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From: Legal Affairs [legal@ursa.zzn.com]
Sent: Friday, January 28, 2011 5:55 PM
To: sbcob
Cc: uplandresearchscienceaction@yahoogroups.com
Subject: Petroleum Code Amendments 11-00015

January 6, 2010

Santa Barbara Board of Supervisors
Via Web

RE: Ordinance Amending Chapter 25, Petroleum Code, to Address Regulation of “High Risk”
Petroleum Operations & Operators

ABSTRACT: This letter advocates a finely tuned ordinance establishing local control to prevent oil spills, supports certain specific recommendations of the EDC and addresses an objection raised at the initial hearing.

Dear Chair Gray & Members of the Board:

At the initial hearing on this ordinance someone asked why Santa Barbara county might have a somewhat tighter regulation than the Federal guideline. The following section addresses that objection:

I. Against "One Size Fits All" Federal Regulations

(1) The Federal guideline is written with a kind of “Joe Average” community in mind – including heavily urbanized, even industrialized regions. The threshold in definitions which apply to the severity of oil spillage which triggers heightened scrutiny are a minimal standard which would apply to places which do not have the wealth of natural beauty and priceless natural resources such as the Channel Islands marine protected areas and the plethora of rare and endangered species habitat areas. Driving from Newark south on the New Jersey Turnpike, one goes past oil refineries with a famous environmental impact on an olfactory level which might be an appropriate sacrifice for those counties. Spills up to the Federal threshold might not be quite as alarming in those areas, although there is a tremendous resource of natural habitat, even there, which do warrant protection at an appropriate level – perhaps at the level reflected in Federal guidelines. And of course, New Jersey is famous for its many urban treasures, from the songs of Frank Sinatra and Bruce Springsteen, the stellar athletic spectacle offered by the Giants, and the phenomenal education offered at places such as Princeton and Rutgers. Nevertheless, the Gaviota Coast is not New Jersey, and is entitled to its own customized regulatory structure.

(2) According to the school of thought offering the objection, Federal agencies are not to be afforded the same degree of latitude with respect to tailoring regulations to local circumstances. In fact, the kinds of editorials proffered by conservative Republican economists and social theorists frequently lamblaste Federal government in terms that often seem, at best, to be reminiscent of the Whiskey Rebellion in that they overtly challenge the legitimacy of Federal government, period. Be all that as it may, it seems self-contradictory for the neo-classical economists, or whatever, exactly, they are calling themselves these days, to attack Federal

regulatory authority as the malefactors of economic malaise, and then blithely suggest that we should rely on the Federal generic guideline, for our unique and much-beloved natural environment. In summary, one size does not fit all.

II. Supporting Certain Recommendations of EDC

(1) On a more technical level, this letter supports the detail work of Environmental Defense Center over signature of Nathan Alley, to wit:

Pertinent to the subheading of
Remediation Requirements of High Risk Operations

Subsection 25-43(b)(2)(b)(i)

Concur with EDC that "High Risk Operator" should be edited to simply read "Operator"

(2) Also please take note of concurrence with EDC's suggestion to strike "Any shut-down order issued under this section shall be cancelled when the cause of the shut down order has been remediated" and replace with language that addresses the "cause of

the shut-down order". The rationale is that an operator might be in compliance with the goals/guidelines requirement without addressing the cause of the oil spills. Under the kind of language proposed by EDC, the County would have the requisite legal standing to address the cause of the oil spills.

Conclusion

As usual, the Environmental Defense Center adopts a tone which is not necessarily palatable to those in industry who are primarily concerned with responsibility to their stockholders, and to County government forces which may be concerned with maintaining a business friendly environment to support economic opportunity for its constituents and a solid tax base for county government. If adding this voice to the mix can help to allay some of the tension between those constituency groups, it will have served its purpose.

The undersigned is a veteran of the great Oil Chemical and Atomic Workers union and supports responsible stewardship of energy resources with recognition that there is a role to be played by oil and gas, nuclear, wind and solar energy, with coal being the most problematic energy source. Santa Barbara citizens are fortunate to have an opportunity to work with the oil and gas industry to forge solutions to problems, such as oil spills which can create very serious detrimental impacts on the environment. Honest companies, and no basis is suggested that any Santa Barbara firm is not such, deserve protection from competitors who might not meet their high standards in protecting the environment, including citizens, from the effect of petrochemical spills.

Upland Research Science Action is a network of websites with several thousand members which promotes dialogue between environmentalists, business leaders, and advocates for economic justice in our communities and workplaces in the USA, with affiliates in the EU and elsewhere. URSA is committed to promoting awareness of the settled science of global climate change and the application of established science to promote responsible stewardship of the creation.

Sincerely yours,

Geoffery Bard

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