

AMENDED IN SENATE APRIL 28, 2016
AMENDED IN SENATE MARCH 31, 2016

SENATE BILL

No. 1083

**Introduced by Senator Allen
(Coauthor: Senator Jackson)**

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 amended, 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:

SECTION 1. Section 8574.7 of the Government Code is amended to read:

8574.7. The Governor shall require the administrator, not in conflict with the National Contingency Plan, to amend the California oil spill contingency plan to provide for the best achievable protection of waters of the state. "Administrator" for purposes of this section means the administrator appointed by the Governor pursuant to Section 8670.4. The plan shall consist of all of the following elements:

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

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

- (1) Traffic and crowd control.
- (2) Firefighting.
- (3) Boating traffic control.
- (4) Radio and communications control and the provision of access to equipment.
- (5) Identification and use of available local and regional equipment or other resources suitable for use in cleanup and removal actions.
- (6) Identification of private and volunteer resources or personnel with special or unique capabilities relating to oil spill cleanup and removal actions.
- (7) Provision of medical emergency services.
- (8) Consideration of the identification and use of private working craft and mariners, including commercial fishing vessels and

1 licensed commercial fishing men and women, in containment,
2 cleanup, and removal actions.

3 (c) A coastal protection element that establishes the state
4 standards for coastline protection. The administrator, in
5 consultation with the Coast Guard and Navy and the shipping
6 industry, shall develop criteria for coastline protection. If
7 appropriate, the administrator shall consult with representatives
8 from the States of Alaska, Washington, and Oregon; the Province
9 of British Columbia in Canada; and the Republic of Mexico. The
10 criteria shall designate at least all of the following:

11 (1) Appropriate shipping lanes and navigational aids for tankers,
12 barges, and other commercial vessels to reduce the likelihood of
13 collisions between tankers, barges, and other commercial vessels.
14 Designated shipping lanes shall be located off the coastline at a
15 distance sufficient to significantly reduce the likelihood that
16 disabled vessels will run aground along the coast of the state.

17 (2) Ship position reporting and communications requirements.

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

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

22 (5) Required emergency response vessels that are capable of
23 commencing oil cleanup operations before spilled oil can reach
24 the shoreline.

25 (6) An expedited decisionmaking process for dispersant use in
26 coastal waters. Prior to adoption of the process, the administrator
27 shall ensure that a comprehensive testing program is carried out
28 for any dispersant proposed for use in California marine waters.
29 The testing program shall evaluate the toxicity and effectiveness
30 of the dispersants.

31 (7) Required rehabilitation facilities for wildlife injured by
32 spilled oil.

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

36 (d) An environmentally and ecologically sensitive areas element
37 that shall provide the framework for prioritizing and ensuring the
38 protection of environmentally and ecologically sensitive areas.
39 The environmentally and ecologically sensitive areas element shall

1 be developed by the administrator, in conjunction with appropriate
2 local agencies, and shall include all of the following:

3 (1) Identification and prioritization of environmentally and
4 ecologically sensitive areas in state waters and along the coast.
5 The identification and prioritization of environmentally and
6 ecologically sensitive areas shall not prevent or excuse the use of
7 all reasonably available containment and cleanup resources from
8 being used to protect every environmentally and ecologically
9 sensitive area possible. Environmentally and ecologically sensitive
10 areas shall be prioritized through the evaluation of criteria,
11 including, but not limited to, all of the following:

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

13 (B) Environmental, ecological, recreational, and economic
14 importance.

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

16 (2) Regional maps depicting environmentally and ecologically
17 sensitive areas in state waters or along the coast that shall be
18 distributed to facilities and local and state agencies. The maps shall
19 designate those areas that have a particularly high priority for
20 protection against oil spills.

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

25 (4) The location of available response equipment and the
26 availability of trained personnel to deploy the equipment to protect
27 the priority environmentally and ecologically sensitive areas.

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

31 (6) Any recommendations for action that cannot be financed or
32 implemented pursuant to existing authority of the administrator.
33 Those recommendations shall also be reported to the Legislature
34 along with recommendations for financing those actions.

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

37 (f) (1) A communications element that shall provide the
38 framework for efficient and timely communications within the
39 unified command; between local, state, and federal agencies; and
40 with the public. This element shall be developed by the

1 administrator, with the administrator requesting input from local
2 agencies, and shall include all of the following:

3 (A) A process for developing and maintaining a database of
4 local public information officers in each coastal county.

5 ~~(B) A process to ensure timely and accurate information is~~
6 ~~provided to the news media and social media consistent with both~~
7 ~~of the following:~~

8 ~~(i) The administrator, for incidents where the administrator has~~
9 ~~the authority to do so, may appoint a lead public information officer~~
10 ~~or joint information center manager, who shall be state personnel.~~

11 ~~(ii) The administrator, for incidents where the administrator has~~
12 ~~the authority to do so, shall retain final approval authority for news~~
13 ~~releases or other material created on behalf of the unified command~~
14 ~~for the purpose of communicating with the public.~~

15 ~~(C)~~

16 (B) A mechanism to ensure critical information from local
17 agencies or local nongovernmental organizations can be shared
18 with relevant members of the unified command.

19 ~~(D)~~

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

26 (2) The administrator shall incorporate this element within the
27 California oil spill contingency planning framework established
28 by federal and state law and regulation, to the extent feasible.