

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 California Department of Fish and Wildlife's Office of Spill Prevention and Response is proposing changes to sections 819 - 819.04 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 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. 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 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~~ environmental sensitive site 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, Government Code. Reference: Sections 8670.28 and 8670.30, Government Code.

§ 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~~ an environmental sensitive site 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 p~~Protection of ~~environmentally~~environmental sensitive sites, as described in subsection ~~819.02(e)(4)~~819.04(a)(2).

(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~~remains 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~~must be delivered by mail or 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

(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 California Code of Regulations, Title 8, California Code of Regulations, section subsection 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~~must include the applicable information for each area contingency plan or response planning area. The application ~~shall~~must indicate whether the response resources are OSRO-owned and controlled (as defined in section 790) or subcontracted (including subcontractor's name). The application ~~shall~~must 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~~must include the following information for on-water, ~~and~~ terrestrial response resources, and environmental sensitive site protection 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)~~(6) 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)~~(7) For any equipment not located within the area contingency plan or response planning area for which a rating is sought, the applicant ~~shall~~must provide attestation that the equipment is transportable and available for use within the rating time period.

~~(9)~~(8) Equipment ~~shall~~must 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)~~(9) Personnel.

For all personnel identified as a response resource, the application ~~shall~~must 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~~must 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 Waste Operations and Emergency Response, and the requirements under pursuant to Title 8, California Code of Regulations, title 8, 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~~must be maintained by the oil spill response organization and ~~shall~~must 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~~must 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 California Code of Regulations, title 14, 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~~must 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~~geographic response area 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~~environmental sensitive site 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~~geographic response area 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~~must 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)~~(c) of this section. The narrative ~~shall~~must 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 purposes of shoreline environmental sensitive site protection services pursuant to section 828.1, the following information ~~shall~~must be submitted with the application:

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

(A) A list of each geographic response area within which a sensitive site protection rating is sought.

~~(B) The "Protect by Hour" protection hour time frames in the Shoreline Protection Tables, for the site geographic response areas for which the a rating is sought (expected time of impact);~~

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

~~(D)~~(C) The minimum amount A descripton of the 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 for each protection hour for each geographic response area. Dedicated equipment must be identified.

(E)(D) A description of how the ~~shoreline~~ sensitive site protection response resources are transported to and deployed in each geographic response area. The description must include the locations from which these response resources will be launched into the water, such as boat ramps, docks, or shore-based access points. If addresses are not available, a citation to the latitude and longitude will suffice. These designated locations must be suitable for the staging and deployment of the resources. Multiple designated locations may be required for larger geographic response areas. These locations will serve as the designated deployment locations for a rating drill within that respective geographic response area.

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

(f) Attestation.

The application ~~shall~~must 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 California Code of Regulations, title 14, 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.

An oil spill response organization rating applicant may designate proprietary information in the application to be kept confidential, including any reports or studies prepared or submitted, by following the process described in section 790.3 of chapter 1.

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 of Rating Application.

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

(2) The Administrator ~~shall~~will 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~~will 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~~environmental sensitive site 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~~will 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~~must 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~~will 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 subsection 820.1(m) of subchapter 3.6.

(1) Announced Equipment Deployment Drills.

All oil spill response organizations ~~shall~~must 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~~must be submitted 30 calendar days prior to the drill being conducted.

(A) At least fifty percent of all response equipment other than boom ~~shall~~will be drilled each year. All response equipment, including boom, ~~shall~~will 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~~must operate boats, boom and skimmers in each type of operating environment contained in the application.

(C) Documentation that these drills have been performed ~~shall~~must 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~~must 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~~ environmental sensitive site 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~~will only include equipment and personnel inspections.

(A)1. An oil spill response organization ~~shall~~will 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.

4.2. 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.(B)~~1. Each oil spill response organization applying for a rating to provide ~~shoreline environmental sensitive site protection services, as described in section 828.1, shall~~will be subject to one unannounced drill that tests its ability to provide ~~shoreline protection such services in~~within the boundaries of each area contingency plan or geographic response plan in which ~~it~~the oil spill response organization applies to provide ~~shoreline environmental sensitive site protection services.~~

2. For a drill testing sensitive site protection capabilities, the amount of boom required to be deployed is the amount needed for the site strategy or strategies identified in the drill scenario, but no more than the amount required at protection hour six pursuant to the Site Protection Table in section 828.1.

3. Announced and unannounced drills testing deployment of response resources for environmental sensitive site protection will be conducted from designated locations described in the narrative section of an oil spill response organization's rating application, pursuant to section 819.02.

4. For an oil spill response organization that only applies for or only has an environmental sensitive site rating, the drill will require deployment of response resources. For drills testing both containment and recovery and environmental sensitive site response resources, only the containment and recovery required capabilities will be deployed. The environmental sensitive site response resources will still need to be mobilized and be capable of deployment.

5. An unannounced drill for the protection of environmental sensitive areas must conform as close as possible to the response that would occur during a spill but sensitive sites shall not be damaged during the drill.

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

~~(D)~~(E) 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)~~(F) 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)~~(G) The Administrator may cancel an announced or unannounced drill at any time due to hazardous or other operational circumstances, which ~~shall~~ include but are 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. United States Coast Guard captain of the port; or
6. Other situations or conditions related to hazards or operational concerns, as determined by the Administrator.

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

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

~~(I)~~(J) The Administrator ~~shall~~will 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)~~(K) The Administrator ~~shall~~will 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 8670.7.5, 8670.28 and 8670.30, Government Code.
Reference: Sections 8670.19, 8670.28 and 8670.30, Government Code.

§ 819.04. Oil Spill Response Organization 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(e)~~790) 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 Environmental Sensitive Site~~ 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.~~

(A) Ratings for environmental sensitive site protection are based on the ability of the oil spill response organization to deploy the minimum protective boom in the protection hour time frames for which the rating is sought, as described in section 828.1. The oil spill response organization must be able to implement every sensitive site strategy identified within the geographic response area for which the rating is sought.

(B) Ratings for environmental sensitive sites protection with “Protect-by-Hour” protection hour time frames, as specified in the Shoreline Protection Tables section 828.1, up to and including six hours, require dedicated response resources or OSRO-owned and controlled resources. The following table in section 828.1 lists the applicable percentage and amount of dedicated response resources that are required for each area contingency plan geographic response area.

Area Contingency Plan	% DEDICATED RESPONSE RESOURCES FOR SHORELINE PROTECTION –0 to 6 Hours–
1	50%
2	75%
3	0%

Area Contingency Plan	% DEDICATED RESPONSE RESOURCES FOR SHORELINE PROTECTION —0 to 6 Hours—
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)(C) To receive a rating for shoreline environmental sensitive site protection services, an oil spill response organization ~~shall~~must participate in the Office of Spill Prevention and Response's sensitive site strategy evaluation program, as defined in section 790, and ~~shall~~must 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 environmental sensitive site protection services ~~shall~~will be subject annually to at least one, but not more than four, announced sensitive site strategy evaluation program drills ~~that~~. The drills test and evaluate the protective response strategies that are designed to exclude or divert oil spills away from environmentally environmental sensitive sites for which they apply to provide services, as described in the area contingency plans.
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 ~~must~~ 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 ~~must~~ reflect the Office of Spill Prevention and Response's ~~B~~ Best Achievable ~~P~~ 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~~ area contingency plan.

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

(A) A valid nonfloating oil classification, issued by the ~~U.S.~~ United States Coast Guard; and

(B) A copy of its application that was approved for a ~~U.S.~~ United States 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.~~ United States Coast Guard, supporting documents, or the classification issued, must be submitted to ~~OSPR~~ the Office of Spill Prevention and Response 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.~~ United States 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~~ area 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 adaptation satisfies the requirements for 819.02(e)(2).

(b) Updates.

(1) To maintain the oil spill response organization's assigned rating, the following information ~~shall~~must 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~~must be reported to the Administrator.

(c) Renewals.

(1) An oil spill response organization ~~shall~~must file an application for renewal at least 90 calendar days prior to the expiration of the rating. Renewal applications ~~shall~~must address the same content as a new application and ~~shall~~will follow the same review, verification, and drill procedures as a new application, as specified in subsection 819.03. Modification of a rating ~~shall~~will 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)1. A change in regulations;

2. Within six months after the effective date of section 828.1 of subchapter 4.1 of chapter 3, an oil spill response organization with an environmental sensitive site protection rating shall submit an updated environmental sensitive site protection rating application to include the contents required by subsection 819.02(e).

(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;

(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.