

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

For the 15-day public comment period, the new changes are indicated as:

- Added text is shown in **bold** and **double underline**.
- Deleted text is shown in ~~double strikethrough~~.
- The original 45-day changes are single underline and ~~single strikeout~~.

For the 2nd 15-day public comment period, the new changes are indicated as:

- Added text is shown in **bold and double underline and italic and framed**
- Deleted text is shown in ~~double strikethrough and italics and framed~~

For the 3rd 15-day public comment period, the new changes are indicated as:

- Added text is shown in double underline and shaded.
- Deleted text is shown in ~~double strikethrough~~ and shaded.

§ 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~~ may 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.

Note: Authority cited: Sections 8670.7, 8670.7.5, 8670.28, and 8670.30 and 8670.56.6, Government Code. Reference: Sections 8670.28, and 8670.30 and 8670.56.6, Government Code.

§ 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 waters **designated as intermittent or ephemeral in the National Hydrography Dataset**, ~~incorporated by reference herein 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 and the statewide quarter mile buffer data layer (as depicted in the Southwest Environmental Response Management Application, on the National Oceanic and Atmospheric Administration's website).~~ This is applicable to terrestrial service ratings.

(2) Inland waters **designated as perennial in the National Hydrography Dataset** ~~that is at least three inches deep for more than 182 days a year.~~ **This is applicable to inland on-water ratings.**

(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 **(marine or inland)** may request a 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 response services~~ to comply with the plan holder's contingency planning requirements.

(e) Only OSRO's ~~oil spill response organizations~~ that receive a Rating from OSPR the Administrator are eligible to enter into pre-spill agreements ~~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, and 8670.30 and ~~8670.56.6(j)(1)~~, Government Code. Reference: Sections 8670.28, and 8670.30 and ~~8670.56.6(j)(1)~~, Government Code.

§ 819.02. Oil Spill Response Organization OSRO Rating Application Content.

(a) General Information An individual or entity may apply for consideration as a rRated OSRO oil spill response organization for to provide oil spill response operations services and capabilities to plan holders. A written application meeting all the relevant-applicable requirements of this subsection-section shall be delivered in person, by post-mail, or by electronic e-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-applicable 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) ~~†~~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~~An 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, Subsection/section 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~~a description of the oil spill response organization's OSRO's communications equipment, to include:

(A) ~~I~~the amount and type of equipment;

(B) ~~I~~the frequencies to be used; and

(C) ~~I~~the number of certified operators.

~~(b)~~ 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-applicable 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, **as applicable**, 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) ~~T~~Ttotal lengths of boom by type;
- (B) ~~M~~Mmanufacturer name and model;
- (C) ~~F~~Ffreeboard and draft;
- (D) ~~C~~Cconnector type; and
- (E) ~~I~~Intended operating environments; and
- (F) ~~A~~Associated anchoring systems.

(2) A description of the skimmers or skimming system, ~~(including Oil Spill Response Vessels (OSRV) and vacuum trucks)~~, to include:

- (A) ~~T~~Ttotal number of skimmers by type;
- (B) ~~S~~Skimmer manufacturer name and model;
- (C) ~~I~~Intended skimmer ~~O~~Operating ~~E~~Environments, including water current;
- (D) ~~S~~Skimmer type by design (i.e., stationary, advancing, self-propelled, stationary/advancing);
- (E) ~~Skimmer setup as either self-contained or part of a system~~**Compatibility of the skimmer, pump, power source, and hoses:**
- (~~E~~F) ~~S~~Skimmer manufacturer's nameplate capacity;
- (~~F~~G) Effective Daily Recovery Capacity (EDRC);
- (~~G~~H) ~~On-board storage capacity integral to the skimmer;~~
- (~~H~~H) ~~S~~Storage capacity of the skimming system ~~external to the skimmer~~ (e.g., dracones, tank barges, **baker tanks, portable liquid storage tanks,** etc.), if any, and pump rate for off-loading on-board storage; and
- (~~I~~J) ~~M~~Maximum draft of the ~~each~~ skimmer;
- (~~J~~K) 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~~H), as applicable engine output, LOA (Length Overall), beam, draft and the intended Operating Environments; and
- (~~L~~J) For each vacuum truck, provide the details outlined above in (A) thru (~~J~~H), 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) ~~V~~Vessel name, registration number, and International Maritime Organization (IMO) number, as applicable;

- (B) Vvessel length, width, and draft;
- (C) Vvessel 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) Horsepower;
- (H)(G) Amount of boom on board;
- (H) Amount of on-board storage for recovered liquids;
- (I) Pump 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) Official number;
- (C) Length/beam/draft; and
- (D) Maximum 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 (incorporated by reference herein, as defined in section 790, and posted on the Office of Spill Prevention and Response's website).

(57) ~~For all e~~ Equipment, all inspections and maintenance must be documented and the records maintained for three3 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 OSPRthe Office of Spill Prevention and Response.

(68) ~~f~~ 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 that area contingency plan or response planning area in which the OSRO is requesting a Rating 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 response services offered shall be made available for review during verification inspections by OSPR the 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 State and federal safety and training requirements, including the California Department of Industrial Relations, Division of Occupational Safety and Health (Cal-OSHA) OSHA Occupational Safety and Health Administration requirements for Hazardous Operations and Emergency Response, and the requirements under Title 8, California Code of Regulations, Section 5192;

2. The number of trained supervisors and laborers, and the types of training received;

3. The procedures for training personnel;

4. The timelines for mobilizing and training additional response personnel not under contract; and

5. 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 assigned Rating 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~~he name of the company providing the resources (subcontractor);

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

(C) The time frame for which the agreement is valid;

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

(E) 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 ~~s~~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 ~~any~~my ~~r~~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 on-water subcontracted response resources are relied upon for the first six hours, then those subcontracted response resources must be dedicated response resources, and indicated as subcontracted dedicated response resources in the application pursuant to subsection (c).

(de) Service-Specific Information

The application for a rating must include the following:

(1) A List of the Geographic Regions, (or the Geographic Regions(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 response 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 Operating Environment(s) for the response 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 Rating level, as described in Ssubsection 819.04(a) of this subchapter.

(2) For each Rating level (as described in sSection 819.04), and for each response 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 may 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) The applicant shall submit a description of the systems approach (as defined in sSection 790815.05 of this subchapter) for the response services offered (i.e., booming, on-water recovery and storage, and shoreline protection services) in a narrative format,

for the equipment listed in ~~Subsection (b) including~~ of this section. The narrative shall include, but not be limited to:

(A) ~~F~~for all boom or containment:

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

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

~~(A) 4~~ Sensitive site name and its strategy or site number, or plan holder identified site;

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

~~(C)3.~~ Expected time of arrival and deployment of response resources; and

~~(D)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.~~

~~(E)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 ACPs.~~

~~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-redacted 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 copy must contain the confidential information. This application will be utilized in the review and Rrating process; and

(B) 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) ~~A~~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 Rrating ~~level~~criteria, 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 applicant 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 organization~~OSRO~~ applicant fails to meet the ~~criteria for the r~~Rating level ~~criteria~~ of any response services, based upon inspection, verification or performance ~~of~~at an announced ~~and/or~~ 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 organization~~OSRO~~ 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 an approval~~rating~~ letter from the Administrator that will state the type of response services for which the rating is valid, the area contingency plan or response planning area where the rating(s) 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 organization OSRO rRating letters ratings will be issued to the oil spill response organization OSROs 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 State 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 (Sections 1504, 1539-1547)

Electrical Safety (Sections 2299-2974)

Injury and Illness Prevention Program (Section 3203)

Employee Exposure Records (Section 3204)

Transporting Employees (Section 3702)

Crane Safety (Sections 4885-5049)

Noise/Hearing Conservation (Sections 5095-5100)

Ergonomics (Section 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 shall be subject to one an initial 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) ~~E~~nter 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) ~~D~~ocument, photograph or videotape any response service equipmentresources;

(C) ~~R~~equest start up, operation, or demonstration of any response service equipmentresources or response system cited in the application;

(D) ~~I~~nspect 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 ~~r~~Rating ~~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 response services provided by an ~~OSRO~~oil spill response organization in its application prior to and subsequent to issuing a ~~R~~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 ~~r~~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~~ for an on-water rating, 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 ~~r~~ Ratings of the first 24 hours or earlier of capability.

~~1.(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 ~~r~~ Rating 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 Section 819.05 of this subchapter, may warrant additional unannounced drills.~~

~~3.(D) Failure to participate in an unannounced drill may result in modification, denial or revocation of the oil spill response organization's OSRO's Rating as described in Section 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 a 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 CGR §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 CGR Section 820.04(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) ~~Regarding Marine waters, Ratings for the first six hours or earlier of marine 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 Containment booming, and on-water recovery, and storage ~~“(on-scene)”~~ means that the equipment is response resources must be 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 Rating(s). The marine water Rating 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 On-Waters, Ratings for the first six hours of inland on-water services require sufficient dedicated response resources. The containment boom, recovery, and storage 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 for a terrestrial service rating. 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 service 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 nHour" times frames, as specified in the Shoreline Protection Tables, 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 **rating criteria are associated with** apply to ratings for the Small Harbor Table only:

1. Non-dedicated **response** 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~~ may 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 by the plan holder to the oil spill response organization is required before ~~the plan holder can begin~~ operating **within** a small harbor.

4. An oil spill response organization may apply for a temporary small harbor rating for shoreline protection for a specific time frame 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~~ drilled. 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 drill~~ 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 (as defined under “Persistent Oil” in section 790) 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 Rating level, the following information shall be updated and submitted to OSPR the Administrator within 30 calendar days of a non-significant change:

(A) The 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) The 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.

(dc) 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 rRating. 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 rRating shall not affect the three year rating period per the as indicated in the rating approval 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 change increase or decrease in response resources, as described in section 819.05.

~~(3) The Administrator may require an earlier or more frequent rRating 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 rRating 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) Deficiencies in oil spill response capability identified by the Administrator as part of the Coastal Protection Review;~~

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

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

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

(G) Significant reductions change to in the oil spill response organization OSRO's response capability; and/or

(H) Any 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 change~~ 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~~ Rating at any time if the ~~OSRO~~ oil spill response organization is not in compliance with the conditions of the issued 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 Rating level until or unless the original Rating is reinstated.

(2) Criteria for suspension.

The Administrator may suspend a 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 a 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 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 modifies or suspends 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~~ ~~revokes~~ 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 ~~R~~request for reconsideration of a modification, suspension, revocation, or denial. Any person may request reconsideration if that person is one of the following:

(1A) An applicant for an oil spill response organization ~~OSRO~~ ~~r~~Rating or renewal who has received written notice of denial; or

(2B) An oil spill response organization ~~OSRO~~ who has had a ~~r~~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:

(1A) 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 ~~§~~Section 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