

CALIFORNIA CODE OF REGULATIONS  
TITLE 14. NATURAL RESOURCES  
DIVISION 1. FISH AND GAME COMMISSION – DEPARTMENT OF FISH AND GAME  
SUBDIVISION 4. OFFICE OF OIL SPILL PREVENTION AND RESPONSE

**45-DAY COMMENT PERIOD  
ILLUSTRATION OF CHANGES**

The Department of Fish and Wildlife, Office of Spill Prevention and Response is proposing amendments to section 819.03 of Title 14 of the California Code of Regulations. Those changes are illustrated as follows:

Added text is illustrated in single underline.

Deleted text is illustrated in single ~~strikeout~~.

**CALIFORNIA CODE OF REGULATIONS  
TITLE 14. NATURAL RESOURCES  
DIVISION 1. FISH AND GAME COMMISSION - DEPARTMENT OF FISH & 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**

**§ 819.03. Application Review Verification and Drills.**

(a) Review of Rating Application

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

(2) The Administrator shall rate an oil spill response organization upon determination that the applicant has met the requirements for the appropriate rating criteria, as outlined in this subchapter, for the equipment, services, and operating environments listed in the application.

(3) The Administrator shall not issue a rating until the 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.

(4) A requested rating may be denied or an existing rating may be modified if the Administrator determines that the oil spill response organization applicant fails to meet the rating criteria of any response services, based upon inspection, verification or performance at an announced 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 a rated oil spill response organization prior to being granted a modified rating, 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 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, shoreline protection, as applicable, and any conditions or restrictions.

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

(b) Standards For Review

Oil spill response organization ratings will be issued to the oil spill response organization subject to the following conditions:

(1) Equipment, equipment maintenance and inspection records, registration records (e.g. vehicles and vessels), personnel training records, and personnel-specific equipment qualifications must be 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 records may be inspected for verification.

(c) Inspections and Verification of Response Resources

(1)(A) An oil spill response organization that has applied for a rating is subject to unannounced inspections any time prior and subsequent to receiving a rating 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 shall be subject to an initial announced equipment verification inspection, in each response planning area, unless the Administrator determines that facts or circumstances compel additional inspections to verify rated capabilities.

(C) Any contract or subcontract for response resources listed in the application must acknowledge the Office of Spill Prevention and Response personnel's right to inspect and verify listed contracted response resources or those response resources will not be counted. Inspection of subcontracted response resources shall be coordinated with the 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 the Office of Spill Prevention and Response the consent to do any of the following:

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

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

(C) Request start up, operation, or demonstration of any response 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 resources cited in the application.

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

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

(d) Announced 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 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 ~~section 820.01(k)~~ subsection 820.1(m) of subchapter 3.6.

(1) Announced Equipment Deployment Drills

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

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

(B) For equipment deployment drills for an on-water rating, the oil spill response organization shall operate boats, boom and skimmers in each type of operating environment contained in the application.

(C) Documentation that these drills have been performed shall be submitted to the Office of Spill Prevention and Response within 30 calendar days after completion of the drill. The equipment deployment drills pursuant to this subsection will also satisfy the equipment deployment drill requirement of section 818.02(l)(3) for any vessel, section

817.02(k)(3), or section 817.04(u) for any facility that utilizes the oil spill response organization's resources to fulfill the response element of the vessel or facility's own plan. These drills will not fulfill the semi-annual equipment deployment drill requirement of facility-owned equipment pursuant to section 817.02(k)(1)(B) or section 817.04(u).

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

## (2) Unannounced Equipment Deployment Drills

Oil spill response organizations are subject to unannounced equipment deployment drills by the Office of Spill Prevention and Response to verify the ability of the oil spill response organization to respond and deploy equipment and personnel as stated in the oil spill response organization's application, prior to and subsequent to receiving a rating. Unannounced equipment deployment drills will only be held to verify ratings of the first 24 hours of capability. Unannounced terrestrial service rating drills shall only include equipment and personnel inspections.

(A) An oil spill response organization shall be subject to one unannounced drill per year in each area contingency plan or response planning area in which a rating has been applied for or issued by the Administrator.

1. The Administrator may call an unannounced drill to test containment, recovery, and storage rating services that the oil spill response organization intends to provide, pursuant to the oil spill response organization's application.

2. Each oil spill response organization applying for a rating to provide shoreline protection services shall be subject to one unannounced drill that tests its ability to provide shoreline protection services in each area contingency plan or geographic response plan in which it 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.

(C) Significant changes in resources, as described in section 819.05, may warrant additional unannounced drills.

(D) Failure to participate in an unannounced drill may result in modification, denial or revocation of the oil spill response organization's rating as described in section 819.06.

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

(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:

1. Any unsafe activity or condition;
2. Oil or cargo transfer operations;
3. Inclement weather or sea state;
4. Ongoing spill response activities;
5. Emergency situation as determined by the U.S. Coast Guard captain of the port; or
6. Other situations or conditions related to hazards or operational concerns, as determined by the Administrator.

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

(H) An oil spill response organization may identify client plan holders who wish to receive credit for a drill as described in section ~~820.04~~820.1 of subchapter 3.6.

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

(J) The Administrator shall determine whether an unannounced drill called upon the oil spill response organization by a federal agency qualifies as an unannounced drill for the purpose of this section.

Note: Authority cited: Sections 8670.7, 8670.7.5, 8670.28 and 8670.30, Government Code. Reference: Sections 8670.19, 8670.28 and 8670.30, Government Code.