



OIL SPILL PREVENTION AND RESPONSE TECHNICAL ADVISORY COMMITTEE (TAC) Meeting Minutes



July 29, 2008

9:30 a.m. - 3:30 p.m.

U.S. Army Corps of Engineers
Bay Model Visitor's Center
2100 Bridgeway, Sausalito, CA 94965

Attendance:

Members	Agency Representatives	DFG/OSPR Participants		Guests	Constituents
Stephen Ricks	Robin Blanchfield	Lisa Vandenput	Stephen Edinger	Scott Schaefer	Tom Bartlett
Jonna Mazet	Gary Gregory	Steve Sawyer	Forrest Gardens	Kathy Gregory	Ike Ikerd
Matt Rezvani	Kevin Mercier	Marguerite Diaz	Joy Lavin-Jones		
R. Mitchel Beauchamp	Ellen Faurot-Daniels	Bud Leland			
Joan Lundstrom	Linda Scourtis	Dave Cornejo			
Jennifer Kovecses					
Linda Sheehan					
John Berge					
Sejal Choksi					

I. INTRODUCTIONS

WILLIAM (BUD) LELAND

- ❖ Stephen Ricks turned introductions over to William Leland who introduced OSPR's new Acting Administrator, Mr. Stephen L. Edinger. Stephen was appointed acting administrator on July 27, 2008. A pledge was made by Stephen Edinger to TAC to form a team-relationship to address a number of issues and incorporate Bureau of State Audits recommendations.
- ❖ Bud Leland read the Oath of Office to Mr. Berg and Mr. Berg accepted the Oath. Mr. John Berge represents the Dry Cargo industry.
- ❖ TAC welcomed its new members and reiterated the mission of TAC.

II. APPROVAL OF THE MINUTES

STEPHEN RICKS (CHAIRPERSON) TAC

- ❖ There were questions about the attendees for last meeting; we will look at last sign in sheet.
- ❖ Corrections were made to page 1, 2 noted on prior meeting minutes. Mitch Beauchamp motioned to approve with changes. Joan Lundstrom seconded, Sejal Choksi and Linda Sheehan abstained.
- ❖ Meeting minutes were unanimously approved with changes.

III. OSPR UPDATE

STEPHEN EDINGER

- ❖ Lisa Curtis left her position as Administrator due to changes needed by the Schwarzenegger Administration; she has returned to law enforcement within DFG.
- ❖ Concerns were raised regarding the TAC meeting scheduling, the release of draft meeting minutes and notification of meeting dates/times; duly noted by TAC.
- ❖ As a solution, at the end of each TAC meeting, a time, date and location will be agreed upon for the next meeting.

IV. PUBLIC COMMENTS

- ❖ No comments from the public.

V. AGENCY REPORTS

❖ **California Coastal Commission**

ELLEN FAUROT-DANIELS

Report provided: Ellen handed out a Final Report

- ♦ Ellen Faurot-Daniels handed out the final report for the first year of the interagency agreement between the California Coastal Commission and OSPR for fiscal years 2007-09.
- ♦ This report lays out specific tasks for the Coastal Commission (CCC) by the Lempert-Keen Act.
- ♦ The interagency agreement will be revisited June 2009.
- ♦ The California Coastal Commission absorbed costs with equipment purchases of about \$15,000 and may seek to amend the current agreement.
- ♦ A volunteer subcommittee of the San Francisco Bay-Delta Area Committee was formed to address local government's needs to coordinate efforts.
- ♦ Topics discussed include releasing information such as: press releases, brochures and hand-outs to the public, local governments, the Coast Guard and environmental groups.

- ♦ Area, regional and national contingency plans are being updated.
- ♦ Information for volunteers will be available at beaches, marinas, harbors and environmental group offices.
- ♦ The information will include: a listing of volunteer centers, how ICS works, which areas will be affected by the spill, how life works in response groups, and a defined job listing.
- ♦ Local Governments are interested in response programs however money is the largest barrier to participation.
- ♦ Volunteers are considered employees of the State of California; eligible for workers compensation.
- ♦ The Coast Guard doesn't have an OSPR type management program for non wildlife volunteers.
- ♦ Political pressure has been evident at the Board of Supervisors for each county to create plans and to implement them.
- ♦ The main concern for volunteers is safety.
- ♦ The State can train the California Conservation Corps to help with direct oil contact. The general public will be directed to do equally important tasks removed from hazardous situations.
- ♦ Materials were handed out at a drill in Bolinas, California, to government officials, the media and citizens. A couple of reporters used the materials in their coverage.
- ♦ Recently a cabinet level person has been appointed in the Governor's Office to primarily handle volunteer efforts. This includes a phone-bank used to match volunteers with the needs of the State.
- ♦ The Governor's Office will be using an online application system center to funnel information to state and local departments for volunteer response.
- ♦ Response contractors are not responsible for volunteers and will not be displaced by volunteers.
- ♦ Equally important tasks include: answering phone calls, staffing volunteer centers, beach monitoring, etc...
- ♦ Some standard items need to be on hand: Time Sheets, boiler plate press releases, what resources are available at the county level, job descriptions and other information to track people.

❖ **State Lands Commission**

GARY GREGORY

Reports Provided:

- ♦ On May 14, 2008 a tug boat "Independence" was involved in an allision with a facility. One pipeline ruptured resulting in 5 gallons of petroleum to enter the water. The Coast Guard is performing an investigation. The facility has been fixed and it is running. The repairs should be good for 3-5 years. They may or may not rehab the facility. They are currently being audited for MOTEMS standard. They may or may not close the facility. All four people of the crew were let go.
- ♦ The Joint Tanker Inspection Program, involving the Coast Guard, the Port of Long Beach and the Port of Los Angeles is running. They are providing training to LA and Long Beach fire departments.
- ♦ SLC is down a considerable number of people. Pay level is a major issue. We're 28% below average. New examination inspector position is being posted 20 applications. 14 were actually qualified. No pool of people to draw from; SLC is reexamining the specifications. 7 Inspectors in operation at this time.
- ♦ MOTEMS audit August 6 is the last day to submit audit requests for high risk facilities, 30 day turnaround with finals by December 2008. Those audits lead to timeframes, plans, and contracts by which facilities will be upgraded to MOTEMS standards. All the terminals in LA and Long Beach will not be able to make those requirements; brand new terminals will be built.
- ♦ Every 6 months: High, Medium and Low terminals will be examined.
- ♦ High risk terminals are classified by the volume of oil at-risk when the terminal is not in transfer mode. Any pipeline with over 1200 standing barrels qualifies to have a high-risk rating regardless of terminal condition.
- ♦ The California Energy Commission's concern is that throughput would be reduced by companies deciding that they will not rehabilitate these terminals because they are being pushed aside by container facilities.
- ♦ The integrity of the terminals in the Bay Area is in much better shape than the ones in Southern California.
- ♦ Birth 400 in LA/Long Beach continues to have public talks regarding barrel delivery.

❖ **BCDC**

LINDA SCOURTIS

Report Provided:

- ♦ BCDC's staff time has been to work with the S.F. Harbor Safety Committee to assist OSPR in response to the Governors Directive to address navigational issues with the Cosco Busan and to make recommendations to improve navigational safety in the bay.
- ♦ Linda handed out a copy of the Executive Summary for recommendations. The recommendations were sent to OSPR as well as the Governor's Office. Only topics listed by the Governors Office were addressed.
- ♦ Places of Refuge, a subcommittee, met on July 18. BCDC is populating the database with refuge areas and natural resource components.
- ♦ NOAA and the Bar Pilots each sent a representative to give a presentation on population and navigation. Sensitive sights have been identified.

❖ **U.S. Coast Guard**

SCOTT SCHAEFER

- ♦ Thanks were given to the S.F. Harbor Safety Committee for the “Operating in Reduced Visibility” recommendation. The Coast Guard will implement the recommendations.
- ♦ Brand new Home Land Security Cutter Burthoff got into Alameda last week, and its commissioning is next Monday August 4, 2008.
- ♦ Several personnel changes are being made with retiring Admirals and staff transfers.
 - D11 Commander: RADM Bone is retiring being replaced by RDML Zukunft
 - D11 Chief of Prevention: Commander PJ McGuire is relieving CDR Scott Schaefer
 - D11 New Chief of Response, Capt. Kevin O'Day
 - D11 New Chief, Incident Management Branch, Captain Jay Jewess, (Oil Spill Response & Search and Rescue)
 - D11 New Chief, Planning Division, Capt. Doug Kaup
 - Sector San Francisco: New Chief, Incident Management LCDR Gus Bannan
 - Sector Los Angeles/Long Beach: New Deputy Sector Commander, Capt John Caplis
- ♦ An MOA, last updated in 1997, has been updated with Ryan Todd, Chris Beckwith and Scott Schaefer has been drafted and sent to agencies for review. It should be ready for signature(s) in September/October 2008.
- ♦ Rio Gold Case regarding illegal discharges; case is progressing well. All of this may have occurred outside U.S. Waters.
- ♦ MTSB report is going well, final report due in December 2008.
- ♦ ISPR review in San Francisco Sector has over 130 recommendations; these are not directives.

VI. COSCO BUSAN ISPR PHASE II REPORT/RECOMMENDATIONS MR. JOHN BERGE, PMSA /Ms. LINDA SHEEHAN, CCKA Report Provided

- ❖ The Cosco Busan ISPR Phase II Report addresses issues about the first 2 weeks after the oil spill.
- ❖ There are 4 major issues: Closure and reopening of beaches; Closure and reopening of commercial fisheries (commercial vessels); clean up operations and Non Government Organization operations.
- ❖ A matrix was developed to streamline roles and functions of organizations or agencies that are most relevant to spills. This matrix is organized to reflect the Federal, State and Local Government responsibilities; some duties overlap.
- ❖ San Francisco Baykeeper's staff was very active in ISPR phase II. Specifically they focused on volunteer and Oiled Wildlife Care Network issues.
- ❖ PMSA focused on best achievable protection issues, focusing on technology.
- ❖ It is recommended that some activities be more formalized.
- ❖ It was agreed that having people who work directly with spill response be apart of ICS.
- ❖ Mr. Edinger thanked the ISPR team for their hard work.
- ❖ There were 31 recommended changes to the ISPR plan. 8 recommendations have already been implemented, 8 have started, 5 are in review, and 10 have not started yet.
- ❖ OSPR is focusing on hot wash issues; the anticipated Bureau of State Audit recommendations. OSPR is accepting all suggestions with an open mind.
- ❖ Some changes went into immediate effect. Such as, how the Coast Guard will notify local governments of a spill and how we keep them updated.
- ❖ OES changed their internal protocols about notifications. As an example, on Jan 10, a tug barge ran into the Richmond San Rafael Bridge. A notice was immediately issued to local governments in the area even if the event did not directly affect their jurisdiction.
- ❖ The Coast Guard changed their protocols, now they notify any and all potential affected people of an event.
- ❖ The Coastal Duty Officer will now make sure notifications were received and report back to OES.
- ❖ TAC contrasted spill response to fire response. With oil spill response, the majority of the work is contracted. For wildfires, State Employees are the primary respondent.
- ❖ Oil spills are similar to other disasters. Contingency plans are developed by the State and the Responsible Party.
- ❖ Overseeing powers, should add/remove people to/from the ICS, based on the situation.
- ❖ Liaisons will play a more important role; they are connected to other agencies. This allows Counties to have their voices heard and have information passed directly to them.
- ❖ That did not happen with the Cosco Busan incident; Local governments, were not apart of the top box.
- ❖ The counties surrounding the bay are considering an initiative that would elect one person to represent them in future disasters.
- ❖ Liaison officers need to communicate with local governments better. Liaison function at the spill is needed. There continues to be a problem with staffing liaisons. At least if counties have a representative in the IC they have a voice.
- ❖ It is proposed that one person will be the local rep in the ICS.
- ❖ Sept 16th there will be a meeting that will discuss what is to happen with ICS in the bay area.
- ❖ ***There may need to be a MOU; OSPR will be the lead. The group is hoping Steve Edinger will update TAC.***

VII. LEGISLATION/REGULATIONS UPDATE

- ❖ Regulations: OSPR is finalizing the recommendations to amend regulations for faster response times for High Volume Ports.

- ❖ Legislation: The following is a summary of bills that impact OSPR. The Governor has taken a support position on 3 bills; they are noted below.
- ❖ AB 1960: Oil Production Facilities and Oil Spills. This bill would require the Division of Oil, Gas, and Geothermal Resources to prescribe, by regulation, minimum facility maintenance standards for production facilities, as defined. The Governor supports this bill.
- ❖ AB 2031: This bill requires the administrator to carry out programs to provide training for individuals in response, containment, and cleanup operations and equipment deployment, and the planning and management of these programs.
- ❖ AB 2032: Office of Spill Prevention and Response: Fees. This bill will raise the per barrel fee from .05 cents to .08 cents.
- ❖ AB 2911: Oil Spill Prevention and Response: Inland Spills: Wildlife contaminations. The bill would require the Administrator to amend the California oil spill contingency plan to include both marine and inland oil spill contingency planning sections. The bill clarifies OSPR's jurisdiction over inland oil pollution, and grants authority for civil administrative penalties for inland oil spills. Also, additional monies are appropriated to the Oiled Wildlife Care Network for improved wildlife search and collection capability. The Governor supports this bill.
- ❖ AB 2935: This bill would require the identification and prioritization of environmentally and ecologically sensitive areas, a plan for protection actions to be taken in the event of an oil spill in those areas, the location of available response equipment and personnel to deploy the equipment to protect those areas, and a program for testing protection strategies for each of the priority environmentally and ecologically sensitive areas.
- ❖ AB 2547: This bill would revise the definition of "best achievable technology" to include that technology that provides the greatest degree of protection taking into consideration processes currently contained in any oil spill contingency or response plan anywhere in the world. The bill would revise the definition of "dedicated response resources" to provide that, for the port areas, as defined, of San Francisco, Los Angeles/Long Beach, and San Diego, "dedicated response resources" shall additionally mean equipment and personnel permanently located in each of those areas. The bill would revise the definition of "nondedicated response resources" to provide that identified response resources located outside of the state are nondedicated response resources.
- ❖ SB 1739: This bill clarifies drill requirements for contingency plan holders and Rated OSROs, and allows OSPR to promulgate regulations to require the use of an independent drill monitor for out of state drills where the plan holder is requesting drill credit. The Governor supports this bill.

VIII. TAC LETTER REGARDING PENDING LEGISLATION

Jonna is presenting a power point presentation; distributed draft letter.

- ❖ A TAC subcommittee consisting of Steve Ricks, Chair; Jona Mazet, Vice chair; and John Berge reviewed pending legislation relative to effects on possible financial implications on OSPR.
- ❖ TAC deliberated and decided not to take a position and send a letter on any legislation because there was no consensus and it was too late in the legislative calendar to provide subcommittee input.
- ❖ The Chair asked for a motion, **No Motion**.

IX. FUND CONDITION AND BUDGET UPDATE
Report Provided

DAVE CORNEJO, OSPR

- ❖ OSPAF should end the year with about 15 million dollars.
- ❖ We are looking good for the next 4-5 years. This does not include any potential bills.
- ❖ Overall we are monitoring the amount of fees coming in from the Board of Equalization. June had a slow down, maybe the industry is slowing down.
- ❖ Governor asked for loan of 13 million from OSPAF to be repaid over the course of 3-4 years with no adverse effects.
- ❖ Proposed legislation may raise the .05 cent fee to .08 cents.
- ❖ Currently our departmental administration represents about 8% of department expenses.
- ❖ The Department is charging OSPR a higher administrative rate than other programs.
- ❖ We are asking the Department to allow us to add 20% to any Budget Change Proposals we submit.
- ❖ This has been a concern for OSPR; borrowing money and reassigning positions from OSPR to DFG.
- ❖ In response to the Governor's Executive Order regarding the hiring freeze, we are seeking clarification as to whether this applies to OSPR. OSPR hires Retired Annuitants to help respond to oil spills and TAC is considered seasonal positions. We are trying to keep that authority.
- ❖ LAO suggested enforcement be paid out of the OSPAF however the department was able to create a fund to pay those positions thus avoiding layoffs.
- ❖ Referencing handout. We were successful with most of our BCPs for 07/08.
- ❖ Line item 3600 expenditures: FY 07/08 this deals with additional staff for Drills and Exercises we hired this year.
- ❖ Update in fund 321. Interest on the fund went down a little bit. Every quarter we get interest transferred into the fund.
- ❖ The Cosco Busan was a huge expenditure; we have not been reimbursed and won't be until the court system decides. Maybe about 4-5 years.
- ❖ Some entities are being paid now, such as rehabbers and all local governments such as firefighters.

X. 2009/2010 PROGRAM PRIORITIES

- ❖ Inland spill programs, technology grants, sensitive sight work and using fisherman or other working craft in spill response.
- ❖ Ports Funding, Drills and Exercises, Inland Spills Programs, Spill Tracking Data Base, Volunteer Management and Community Liaison Efforts.
- ❖ OSPR is researching Web Based Contingency Plan technology. Plan holders could log into a Web site and make administrative adjustments to it. The current program consumes large amounts of resources. OSPR sent staff to look at a system in Texas; we were unable to duplicate it. We are still searching to find a great way to effectively use our resources.
- ❖ State Lands Commission is updating their database, personnel structure and is seeking funding for those positions.

XI. TAC LETTER REGARDING 2009/2010 PROGRAM PRIORITIES

- ❖ TAC will draft a letter or letters to identify and support program priorities.
- ❖ TAC has until May/June 2009 to submit support letters for BCPs.
- ❖ On January 10 we can see what is approved by the Governor and the Legislature online.
- ❖ TAC will appoint 3 people to gather ideas for BCP suggestions.
- ❖ **Subcommittee: Collect ideas of some broad project ideas and on what the highest 5 issues are - Sejal Choksi, Gary Gregory, Mitch Beauchamp (chair) and Steve Ricks, Dave Cornejo. Gary Gregory will provide ideas. Dave Cornejo is point of contact.**

XII. BIENNIAL REPORTS

- ❖ Next report is due for years 2007-2008. TAC will produce a 2 year calendar report not a 1 ½ . We should publish this report in January 2009. The TAC needs: Issues and Accomplishments for the calendar year 2007-2008, Future TAC Issues we will focus on for 2009-2010. List accomplishments: Audit, the Trust Fund Discrepancy, Personnel Discrepancy, Ports and Inland Program.
- ❖ Future Issues: Implementation of Audit Recommendations, Development of the Inland Spills Program, Bio Fuels, Field Data Base, MOTEMS, Staff Redirection Issues, OPSR Strategic Plan, OPSR Budgets, and Ports Statewide Implementation.
- ❖ **Subcommittee: Manage Biennial Report – Linda Sheehan, Joan Lundstrom, Jonna Mazet, Matt Rezvani, John Berge and Steve Ricks (chair).** Jonna will email fund status to subcommittee; will finalize at January 2009 meeting.

XIII. OLD/NEW BUSINESS

- ❖ **Admin to talk to harbor safety committees for oil and marine transportation rep. SEE TAC personnel sheet.**
- ❖ Request for the OPSR Magazine. Not available; discontinued.
- ❖ New Agenda Item: Form a subcommittee to place vacant members. We are short an Environmental Representative and Marine Transport Representative.

XIV. NEW Business:

- ❖ It is advised that TAC meeting minutes should be completed in 2-3 weeks after a meeting.
- ❖ The next meeting date: Oct 21, 2008. Location: Monterey – Ragsdale Drive.