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

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

WHEREAS, The Oil Spill Prevention and Response Act currently requires the Administrator for Oil Spill Response, appointed by and 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; and

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

WHEREAS, California State Senate Bill 709 (SB 709) would require, if non-floating oil such as tar sand is present, that the oil spill contingency plan filed with and approved by the Administrator identify one Oil Spill Response Organization (OSRO) capable of oil spill response activities related to that non-floating oil; and
WHEREAS, SB 709 would also require the oil spill contingency plan to describe procedures, techniques, and demonstrated technologies effective for responding to a spill of the non-floating oil; and

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

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

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

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

FURTHER RESOLVED, That a copy of this Resolution be delivered to the Offices of California Governor Jerry Brown and Senator Wiener.
Resolution supporting California State Senate Bill 709, authored by Senator Wiener, and co-authored by Senators Allen, Beall, Hill, McGuire, Skinner, and Stern, to establish oil spill contingency plans and revising requirements for Oil Spill Response Organizations to recover and contain non-floating oils, such as tar sands, in the event of an oil spill.

March 14, 2017 Board of Supervisors - ADOPTED

Ayes: 11 - Breed, Cohen, Farrell, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Tang and Yee

File No. 170245

I hereby certify that the foregoing Resolution was ADOPTED on 3/14/2017 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

I hereby certify that the foregoing resolution, not being signed by the Mayor within the time limit as set forth in Section 3.103 of the Charter, or time waived pursuant to Board Rule 2.14.2, became effective without his approval in accordance with the provision of said Section 3.103 of the Charter or Board Rule 2.14.2.

Angela Calvillo
Clerk of the Board

3/24/2017

Date Approved