

111TH CONGRESS
2^D SESSION

H. R. 5677

To amend the Outer Continental Shelf Lands Act and the Federal Water Pollution Control Act to modernize and enhance the Federal Government's response to oil spills, to improve oversight and regulation of offshore drilling, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 1, 2010

Mr. YOUNG of Florida introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Outer Continental Shelf Lands Act and the Federal Water Pollution Control Act to modernize and enhance the Federal Government's response to oil spills, to improve oversight and regulation of offshore drilling, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the "Secure All Facilities
5 to Effectively Guard the United States Against and Re-

1 spond to Dangerous Spills Act of 2010” or the “SAFE-
2 GUARDS Act of 2010”.

3 **SEC. 2. OIL SPILL RESPONSE PLANS FOR DRILLING ON THE**
4 **OUTER CONTINENTAL SHELF.**

5 The Outer Continental Shelf Lands Act (43 U.S.C.
6 1331 et seq.) is amended by adding at the end the fol-
7 lowing:

8 **“SEC. 32. OIL SPILL RESPONSE PLAN REQUIREMENTS.**

9 “The Secretary may not issue any permit or other
10 authorization for exploration for or production of oil and
11 gas under a lease under this Act unless an oil spill re-
12 sponse plan for the operations of the facility on which the
13 activity is conducted has been approved by the Secretary
14 of the Department in which the Coast Guard is operating
15 as meeting the requirements for such a plan under section
16 311(j) of the Federal Water Pollution Control Act (33
17 U.S.C. 1321(j)).”.

18 **SEC. 3. APPROVAL OF OIL SPILL RESPONSE PLANS.**

19 Section 311(j)(5)(A) of the Federal Water Pollution
20 Control Act (33 U.S.C. 1321(j)(5)(A)) is amended by add-
21 ing at the end the following:

22 “(iii) Not later than 180 days after the date of
23 enactment of the SAFEGUARDS Act of 2010, the
24 President shall issue regulations to ensure that an
25 owner or operator of an offshore facility is not in

1 compliance with requirements under this paragraph
2 unless the owner or operator submits the plan re-
3 quired under clause (i) to the Secretary of the De-
4 partment in which the Coast Guard is operating and
5 the Secretary approves the plan.”.

6 **SEC. 4. CONTAINMENT DEVICE OR BLOWOUT PREVENTER**
7 **FAILURE.**

8 Section 311(j)(5)(A)(i) of the Federal Water Pollu-
9 tion Control Act (33 U.S.C. 1321(j)(5)(A)(i)) is amended
10 by inserting before the period at the end the following:
11 “, including as the result of an uncontrolled or uncon-
12 tained discharge from a well”.

13 **SEC. 5. WATER QUALITY MONITORING.**

14 Section 311(d)(2) of the Federal Water Pollution
15 Control Act (33 U.S.C. 1321(d)(2)) is amended by adding
16 at the end the following:

17 “(N) Water quality monitoring by the Ad-
18 ministrator of waters affected by discharges of
19 oil or other hazardous substances that begins
20 not later than 48 hours after such a discharge
21 is reported.”.

22 **SEC. 6. EXTENSION OF DEADLINE FOR REVIEW OF EXPLO-**
23 **RATION PLAN.**

24 Section 11(c)(1) of the Outer Continental Shelf
25 Lands Act (43 U.S.C. 1340(c)(1)) is amended—

1 (1) by striking “thirty days” and inserting “90
2 days”; and

3 (2) by inserting before the last sentence the fol-
4 lowing: “The Secretary may extend such 90-day pe-
5 riod by 60 days if the Secretary certifies that such
6 extension is necessary to allow adequate consider-
7 ation of the plan.”.

8 **SEC. 7. NATIONAL INCIDENT COMMANDER.**

9 Section 311(d)(2)(I) of the Federal Water Pollution
10 Control Act (33 U.S.C. 1321(d)(2)(I)) is amended by in-
11 serting before the period at the end the following: “, which
12 shall include the designation of the Commandant of the
13 Coast Guard as the National Incident Commander for all
14 activities in response to such a discharge or threat if such
15 a discharge or threat affects waters with respect to which
16 the Coast Guard is responsible for response efforts under
17 the Plan”.

18 **SEC. 8. CATEGORICAL EXCLUSIONS PROHIBITED.**

19 Section 11(c) of the Outer Continental Shelf Lands
20 Act (43 U.S.C. 1340(c)) is amended by redesignating
21 paragraph (4) as paragraph (5), and by inserting after
22 paragraph (3) the following:

23 “(4) An exploration plan submitted under this sub-
24 section shall not be eligible for a categorical exclusion

1 under the National Environmental Policy Act of 1969 (42
2 U.S.C. 4321 et seq).”.

3 **SEC. 9. UPDATE OF NATIONAL CONTINGENCY PLAN.**

4 Not later than 6 months after the date of enactment
5 of this Act, and at least every 5 years thereafter, the
6 President shall update the National Contingency Plan re-
7 quired under section 311(d) of the Federal Water Pollu-
8 tion Control Act (33 U.S.C. 1321(d)) and shall ensure
9 that each update includes separate response plans for—

10 (1) discharges of oil or other hazardous mate-
11 rials into or upon land; and

12 (2) discharges of oil or other hazardous mate-
13 rials into or upon water.

○