that all local, state, and federal laws, regulations and permitting requirements are complied with as part of sensitive site strategy evaluation program drill planning and implementation.

3. For facilities that conduct their own sensitive site drill planning and implementation, the Office of Spill Prevention and Response will work with the facility plan holder to ensure that all local, state, and federal laws, regulations and permitting requirements are complied with as part of the drill planning and implementation.

4. Oil spill response organizations are required to exercise the sensitive site response strategies that are identified in the applicable Shoreline Protection Tables.

(43) Ratings for Group 5 Oil Recovery-Endorsement and Containment:

An oil spill response organization may apply for a rating within an area contingency plan or a response planning area, or county within a response planning area, to provide Group 5 oil recovery services. Equipment that is owned or under contract and identified to be used for response to Group 5 oils shall be made available for inspection upon request of the Administrator. This includes, but is not limited to, the following: This rating may be applied for by submitting either:

(A) A valid nonfloating oil classification, issued by the U.S. Coast Guard; or

(B) A list and description of equipment and personnel, including, but not limited to:

(A)1. Detection: Sonar, sampling equipment or other methods to locate the oil on the bottom or suspended in the water column;

(B)2. Subsurface Containment: Containment boom, sorbent boom, silt curtains, or other methods for containing the oil that may remain floating on the surface or to reduce spreading on the bottom;

(C)3. Recovery: Dredges, pumps, SCUBA equipment, certified divers or other equipment and personnel necessary to recover oil from the bottom and on the shoreline; and

~~(D)4.~~ Other appropriate equipment necessary to respond to a discharge spill involving the type of oil handled, stored, or transported.

(~~e~~) Updates

(1) To maintain the ~~OSRO's~~ oil spill response organization's assigned ~~r~~Rating level, the following information shall be updated and submitted to ~~OSPR~~ the Administrator within 30 calendar days of a non-significant change:

(A) ~~T~~Ithe current list of the oil spill response organization's ~~OSRO's~~ client plan holders, submitted whenever there is a change in the list; and;

(B) ~~T~~Ithe current list of all owned and subcontracted oil spill response equipment and trained personnel listed in the application, ~~that forms the basis for the assigned Rating,~~ submitted within one year, and annually thereafter, of the anniversary date of the original Rating.

(2) Pursuant to section 819.05, significant changes shall be reported to the Administrator.

(~~d~~) Renewals

(1) ~~Ratings will be assigned for a period of three years unless suspended or revoked by the Administrator or assigned a modified Rating level. An oil spill response organization~~ OSRO shall file an application for renewal at least 90 calendar days prior to the expiration of the ~~r~~Rating. Renewal applications shall ~~have~~ address the same content as a new application, and shall follow the same review, verification, and drill procedures as a new application, as specified in subsection 819.03. Modification of a ~~r~~Rating shall not affect the three year rating period per the rating letter.

(2) Ratings may be renewed earlier at the request of the oil spill response organization ~~OSRO~~ in the event the oil spill response organization ~~OSRO~~ has sustained a significant increase or decrease in response resources.

(3) The Administrator may require an earlier or more frequent ~~r~~Rating renewal than that required in ~~Subparagraph~~ subsection (d)(c)(1) above. The oil spill response organization ~~OSRO~~ will be notified in writing if an earlier renewal is required. The notice will include an explanation of the reasons for the earlier ~~r~~Rating renewal. The circumstances that would warrant an earlier renewal include, but are not limited to, the following:

(A) A change in regulations;

(B) The development of new oil spill response technologies as determined by the Administrator;

(C) ~~D~~eficiencies in oil spill response capability identified by the Administrator as part of the Coastal Protection Review;

(D) ~~A~~n increased need to protect plant and wildlife habitat;

(E) ~~D~~eficiencies in oil spill response capability identified during an oil spill;

(F) ~~D~~eficiencies in oil spill response capability identified during an announced or unannounced drill;

(G) ~~S~~ignificant reductions to the oil spill response organization OSRO's response capability; ~~and/or~~

(H) ~~A~~ny other situation that calls into question the oil spill response organization's rated capabilities, deemed appropriate as determined by the Administrator.

Note: Authority cited: Sections 8670.7.5, 8670.28 and 8670.30, Government Code.
Reference: Sections 8670.28 and 8670.30, Government Code.

§ 819.05. Notice of ~~Reduction~~ Change in Response Resources.

(a) The oil spill response organization OSRO shall notify the Administrator of any significant ~~reductions~~ change in equipment, personnel, ~~or management, or subcontracted equipment or personnel,~~ 14 calendar days in advance of the change. This notice ~~may~~ shall be by e-mail or post mail, or may be oral if, followed by a written notice as soon as possible, ~~or in writing by facsimile or letter.~~ If the reduction is unforeseen, oral notice shall be given immediately after becoming aware of such change. The notice shall include the identification of backup resources sufficient to maintain the oil spill response organization OSRO's Rating level, subject to approval by the Administrator.

~~(1) a significant reduction is one that would affect the OSRO's ability to respond consistent with their assigned Rating level.~~

~~(b) It is the responsibility of the OSRO to verify and report to the Administrator any significant reductions in subcontracted equipment and personnel listed in the OSRO's application.~~

~~(c) Failure to notify the Administrator of a significant ~~reductions~~ change in response resources may result in the modification of a Rating level or revocation of the all OSRO Ratings Letter.~~

(c) For purposes of this subchapter, a significant change is one that would affect the oil spill response organization's ability to respond consistent with its rating.

Note: Authority cited: Sections 8670.7.5, 8670.28 and 8670.30, Government Code.
Reference: Sections 8670.28 and 8670.30, Government Code.

§ 819.06. Rating Modification, Suspension, or Revocation, ~~or Denial.~~

(a) Criteria for Modification, Suspension, or Revocation:

(1) Criteria for modification. The Administrator may modify an ~~OSRO a R~~rating at any time if the ~~OSRO~~oil spill response organization is not in compliance with the conditions of the ~~issued R~~rating. Situations that may cause a modification include, but are not limited to: a failure to meet the objectives of an equipment deployment drill; failure to perform the rated services at a spill; a change or reduction in equipment or personnel; or any other factor that would affect the ability to perform the rated services. The ~~OSRO~~oil spill response organization shall only perform at consistent with the modified ~~R~~rating level until or unless the original ~~Rating~~ is reinstated.

(2) Criteria for suspension. The Administrator may suspend a ~~R~~rating at any time if the ~~OSRO~~oil spill response organization is not in compliance with the requirements of this subchapter. Situations that may cause a suspension of a rating include, but are not limited to: self-initiated stoppage of services; bankruptcy; or a natural disaster or situation beyond the control of the oil spill response organization that prohibits it from providing the rated services. ~~In the situation where a Rated OSRO has refused to participate in an announced or unannounced drill, except as provided in Section 819.03(c)(5)(B), or is unable to successfully complete an announced or unannounced drill due to significant reductions in response resources, the Administrator may suspend the Rating at any time after the announced or unannounced drill is called. An OSRO~~oil spill response organization with a suspended ~~R~~rating shall not provide ~~these the~~ suspended services until the ~~Rating is either the suspension is lifted or the rating is modified or reinstated.~~ The Administrator may ~~revoke an OSRO Rating if the OSRO fails within 60 calendar days of written notification pursuant to Subsection (b) to correct deficiencies that were the cause of a Rating suspension, or if statutory enactments subsequent to the issuance of the Rating conflict with the purposes of the OSRO Rating program.~~

(3) Criteria for revocation. The Administrator may revoke all issued ratings based on a determination that the oil spill response organization cannot perform any of its rated services.

~~(3) Criteria for Denial. The Administrator may deny an OSRO Rating if the OSRO has failed to provide the information required in the Rating application as set forth in section 819.02 or has failed to satisfy the Application review criteria set forth in Section 819.03. If the Administrator decides to deny an OSRO Rating, the Administrator shall issue a written statement of the basis for the denial. After receiving the written statement of denial from the Administrator, the OSRO shall wait 90 calendar days before submitting a new application~~

(b) Procedure For Modification, Suspension, or Revocation, ~~or Denial~~.

(1) When the Administrator ~~believes there are valid grounds~~ finds good cause for modifying, or suspending, revoking, or denying a Rating, the OSRO oil spill response organization shall be notified in writing of the reasons for the modification, or suspension, revocation or denial by certified or registered mail. A ~~proposed revocation notice shall be issued after the 60 day period required by subsection (a)(2) above.~~ The notice shall identify the Rating to be modified, suspended, revoked or denied and the reason(s) for such modification, suspension, revocation or denial, and inform the OSRO of the right to request reconsideration of a modification, suspension, revocation or denial. The Administrator may amend any notice of modification, suspension, revocation or denial at any time.

(A) Modification. An oil spill response organization may reapply for a rating that has been modified. The application shall include a narrative describing what measures were taken to correct the deficiencies outlined in the modification letter.

(B) Suspension. An oil spill response organization may submit a written request for the suspension to be lifted. The Administrator will review the request within 15 calendar days of receipt, and determine whether to maintain the suspension or lift the suspension.

(2) When the Administrator finds good cause to revoke all ratings, the oil spill response organization shall be notified in writing by certified or registered mail of the reasons for the revocation. The revocation shall be effective 15 calendar days after issuance. The oil spill response organization shall have 30 calendar days from the date of receipt to reply in writing addressing the reasons for the revocation. The Administrator shall have 15 calendar days to review the reply and either maintain the revocation or rescind the revocation.

Note: Authority cited: Sections 8670.7.5, 8670.28 and 8670.30, Government Code.
Reference: Sections 8670.28 and 8670.30, Government Code.

§ 819.07. Reconsideration and Hearing Procedures.

(a) Reconsideration Procedures

(a1) A person may Request for reconsideration of a modification, suspension, revocation, or denial. Any person may request reconsideration if that person is one of the following:

(4A) An applicant for an oil spill response organization OSRO Rating or renewal who has received written notice of denial; or

(2B) An oil spill response organization OSRO who has had a Rating modified, suspended, or revoked.

~~(b2) Method of requesting reconsideration. Any person requesting reconsideration of an action must comply with~~ A request for reconsideration shall meet the following criteria:

~~(4A)~~ Any request for reconsideration must be in writing, signed by the person requesting reconsideration or by ~~the~~ a legal representative of that person, and must be submitted to the Administrator.

~~(2B)~~ The request for reconsideration must be received by the Administrator within 1520 ~~calendar~~ business days of the date of notification of the decision.

~~(3C)~~ The request for reconsideration shall state the reason(s) for the reconsideration, including presenting any new information or facts pertinent to the issue(s) raised by the request for reconsideration.

~~(e3)~~ The Administrator shall notify the oil spill response organization ~~OSRO~~ of his or her decision within 15 ~~calendar~~ business days of the receipt of the request for reconsideration. This notification shall be in writing and shall state the reasons for the decision. The notification shall also provide information concerning the right to a hearing and the procedures for requesting a hearing.

~~(db)~~ Hearing Procedures:

The oil spill response organization ~~OSRO~~ may, within 15 ~~calendar~~ business days after receipt of notice that reconsideration has been denied, request a hearing in writing.

(1) Any hearing required under this subchapter shall be conducted by an independent hearing officer according to the procedures specified in Government Code sSection 11500 et. seq. (~~The Administrative Procedure Act Adjudication: Formal Hearing~~) and shall be scheduled as expeditiously as possible.

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

Note: Authority cited: Sections 8670.7.5, 8670.28 and 8670.30, Government Code.
Reference: Sections 8670.28 and 8670.30, Government Code.

END