

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 4.1. SENSITIVE SITE PROTECTION

§ 828.1. Environmental Sensitive Site Protection

(a) Use of Area Contingency Plans.

(1) The oil spill contingency plans for plan holders that pose a risk of a spill to marine waters must indicate use of applicable area contingency plans for protection of the environmental sensitive sites that could be at risk, based on the offsite consequence analysis required for a marine facility or a vessel's route of transit. The contingency plan must describe compliance with the requirements of this section.

(2) During a spill or threatened spill a plan holder must use the strategies and the response resources as specified in each geographic response area for protection of each environmental sensitive site. However, during a spill the State On-Scene Coordinator or Unified Command may determine that different response resources or a different strategy is more appropriate for the situation.

(3) During a spill the plan holder is ultimately responsible for protecting all environmental sensitive sites that may be impacted by the spill regardless of the offsite consequence analysis or the reasonable worst case spill planning volume in the plan holder's contingency plan or the actual volume spilled.

(b) Subsections (b) through (e) and the *Site Protection Table* below apply to plan holders that pose a risk to marine waters, except mobile transfer units. By a contract or other approved means, as defined in section 790, plan holders must either have a contract with an oil spill response organization rated for environmental sensitive site protection, or own or operate the response resources required by this section and ensure its availability within the protection hour identified in the *Site Protection Table*. If a plan holder chooses to own or operate the required resources, the plan holder must satisfy the sensitive site rating requirements of section 819.02.

(c) Boom and Response Times for Sensitive Site Protection.

(1) Plan holders must ensure that at least the minimum amount of protective boom can arrive and be capable of full deployment to implement the appropriate strategy for an environmental sensitive site by the identified protection hour. The boom amounts and protection hours are specified in the *Site Protection Table* below. This boom is in addition to containment boom required by subchapter 3 and subchapter 4 of this chapter.

(A) For purposes of this section, protective boom means harbor boom or swamp boom as specified in the applicable area contingency plan to implement a strategy to protect a particular sensitive site.

(B) For purposes of this section, protection hour means the time, as designated in the *Site Protection Table* below, after discovery of or receiving notification of a spill or threatened spill by which the response resources must arrive at a sensitive site within a geographic response area and be capable of being deployed.

(2) Protection hour times are a planning standard and may not reflect the unforeseen exigencies of actual spill response.

(3) Any combination of harbor boom and swamp boom may be used to meet the protection hour requirements in the table, except where the table indicates a specific minimum amount of dedicated boom is required.

(4) All response resources necessary to accomplish a strategy must arrive in time for full deployment and implementation to occur by the protection hour. All response resources must be capable of being deployed and operable within one hour of arrival but no later than the protection hour.

(5) Notes about the *Site Protection Table*:

(A) ACP 4 GRA 8: The twelve-hour boom requirement only applies to Santa Rosa Island, not San Miguel Island, Santa Cruz Island, or Anacapa Island.

(B) ACP 5 GRA 4: The six-hour boom requirement only applies to Catalina Island, not San Nicolas Island or Santa Barbara Island.

(C) ACP 6 GRA 5: This GRA consists entirely of San Clemente Island. The table does not establish any protection hour requirements for this GRA.

(d)(1) Total Boom. The *Site Protection Table* below specifies the amount of protective boom required for each geographic response area. The boom required at each protection hour is a distinct amount, in addition to amounts required for earlier hours. A plan holder must have available the cumulative sum of the boom required by each protection hour. The Cumulative column of the table is provided to indicate the total sum required by hour 12.

(2) Dedicated Boom. For purposes of environmental sensitive site protection, a portion of the response resources to be deployed within the first six hours of a spill shall be dedicated response resources, as defined in section 790. The *Site Protection Table* specifies the type and amount of protective boom that must be dedicated for each geographic response area.

(3) All of the minimum dedicated boom must be located or stored within the boundary of the applicable area contingency plan. The required nondedicated protective boom does not need to be located or stored within the boundary of each area contingency plan for which it is intended.

Site Protection Table

<u>Area Contingency Plan (ACP) - Geographic Response Area (GRA)</u>	<u>Protection Hour 2</u>	<u>Protection Hour 4</u>	<u>Protection Hour 6</u>	<u>Protection Hour 12</u>	<u>Cumulative Total at 12 Hours</u>	<u>Minimum Dedicated at 6 Hours Swamp Boom</u>	<u>Minimum Dedicated at 6 Hours Harbor Boom</u>
ACP 1 GRA 1	N/A	N/A	2,000 ft	4,000 ft	6,000 ft	500 ft	N/A
ACP 1 GRA 2	N/A	N/A	2,000 ft	4,000 ft	6,000 ft	N/A	500 ft
ACP 1 GRA 3	N/A	N/A	2,000 ft	4,000 ft	6,000 ft	N/A	500 ft
ACP 1 GRA 4	N/A	N/A	2,000 ft	4,000 ft	6,000 ft	N/A	500 ft
ACP 2 GRA 1	N/A	N/A	2,000 ft	4,000 ft	6,000 ft	N/A	500 ft
ACP 2 GRA 2	N/A	2,000 ft	2,000 ft	4,000 ft	8,000 ft	2,000 ft	N/A
ACP 2 GRA 3	N/A	2,000 ft	2,000 ft	4,000 ft	8,000 ft	N/A	2,000 ft
ACP 2 GRA 4	2,000 ft	2,000 ft	4,000 ft	4,000 ft	12,000 ft	N/A	6,000 ft
ACP 2 GRA 5	N/A	2,000 ft	2,000 ft	4,000 ft	8,000 ft	N/A	2,000 ft
ACP 2 GRA 6	N/A	2,000 ft	2,000 ft	4,000 ft	8,000 ft	N/A	2,000 ft
ACP 2 GRA 7	N/A	2,000 ft	2,000 ft	4,000 ft	8,000 ft	N/A	2,000 ft
ACP 2 GRA 8	N/A	N/A	2,000 ft	4,000 ft	6,000 ft	N/A	500 ft
ACP 2 GRA 9	N/A	N/A	2,000 ft	4,000 ft	6,000 ft	N/A	500 ft
ACP 2 GRA 10	N/A	2,000 ft	2,000 ft	4,000 ft	8,000 ft	N/A	2,000 ft
ACP 3 GRA 1	N/A	2,000 ft	2,000 ft	4,000 ft	8,000 ft	2,000 ft	N/A
ACP 3 GRA 2	N/A	2,000 ft	2,000 ft	4,000 ft	8,000 ft	N/A	2,000 ft
ACP 3 GRA 3	N/A	2,000 ft	2,000 ft	4,000 ft	8,000 ft	N/A	2,000 ft
ACP 3 GRA 4	N/A	N/A	2,000 ft	4,000 ft	6,000 ft	500 ft	N/A
ACP 3 GRA 5	N/A	N/A	2,000 ft	4,000 ft	6,000 ft	500 ft	N/A
ACP 4 GRA 1	N/A	N/A	2,000 ft	4,000 ft	6,000 ft	500 ft	N/A
ACP 4 GRA 2	N/A	N/A	2,000 ft	4,000 ft	6,000 ft	N/A	500 ft
ACP 4 GRA 3	N/A	2,000 ft	2,000 ft	4,000 ft	8,000 ft	N/A	2,000 ft
ACP 4 GRA 4	N/A	2,000 ft	2,000 ft	4,000 ft	8,000 ft	2,000 ft	N/A
ACP 4 GRA 5	N/A	2,000 ft	2,000 ft	4,000 ft	8,000 ft	2,000 ft	N/A
ACP 4 GRA 6	N/A	2,000 ft	2,000 ft	4,000 ft	8,000 ft	2,000 ft	N/A
ACP 4 GRA 7	N/A	2,000 ft	2,000 ft	4,000 ft	8,000 ft	2,000 ft	N/A
ACP 4 GRA 8	N/A	N/A	N/A	250 ft	250 ft	250 ft	N/A
ACP 5 GRA 1	N/A	N/A	2,000 ft	4,000 ft	6,000 ft	N/A	500 ft
ACP 5 GRA 2	2,000 ft	2,000 ft	4,000 ft	4,000 ft	12,000 ft	N/A	6,000 ft
ACP 5 GRA 3	N/A	2,000 ft	2,000 ft	4,000 ft	8,000 ft	N/A	2,000 ft
ACP 5 GRA 4	N/A	N/A	1,500 ft	N/A	1,500 ft	N/A	1,500 ft
ACP 6 GRA 1	N/A	2,000 ft	2,000 ft	4,000 ft	8,000 ft	N/A	2,000 ft
ACP 6 GRA 2	N/A	N/A	2,000 ft	4,000 ft	6,000 ft	N/A	500 ft
ACP 6 GRA 3	N/A	N/A	2,000 ft	4,000 ft	6,000 ft	N/A	500 ft
ACP 6 GRA 4	N/A	2,000 ft	2,000 ft	4,000 ft	8,000 ft	N/A	2,000 ft
ACP 6 GRA 5	N/A	N/A	N/A	N/A	N/A	N/A	N/A

Note: Authority cited: Sections 8574.7, 8670.7.5, 8670.28, 8670.29 and 8670.30 Government Code. Reference: Sections 8574.7, 8670.28, 8670.29 and 8670.30, Government Code.