



History of the Lempert-Keene-Seastrand Act

On March 24, 1989 the EXXON VALDEZ spilled approximately 11 million gallons of crude oil in Alaska. Less than a year later on February 7, 1990 the AMERICAN TRADER spilled approximately 416,598 gallons of crude oil off Huntington Beach in Southern California. These events inspired the California Legislature to enact legislation in 1990 called the Lempert-Keene-Seastrand Oil Spill Prevention and Response Act. [Stats. 1990, ch. 1248 (S.B. 2040); see CA Government Code §8670.1 et seq., Public Resources Code §8750 et seq., and Revenue & Taxation Code §46001 et seq.] The Act covered all aspects of marine oil spill preparedness and response in California. It established an Administrator who is given very broad powers to implement the provisions of the Act. The Act also gave the State Lands Commission certain authority over marine terminals. In 1991 the Office of Spill Prevention and Response (OSPR) opened, headed by the Administrator.

During the early 2010's there was a boom in U.S. domestically produced crude oil, and there were several severe railroad tank car accidents. In light of this increased risk, in 2014 the Governor and the Legislature expanded the Act to cover all inland waters, such as rivers, lakes, and streams. A fee on barrels of oil received at refineries and marine terminals funds the program.

The OSPR Administrator is appointed by the Governor, subject to the advice and consent of the Senate, and serves at the pleasure of the Governor. The Administrator has the primary authority to direct preparedness, removal, abatement, response, containment, and cleanup efforts with regard to all aspects of any oil spill in waters of the state. The Administrator must provide the best achievable protection of the waters and natural resources of the state. The Administrator is also a Chief Deputy Director of the California Department of Fish and Wildlife, and as such the Administrator implements the Department's public trust authority over wildlife and habitat.

The Act establishes requirements for certain facilities, vessels, and railroads that handle and transport oil where a spill could impact state waters. These entities must have an oil spill contingency plan, demonstrate financial responsibility to pay for spill cleanup and damages, and participate in drills and exercises. The Administrator also rates the response organizations that perform oil spill cleanup work, and certifies the spill management teams relied upon to manage an oil spill.

The Act also addresses oiled wildlife capture and rehabilitation, natural resource damage assessment, Harbor Safety Committees, vessel traffic services, tug escorts, licensing of oil spill cleanup agents, enforcement, and other topics.