

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

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§ 819.01. Oil Spill Response Organization (OSRO) Ratings.

(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, non-floating oil rating, 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, oil storage, or sensitive site protection in the following environments:

(1) Inland waters designated as intermittent or ephemeral in the National Hydrography Dataset 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. This is applicable to inland on-water ratings.

(3) Marine waters.

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

(c) An oil spill response organization with a current on-water rating (marine or inland) may request a terrestrial service rating, and vice versa, upon meeting the applicable rating requirements. The Administrator will treat such a rating as a modification to the rating and the expiration date of the current rating 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 services to comply with the plan holder's contingency planning requirements.

(e) Only oil spill response organizations that receive a rating from 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).

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

(g) The ratings assigned pursuant to this 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, Government Code.
Reference: Sections 8670.28 and 8670.30, Government Code.

§ 819.02. Oil Spill Response Organization Rating Application Content.

(a) An individual or entity may apply for consideration as a rated oil spill response organization to provide oil spill response services and capabilities to plan holders. A written application meeting all of the applicable requirements of this section shall be delivered ~~in person,~~ by mail, or by 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~~
P.O. BOX 944209
SACRAMENTO, CA 94244-2090
E-mail: OSRO@WILDLIFE.CA.GOV

(b) All 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 oil spill response organization's name, contact person, mailing and physical address, e-mail address, facsimile and telephone numbers;

(2) All subcontractor company names (if applicable), contact person, mailing and physical addresses, e-mail address, facsimile, and telephone numbers;

(3) List of plan holders contracted with;

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

(5) An organizational diagram depicting the oil spill response organization's response organization and management or command structure;

(6) A description of the roles, responsibilities and method to integrate the oil spill response organization with an incident command system or a unified command as required by Title 8, California Code of Regulations, section 5192(q)(3)(A);

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

organization is willing and able to respond; and

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

(A) The amount and type of equipment;

(B) The frequencies to be used; and

(C) The number of certified operators.

(c) Response Resources - Equipment and Personnel

The application shall include the applicable information for each area contingency plan or response planning area. The application shall indicate whether the response resources are OSRO-owned and controlled (as defined in section 790) or subcontracted (including subcontractor's name). 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)). The application shall include the following information for on-water and terrestrial response resources, as applicable, including the stored location for each item, but not limited to:

(1) A description of the boom to include:

(A) Total lengths of boom by type;

(B) Manufacturer name and model;

(C) Freeboard and draft;

(D) Connector type;

(E) Intended operating environments; and

(F) Associated anchoring systems.

(2) A description of the skimmers or skimming system, to include:

(A) Total 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) Compatibility of the skimmer, pump, power source, and hoses;

(F) Skimmer manufacturer's nameplate capacity;

(G) Effective Daily Recovery Capacity (EDRC);

(H) Storage capacity of the skimming system (e.g., dracones, tank barges, portable liquid storage tanks, etc.), and pump rate for off-loading on-board storage;

(I) For each vessel with built-in or on-board skimming capability, provide the details outlined above in (A) thru (H), as applicable; and

(J) For each vacuum truck, provide the details outlined above in (A) thru (H), as applicable, as well as the license number of the truck.

(3) A description of all vessels used for response efforts, 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) Intended response use or purpose for the vessel, and the operating environments;

(E) Towing capability and capacity;

(F) Horsepower;

(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 any barge and its on-board portable or fixed tanks, to store recovered oil and liquids, to include:

(A) Vessel name;

(B) Official number;

(C) Length/beam/draft; and

(D) Maximum capacity.

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

(A) Backhoes;

(B) Bulldozers;

(C) Vacuum trucks, including size and storage capacity;

(D) Portable or fixed storage tanks, including maximum capacity;

(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 (as defined in section 790, and posted on the Office of Spill Prevention and Response website).

(7) Equipment inspections and maintenance must be documented and the records maintained for three 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 the Office of Spill Prevention and Response.

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

(9) Equipment shall be listed only if it is in 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.

(10) Personnel

For all personnel identified as a response resource, the application shall include the following for each area contingency plan or response planning area in which a rating is requested:

(A) The number of personnel that are to be utilized for response efforts within the first six hours of a spill, their assignments during spill response, whether they are dedicated or non-dedicated response resources, and whether they are OSRO-owned and controlled or 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 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) 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 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.

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

(d) Subcontracted Response Resources

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

(1) On-scene deployment time frames by area contingency plan or response planning area, as applicable, and operating environments.

(2) Evidence of a valid contract from each company that is providing the contracted resources. The evidence shall include, but not be limited to, the following:

(A) The 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 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 Office of Spill Prevention and Response personnel access to my facility and records for the purpose of verifying the information contained in the 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 Title 14 of the California Code of Regulations, to verify any or all of the information regarding the response resources contained in my rating application.”

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

(4) 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).

(e) Service-Specific Information

The application for a rating must include the following:

(1) A list of the area contingency plans or response planning areas within which response services are being offered. Include for each area:

(A) The response services being offered (i.e., containment, non-floating oil detection and recovery, on-water or terrestrial recovery, storage, and shoreline protection);

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

(C) The operating environments for the response services, as applicable, minimum operating depth, and currents or flow for vessels, skimmers, and containment boom; and

(D) The requested rating, as described in subsection 819.04(a).

(2) For each rating (as described in section 819.04) and for each response service offered, a written plan of operations or a narrative describing the call-out of the response resources within each area contingency plan or response planning area of response coverage. The plan of operations or narrative may be limited to the time frames described in section 819.04(a)(1). The description shall account for seasonal environmental conditions that may be reasonably anticipated that would hinder response efforts.

In addition, the application may include a written general plan to acquire response resources beyond these time frames.

(3) A description of the systems approach (as defined in section 790) for the response services offered in a narrative format for the equipment listed in subsection (b) of this section. The narrative shall include, but not be limited to:

(A) For all boom or containment:

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

(B) For all skimmers (including vacuum trucks and vessel of opportunity skimming systems):

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

2. A description of how the skimmer is transported.

(C) For all vessels (oil spill response organization owned vessels, and subcontracted vessels):

1. A description of how the vessel is transported.

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

(D) For all recovered oil and liquid storage:

1. A description 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) For shoreline protection services, the following information shall be submitted with the application:

- (A) Sensitive site name and its strategy or site number, or plan holder identified site;
- (B) The “Protect by Hour” time frames in the Shoreline Protection Tables, for the site for which the rating is sought (expected time of impact);
- (C) Expected time of arrival and deployment of response resources; and
- (D) The minimum amount of boom, anchoring systems, vessels, skimmers, special equipment, trained personnel, and other resources identified for each site or strategy in the “Protect by Hour” time frames in the Shoreline Protection Tables. Dedicated equipment must be identified.
- (E) A description of how the shoreline protection response resources are transported and deployed.

(5) For non-floating oil detection, recovery, and response services, a copy of the applicant’s application for the U.S. Coast Guard non-floating oil classification shall be submitted with the application.

(f) Attestation

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

“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 rating, for the purpose of verifying the information contained in this application. I understand that all response resources identified for rating purposes are subject to verification visits. I agree to participate in announced and unannounced drills as set forth in section 819.03 of Title 14 of the California Code of Regulations, to verify any or all of the information contained in this application, prior and subsequent to receiving a rating.”

(g) Confidentiality

(1) An oil spill response organization rating applicant may designate proprietary information in the application to be kept confidential. Additionally, an oil spill response organization rating applicant may designate any reports or studies prepared or submitted pursuant to any oil spill response organization rating requirements as proprietary information.

(2) 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 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 rating process; and

(B) One copy must be submitted with the confidential information redacted. This copy will be available for public review. This application must contain sufficient information in place of the 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.

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

(a) Rating Standards

(1) Ratings for Containment, 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 will reflect the type of response services offered based on the projected arrival time of the response equipment and personnel within the designated areas.

(A) Marine Waters. Ratings for the first six hours 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 790). Ratings for containment boom services will be issued for the first 12 hours of capability. Containment boom, on-water 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 marine water rating time frames apply to all operating environments and are as follows:

Ratings by Hour	Equipment Times
0	On-scene and operational within 30 minutes
1	On-scene and operational within 1 hour
2	On-scene and operational within 2 hours
3	On-scene and operational within 3 hours
4	On-scene and operational within 4 hours
6	On-scene and operational within 6 hours
12	On-scene and operational within 12 hours
18	On-scene and operational within 18 hours
24	On-scene and operational within 24 hours
36	On-scene and operational within 36 hours
60	On-scene and operational within 60 hours

(B) 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:

Ratings by Hour	Equipment Times
6	On-scene and operational within 6 hours
12	On-scene and operational within 12 hours
24	On-scene and operational within 24 hours

(C) Terrestrial. 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:

Ratings by Hour	Equipment Times
6	On-scene and operational within 6 hours
12	On-scene and operational within 12 hours
24	On-scene and operational within 24 hours

(2) Ratings for Shoreline Protection

(A) Ratings for shoreline protection are based on the ability of the oil spill response organization to perform identified protection strategies for a sensitive site in the time frames required, as outlined in the appropriate Shoreline Protection Tables.

(B) Ratings for sites with “Protect by Hour” time frames, as specified in the Shoreline Protection Tables, up to and including six hours, require dedicated response resources or OSRO-owned and controlled resources. The following table lists the applicable percentage of dedicated response resources that are required for each area contingency plan:

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

(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 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 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 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, 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 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 drill the sensitive site response strategies that are identified in the applicable Shoreline Protection Tables.

(3) Ratings for ~~Group 5~~ Non-Floating Oil Recovery 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 non-floating~~ oil (as defined under "Persistent Non-floating Oil" in section 790) recovery services. This rating may be applied for by submitting ~~either~~:

(A) A valid non-floating oil classification issued by the U.S. Coast Guard; and

(B) A copy of its application that was approved for a U.S. Coast Guard non-floating oil classification. If the application does not contain a list and description of equipment and personnel, then such information must also be submitted. Pursuant to section 819.05, any subsequent change in the application to the U.S. Coast Guard, supporting documents, or the classification issued, must be submitted to OSPR within 14 calendar days; and

(C) An adaptation of the oil spill response organization's estimated deployment times for

detection and recovery assets to the Coast Guard Captain of the Port zones or Alternate Classification Cities that are listed in its U.S. Coast Guard non-floating oil classification application. This adaptation should apply Captain of the Port and Alternate Classification Cities deployment times to the applicable area contingency plan or geographic response plan to demonstrate that the oil spill response organization is capable of deploying detection and recovery assets in that area within 24 hours of a non-floating oil spill. Submission of this adaption satisfies the requirements for 819.02(e)(2).

~~, including, but not limited to:~~

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

~~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;~~

~~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~~

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

(b) Updates

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

(A) The current list of the oil spill response organization's client plan holders; and

(B) The list of owned and subcontracted oil spill response equipment and trained personnel listed in the application.

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

(c) Renewals

(1) An oil spill response organization shall file an application for renewal at least 90 calendar days prior to the expiration of the rating. Renewal applications shall 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 rating shall not affect the three year rating period as indicated in the approval letter.

(2) Ratings may be renewed earlier at the request of the oil spill response organization in the event the oil spill response organization has sustained a significant change in response resources, as described in section 819.05.

(3) The Administrator may require an earlier or more frequent rating renewal than that required in subsection (c)(1) above. The oil spill response organization will be notified in writing if an earlier renewal is required. The notice will include an explanation of the reasons for the earlier 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) 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 change in the oil spill response organization's response capability; or

(H) Any other situation that calls into question the oil spill response organization's rated capabilities, 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.