

# **Report #1 Outline: Analysis of Current State and Federal Laws Addressing Oil Spill Planning and Response**

*Summary of applicable statutes, identifying strengths/weaknesses and noting how  
– and by which agency – laws are implemented.*

## **1) Executive Summary**

- a) Overview of Federal and State laws, regulations and agency responsibilities
- b) What worked (and what did not) following the DWH incident
- c) Measures to be considered to improve future actions

## **2) Introduction**

## **3) Federal Laws, Regulations and Agency Responsibilities**

- a) Laws and regulations
  - i) Oil Pollution Act of 1990 - 33 U.S.C. §2701 et seq. (1990)
    - (1) Oil and Gas and Sulfur Operations in the Outer Continental Shelf – 30 CFR 250
    - (2) Geological and Geophysical (G&G) Explorations of the Outer Continental Shelf – 30 CFR 251
    - (3) Outer Continental Shelf (OCS) Oil and Gas Information Program – 30 CFR 252
    - (4) Oil Spill Financial Responsibility for Offshore Facilities – 30 CFR 253
    - (5) Oil-Spill Response Requirements for Facilities Located Seaward of the Coast Line – 30 CFR 254
  - ii) Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) - 42 U.S.C. §9601 et seq. (1990)
    - (1) The National Oil and Hazardous Substances Pollution Contingency Plan (National Contingency Plan) – Section 105, CERCLA (42 U.S.C. §9605); 40 CFR 300
      - (a) Area Contingency Plan – US Coast Guard Sector Mobile – 33 CFR Part 3
  - iii) Clean Water Act of 1972 (formerly, Water Pollution Control Act) – 33 U.S.C. §1251 et seq. (2002)
  - iv) Outer Continental Shelf Lands Act - 43 U.S.C. §§1331-1336 (2002)
  - v) Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States (RESTORE) Act of 2012 – 33 U.S.C. §1321, Subsection (t)
- b) Federal agencies and their responsibilities
  - i) Agencies
    - (1) Coast Guard (Department of Homeland Security)
    - (2) Environmental Protection Agency
    - (3) Department of Agriculture
      - (a) Under Secretary for Natural Resources and Environment
    - (4) Department of Commerce
      - (a) National Oceanic and Atmospheric Administration
    - (5) Department of Defense
    - (6) Department of the Interior
      - (a) Fish and Wildlife Service
      - (b) Bureau of Ocean Energy Management
      - (c) Bureau of Safety and Environmental Enforcement

- ii) Department of Justice
- iii) Department of Transportation
  - (1) Pipeline and Hazardous Materials Safety Administration
- iv) Office of Management and Budget
- v) Council on Environmental Quality
- vi) Office of Science and Technology Policy
- vii) Domestic Policy Council
- viii) FEMA (Department of Homeland Security)
- ix) Roles and Responsibilities

#### **4) Pre-Incident**

- a) Brief description of functions and duties of each of the above

#### **5) Initial Spill Response**

- a) Emergency response (life safety)
- b) Control and containment
- c) Damage assessment/scoping

#### **6) Subsequent Actions**

- a) U.S. Coast Guard
- b) Gulf Coast Ecosystem Restoration Task Force

#### **7) State Laws, Regulations and Responsibilities – Gulf Coast Impacted States**

- a) Laws and regulations – Florida
  - i) State Emergency Management Act – Chapter 252, Florida Statutes
  - ii) Pollutant Discharge Prevention and Control Act – Chapter 376, F.S.
    - (1) Executive Order of the Governor – emergency declaration
      - (a) Designation of State Coordinating Officer;
      - (b) Designation of lead state agency;
      - (c) Waiver or deviation from certain statutes, rules, ordinances or orders as necessary (by further emergency rule or order) – s. 120.54(4), F.S.
        - (i) State Agency Responsibilities
  - iii) Office of the Governor
  - iv) Florida Legislature
  - v) Florida Department of Environmental Protection
  - vi) Florida Division of Emergency Management
  - vii) Florida Fish and Wildlife Conservation Commission
  - viii) Florida Department of Transportation
  - ix) Florida National Guard

#### **8) Local Government Roles and Responsibilities – Florida**

- a) Affected counties
  - i) Escambia
  - ii) Santa Rosa
  - iii) Okaloosa
  - iv) Walton
  - v) Bay

- vi) Gulf
- vii) Franklin
- viii) Wakulla

**9) Analysis of Existing Laws and Regulations**

**10) Recommendations**

**11) References**

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