



**OIL SPILL PREVENTION AND RESPONSE
TECHNICAL ADVISORY COMMITTEE (TAC)**

<https://www.wildlife.ca.gov/OSPR/Preparedness/Technical-Advisory-Committee>



*Meeting of
Monday, December 1, 2014
9:30 a.m. to 3:30 p.m.*

*California Maritime Academy
Maritime Safety & Security Center
756 W. Gertrude Avenue
Richmond, CA 94801*

MINUTES

Attendance:

<i>TAC members</i>	<i>Agency Representatives</i>	<i>OSPR Participants</i>	<i>Guests</i>
Steve Ricks	Laura Kovary, CA SLC <i>(by phone)</i>	Thomas M. Cullen, Jr.	Mark Gregory (USCG)
Deb Self	Jonathan Bishop, CCC	Yvonne Addassi	Rhianna Macon (USCG)
Matt Rezvani	Linda Scourtis, SF BCDC	Julie Yamamoto	
John Berge	Jeff Rubini, USCG	Joy Lavin-Jones	David Moorehead (public)
Mike Ziccardi <i>(alternate for Jonna Mazet)</i>	Jordan Stout, NOAA	Becky Mack	Kate Gunning (public)
R. Mitchel Beauchamp <i>(by phone)</i>		Ryan Todd	
Sejal Choksi-Chugh <i>(alternate for Deb Self)</i>		Randy Imai	
		Shaun Pritchard	

1. INTRODUCTIONS & SWEARING IN OF NEW ALTERNATE MEMBER

Captain Thomas Cullen, Jr., OSPR Administrator

Sejal Choksi-Chugh, who formerly served as a TAC member, is sworn in as an alternate to member and Vice Chairperson, Deb Self.

2. APPROVAL OF MINUTES

Mr. Stephen Ricks, TAC Chairman

Motion was made to approve the 7/16/14 Minutes as presented in advance with no edits; seconded, and unanimously approved.

3. OSPR UPDATE

Captain Thomas Cullen, Jr., OSPR Administrator

(report provided)

Administrator Thomas Cullen offered a brief update of each branch of the Office of Spill Prevention and Response, touching on a few highlights. Further updates can be found in the report provided.

- In the forefront since October has been the lawsuit filed by the railroads citing federal preemption in an effort to halt implementation of SB 861. A hearing is scheduled in Sacramento, Federal Eastern District Court, on January 15, 2015.
- OSPR has been in ongoing discussion with the DFW Director and Chief Deputy Director concerning better DFW/OSPR unity and coordination with the goal for OSPR to become a more fully functioning member of the Department.

4. AGENCY BRIEFINGS

NOAA

Mr. Jordan Stout

(report provided)

- With the help of OWCN, NOAA's Marine Mammal Oil Spill Response Guidelines are being updated. It is undergoing technical and legal review.
- The October UNH Oil Spill Response Forum examined lessons learned from the Exxon Valdez and Deepwater Horizon spills and looked at the role of academic science during spill response. More information available at <http://unh.edu/universityevents/events/osr-forum/>.

- The fifteen member Interagency Coordinating Committee on Oil Pollution Research (ICCOPR) has been established under the Oil Pollution Act of 1990. More information available at <http://www.uscg.mil/iccopr/>
- NOAA partnership with the University of Washington to conduct a series of graduate student projects. This year's project focuses on citizen science and emergency response as it relates to the rising interest in volunteerism in post-spill cleanup and recovery and the increasing use of social media towards that effort.

California Coastal Commission
(report provided)

Mr. Jonathan Bishop

- Have spent significant time updating the Applied Response Technology (ART) section of the Best Achievable Technology/Best Achievable Protection (BAT/BAP) Report.
- Draft language of the updated Coastal Zone Management Act (CZMA) update has been submitted to the Regional Response Team IX.
- Continue to participate in the Elkhorn Slough Response Plan Workgroup as part of CCC's Central Coast Area Committee. Have engaged in discussions about what a Geographic Response Plan (GRP) actually is and how it works into the Area Plan.
- Chevron is still proactive in attempting to address the chronic sheening appearing in tidal areas below the bluffs at Avila Point, where a new re-development plan is proposed for the former petroleum tank farm.

BCDC
(report provided)

Ms. Linda Scourtis

- The air gap sensor installed on the Oakland-San Francisco Bay Bridge still awaits calibration before going online.
- Commencing review and update of the Harbor Safety Plan, which has not been undertaken in ten years.

U.S. Coast Guard
(report provided)

LCDR Jeff Rubini

- The timeline for all the Regional Contingency Plan (RCP) revisions has been extended.
- Revisions to the 2014 California Coastal Area Contingency Plan and the MEXUSPLAN to be completed the beginning of January 2015.
- Government Initiated Unannounced Oil Spill Exercise (GIUE) Response Team met in November to enhance collaboration between Coast Guard sectors and partner agencies.
- Marine Safety Manual Volume 9 is being replaced with the Marine Environmental Response (MER) Manual, a stand-alone manual with recent updated policies. Still under review at executive level and hoping to be finalized within the next year.
- Pungo, Virginia was initially identified as the new location for the Vessel of Opportunity Skimming System (VOSS). It has since been determined they did not have the physical means to address the needs of the system. The latest decision has been to keep it local in D11 on Coast Guard Island.

California State Lands Commission (CSLC)
(report provided)

Captain Laura Kovary

- Operations: Transfers – Year To Date (YTD) total number is up over last year by about 300. In October only 24% of all oil transfers were monitored due to being shorthanded for a few months. Total cargo transferred in Northern California is up by just under 10 million barrels over this time last year; Southern California down by about 16 million barrels. Violations – YTD noted during transfers are higher over last year at 61 versus 47. Only three (3) noted during annual inspections so far this year. In excess of 531 million barrels of products have been transferred to date in 2014 – a decrease of approximately 5 million barrels over same period last year. No incidents or recordable spills reported in 2014.
- Outreach: Two stakeholder meetings held mid-November. PowerPoint presentations can be found at http://www.slc.ca.gov/Division_Pages/MFD/MFD_Home_Page.html.

- CSLC is going to get a tsunami gauge in Long Beach. These ties into MOTEMS with their tsunami requirement for the marine oil terminals.

5. FUND CONDITION AND BUDGET UPDATE
(report provided)

Ms. Becky Mack, OSPR Budget Analyst

Ms. Becky Mack presented an overview for Fund Conditions 207, 320, 321, and 322. Fund conditions capture three prior fiscal years of actual revenues and expenditures (FY 12/13- FY 13/14) and three fiscal years of projected revenues and expenditures (FY 15/16- FY 16/17). For current fiscal year 14/15, revenues and expenditures were presented reflecting fiscal month 3 (September) actuals and projections through the end of 2015.

- Fund 207 – Fish & Wildlife Pollution Account: Started out with a beginning balance of 400K; currently at \$310K. Revenues thru the first quarter 2% what projected based on the three prior year actuals. Expenses higher than projected at 44%. Effective July 2014 there were no new oil events coming into or out of this fund; expenses have been only for non-oil events. New expenses for oiled events will be through Fund 321. There is still a backlog of approximately 1.5 million dollars in older cases (spills) that do include oil in outstanding receivables to Fund 207.
- Fund 320 – Oil Spill Prevention & Administration Fund: Figures are through September. Started out with a beginning balance of 16 million reserved from last fiscal year. Current revenues are around 14% what projected. Cost recovery at 162% what projected. Expenditures at 23% overall which is on target thru September.
- Fund 321 – Oil Spill Response Trust Fund: Started out with 9.6 million. OWCN still has close to 1.7 million unspent. Expenditures are significantly less than projected at about 14%. The new statewide oil program spill expenses will be taken out of this fund.
- Fund 322 – Environmental Enhancement Fund: Expenditures must be spent on restoration and coastal projects. Fines and penalties from all oil spills (marine and inland) will be deposited here, instead of Fund 207. This fund has a healthy starting balance of 1.9 million. Received an increase in expenditure authority for FY 14/15 to 759K; next year drops to 658K; and down again in FY 16/17 to 357K.

6. REGULATIONS & LEGISLATIVE ISSUES
(report provided)

Ms. Joy Lavin-Jones, OSPR Regulations Analyst

- Emergency Regulations to Implement SB 861: A workshop has been scheduled for December 11, 2014 at Associated Builders & Contractors in Bakersfield on the topics of refining waters of the state definition, defining OSPR Statewide Response Planning Areas, Contingency Plans and COFR's (Certificates of Financial Responsibility) for Inland Production facilities, and Drills and Exercise requirements,
- Spill Management Teams: Due to priorities brought about by SB 861, it is now anticipated that the formal rulemaking to contingency plan regulation revisions will begin in January.
- Oil Spill Response Organization (OSRO) Rating Regs: Amendments to the OSRO's Rating regulations to add and define "operating areas" and to require participation in the Sensitive Site Strategy Evaluation Program for Ratings for shoreline protection approved by the Office of Administrative Law (OAL) and to go into effect January 1, 2015.
- Certificate of Financial Responsibility (COFR): Formal rulemaking is completed and review by the OAL is expected to be completed by mid-December.
- Shoreline Protection Tables Updates: Published in 2006; are due to be updated to match the 2014 Area Contingency Plans. It is anticipated this rulemaking will begin in early 2015 and approved by the end of 2015.
- Legislation: SB 987 (Monning) – the Governor signed this bill on September 26, 2014, allowing the Sea Otter Fund to use its own funds to promote itself. SB 1319 (Pavley) – this bill was completely re-written and is no longer applicable to OSPR or any of its programs. AB 380 (Dickenson) – requires rail carriers to report specified information regarding the transportation of hazardous materials to OES. The Governor signed this bill on September 25, 2014.

7. REVIEW OF THE TAC BYLAWS FOR CONSISTENCY WITH SB 861

*Mr. Ryan Todd
OSPR Senior Staff Counsel*

Recommends the body of the TAC By-laws be amended to reflect the four new positions as mandated by SB 861. Mr. Todd offers to prepare a first draft revision for submittal to the TAC.

8. STATEWIDE OIL SPILL PROGRAM: IMPLEMENTATION

*Dr. Julie Yamamoto
OSPR Assistant Deputy Administrator*

- Implementation:

OSPR has established various implementation teams to tackle the various activities we need to focus on.

 - Staffing – 35 new positions established but also working on filling approximately 25 pre-existing vacancies. Priority emphasized on field positions and those at headquarters directly supporting the new contingency plans, drills & exercises, COFR's and public outreach.
 - Purchasing- OSPR has been given a 2 million, one-time budget increase to spend this year. Focusing on larger purchase needs such as response vehicles and vessels.
 - Spill Communication and Data Unit – putting together a new and improved spill communication group to better track our spill data including data as it relates to response.
 - Wildlife Operations on the inland side is a new frontier we are beginning to explore.
 - Fee collection began in October 2014. Data has not yet been received from Board of Equalization as to how much has been collected thus far.
- Emergency Regulations:
 - OSPAF Fee – emergency rulemaking for the fee authorized by SB 861 is completed.
 - Inland Facility Contingency Plans
 - Inland pipelines will utilize C-plan regulation language for marine pipelines
 - Submittal for C-plans is 90 days after emergency regs are approved
 - There are some exemption criteria
 - Reasonable Worst Case Spill Volume is based on the calculation in the EPA's Spill Prevention Control and Countermeasures (SPCC) plan.
 - COFR will go into effect at the same time as the emergency C-plan regs. Lesser COFR amounts for smaller inland production facilities and pipelines. Larger facilities and pipelines will use the same calculation as used for the marine side.
 - Drills and Exercises – three tiers created with drill objectives more reflective of expectations based on size and scope of the plan holder. Will be used for existing marine plan holders as well as the new entities under SB 861. This new "tier" scheme for current plan holders will go into effect 1/1/2016. New SB 861 entities would be required to start drilling 90 days after contingency plan approval.
- Surface Waters: For response and natural resource damage assessment purposes, the term "surface waters" has been broadly redefined to include: marine and inland waters both fresh and saline; non-perennial waterways, regardless of presence of water; man-made and/or man-altered waterways; and wetlands.
- OSPR Statewide Response Planning Areas: Boundaries provide language in the emergency regulations for the purposes of OSRO ratings and development of contingency response planning and geographic response planning. Upon review of four major agency's boundaries, OSPR has adopted the pattern of the CalOES Mutual Aid Regions, finding it most closely aligned with its existing COTP and marine ACP's as well as local emergency planning committees.
- Local Agency Outreach: Developed out of a need to reach out and introduce OSPR to new inland and local government partners, offering different levels of outreach to help better prepare them in the event of a spill. Additional information can be found on OSPR's Statewide Local Government Outreach page at <http://www.dfg.ca.gov/ospr/Response/StatewideLocalGovernmentOutreach.aspx>
- Legal: UPRR, BNSF, and the American Association of Railroads have filed a lawsuit against OSPR and the Administrator alleging that its program as applied to railroads is preempted by federal law. They have filed for preliminary injunction. OSPR has filed a counter motion to dismiss for lack of ripeness. Opposition briefs are due December 5; replies to their respective oppositions are due by December 19. A hearing is to be held in Sacramento, Federal Eastern District Court, on January 15, 2015. Deb Self stated at this TAC meeting that San Francisco Baykeeper intends to file an amicus brief by December 5.

9. INLAND EXPANSION OF OWCN OPERATIONS *Dr. Michael Ziccardi, Wildlife Health Center Director*

With an increase in funding, but not significant enough to develop separate inland and a marine programs, OWCN is undergoing a program restructure to determine how best to utilize the staff they have while emphasizing the statewide expansion. Decided to break up the programs into Field Ops and Care Ops with a manager in each overseeing two of four main strings of operations - Recovery, Hazing, Field Stabilization, and Care and Processing. These new positions have been written and hope to advertise as of January 2015.

10. 2013-2014 TAC BIENNIAL REPORT
(This topic was tabled for a later date)

Mr. Stephen Ricks, TAC Chairman

11. OLD/NEW BUSINESS, NEXT MEETING

Next TAC meetings: January 21st, April 15th, July 15th, October 21st.

Mr. Stephen Ricks, TAC Chairman

ADJOURN

Meeting adjourned 3:40 p.m.