

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

§ 819.01. 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).

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Note: Authority cited: Sections 8670.7, 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 by mail or by e-mail to the following:

DEPARTMENT OF FISH AND WILDLIFE
OFFICE OF SPILL PREVENTION AND RESPONSE (OSPR)
ATTN: PREPAREDNESS BRANCH
P.O. BOX 944209
SACRAMENTO, CA 94244-2090

E-mail: OSRO@WILDLIFE.CA.GOV

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(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.

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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 ~~or~~

(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).

~~(B) A list and description of equipment and personnel, 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.~~

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