



# Office of Spill Prevention and Response

## History of the Office of Spill Prevention & Response

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. The Act was significantly amended in 2014.

Originally the Act covered all aspects of marine oil spill prevention 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.

The Act created an Administrator who is appointed by the Governor, subject to the advice and consent of the Senate, and serves at the pleasure of the Governor. Subject to the Governor, the Administrator has the primary authority in California to direct prevention, removal, abatement, response, containment, and cleanup efforts with regard to all aspects of any oil spill in marine waters of the state. The Governor, through the Administrator was required to provide the best achievable protection of the coast and marine waters.

The Administrator is also a Chief Deputy Director of the California Department of Fish & Wildlife, and as such the Administrator has been delegated the additional responsibilities of carrying out the statewide water pollution enforcement authority of the Department of Fish & Wildlife, derived from the CA Fish and Wildlife Code §5650.

On Nov. 7, 2007, the container ship M/V Cosco Busan released more than 53,000 gallons of oil, impacting birds, marine mammals, fish, habitat and recreation throughout the San Francisco Bay. In the years since, OSPR dramatically improved its ability to effectively help prevent and respond to oil spill emergencies by creating much stronger alliances between all stakeholders in spill response, ranging from the various levels of government to industry to concerned volunteers. OSPR also started a grant program for local governments for oil spill response equipment and training.

As the oil boom in North Dakota and Canada gained momentum, around 2012 OSPR staff recognized the start of a significant shift in oil transport in California. The shift meant more crude oil would mostly arrive in California by vessels, barges and trains and some by pipeline. While California's marine oil spill program was robust, the inland areas of the state where oil would travel by rail was not. Many types of crude oil are transferred by rail, but the production in North Dakota and Canada meant California could see an increase of as much as 143 million barrels (42 gallons per barrel) coming through the state.

In 2014, Governor Edmund G. Brown Jr. and the Legislature expanded the OSPR program to cover all statewide surface waters at risk of oil spills from any source, including pipelines and the increasing shipments of oil transported by railroads. This expansion provided critical administrative funding for inland preparedness, and funding for inland oil spill response. Senate Bill 861 authorized the expansion and provided for continued coordination with local, state and federal government agencies, along with industry and non-governmental organizations.

In 2021, Assembly Bill 148 (AB 148) was approved and covered many topics relevant to renewable fuels and oil spill preparedness and response. AB 148 made the existing provisions of the Lempert-Keene-Seastrand Oil Spill Prevention & Response Act now applicable to renewable fuels. These law changes were made in response to the evolving replacement of traditional petroleum fuels with renewable fuels. The growth of renewable fuel imports and production is desirable for many reasons, but planning and preparedness for renewable fuel spills is critical for protecting the environment during such incidents. Facilities and vessels that handle renewable fuels, which pose a risk to state waters, are now covered by the Lempert-Keene-Seastrand Act and are now within OSPR's jurisdiction. Two new categories of facilities are added to the program: Renewable Fuel Production Facility and Renewable Fuel Receiving Facility.

Key objectives of OSPR are:

- Target critical locations to stage spill responders and equipment for the best response to oil spill incidents;
- Develop effective regulations in close collaboration with local government, non-governmental organizations, industry, and tribal communities;
- Implement regulations that will guide industry, local and state government, and the public and build relationships through workshops and presentations;
- Create response plans that have the necessary depth and breadth for marine and inland areas; and,
- Build a strong response spill team and program working with industry, federal and state agencies, local governments, tribes and non-governmental organizations.

For more information on OSPR and its programs, go to: <http://www.dfg.ca.gov/ospr/About/>