

1 [Supporting California State Senate Bill 709 (Wiener) - Oil Spill Response and Contingency
2 Planning]

3 **Resolution supporting California State Senate Bill 709, authored by Senator Wiener,**
4 **and co-authored by Senators Allen, Beall, Hill, McGuire, Skinner, and Stern, to**
5 **establish oil spill contingency plans and revising requirements for Oil Spill Response**
6 **Organizations to recover and contain non-floating oils, such as tar sands, in the event**
7 **of an oil spill.**

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9 WHEREAS, The Lempert-Keen-Seastrand Oil Spill Prevention and Response Act was
10 enacted in 1990 following recent accidents in southern California, Alaska, other parts of the
11 nation, and Canada, which demonstrated that transportation of oil could be a significant threat
12 to the environment of sensitive areas, and that existing prevention programs were not able to
13 sufficiently reduce the risk of significant discharge of petroleum into state waters; and

14 WHEREAS, The Oil Spill Prevention and Response Act currently requires the
15 Administrator for Oil Spill Response, appointed by and acting at the direction of the Governor,
16 to implement activities relating to oil spill response, including emergency drills and
17 preparedness, and oil spill containment and cleanup, and to represent the state in any
18 coordinated response efforts with the federal government; and

19 WHEREAS, The Oil Spill Prevention and Response Act also requires the Administrator
20 to adopt and implement regulations governing the adequacy of oil spill contingency plans and
21 to provide for the best achievable protection of coastal and marine waters; and

22 WHEREAS, California State Senate Bill 709 (SB 709) would require, if non-floating oil
23 such as tar sand is present, that the oil spill contingency plan filed with and approved by the
24 Administrator identify one Oil Spill Response Organization (OSRO) capable of oil spill
25 response activities related to that non-floating oil; and

1 WHEREAS, SB 709 would also require the oil spill contingency plan to describe
2 procedures, techniques, and demonstrated technologies effective for responding to a spill of
3 the non-floating oil; and

4 WHEREAS, Existing law authorizes an OSRO to apply to the Administrator for a rating
5 of that OSRO's response capabilities, and, upon receiving a completed application for that
6 rating, require the Administrator to review the application and rate the OSRO based on the
7 OSRO's satisfactory compliance with criteria established by the Administrator; and

8 WHEREAS, SB 709 would require that those elements include the type of oil, including
9 non-floating oils, such as tar sands, the OSRO is capable of recovering and containing, and
10 require that certain regulations adopted by the Administrator be consistent with the 2016
11 United States Coast Guard OSRO classification program; and

12 WHEREAS, Non-floating oils that sink to the bottom or remain suspended in the water
13 column pose risks to certain resources that are not normally affected by floating oils, including
14 risks to fish, shellfish, seagrasses, and other benthic (seabed) and water-column biota, and
15 episodic re-oiling of shorelines; now, therefore, be it

16 RESOLVED, That the San Francisco Board of Supervisors states their support for
17 SB 709 and urges California Governor Jerry Brown to sign SB 709 into law; and, be it

18 FURTHER RESOLVED, That a copy of this Resolution be delivered to the Offices of
19 California Governor Jerry Brown and Senator Wiener.

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