

# Oil Development Moratorium

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## TEXT OF PROPOSED ORDINANCE PROPOSITION N

NOTE: These sections are entirely new.

Be it ordained by the People of the City and County of San Francisco:

### Section 1. Findings.

(a) The development of crude oil and gas processing and support facilities related to oil and gas drilling and production may create unacceptable risks to the quality of life, the environment, and the long-term economic well-being of San Francisco.

(b) Spills of crude oil from tankers, pipelines, refineries, storage facilities and staging areas would have serious environmental and economic consequences, including destruction of marine and avian life; fouling of beaches, estuaries and other bodies of water; degradation of scenic coastal resources; harm to fishing and tourist industries; danger of fire and explosion and creation of noxious odors. These dangers exist because spill containment and cleanup technologies are currently inadequate. Presently, only 5 to 15 percent of spilled oil has been recovered in past cleanup efforts,

according to the federal government.

(c) On-shore disposal or storage of drilling muds, cuttings and produced waters can result in serious degradation of water quality. These by-products of drilling activities can contain very substantial amounts of toxics, additives, oil and grease, and heavy metals, all of which, when introduced into the environment, cause serious adverse impacts to the health and welfare of the residents of San Francisco.

(d) San Francisco has been declared an air quality non-attainment area by the federal government and is already suffering from the adverse consequences of air pollution. The increased emission of pollutants, including volatile organic compounds, from activities connected with loading, unloading, ballasting, flushing, refining and storage operations would further degrade air quality.

(e) Oil and gas processing and support facilities would create increased levels of noise detrimental to the quality of life in San Francisco.

### Section 2. Definitions.

"CRUDE OIL AND GAS PROCESSING AND SUPPORT FACILITIES" means:

(a) **REFINERIES:** Facilities that process, convert, refine and/or treat crude oil and gas, including facilities that separate crude oil and gas from sea water and dissolved chemicals;

(b) **PIPELINES AND PIPELINE FACILITIES:** Pipelines, pipeline landfalls and other related methods by which crude oil and gas are transported to crude oil and gas processing and support facilities;

(c) **CRUDE OIL TANKER FACILITIES:** Facilities, including marine terminals, for the purpose of accommodating the loading or unloading of crude oil and natural gas;

(d) **STORAGE FACILITIES:** Facilities for the purpose of storing crude oil and gas, including tank farms, or storing chemicals, drilling muds, cuttings, produced waters and other toxic materials used in the production of

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oil and gas products;

(e) **STAGING AREAS:** Facilities, yards and other areas designated for the purpose of transporting equipment to be used in or personnel employed in the construction or operation of oil drilling facilities;

(f) **WASTE DISPOSAL FACILITIES:** Facilities for the purpose of disposing of drilling muds, cuttings and produced waters generated in the course of drilling oil and gas wells.

### Section 3. Duration of Moratorium.

The moratorium set forth herein shall expire at the end of two (2) years after the effective date of this ordinance unless extended by further action of the Board of Supervisors.

### Section 4. Conditions of Moratorium; Penalty.

(a) No permit or license shall be granted for any use, development or construction of crude oil and gas processing and support facilities.

(b) The use, development or construction of any facility for the purposes defined in Section

2 shall be prohibited for the duration of this ordinance.

(c) The City and County of San Francisco may commence an action to enjoin any actual or threatened use, development or construction of any crude oil and gas processing and support facilities in violation of this ordinance.

(d) Any person using, developing or constructing any crude oil and gas processing and support facilities in violation of this ordinance shall be guilty of a misdemeanor. Any person convicted of a misdemeanor shall be punished by a fine of not more than five hundred dollars (\$500) or six (6) months in jail, or both. Each use, development or construction of such facilities in violation of this ordinance shall constitute a separate and distinct offense.

### Section 5. Planning Commission Study.

(a) The City Planning Commission shall study the need for permanent and comprehensive controls and shall prepare prohibitory legislation for the Board of Supervisors to con-

sider before the expiration of this ordinance or any duly enacted extension.

(b) Specifically, the City Planning Commission shall determine the following:

(1) The social, economic and physical impact of the use, development and construction of crude oil and gas processing and support facilities.

(2) The necessity for the absolute prohibition of the use, development and construction of crude oil and gas processing and support facilities.

### Section 6. Severability.

If any provision or clause of this ordinance or its application to any person or circumstance is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other chapter provisions, and clauses of this chapter are declared to be severable.