

California Senate Bill 414

Eric Milstein, Assistant Chief Counsel

California Department of Fish and Wildlife, Office of Spill Prevention
and Response

- Introduced in February of 2015, current version by Senator Hannah-Beth Jackson (D-19, Santa Barbara & Ventura Counties).
- A “Gut & Amend” bill that originally covered a completely different topic. Amended in June to address perceived concerns regarding the Refugio spill.
- Known as the “Rapid Oil Spill Response Act.”
- Originally covered a broad swath of spill response issues.
- Discussions with author’s office resulted in a bill of narrower scope.
- Signed into law by the Governor on October 8, 2015.

Major Points of 414

1. Coordinate with the USCG to establish a publicly available schedule of drills and exercises;
2. Requires the evaluation of the use of vessels of opportunity (VOO) during spill response;
3. Requires the Legislature to be notified whenever dispersants are used;
4. Support Federal Regional Response Teams (RRT) in the development of plans and procedures for the use of dispersants in California waters;
5. Assess the presence and capability of tugs to provide emergency towing services;
6. Report to the Legislature on Best Achievable Technology for oil spill response; and
7. Deletes any administrative credit a responsible party could get for recovered oil.

Coordinate with the USCG to establish a schedule of Drills and Exercises

- Adds Government Code § 8670.11.
- Status:
 - OSPR will continue to publish announced drills and exercises on it's webpage.

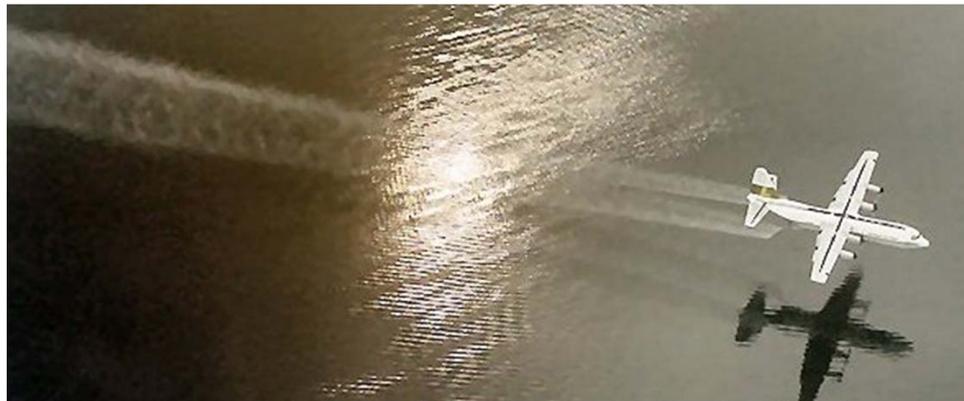
Requires the evaluation of the use of vessels of opportunity (VOO) during spill response

- Adds Government Code § 8670.55.1
- To be discussed in detail by panelist Mr. Steve Ricks.



Dispersants

- Adds Government Code § 8670.13.3.
 - *“If dispersants are used in response to an oil spill in state waters, the administrator shall provide written notification of their use to the Legislature. . .”*
- Amends Government Code § 8670.12.
 - After study, update the Federal California Dispersant Plan;
 - Evaluate the effectiveness and impacts of the use of dispersants; and
 - Support Federal Regional Response Teams (RRT) in the development of plans and procedures for the use of dispersants in California waters.



Dispersants

- Status:
 - OSPR will provide the necessary notifications when dispersants are used in state waters.
 - OSPR will work with the RRTs in studying this matter.



Tugs

- Amends Government Code § 8670.13(d)(1):
 - “The administrator shall direct the Harbor Safety Committees, established pursuant to Section 8670.23, to assess the presence and capability of tugs within their respective geographic areas of responsibility to provide emergency towing of tank vessels and nontank vessels to arrest their drift or otherwise guide emergency transit.”
- Status: The HSC’s have workgroups addressing this.



Best Achievable Technology

- Amends Government Code § 8670.13:
 - (a) The administrator shall periodically evaluate the feasibility of requiring new technologies to aid prevention, response, containment, cleanup, and wildlife rehabilitation.
 - (b) (1) On or before January 1, 2017, the administrator shall submit a report to the Legislature, pursuant to Section 9795, assessing the best achievable technology of equipment for oil spill prevention, preparedness, and response.
 - (2) The report shall evaluate studies of estimated recovery system potential as a methodology for rating equipment in comparison to effective daily recovery capacity.
 - (3) Pursuant to Section 10231.5, this subdivision is inoperative on July 1, 2020.
 - (c) (1) Including, but not limited to, the report prepared pursuant to subdivision (b), the administrator shall update regulations governing the adequacy of oil spill contingency plans for best achievable technologies for oil spill prevention and response no later than July 1, 2018.
 - (2) The updated regulations shall enhance the capabilities for prevention, response, containment, cleanup, and wildlife rehabilitation.
- Status: OSPR has been working on updating the BAT reports for a number of years and will add these new requirements into the reports.

Spill Credit

- Amends Government Code §8670.67.5:
 - **Strict liability**

(a) Regardless of intent or negligence, any person who causes or permits a spill shall be strictly liable civilly in accordance with subdivision (b) or (c).

(b) A penalty may be administratively imposed by the administrator in accordance with Section 8670.68 in an amount not to exceed twenty dollars (\$20) per gallon for a spill.

(c) Whenever the release of oil resulted from gross negligence or reckless conduct, the administrator shall, in accordance with Section 8670.68, impose a penalty in an amount not to exceed sixty dollars (\$60) per gallon for a spill.

- A related bill, AB 1842, adds a section to the Fish and Game code for spills of deleterious substances which adds a civil penalty “of not more than ten dollars (\$10) for each gallon or pound of material discharged.”