

Introduced by Senator Allen

February 17, 2016

An act to amend Section 8574.7 of the Government Code, relating to oil spills.

LEGISLATIVE COUNSEL'S DIGEST

SB 1083, as introduced, Allen. California oil spill contingency plan.

The Lempert-Keene-Seastrand Oil Spill Prevention and Response Act generally requires the administrator for oil spill response, acting at the direction of the Governor, to implement activities relating to oil spill response, including emergency drills and preparedness, and oil spill containment and cleanup, and to represent the state in any coordinated response efforts with the federal government. Existing law directs the Governor to require the administrator to amend, not in conflict with the National Contingency Plan, the California oil spill contingency plan to provide for the best achievable protection of waters of the state and to include specified elements.

This bill would require a communications element, as specified, to be developed by the administrator and included in the California oil spill contingency plan.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 8574.7 of the Government Code is
- 2 amended to read:
- 3 8574.7. The Governor shall require the administrator, not in
- 4 conflict with the National Contingency Plan, to amend the

1 California oil spill contingency plan to provide for the best
2 achievable protection of waters of the state. “Administrator” for
3 purposes of this section means the administrator appointed by the
4 Governor pursuant to Section 8670.4. The plan shall consist of all
5 of the following elements:

6 (a) A state response element that specifies the hierarchy for state
7 and local agency response to an oil spill. The element shall define
8 the necessary tasks for *the* oversight and control of cleanup and
9 removal activities associated with an oil spill and shall specify
10 each agency’s particular responsibility in carrying out these tasks.
11 The element shall also include an organizational chart of the state
12 oil spill response organization and a definition of the resources,
13 capabilities, and response assignments of each agency involved
14 in cleanup and removal actions in an oil spill.

15 (b) A regional and local planning element that shall provide the
16 framework for the involvement of regional and local agencies in
17 the state effort to respond to an oil ~~spill~~, *spill* and shall ensure the
18 effective and efficient use of regional and local resources, as
19 appropriate, in all of the following:

20 (1) Traffic and crowd control.

21 (2) Firefighting.

22 (3) Boating traffic control.

23 (4) Radio and communications control and *the* provision of
24 access to equipment.

25 (5) Identification and use of available local and regional
26 equipment or other resources suitable for use in cleanup and
27 removal actions.

28 (6) Identification of private and volunteer resources or personnel
29 with special or unique capabilities relating to oil spill cleanup and
30 removal actions.

31 (7) Provision of medical emergency services.

32 (8) Consideration of the identification and use of private working
33 craft and mariners, including commercial fishing vessels and
34 licensed commercial fishing men and women, in containment,
35 cleanup, and removal actions.

36 (c) A coastal protection element that establishes the state
37 standards for coastline protection. The administrator, in
38 consultation with the Coast Guard and Navy and the shipping
39 industry, shall develop criteria for coastline protection. If
40 appropriate, the administrator shall consult with representatives

1 from the States of Alaska, Washington, and ~~Oregon~~, *Oregon*; the
2 Province of British Columbia in ~~Canada~~, *Canada*; and the Republic
3 of Mexico. The criteria shall designate at least all of the following:

4 (1) Appropriate shipping lanes and navigational aids for tankers,
5 barges, and other commercial vessels to reduce the likelihood of
6 collisions between tankers, barges, and other commercial vessels.
7 Designated shipping lanes shall be located off the coastline at a
8 distance sufficient to significantly reduce the likelihood that
9 disabled vessels will run aground along the coast of the state.

10 (2) Ship position reporting and communications requirements.

11 (3) Required predeployment of protective equipment for
12 sensitive environmental areas along the coastline.

13 (4) Required emergency response vessels that are capable of
14 preventing disabled tankers from running aground.

15 (5) Required emergency response vessels that are capable of
16 commencing oil cleanup operations before spilled oil can reach
17 the shoreline.

18 (6) An expedited decisionmaking process for dispersant use in
19 coastal waters. Prior to adoption of the process, the administrator
20 shall ensure that a comprehensive testing program is carried out
21 for any dispersant proposed for use in California marine waters.
22 The testing program shall evaluate *the* toxicity and effectiveness
23 of the dispersants.

24 (7) Required rehabilitation facilities for wildlife injured by
25 spilled oil.

26 (8) An assessment of how activities that usually require a permit
27 from a state or local agency may be expedited or issued by the
28 administrator in the event of an oil spill.

29 (d) An environmentally and ecologically sensitive areas element
30 that shall provide the framework for prioritizing and ensuring the
31 protection of environmentally and ecologically sensitive areas.
32 The environmentally and ecologically sensitive areas element shall
33 be developed by the administrator, in conjunction with appropriate
34 local agencies, and shall include all of the following:

35 (1) Identification and prioritization of environmentally and
36 ecologically sensitive areas in state waters and along the coast.
37 ~~Identification~~ *The identification* and prioritization of
38 environmentally and ecologically sensitive areas shall not prevent
39 or excuse the use of all reasonably available containment and
40 cleanup resources from being used to protect every environmentally

1 and ecologically sensitive area possible. Environmentally and
2 ecologically sensitive areas shall be prioritized through the
3 evaluation of criteria, including, but not limited to, all of the
4 following:

5 (A) Risk of contamination by oil after a spill.

6 (B) Environmental, ecological, recreational, and economic
7 importance.

8 (C) Risk of public exposure should the area be contaminated.

9 (2) Regional maps depicting environmentally and ecologically
10 sensitive areas in state waters or along the coast that shall be
11 distributed to facilities and local and state agencies. The maps shall
12 designate those areas that have *a* particularly high priority for
13 protection against oil spills.

14 (3) A plan for protection actions required to be taken in the
15 event of an oil spill for each of the environmentally and
16 ecologically sensitive areas and protection priorities for the first
17 24 to 48 hours after an oil spill shall be specified.

18 (4) The location of available response equipment and the
19 availability of trained personnel to deploy the equipment to protect
20 the priority environmentally and ecologically sensitive areas.

21 (5) A program for systemically testing and revising, if necessary,
22 protection strategies for each of the priority environmentally and
23 ecologically sensitive areas.

24 (6) Any recommendations for action that cannot be financed or
25 implemented pursuant to existing authority of the ~~administrator,~~
26 ~~which administrator.~~ *Those recommendations* shall also be reported
27 to the Legislature along with recommendations for financing those
28 actions.

29 (e) A reporting element that requires the reporting of spills of
30 any amount of oil in or on state waters.

31 (f) *A communications element that shall provide the framework*
32 *for efficient and timely communications within the unified*
33 *command; between local, state, and federal agencies; and with*
34 *the public. This element shall be developed by the administrator*
35 *with feedback from local agencies and shall establish all of the*
36 *following:*

37 (1) *A process for developing and maintaining a database of*
38 *local public information officers in each coastal county.*

1 (2) *A process to ensure timely and accurate information is*
2 *provided to the news media and social media consistent with both*
3 *of the following:*

4 (A) *For incidents in which a unified command structure is put*
5 *in place and for which a joint information center is established,*
6 *personnel from the responsible party shall not serve as the initial*
7 *information officer, the lead public information officer, or the joint*
8 *information center manager.*

9 (B) *Personnel from the responsible party shall not have a role*
10 *in the development, review, or approval of draft news releases or*
11 *other material created on behalf of the unified command for the*
12 *purpose of communicating with the public.*

13 (3) *A mechanism to ensure critical information from local*
14 *agencies or local nongovernmental organizations can be shared*
15 *with relevant members of the unified command.*

16 (4) *A process for early community outreach in affected areas*
17 *that ensures the public has up-to-date and timely information on*
18 *the oil spill, including a protocol for informing each community,*
19 *city, county, and city and county of the name of the responsible*
20 *party and of the right of affected parties to file claims against the*
21 *responsible party.*