

111<sup>TH</sup> CONGRESS  
2<sup>D</sup> 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.

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## 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

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## 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.

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