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AB-1658 Oil spill response and contingency planning: oil spill elements: area plans. (2021-2022)

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Assembly Bill No. 1658

CHAPTER 860

An act to amend Section 8670.35 of the Government Code, relating to oil spills.

[Approved by Governor September 30, 2022. Filed with Secretary of State September 30, 2022.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1658, Nguyen. Oil spill response and contingency planning: oil spill elements: area plans.

The Lempert-Keene-Seastrand Oil Spill Prevention and Response Act generally requires the administrator for oil spill response, who is the head of the Office of Spill Prevention and Response in the Department of Fish and Wildlife, to implement activities relating to oil spill response, including drills and preparedness, and oil spill containment and cleanup. The act requires the administrator, taking into consideration the California oil spill contingency plan, to promulgate regulations regarding the adequacy of oil spill elements of area plans adopted pursuant to specified existing law. The act authorizes the administrator to offer, to a unified program agency with jurisdiction over or directly adjacent to waters of the state, a grant to complete, update, or revise an oil spill element of the area plan. The act requires each oil spill element prepared under those provisions to be consistent with the local government's local coastal program, the California oil spill contingency plan, and the National Contingency Plan.

This bill would additionally require that each oil spill element prepared under those provisions be consistent with the area contingency plan.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. (a) It is the intent of the Legislature in enacting this act to encourage local jurisdictions to use the information from the local area plan to create a local oil spill response plan to complement state and federal oil spill contingency plans, for which the Office of Spill Prevention and Response provides technical assistance and guidance.

(b) It is further the intent of the Legislature in enacting this act that the Local Oil Spill Response Equipment Grant Program provide funding to Native American tribal governments, counties, cities, and special districts for oil spill response equipment to protect local economic resources in the event of an oil spill.

SEC. 2. Section 8670.35 of the Government Code is amended to read:

8670.35. (a) The administrator, taking into consideration the California oil spill contingency plan, shall promulgate regulations regarding the adequacy of oil spill elements of area plans required pursuant to Section 25503 of the Health and Safety Code. In developing the regulations, the administrator shall consult with the Oil Spill Technical Advisory Committee.

(b) The administrator may offer, to a unified program agency with jurisdiction over or directly adjacent to waters of the state, a grant to complete, update, or revise an oil spill element of the area plan.

(c) Each oil spill element established under this section shall include provisions for training fire and police personnel in oil spill response and cleanup equipment use and operations.

(d) Each oil spill element prepared under this section shall be consistent with the local government's local coastal program as certified under Section 30500 of the Public Resources Code, the California oil spill contingency plan, the National Contingency Plan, and the area contingency plan.

(e) If a grant is awarded, the administrator shall review and approve each oil spill element established pursuant to this section. If, upon review, the administrator determines that the oil spill element is inadequate, the administrator shall return it to the agency that prepared it, specifying the nature and extent of the inadequacies, and, if practicable, suggesting modifications. The unified program agency shall submit a new or modified element within 90 days after the element was returned, responding to the findings and incorporating any suggested modifications.

(f) The administrator shall review the preparedness of unified program agencies to determine whether a program of grants for completing oil spill elements is desirable and should be continued. If the administrator determines that local government preparedness should be improved, the administrator shall request the Legislature to appropriate funds from the Oil Spill Prevention and Administration Fund for the purposes of this section.