



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

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



*Meeting of
Wednesday, May 6, 2015
9:30 a.m. to 3:30 p.m.*

*University of California, Davis
School of Veterinary Medicine
Gladys Valley Hall, Room 2071
One Shields Avenue
Davis, CA 95616*

MINUTES

Attendance:

<i>TAC members</i>	<i>Agency Representatives</i>	<i>OSPR Participants</i>	<i>Guests</i>
Steve Ricks	Jonathan Bishop, CCC	Thomas M. Cullen, Jr.	Janet Dias, OSPR
R. Mitchel Beauchamp <i>(by phone)</i>	Laura Kovary, CA SLC	Yvonne Addassi	Mark Gregory, USCG
John Berge	Jeff Rubini, USCG	Julie Yamamoto	Scott Lipton, OSPR
Jonna Mazet	Linda Scourtis, SF BCDC	Ellen Faurot-Daniels	Amy Trainer, Environmental Action Committee of West Marin
Matt Rezvani	Jordan Stout, NOAA	Joy Lavin-Jones	
Deb Self <i>(by phone)</i>		Becky Mack	
Michael Ziccardi <i>(alternate to J. Mazet)</i>		Eric Milstein	
		Judd Muskat	
		Ryan Todd	
		Julie Yamamoto	

1. INTRODUCTIONS
Administrator

Captain Thomas Cullen, Jr., OSPR

2. APPROVAL OF MINUTES

Mr. Stephen Ricks, TAC Chairman

12/01/14 Minutes – after edits to page three at “Fund 207” and at page four at “Emergency Regulations”. These changes read aloud verbatim. John Berge motioned to accept the changes and approve the Minutes; Matt Rezvani seconded; all voted in favor.

3. BEST ACHIEVABLE TECHNOLOGY

*Ms. Joy Lavin-Jones,
OSPR Regulations Analyst*

The BAT/BAP Report (Best Achievable Technology/Best Achievable Protection) report has been updated and focuses on four primary categories of Prevention, Mechanical Response, Remote Sensing and Applied Response Technologies. Once reviewed and approved by the Department it will be submitted to the Governor’s Office and the Legislature after which it will be posted on OSPR’s website.

4. DISPERSANTS: U.S. EPA REVIEW

*Ms. Ellen Faurot-Daniels,
OSPR Senior Environmental Scientist, ART Lead Technical Specialist*

A component of the BAT/BAP Report includes a section on dispersants. It contains a discussion on the properties, efficacies, thresholds, conditions and the expectations of dispersant use. The Environmental Protection Agency (EPA) proposes to amend the requirements in Subpart J of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP) that govern the use of dispersants, other chemical and biological agents, and other spill mitigating substances when responding to oil discharges into waters of the U.S. Ms. Faurot-Daniels offers the highpoints of CDFW-OSPR comments to the NCP. EPA hopes to have the revisions finalized and implemented by fall of 2016 after which a 2-year period begins for product owners to re-test and re-list to the new standards. Information concerning the proposed amendments to Subpart J of the NCP may be found at <https://www.federalregister.gov/articles/2015/01/22/2015-00544/national-oil-and-hazardous-substances-pollution-contingency-plan>.

4a. REMOTE SENSING

*Mr. Judd Muskat,
OSPR Senior Environmental Scientist*

Provided an overview with recommendations for traditional remote sensing tools that may be deployed for oil spill response in California to also include the use of Geographical Information Systems technology for incident data management and data dissemination. OSPR has adopted NOAA's Emergency Resource Management Application (ERMA) as its Common Operational Picture (COP) of choice.

5. OSPR UPDATE

Captain Thomas Cullen, Jr., OSPR Administrator

(report provided)

Administrator Thomas Cullen, Jr. 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.

- The January hearing on the lawsuit filed by the railroads citing federal preemption in an effort to halt implementation of SB 861 was canceled. Waiting now for a decision from the judge.
- OSPR has had some fairly significant changes to its organization - expanded the scientific branch, developed an Environmental Response Branch, promoted new branch/program chiefs from within. Hired a new Assistant Chief Counsel from California State Lands Commission (Eric Milstein replacing retired Steve Sawyer). Hired a new Enforcement Branch Assistant Chief from within (Paul Hamilton replacing retired Chief Dennis DeAnda).
- OSPR has faced challenges hiring the additional 35 positions that came with the passage of SB 861; the effect of which has created a buildup of a sizeable reserve in the Oil Spill Prevention and Administration Fund (OSPAF-Fund 320).

6. AGENCY BRIEFINGS

NOAA

Mr. Jordan Stout

(report provided)

Of National Interest

- Discussions underway concerning the concept of how to implement Emergency Restoration projects effectively and efficiently during an active response without hindering the response.
- NOAA Emergency Response Division to provide technical support to U.S. Coast Guard's Research and Development Center's evaluation of their remote sensing tools in identifying spills and supporting response operations. More information at <http://www.bsee.gov/Technology-and-Research/Oil-Spill-Response-Research/Projects/Project1060/>.

Of California Interest

- National Marine Sanctuaries – NOAA is expanding boundaries of specific sanctuaries as well as amending existing sanctuary regulations and adding new ones.
- National Marine Fisheries Service – in February published a 12-month finding to revise the Critical Habitat designation for the Southern Resident Killer Whale Distinct Population Segment.
- A recent unmanned aerial systems (UAS) field deployment exercise to map Stege marsh in San Francisco Bay Area raised some concerns about aviation safety and de-conflicting of UAS operations during a response. Conversation to continue further at future SF Bay and Delta ACP meeting(s).

California Coastal Commission

Mr. Jonathan Bishop

(report provided)

- Updates are ongoing for all Harbor Safety Committee area plans. Highlights for individual committees include:
 - Humboldt HSC – developed a Paddlecraft Workgroup to focus on improved information exchange, education and outreach as a result of an increase in the number of incidents involving large vessels and paddlecraft.
 - LA/LB HSC – area plan updates focuses on chapter concerning Harbor Depths.

- Port Hueneme HSC – lack of real time weather system remains a priority item. Also of concern is increased traffic of cruise ships in the Santa Barbara area.
 - San Diego HSC – increasing its focus on high speed vessels and seaplanes as well as Navy traffic as the trend in user conflicts appears to continue.
- Continue to participate in the Elkhorn Slough Geographic Response Plan Workgroup.

BCDC

Ms. Linda Scourtis

(report provided)

- In February, the Harbor Safety Committee and Coast Guard S.F. sector were finally able to make permanent the new guidelines for northbound transport under the Bay Bridge in limited visibility. Now, if you do not have a half mile visibility at the bridge, you stay put south of the bridge.
- The air gap sensor was installed on the Bay Bridge a few weeks ago.
- The Harbor Safety Plan work group has been meeting regularly in effort to present a very thorough plan update which is scheduled for a vote at the June meeting.

U.S. Coast Guard

LCDR Jeff Rubini

(report provided)

- The next Regional Response Team IX meeting is July 14-16 in Oakland at the FEMA office. Focus will be on the needs of the Federal On-Scene Coordinators and State On-Scene Coordinators.
- MEXUSPLAN and MEXUSPAC Annex revision process continues by U.S.C.G. and Mexican Navy. Currently under review by U.S. Department of State. Estimated final approval date is fall 2015.
- District Response Advisory Team assisting the National Strike Force in updating their standard operating procedures with awareness of national budgets.
- Coast Guard owned Vessel of Opportunity Skimming System (VOSS) are fully consolidated and re-utilized. There are no longer any VOSS systems owned by Coast Guard in District 11. Pacific Strike Team in Novato is the nearest location to the San Francisco Bay area that has a full VOSS system.
- Coast Guard working together with OSPR, U.S. EPA, and the Regional Response Team Subcommittee in drafting the Government Initiated Unannounced Oil Spill Exercise Memorandum of Understanding.

California State Lands Commission

Captain Laura Kovary

(report provided)

- No incidents or recordable spills.
- The informal comment period is still open for proposed Article 5.0 regulations as well as MOTEMS regulations.
- Stakeholder meetings to be held in northern and southern California in June.

7. FUND CONDITION AND BUDGET UPDATE

*Ms. Becky Mack,
OSPR Budget Analyst*

(report provided)

Ms. Becky Mack introduces Janet Dias as OSPR’s new Budget Analyst for future fund condition reporting. Overviews are presented for Fund Conditions 207, 320, 321, and 322, capturing two prior fiscal years (FY) of actual revenues and expenditures (FY 12/13- FY 13/14) and three fiscal years of projected revenues and expenditures (FY 15/16- FY 17/18). For current fiscal year 14/15, revenues and expenditures were presented reflecting fiscal month 9 (March) actuals and projections through the end of March.

- Fund 207 – Fish & Wildlife Pollution Account: Effective July 2014 there were no new oil events coming into or out of this fund; expenses have only been for non-oil events. New expenses for oiled events will be through Fund 321. Figures reflected are thru the end of March. Current balance is \$523K. Current revenues are only at 11% of what projected, though do have 1.7 million in outstanding costs that have been billed out. Expenditures are at 136% what projected.

- **Fund 320 – Oil Spill Prevention & Administration Fund:** Figures reflected are thru the end of March with exception of the first line of regulatory fees which is thru February. Expenditures reflect we are underspending. This is due to funding for 35 additional positions that came with the passage of SB 861 effective July 1, 2014 that have not been filled yet.
- **Fund 321 – Oil Spill Response Trust Fund:** Statewide oil program spill expenses will be taken out of this fund. Total revenues are lower than projected at 34%. Expenditures of 2 million for FY 13/14 is eliminated going forward as support for OWCN shifts to Fund 320.
- **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. Expenditures are at 92%. We do have a budget change proposal which approved appropriations effective this current FY for \$759,000, next FY \$658,000 and then dropping to \$357,000 the next two FY thereafter.

8. REGULATIONS & LEGISLATIVE ISSUES

(report provided)

*Ms. Joy Lavin-Jones,
OSPR Regulations Analyst*

- **Emergency Regulations to Implement SB 861:** OSPR is keeping inland and marine regulations separate for now; eventually will be merged. The next set of emergency regulations will be for the inland Oil Spill Response Organizations. Outreach workshops to be held this summer in Bakersfield and Los Alamitos.
- **Spill Management Teams:** Two workshops were held to discuss the results of drills and potential changes to contingency plan regulations. A draft of the language is being routed for an informal comment period. Formal rulemaking is anticipated by the end of May.
- **Shoreline Protection Tables:** Being updated to reflect changes in the Area Contingency Plan strategies. Anticipated this rulemaking will begin in the spring of 2015.
- **Legislation:**
 - AB 102 creates the Regional Railroad and Surface Transportation Accident Preparedness and Immediate Response Task Force within OES. The fee from this bill can be offset against the fee to be paid to the OSPAF. It's a two year bill. The author does not intend to pursue the bill this year.
 - AB 1312 extends the deadline the come up with ballast water discharge standards of the Marine Invasive Species Program to year 2020.
 - SB 17 extends the sunset date to 1/01/21 to allow taxpayers to designate on their state tax forms a specified amount in excess of tier tax liability to be transferred to the California Sea Otter Fund.

9. REVISED TAC BYLAWS (Vote Anticipated)

Mr. Stephen Ricks, TAC Chairman

Proposed revisions to Bylaws were previously circulated to members for review. Upon further discussion it was decided to table the vote to approve for the next meeting.

10. 2013-2014 TAC BIENNIAL REPORT (Vote Anticipated)

Mr. Stephen Ricks, TAC Chairman

Members reviewed changes and made edits to the Biennial Report. Mitch Beauchamp motioned to approve the Biennial Report with incorporated edits provided today. Matt Rezvani and John Berge seconded; all in favor. TAC chair, Mr. Steve Ricks to prepare final with edits and forward to OSPR to prepare for final filing with Governor and Legislature.

11. OLD/NEW BUSINESS, NEXT MEETING

Mr. Stephen Ricks, TAC Chairman

Next TAC meeting – Wednesday, July 15, 2015, location TBD.

ADJOURN

Meeting adjourned 3:22 p.m.