

**California Department of Fish and Wildlife
Office of Spill Prevention and Response
OIL SPILL TECHNICAL ADVISORY COMMITTEE
MEETING BINDER, JUNE 4, 2020**

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

Thursday, June 4, 2020, 10:00 a.m. – 3:00 p.m.

Teleconference Meeting

To Participate via Microsoft Teams, use the link [Join Microsoft Teams Meeting](#)

To Participate via telephone: Call 1 916 535-0984, Conference ID: 138 284 027#

Public comments will be accepted for each Agenda item. Five minutes are allowed per commenter per item.

Invitees:

Matt Rezvani, Chair, John Berge, Vice Chair, Janell Myhre, Lynn Korwatch, Joseph Cobb, James Farner, Sejal Choksi-Chugh, Tracy Van Houten, John Ambert, Katherine Cole, Peter Santillan, Jonathan Bishop, Chris Beckwith, Jordan Stout, Doug Allen, Linda Scourtis, Timothy Holmes, Uduak-Joe Ntuk, Kay Lawrence, Thomas M. Cullen Jr., Dr. Julie Yamamoto, Dr. Steve Hampton, Eric Milstein, Jennifer Lucchesi

- I. Introductions (Thomas M Cullen, Jr., OSPR Administrator, 5 Min.)
- II. Approval of minutes from last meeting (Matt Rezvani, Chair, 5 Min.)
- III. OSPR Update (Thomas M. Cullen, Dr. Julie Yamamoto, Dr. Steve Hampton, 35 Min.)
- IV. OSPR and SLC Budget Updates and Discussion (Dr. Steve Hampton, Jennifer Lucchesi, 45 Min.)
- V. Agency Briefings (60 Min.)
 - a. California Coastal Commission – Jonathan Bishop
 - b. San Francisco Bay Conservation and Development Commission – Linda Scourtis
 - c. California State Lands Commission - Chris Beckwith
 - d. CALFIRE – Doug Allen
 - e. National Oceanic and Atmospheric Administration – Jordan Stout
 - f. United States Coast Guard - Timothy Holmes

Lunch (60 Min.)

- VI. Inland Oil Production Issues and risks during COVID-19 (CalGEM, 30 Min.)
- VII. Offshore Oil Storage in Tankers – issues and risks (USCG/OSPR, 30 minutes)
- VIII. Legislative Update and Refugio update (Dr. Steve Hampton, 20 Min.)
- IX. Next Meeting (Matt Rezvani, Chair, 10 Min.)

Adjourn Meeting

NOTE: Please contact Elizabeth Vos at (916) 956-3930 if you have any person(s) participating in this meeting who require services for disability related modifications or accommodations.



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

Thursday, October 24, 2019, 1:00 p.m. to 3:00 p.m.
CDFW/OSPR
2825 Cordelia Road, Suite 200
Fairfield, CA 94534

The following members were in attendance:

TAC members: Matt Rezvani (Chairman), John Berge (Vice Chair), Lynn Korwatch, Tracy Van Houten, Janell Myhre, James Farner, Sejal Choksi-Chugh (*phone*), Joseph Cobb;
OSPR Participants: Thomas M. Cullen, OSPR Administrator, Dr. Julie Yamamoto, Deputy Administrator, Dr. Steve Hampton, Deputy Administrator, Eric Milstein, Assistant Chief Counsel, Renee Rose, Budget Analyst, Bernadette Fees, Branch Chief FASB

There is a Quorum for the meeting present

1. 2017 -2018 TAC BIENNIAL REPORT Matt Rezvani, TAC Chairman

The purpose of this meeting is to finalize the wording in the 2017-2018 Biennial Report. The language in this report does not adequately explain our concerns regarding OSPR's budget situation.

- Fund 320 has a structural deficit – the difference between the revenues and appropriation.
- OSPR revenues and operational spending are upside down.
- Budget concerns noted by TAC members – spending authority and budget.
- OSPR tracks its budget internally with its spending, salary savings and vacancies and what is billed to spills.
- Recent state accounting system transition to Fi\$CAL resulted in the TAC not receiving financial information to the level of detail received in the past making TAC funding evaluations challenging.
- Final read through of Priority Issues for TAC:

However, as expenses and programmatic mandates cause expenditure increases, the OSPR financial trend now shows potential Fund 320 short falls in the coming years. While the TAC continues to monitor the status at each TAC meeting, the Governor and Legislature should consider appropriate action to

quantify and address this shortfall through implementation of the recommendations made on Page 18, specifically:

- Consider legislative action to ensure adequate funding of the Oil Spill Prevention and Administration Fund (Fund 320), which may include:
- Adopting an annual inflation adjustment for the fees
- Pursuing additional revenue sources, and/or
- Adjusting / increasing the fees as necessary
- Consider increasing OSPR spending authority to meet mandated operational needs.

TAC members agreed to this final change and roll call was taken to vote on completion of 2017-2018 Biennial Report:

Matt Rezvani, Chair, AYE
John Berge, Vice Chair, AYE
Lynn Korwatch, AYE
Tracy Van Houten, AYE
Janell Myhre, AYE
James Farner, AYE
Joseph Cobb, AYE

Member John Berge requested that OSPR provide the same detailed financial reports as done in the past to the next TAC meeting.

NEXT MEETING DATES

Mr. Matt Rezvani, TAC Chairman

Next TAC meeting(s) – Doodle Poll will be sent out.

ADJOURN

Meeting adjourned 2:15 p.m.



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

Wednesday, March 4, 2020, 10:00 a.m. to 3:00 p.m.

CDFW/OSPR

California Poppy Conference Room

1010 Riverside Boulevard

West Sacramento, CA 95605

The following members were in attendance:

TAC members: Matt Rezvani (Chairman), John Berge (Vice Chair) (*phone*), Peter Santillan, Lynn Korwatch, Tracy Van Houten, Janell Myhre, John Ambert, Sejal Choksi-Chugh (*phone*), Joseph Cobb; **Agency Representatives:** Jennifer Lucchesi, California State Lands Commission, Jonathan Bishop, California Coastal Commission, Linda Scourtis, San Francisco BCDC (*phone*), Bill Bartling, CalGEM, Jordan Stout, NOAA; **Guest Presenter:** Dr. Michael Ziccardi, Director, OWCN; **OSPR Participants:** Thomas M. Cullen, OSPR Administrator, Dr. Julie Yamamoto, Deputy Administrator, Dr. Steve Hampton, Deputy Administrator, Eric Milstein, Assistant Chief Counsel, Kathleen Jennings, Branch Chief Environmental Response, Greg McGowan, Spill Response Technology Program Manager, Renee Rose, Budget Analyst, Christine Kluge, Regulations Analyst, Dave Reinhard, Contingency Planning and Certification Unit Supervisor

1. INTRODUCTIONS

Captain Thomas Cullen, Jr, OSPR Administrator

2. APPROVAL OF MINUTES

Mr. Matt Rezvani, TAC Chairman

September 20, 2019 Minutes, at 10:25 a.m., TAC member Tracy Van Houten made a motion to amend the minutes to read *John Berge requested a more detailed financial report be presented to the TAC at the next TAC meeting*. Joseph Cobb seconded the motion to amend the minutes. Members voted unanimously to approve the minutes with the added amendment.

TAC Chair, Matt Rezvani, requested minutes to October 24, 2019 meeting held in Fairfield to discuss final wording of 2017-2018 Biennial Report be presented at next scheduled meeting.

3. OSPR UPDATE

Captain Thomas Cullen, Jr., OSPR Administrator

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.

First TAC meeting to be held here at our new location in West Sacramento.

The holiday season was remarkably busy for OSPR with over 9000 hours billed on spills in the first two fiscal quarters this year.

There are two new Environmental Scientist Supervisors for our field response teams; David Bell in our Central office and Kris Weise in the Southern office.

A Memorandum of Understanding was signed with the 9 Regional Water Quality Control Boards. Eleven years were spent on reaching this agreement which will assist us with clearly defined roles in a joint response.

A comprehensive settlement is now imminent against Plains All-American Pipeline, the responsible party for the 2015 Refugio Oil Spill in Santa Barbara.

OSPR issued a Cease and Desist Order against planholder HVI Cat Canyon, formerly known as Greka, after it was discovered they did not have a current oil spill contingency plan or certificate of financial responsibility on file for their facilities. To date they have submitted oil spill contingency plans and COFRs for three of their facilities, which has allowed the CDO to be lifted from only those facilities.

The surface expression discovered in Chevron's Cymric area was a significant release of produced water and oil. It did not affect the groundwater, there were minimal wildlife impacts, and it had no public health impact. A joint Senate and Assembly hearing was held last month with the Dept. of Conservation, OSPR, and the VP of Chevron to discuss the surface expressions, lessons learned, and wildlife protection measures that were taken. These surface expressions will be an ongoing challenge going forward.

The Department of Finance will be doing its audit of the OSPAF, which it does every four years, commencing in the fall.

4. **Budget Update**

Dr. Steve Hampton

Fund 320, the OSPAF fund, funds primarily OSPR and State Lands. A fixed amount of \$2.5 million goes to OWCN and a small percentage goes to administrative charges. The revenues for that fund are the 6.5 cent per barrel fee. The expenditures from that fund are the appropriations from the Governor's budget. The increase in expenditures is largely driven by salary increases over the last few years. State employee bargaining units negotiate the increases; we have no control over that. The bargaining units negotiate the contract and when the contract is signed, the increases can be for two, three, or four years and they take place at the beginning of the new fiscal year. There increases vary across dozens of different bargaining units.

OSPR can apply for an increase in the appropriation from the Governor's budget thru a Budget Change Proposal.

OSPR's planned expenses generally exceed revenues and the way we balance our budget is through anticipated salary savings from spills and vacancies. OSPR does not want a lot of vacancies because those positions are necessary for our operations; spill responses are unpredictable.

OSPR's two sources of revenue are from the non-tank vessel fee and the six and a half cent per barrel fee collected at the refinery door. The barrel fee decreases about a third of a percent a year due to declining oil use.

The fund balance will go down to \$9 million this year. The Governor's budget allocation from the Fund is about \$9 million more than the anticipated revenues, implying the fund balance will be near zero at the end of FY20-21.

OSPR is looking at a fee increase with a Cost-Of-Living-Adjustment (COLA) for the future.

Member Tracy Van Houten requested more detailed and accurate financials, accurate past expenditures, and more detailed salary increase information be provided to the TAC at the next meeting.

5. **STATE LANDS COMMISSION UPDATE**

Jennifer Lucchesi, Executive Officer

We are primarily a land and resource management agency. We also have a regulatory component that charges to the OSPAF for oil spill prevention. Chris Beckwith is our Division Chief for our Marine and Environmental Protection Division, which is our regulatory unit that regulates marine terminals, inspects and monitors transfers of product through marine oil terminals and also runs our marine oil terminal and engineering and maintenance standards program to ensure our marine oil terminals are up to date in terms of seismic activities.

The other main division we have that charges to the fund is our Mineral Resources Management Division. They charge to our general fund appropriation, but they also charge to the OSPAF for oil spill prevention activities. These include inspections and safety audits of offshore oil and gas facilities. There are four platforms in state waters, pipelines associated with those platforms, as well as the pipelines and other infrastructure that cross state waters from the federal platforms.

CSLC is an independent commission run by two constitutional officers, the State Controller and the Lieutenant Governor; the 3rd commissioner is the Director of Finance. All the decisions that our agency makes are made in public meetings. Our budget as it relates to the OSPAF is focused on two divisions – the Marine Environmental Protection Division which is our regulatory arm and our offshore leasing division for oil operations.

The OSPAF funds that are directed to our Marine Environmental Protection Division – which is primarily regulatory – funds our engineers in those divisions that are going out and monitoring transfers in the San Francisco bay area, Long Beach/Los Angeles and San Diego areas – the marine oil terminals based on a risk base approach methodology. It also funds our engineers in that division for implementing our marine oil terminal engineering and maintenance standards program, reviewing compliance reports and audits about how operators of these marine oil terminals are upgrading their terminals to comply with those regulatory standards. They also have staff analysts that focus on abating our regulations associated with each of those two programs in that division. In our Mineral Resources Management Division, our offshore oil and gas leasing arm, the OSPAF funds positions and the time that our engineers and inspectors actually spend on inspections. These are monthly inspections of all offshore facilities as well as nighttime inspections and platform and island safety audits, which occur every 5 years.

CSLC is also involved in remediating legacy oil gas wells offshore, which are primarily found in the Santa Barbara Channel. We are involved when those legacy wells are leaking and those do not have a responsible party for billing – so we work with OSPR or CalGEM.

State Lands is in the middle of planning our next Prevention First Symposium which is slated for September.

6. **AGENCY BRIEFINGS**

California Coastal Commission

Jonathan Bishop (report provided)

Meetings

Commission staff attended the following meetings:

Nine Harbor Safety Committee (HSC) meetings: one Humboldt HSC meetings (11/21); two Port Hueneme HSC meetings (11/7 and 2/6); three LA/LB HSC meetings (10/2, 12/4 and 2/5); and three San Diego HSC meetings (9/25, 11/20 and 1/29).

TAC Meeting Minutes 3/4/2020

Six Area Committee (AC) meeting: two North Coast AC meetings (11/21 and 1/16); two Central Coast AC meetings (10/10 and 1/9); two LA/LB AC meeting (11/13 and 1/22).

Annual Statewide Area Committee Meeting, (January 14th, Carlsbad).

Regional Response Team Region IX (RRT 9) Quarterly Meeting, (January 15th, Carlsbad).

DCOR and Freeport McMoRan Oil Spill Response Plan (OSRP) Updates. A request by DCOR and Freeport McMoRan regarding removal of one of MSRC's (the OSRO for both companies) Fast Response Vessels (FRVs) currently stationed in Santa Barbara Harbor from its OSRP. MSRC's two FRV's located at the Cojo anchorage and Ventura Harbor will remain at their current locations and would still be available for service under the OSRPs. With this change it was determined that response times and containment/ storage would remain sufficient to address a WCD. It was determined that this change resulted in a position equal to or better with respect to protection of coastal resources.

Refugio Draft Damage Assessment and Restoration Plan. CCC staff has reviewed the draft damage assessment and has provided informal comments to OSPR's NRDA staff.

New Legislation/Regulation

AB 1197 (Limon) Spill Management Teams (SMT's) – This bill regulates Spill Management Teams. CCC OS program staff is tracking this bill.

AB 864 New or Replacement Pipelines Near Environmentally Sensitive Areas in the Coastal Zone. CCC OS program staff is tracking this bill.

Public Education and Outreach – Oil Spill Workshops on Emergency Communication. In Coordination with CA State Parks, the CCC's Boating Clean and Green Program will be holding four free workshops in So Cal marinas that present oil spill response resource information.

Coastal Development Projects

Construction of Private Stairs to the Beach – Ventura County.

Avila Pier Rehabilitation (Pile Driving in and around a Hydrocarbon Plume)

Moss Landing Dredge

Fairhaven Fuel Dock Emergency Permit, Humboldt Bay

San Francisco Bay Conservation and Development Commission
Linda Scourtis, (report provided)

SF Harbor Safety Committee

BCDC staff joined the Navigation work group in discussing with NOAA staff developing Best Maritime Practices to reduce the number of whale strikes in the HSP AOR.

Staff presented a briefing of BCDC's participation in prevention and response planning to the Commission during its November meeting following an overview of OSPR by Kathleen Jennings.

A number of safety brochures produced by the HSC with OSPR are in need of update. As a member of the Prevention through People work group, BCDC will participate in their revision

The Tugs work group met to discuss an approach to developing a guidance document that would be implemented for emergency docking of tugs along the Bay shoreline.

The Draft EIR for the proposed ballpark at Howard Terminal is expected to be issued by the end of February.

TAC Meeting Minutes 3/4/2020

Area Contingency Planning

BCDC spill staff participated in the November 19, 2019 Area Committee meeting in Berkeley as well as the February 11 meeting in Oakland.

BCDC Enforcement staff continue to participate in the USCG Abandoned Vessels working group as well as the Richardson's Bay Regional Authority and City of Sausalito efforts to improve navigational and open waterways.

Response and Related Activities

BCDC participated in a Shell Pipeline exercise October 29, 2019.

Staff joined Fairfield FRT for its annual eight-hour HAZWOPER refresher class in early February.

Staff continues to monitor reports on an ongoing basis. BCDC issued no spill-related emergency permits during the period.

State Lands Commission

Chris Beckwith, (report provided)

The Marine Environmental Protection Division (MEPD) is in the process of recruiting to fill seven (7) field staff positions, one (1) Associate Process Safety Engineer position and one (1) Marine Safety Supervisor position.

From January 1 thru December 31, 2019, staff monitored 27 percent of oil transfers (1,546 of 5,723 transfers) conducted at marine oil terminals (MOTs) in California. This represents a decrease from 2018, during which 33% of every oil transfer was monitored. The decline is due to a shortage of personnel in both field offices.

We are preparing to start the process of updating several sets of regulations including Article 5 (operations) and Article 5.5 (pipelines).

MEPD is working with State Lands GIS staff to develop data layers related to marine oil terminals and their operations. To date all Marine Oil Terminals in Northern California have been done except for Eureka.

We are working with the other State Lands Divisions, the Commissioners and the public to begin the development of the agencies new strategic plan for 2021-2025 as well as the implementation of our new Environmental Justice policy which was adopted by the Commission this last year.

Commission staff has taken steps to address unmanaged systemic hazards at marine oil terminals. Staff is developing a systems safety risk identification and management program.

In 2019, staff completed the rulemaking process to update the Marine Oil Terminal Engineering and Maintenance Standards (MOTEMS).

Planning for Prevention First 2020 has begun with participation from OSPR and several of the divisions within State Lands. The symposium will be held at the Westin, Long Beach on September 29-30, 2020.

State Lands staff is working with OSPR in reviewing the condition of the OSPAF and to assist with possible solutions moving forward to insure fund viability.

NOAA Emergency Response Division (ERD)

Jordan Stout, (report provided)

Response Oil Assay and Database Workshop

NOAA chemists and modelers are working to develop software and collect data for a shareable database of oil physio-chemical properties.

Remote Sensing.

Working on a multi-agency project that verifies sensors' abilities to qualitatively distinguish differing oil thicknesses and emulsions of Alaska North Slope and South Louisiana crudes, improving detection of potentially 'actionable' oil layers on the water's surface.

ESI User Survey and Workshop

NOAA's Environmental Sensitivity Index (ESI) maps have been a key oil spill planning and response tool since 1979 to help identify potential natural resources at risk to marine oil spills and associated cleanup activities. NOAA is exploring how future ESI maps might evolve in times of increasingly constrained budgets.

In-Situ Burn Guidance

Updating oil spill In-Situ Burn (ISB) guidance in CA. Many existing plans are over 10 years old and based on outdated smoke plume model (ALOFT-FT), which is no longer supported by the National Institute of Standards & Technology (NIST).

NOAA ERD supported 185 incidents across the Americas (152 oil, 16 chemical, 17 other), of which 18 involved California.

Shoreline Cleanup Assessment Technique Team Member training in Novato, CA

CALFIRE

Doug Allen, (report provided)

Pipeline Safety Seminar

CAL FIRE - Office of the State Fire Marshal (OSFM) will be hosting the 2020 Hazardous Liquid Pipeline Safety Seminar on April 21, 2020. This one-day seminar will be held at the Hilton Long Beach Hotel and will cover various topics including:

California Best Available Technology (AB 864) Regulation,

Out-Of-Service and Abandoned Pipeline Guidance,

OSFM Operator Portal,

Pipeline Integrity Management Requirements,

Pipeline Notifications and Reporting Requirements,

Hydrostatic Testing Firm Program,

Purged Pipelines and Deferral Requests

Regulations

Assembly Bill 864 (codified in California Government Code section 51013.1) established new statutory requirements for operators of pipelines located near environmentally and ecologically sensitive areas in the directed the Office of the State Fire Marshal. The proposed regulations will require pipeline operators to: identify pipelines subject to the proposed regulations, submit risk analysis evaluating spill volumes and dispersion that could impact environmentally and ecologically sensitive areas, propose use of best available technology to reduce spill volumes, and are subject to review and approval by the OSFM. Operators must retrofit existing pipelines with best available technology in a specified time frame. Following implementation, operators are required to review and update risk analyses on a set schedule in the future to ensure that technologies on the pipeline continue to limit the consequences of a release and take account for migration, movement, and discovery of important natural resources.

TAC Meeting Minutes 3/4/2020

The third 15-day comment period ended on February 6, 2020. OSFM Pipeline Safety staff are currently reviewing the comments submitted and will respond to each one.

United States Coast Guard

Timothy Holmes, (report provided)

Meetings, Plans & Coordination

RRT9 - January 14-15 Mtg: The combined RRT/CA Statewide Area Committee meeting took place January 14/15/2020 in Carlsbad, CA. Thank you to US FWS for hosting the meetings.

RRT9 – April 28-29 Mtg: The upcoming April meeting will take place in Phoenix, AZ on April 28-29, 2020.

RRT9 – July 14-15 Mtg: The summer meeting will be held at Shell Clubhouse, Martinez. To include a highlight on the 30-year anniversary of the T/V AMERICAN TRADER spill in HB, passage of LKS Act, and the creation of CA OSPR.

CA Area Committee Planning Activities

San Francisco Area Committees (1-3)

Sector SF Pollution Responses received 62 NRC reports, had 1 federal case, issued 19 Letters of Warning and 6 Notice of Violation.

Los Angeles Area Committees (4-5)

2019 ACP has been submitted for D11 approval and signature. The document addressed comments submitted by the National Review Committee and were included in the update. Sector LA-LB Pollution Responses received 67 NRC reports, had 1 federal cases, issued 12 Letters of Warning and 1 Notice of Violation.

San Diego Area Committee (6)

A sensitive site survey at San Clemente Island was undertaken on February 18-20, 2020. Sector SD worked with CDFW to survey all marinas within their zone and id all derelict or abandoned vessels. All data is in the process of being added to ERMA.

Historic Properties

US DOI's Regional Environmental Officer is working with the National Park Service to bring a workshop for Historic Property Specialists to the Sacramento Area. US DOI seeks broad participation by USCG, EPA, SHPO, Tribes and State spill response agencies. Tentative date is September 14th.

Mexico-US Response

The MEXUSPAC JRT will hold a binational oil spill response workshop on June 18, 2020 in San Diego. The workshop will include discussion on the binational program, planning, response operations, science of spills, ICS. On-going topics are cross-border transportation (USCG HQ) and oiled-wildlife care (CA/SEMAR), use of ART near the maritime border (D8/Z-1).

MEXUSGULF workshop will take place on March 19, 2020 in New Orleans.

Regional Contingency Plan 2019

The final plan was signed and published on 10/1/2019. Since then there have been several updates noted on the Record of Changes page. Susan Krala is in the process of correcting all the cross-references from the coastal ACPs to the RCP. She will provide corrected wording to the Sector ACP Coordinators by March 15th in the form of an Excel spreadsheet. After that she will correct all the OSPR phone numbers which have changed due to OSPR's move to its new West Sacramento office.

Area Contingency Plans

Mr. Jonathan Smith at USCG HQ chairs a national NRT-ACP Workgroup. After a national ACP survey project in September 2019, he has developed the following strategic goals: Improve ACP accessibility, Improve ACP content, structure and usability, Ensure ACPs (including GRS/GRPs) are validated and relevant, Maintain/improve workgroup administration and functionality, Improve, sustain area contingency planning participation, Establish standards for GRS/GRP data/platforms, Improve marketing and optics for area contingency planning mission, Address different organizational cultures and resolve associated challenges, Develop new NRT AC Planning policy doctrine/guidance, Improve RCP content, functionality and NRS alignment, Improve risk analysis and evaluation processes, Address/mitigate staffing and resource challenges, Improve training and information exchange for AC planning practitioners.

HQ/NRT:

PREP Compliance, Coordination and Consistency Committee (PREP4C): PREP4C will begin updating PREP Guidelines (v2016.2). Additionally, MER-2 is considering revising its "request for real world credit" process, as well as changing the full-scale exercise cycle from one every four years to one every five years.

ESA7: ESA Workgroup products for emergency consultation, including ORG/checklist and a post spill response checklist, are continuing to move forward.

ICCOPR: Upcoming Quarterly Mtg is March 18, 2020 at BSEE in Sterling, VA and will feature a Human Health theme.

NRT-RRT April 21-23, 2020: Seattle, WA

All USCG and EPA RRT Co-Chairs and Coordinators meet annually with reps from the Nat'l Response Team and EPA and USCG HQ.

Clean Pacific: Seattle, WA 06/09-11/2020

Training & Preparedness

DRAT presented Dispersant Ops and CANUSPAC19 Ex. to the North Pacific Coast Guard Forum in Vladivostok, RU. Oct 2019

DRAT w/CA OSPR held Oil Spill Boom refresher training for Berkeley Marina and SF Fire Dec/Feb 2019/20.

DRAT w/SEC SD & LA/LB, CA OSPR, MSRC, FWS conducted a survey of sensitive sites on San Clemente Island Feb 2020. Situation: Eight environmentally sensitive sites on SCI have not been reevaluated since early 2000's. State of sensitive site habitats were unknown and the possibility of identifying other sensitive site candidates existed. Also, little data existed in terms of logistical constraints/restraints if an oil spill response were to take place. D11 DRAT, PACAREA, U.S. Fish & Wildlife Service, California Department of Fish & Wildlife (CDFW) and Marine Spill Response Corporation (MSRC) conducted a three-day survey of eight environmentally sensitive sites on SCI. Four personnel evaluated sites from land and twelve personnel evaluated sites from MSRC 65' vessel M/V OCEAN GUARDIAN and CDFW 27' Response Boat. Supporting Assets: 16 personnel, AIRSTA Sacramento C 27 (18 FEB), MSRC 65' Vessel (M/V OCEAN GUARDIAN), CDFW 27' Response Boat, U.S. Navy Contract Aircraft (20 FEB). All eight sensitive sites were surveyed by land and sea Hundreds of photos captured, habitat and oil spill response logistical data identified, and potential new sensitive site candidates identified.

GIUEs: D11 Sectors completed 4 required GIUEs 1st & 2nd QTR of FY2020; 4 pass, 0 fail.

7. **OSPR Legislative**
Christine Kluge, Regulations Analyst
(report provided)

Spill Management Team Certification

Regulatory language complete.

Finalizing content of the two applications, which require review and approval by Department.

No additional informal scoping meetings are anticipated.

Regulatory Timeline:

Commencement of formal rulemaking process anticipated within next couple months. Submit final regulations to OAL by fall of 2020.

Non-Floating Oil

AB 936- Introduced by Rivas on 2/20/19; approved by the Governor 10/12/19. Regulatory Timeline: Scoping sessions with interested stakeholders anticipated in fall of 2020.

Articulated Tug Barge

Revisions necessary to include specificity to the combinations of tanker and tank barge based on the mechanical connection system. OSPR hopes to commence rulemaking activity in 2021.

Shoreline Protection Tables

OSPR is exploring alternate ways to present the myriad details laid out in the tables, such as including the timing requirements in the ACPs.

Other Initiatives

OSPR is working towards harmonizing the marine and inland regulations. This process will include adjustments to COFR levels, RWCS volume levels, as well as other potential improvements.

The updated spill response cost study by Catalyst Environmental Solutions Corporation has been completed. This is the first real study evaluating spill volume, cleanup costs, damages, etc., since the Mercer study was completed shortly after OSPR's inception in 1990. This study will serve as a guide in determining more realistic COFR levels.

8. **OSPR LEGAL UPDATE**
Eric Milstein, Assistant Chief Counsel

Refugio Incident

Criminal Enforcement: On September 7, 2018, the jury returned their verdict and the defendant, Plains All-American Pipeline, was found guilty of multiple counts under the California Government and Fish and Game codes. The court denied Plains' motion for a new trial and a sentencing hearing was held on April 25, 2019. Plains was ordered to pay a penalty of \$3.34 million dollars by July 15, which was paid. A hearing regarding restitution was held on February 21, 2020, decision pending.

Civil Enforcement: Natural Resource Damage Assessment (NRDA) – The NRDA Trustees include representatives from the California Department of Fish and Wildlife, California State Parks, California State Lands Commission, UC Regents, National Oceanographic and Atmospheric Administration (NOAA), and the US Department of the Interior. Legal staff are working closely with trustee attorneys, state and federal technical staff, and outside experts to evaluate Plains' position with regard to the pathway of the oil and possible restoration projects, to gather additional evidence, and to refine the Trustees' claim for natural

resource damages. The Trustees are preparing for additional settlement negotiations with Plains in the coming months. The measure of natural resource damages is based on the cost to restore the injured resources and compensate the public for the loss of use and enjoyment of natural resources, public beaches and other public resources. The Trustees have reached out to the public, local governments, and NGOs for restoration project ideas for resources injured by the spill. They are also coordinating with Marine Protected Area representatives, academics and other local experts.

Injunctive Relief/Civil Penalties: Legal staff are also coordinating with counsel for other federal and state enforcement agencies, including U.S. Environmental Protection Agency, the U.S. Coast Guard, the U.S. Department of Transportation Pipeline and Hazardous Materials Safety Administration, the Central Coast Regional Water Quality Control Board and the Office of the State Fire Marshall, as well as the U.S. Department of Justice and California Department of Justice to develop a global settlement offer. The global offer will include civil penalties, injunctive relief, natural resource damages and cost recovery.

HVI Cat Canyon Inc., aka Greka

The civil trial against Greka occurred on the week of October 22, 2018 in Federal District Court in Los Angeles in response to a series of spills and incidents occurring at facilities in the Santa Maria area. The matter is with the court for a decision.

On July 25, 2019, HVI Cat Canyon Inc. filed for Chapter 11 bankruptcy. OSPR legal staff and the Attorney General's Office continue to monitor this bankruptcy action and file motions when applicable.

On January 17, 2020, the OSPR Administrator issued a Cease and Desist Order against HVI Cat Canyon Inc. for all their facilities in Santa Barbara and Orange Counties.

9. **OILED WILDLIFE CARE NETWORK**

Dr. Mike Ziccardi, Director, OWCN

The OWCN is constantly working to increase California's readiness to respond to oiled wildlife events. Being ready means having a team of trained responders from border to border, pre-staged equipment and supplies around the state, specialized facilities ready to receive oiled animals, and a plan to bring it all together. This includes protocols for capture, transportation and care developed specifically for the wildlife found in our state.

OWCN CORE AREAS

Responders

Well trained staff and volunteers provide both best achievable care to wildlife and important benefits to the state and the community affected by a spill. Staff provide knowledge, experience and consistency, while empowering and mentoring volunteer responders to take ownership and pride in the wildlife response.

During spill management, the majority of our senior roles are staffed by experienced responders from the OWCN Management Team as well as experienced responders from our Member Organization.

Volunteers are crucial to oiled wildlife response efforts in California. OWCN works with three kinds of volunteers:

Pre-trained volunteers who are actively linked to one of our network Member Organizations

Affiliated volunteers whose organization has an established role in the oil spill response structure (requires pre-existing arrangement with a government agency)

Spontaneous volunteers who are concerned members of the public who want to help out during a spill event.

Maintaining an engaged response community is achieved through an active network of Member Organizations comprising of wildlife care providers, academic institutions, zoological parks/aquariums and scientific organizations.

Training and Drills

Since its inception, OWCN has been a world leader in developing written protocols for oiled wildlife care utilizing the expertise found within the Member Organizations, as well as scientist and responder colleagues around the world. Our protocols are reviewed and updated annually. Our training program ensures a foundational understanding of the principles the protocols are based on and instills common techniques and practices to provide consistent, high quality care. Regular Exercises and Drills provide the practice and testing to measure our progress.

Equipment and Supplies

OWCN maintains caches of equipment and supplies throughout the state. The focus of many of these stockpiles is to ensure that first responders have the equipment and supplies necessary to hit the ground running. A timely response is essential in oiled wildlife response.

Specialized Facilities

In collaboration with OSPR and the OWCN Member Organizations we have built a network of purpose-built oiled wildlife rehabilitation facilities. They are strategically placed along the length of the state to facilitate a rapid response to affected wildlife. These include large facilities in the San Francisco Bay and Los Angeles harbor areas, as well as smaller capacity facilities.

Because no single oiled wildlife care center can effectively meet the needs of an early stage of a catastrophic oil spill, the OWCN has developed numerous regional care facilities with substantial overflow capacity to other centers. All of these facilities are maintained in a constant state of preparedness for spill response.

There are currently 12 facilities throughout CA that were either designed and built specifically for oiled wildlife care, or are OWCN participant facilities that have been modified in order to facilitate spill response. Each facility within the OWCN is multi-use in nature, allowing them to function for the managing partner organization during non-spill periods. This arrangement allows for shared cost-effective maintenance and the ready availability of trained volunteers and staff on-site, reducing start up time during spills.

For OWCN/OSPR managed facilities, on-going operations and maintenance costs are addressed through a budgetary line item in each of the respective budgets. Any facility-use fees assessed during spill response go directly to OSPR for OWCN for equipment replacement and facility maintenance for spill response operations only.

OWCN/OSPR-Managed Facilities

Marine Wildlife Veterinary Care and Research Center (Santa Cruz) is the primary care facility for sea otters affected by oil within California and the first center to be completed. During non-spill periods, research is conducted by OSPR personnel and UC Santa Cruz and UCD collaborators on marine wildlife and nearshore ecosystems.

San Francisco Bay Oiled Wildlife Care and Education Center (Fairfield) is one of the two primary oiled bird facilities. It is designed to accommodate 1,000 birds indoors during a large oil spill in the Bay area, includes specialized areas for bird intake, holding, washing,

Department of Fish and Wildlife Office of Spill Prevention and Response's Report to the Technical Advisory Committee, June 4, 2020

Executive Branch

Verbal update provided by Administrator Cullen.

OSPR Law Enforcement Branch: March - May 2020 TAC Summary

Spill Response and Investigation: From March 2020 through mid-May 2020, Wildlife Officers responded to, and investigated, over 400 oil spills throughout inland and coastal California. These incidents varied from abandoned vessels, pipeline discharges and truck accidents, to oil field surface expressions and tanker spills. The most significant or notable events included:

March

- 20-1047: Sunken Vessel. Mile Rock Beach, San Francisco County. Northern FRT members responded to, and investigated, a report of a sunken vessel near Mile Rock Beach. The pleasure craft lost propulsion and wrecked along an isolated and rocky section of the coastline. The sunken vessel contained a variety of pollutants, including household hazardous wastes and petroleum products. OSPR responders assisted with the initial response efforts and coordinated cleanup actions.
- 20-1486: Sunken Vessel. Bonita Point, San Francisco County. Northern FRT members responded to the report of a sunken commercial fishing vessel near Bonita Point in San Francisco Bay. Based on the initial investigation, responders discovered that the vessel's fuel tanks contained a significant amount of diesel. OSPR personnel assisted the USCG in developing a plan to quickly remove the remaining fuel and to expedite the removal of the sunken vessel from the shoreline.
- 20-1621: Tanker Truck Accident. Cuyama River, Santa Barbara County. Members of OSPR's Southern and Central FRTs responded to the report of a tanker truck accident along the Cuyama River. Upon arrival, officers discovered that a 6,000 gallon fully loaded crude oil tanker truck had crashed into the river, losing its contents into the creek bed. OSPR personnel from throughout the state quickly mobilized and assisted with this complicated month-long response.
- 20-1746: Sunken Vessel. Dana Point, Orange County. Southern FRT members assisted with the investigation and response to a sunken vessel in Dana Harbor. The 98-foot historic wooden vessel sank at its mooring and contained a variety of pollutants. Once the hazardous materials were removed, efforts were taken to salvage the vessel. Due to its age and location, the re-floating of the vessel became impossible. OSPR personnel monitored the cleanup and removal of the boat from the harbor.

April

- 20-1810: Sunken Vessel. Richardson Bay, Marin County. Northern FRT members received a report of a sunken vessel in Richardson Bay. OSPR responders investigated the report and found a large houseboat had sunk at its mooring in the bay. Upon further investigation, the vessel was observed creating a heavy petroleum sheen to the water's surface. USCG personnel, along with OSPR Wildlife Officers, assisted in the cleanup of the vessel's pollutants and initiated the salvage of the vessel.
- 20-1885: Crude Oil Discharge at Oil Production Facility. Central FRT members responded to a report of a crude oil spill into a blue-line waterway at an AERA Inc.

production facility near Coalinga. Responders assisted AERA and the cleanup contractor with containing the discharge and removing the oil from the environment.

- 20-1941: Pipeline Discharge at Oil Production Facility. Bakersfield, Kern County. Central FRT Wildlife Officers responded to a report of a pipeline discharge at a Chevron oil production facility in Bakersfield. Officers investigated the reported release and observed crude oil in a water retention basin and adjacent canal. Cleanup efforts were begun by Chevron and OSPR personnel to contain the oil in the basin and a contractor was hired to begin the cleanup efforts. These efforts were effective in quickly removing the oil from the environment before a series of late season storms added additional water to the stormwater system.
- 20-2010: Tanker Truck Accident. Clear Lake, Lake County. Northern FRT members responded to a report of a milk transport truck accident that impacted Clear Lake. Wildlife Officers investigated the report and observed that the truck had exited Hwy 20 and entered the lake. The responders assisted with mitigating the threat to the environment and contained most of the spilled product to the shoulder of the road. Officers monitored the removal of the truck and remaining pollutants from the lake.
- 20-2008: Diesel Spill from Vessel. Rio Vista, Solano County. Northern FRT members, along with the USCG, investigated a report of a sinking commercial fishing vessel in the Sacramento River near Rio Vista. Responders located the listing vessel and took actions to prevent the boat from sinking. Additionally, responders identified the source of the diesel discharge and contained the remaining fuel on board the vessel. Wildlife Officers monitored the cleanup until the pollutants were removed from the environment.
- 20-2178: Sunken Vessel. Elkhorn Slough, Moss Landing, Monterey County. Wildlife Officers received a report of a petroleum products discharge from a research vessel at Moss Landing. Officers investigated the report and found the research vessel had leaked hydraulic oil into the Elk Horn Slough. Measures were taken to stop the discharge and remove the oil from the environment.

May

- 20-0787: Pipeline Discharge at Oil Production Facility. McKittrick, Kern County. Central FRT members responded to a report of a crude oil spill near McKittrick. The FRT discovered approximately 20 oiled small mammals and one oiled sparrow at the site of this pipeline leak. The responsible party conducted the clean-up and repairs associated with the spill. This is a continuing investigation.
- 20-0805: Oil Production Facility Crude Oil Spill. McKittrick, Cymric Oil Field Complex, Kern County. Wildlife Officers responded to an oil spill in McKittrick that impacted a dry creek bed. The officers assisted the responsible party with coordinating the clean-up and investigated the cause of the release.
- 20-2347: Pipeline Discharge at Oil Production Facility. McKittrick, Kern County. Central FRT members received a report from AERA Energy of a crude oil spill at their production facility near McKittrick. Responders investigated the release and discovered a pin-hole leak in a gathering flowline. Approximately 50 barrels of crude oil and produced-water reached a blue-line creek. Actions were taken to contain the spill and cleanup operations were initiated. Wildlife Officers monitored the cleanup efforts until the oil was removed from the environment.
- 20-2436. Pipeline Discharge at Oil Production Facility. Taft, Kern County. Central FRT members received a report of a pipeline spill from Plains All Americans' oil production

facility in Taft. Responders investigated the spill and took measures to mitigate the impact of the discharge. Wildlife Officers coordinated the response efforts and monitored the removal of oil from approximately 30 feet of a blue-line streambed.

- 20-2454: Diesel Spill. Laguna Beach, Orange County. Southern FRT members received a report of a diesel spill into the Pacific Ocean near Thousand Step Beach in Orange County. Wildlife Officers responded to the spill location and discovered that a hospital's rooftop emergency generator had spilled several hundred gallons of diesel into a storm drain that discharges into the Pacific Ocean. USCG personnel and Wildlife Officers assisted with containing the spill and investigated the extent of the discharge into the underlying storm drain system. Most of the diesel was contained underground, nevertheless, several hundred gallons reached the outfall and saturated the adjacent sand. Responders monitored the cleanup until the response was transitioned over to the State Water Board for additional subsurface remediation. This is an on-going response.
- 20-2457: Sunken Vessel. McGrath State Beach, Ventura County. Southern FRT members received a report of a sunken commercial fishing vessel south of the mouth of Ventura Harbor near McGrath State Beach. Wildlife Officers responded to the scene and located the sunken trawler SEA DRAGON. The vessel was hard-against the beach and was leaking petroleum products. Responders coordinated with the USCG and the vessel's owner to begin cleanup operations. Officers investigated the cause of the sinking and monitored the removal of the pollutants and what remained of the vessel.
- 20-2682: Sunken Vessel. Long Beach, Los Angeles County. Southern FRT members received a report of a sunken vessel in the Long Beach Channel. Wildlife Officers investigated the incident and assisted the USCG and Long Beach Fire Department with the containment of the spill. A clean up contractor was hired and the vessel was quickly removed from the channel. A variety of pollutants were found on the vessel and this remains an on-going investigation.

Personnel:

OSPR's Law Enforcement Branch has 5 statewide vacancies. These vacancies will be filled by transferring veteran officers and new Cadets in the Fall or Winter of 2020/2021.

Environmental Response Branch (ERB) May 2020

Readiness:

Recently Filled Positions

- Environmental Scientist David Lyons for SFRT out of San Diego

Vacancies

- Environmental Scientist for SFRT out of Los Alamitos

Status Changes

- Senior Environmentalist (Specialist) Dale Stultz for NFRT out of Redding is set for retirement on Aug 1, 2020.
- Senior Environmental Scientist (Specialist) Diana Grosso for CFRT has transferred from Bakersfield to San Luis Obispo.

- MST Marita Espiritu off SDI and back to regular work/telework schedule as of May 20, 2020 out of Fairfield. She has volunteered for COVID-19 Contact Tracing Program and will be temporarily reassigned for 6-9 months.
- MST Ron Wooden out of West Sacramento has volunteered for COVID-19 Contact Tracing Program and will be temporarily reassigned for 6-9 months.

Preparedness:

Geographic Response Plans (GRPs)

OSPR Statewide Internal GRP Workgroup Meetings

- Mar. 24, 2020
- Jun. 23, 2020 (next meeting)

Current GRPs in progress:

- Klamath River (Siskiyou, Humboldt, Del Norte Counties) – field work underway to identify strategy sites.
- Lower Sacramento River (Shasta, Tehama, Glenn, Butte, Colusa, Sutter, Yolo, and Sacramento Counties) - site reconnaissance OSPR/NRCES conducted 5/19-20.
- Lower American River (Sacramento and Yolo Counties) – field work underway to identify strategy sites.
- Salinas River (Monterey and potentially San Luis Obispo County) - still working on finalizing upstream boundary. Field reconnaissance and ground truthing will begin once boundary finalized.
- Santa Ana River (San Bernardino, Riverside, and Orange Counties)
- Santa Margarita River (Riverside and San Diego Counties)

Area Contingency Plans (ACPs)

OSPR Statewide Internal ACP Workgroup Meetings

- Mar. 24, 2020
- Feb. 24, 2020 – Economic Subcommittee (Statewide)
- Apr. 21 Ranking Testing Level of GRS
- May 21 – Economic Subcommittee (Statewide)
- Jun 23, 2020 Next Workgroup Meeting

Sector San Francisco

- ACP 1 Meeting held via audio call on May 21, 2020 with 30+ participants
- ACP 2 meeting conducted by USCG/OSPR using Adobe Connect on May 19th with 70+ participants
- ACP 3 Meeting scheduled for April 9, 2020 was cancelled due to COVID-19
- NFRT ES's and CFRT ES currently working on ACP revisions for ACP1, ACP 2, ACP 3 (Sector SF) due 2022
- Sector SF annual updates to be submitted for Sensitive Site Strategy Evaluation Program (SSSEP) testing conducted for previous calendar year which resulted in strategy changes.

Sector Los Angeles/Long Beach

- ACP 4 and 5 Area Committee Meeting scheduled for April was cancelled due to COVID-19
- CFRT and SFRT completed Annual Updates to ACP 4 and 5, respectively.

Sector San Diego

- ACP 6 Area Committee Meeting scheduled for April was cancelled due to COVID 19
- SFRT completed Annual Updates to ACP 6

Shoreline Protection Table Workgroup Meetings

- Jan. 10, 2020 Last Meeting
- Next meeting tentatively scheduled for June 24, 2020

Post-Refugio Incident Products Workgroup Meetings

- Feb. 25, 2020 Meeting Cancelled
- No Meetings Scheduled through June

Statewide Area Committee Meeting

- No Meetings Scheduled through June

Sensitive Site Strategy Evaluation Program (SSSEP)

Workgroup Meeting

- No Meetings Scheduled through June

State Parks Permit Follow-up – OSPR to continue SSSEP with individual State Park Districts being able to independently require permitting.

- SSSEP Testing Since Mid Feb. 2020

ACP 2

- Schommer & NRCES successfully tested ACP sub-strategy 2-850.2 on 3/5/20.
- Schommer conducted recon on new ACP site “Tubbs Setback” on 3/10/20.

ACP 5

- 5-330 Talbert Marsh – Mar. 2020 – Cancelled – Cancelled due to COVID 19

ACP 6

- 6-400.8 San Diego Bay Entrance – Apr. 2020 – Cancelled due to COVID 19

Major Oil Spill Exercises:

- Witt-O’Briens California Triennial Vessel Exercise – Mar. 2020
- ECM California Triennial Vessel Exercise – Mar. 2020 – Cancelled due to COVID 19
- New proposed Public Health Assessment Unit (PHAU) Testing in Southern California at Chevron El Segundo Drill on March 26, 2020 – Cancelled due to COVID 19

Training:

Environmental Response to Oil Spills (EROS) Training Class

- Planning Meeting for next EROS Jan. 27, 2020 and Apr. 21, 2020

Miscellaneous Training

- All ERB (and some HQ) ESs continue limited field testing of SCATalogue Application in their neighborhoods, as well as during small spills.
- USCG/NOAA SCAT Training March 17-19, 2020, Pacific Strike Team, Novato. ERB providing field instructors for training – Cancelled due to COVID 19
- CFRT ESs participated in Wildlife Branch Director training 3/10/20

- Harrell presented at 2020 Oil Spill Response Communication Workshops for Marinas and Yacht Clubs, Martinez Marina, 3/5/20.
- All in-person training postponed due to Covid-19 protocols; additional training opportunities through LEARN, OWCN, NOAA.

Selected Responses:

NFRT responded to the following:

- PG&E truck into East Panther Creek. Approx. 90 gallons of diesel released into soil and creek. Coordinated cleanup with PG&E. No visible oiled wildlife observed.
- F/V Scoma's ran aground on Black Sands Beach near Point Bonita. Estimated 600gal of diesel on-board when the vessel beached, none of which was able to be recovered as the vessel quickly disintegrated in the high sea state. OSPR consulted with OEHHA, fisheries closure not recommended. Salvage planning and operations conducted by Parker Dive, GGNRA, USCG.
- Assisted with Cuyama River Incident, performing SCAT within the Environmental Unit.
- Fire at auto wrecker facility in Eureka on 4/13/20. On request of ODO a post-fire inspection of state waters was conducted. Petroleum sheen was observed in the drainage ditch adjacent to the property but unrecoverable.

CFRT responded to the following:

- 6000 gallons crude from a single vehicle accident (tanker truck) into a riverbed (Cuyama Riverbed mile marker 29?). First OSPR response to implement COVID-19 protection measures into response.
- Multiple surface expressions with some to waterways, some threatening or outside of waterways and some involving oiled wildlife.

SFRT responded to the following:

- A crude oil pipeline incident on a Los Angeles County Detention Facility near Castaic Lake which impacted a creek
- A multiple big rig incident near Pyramid Lake which spilled diesel, motor oil, and a cargo of acid which impacted a creek
- A hospital in Laguna Beach which had a generator release diesel into a storm drain and onto a local beach resulting in sand removal but no impact to the ocean
- A sunken replica of a historical sailing ship which released diesel into Dana Point Harbor
- Assisted the CFRT with the Cuyama Incident

Other

OSPR Incident Tracking Database Coordination Meeting on Apr. 22, 2020

CFRT staff continuing to lead on Guadalupe Trustee Council and Torch Trustee Council. Overseeing restoration project implementation.

Petroleum Chemistry Laboratory Activities as of May 7th, 2020

Personnel

Scientific aid hired in January. She has been trained on sample preparation for petroleum fingerprinting and will assist with sample organization and archiving of PCL inventory.

Sample Analysis

Provided next day turn of preliminary results for mystery tar ball incident that occurred over a two-week time span in December, ranging from Santa Cruz County (12/09/19), to Monterey County (12/13/19), to San Luis Obispo County (12/19/19). Although the oiling event did not meet thresholds to activate the OWCN, it allowed our responders to inform a concerned public about the source of the oil and its non-anthropogenic nature.

After almost an eight-year hiatus from analyzing biomarker ratios for mystery spill samples, the PCL staff brought back online the biomarker ratio analysis method and began adding new samples to the biomarker ratio database. The biomarker ratio analysis method allows assessment of the relationship between current and historic samples from known and unknown oiling event sources, including seep samples. This work was initiated as part of a COSSEP project with USGS collaboration.

Continued to perform petroleum confirmation, characterization and fingerprint analysis for three ongoing investigations in the first quarter of the year.

Provided TPH analysis for OSPR funded COSSEP research project.

Research

Findings to date for an ongoing research study into the relationship between PAH metabolites in fish bile and acute oil injury were presented at the CDFW Science Symposium in February 2020. These findings were also presented in a brown bag seminar in March for OSPR funded COSSEP studies.

Financial and Administrative Services Branch – June 2020

FASB staff was able to quickly adjust to a telework schedule in compliance with the department's COVID-19 emergency operations. Due to the adoption of progressive digital procedures over the last couple of years, the transition of key administrative functions to the new work format was relatively seamless. Despite the challenges presented by teleworking the COFR team successfully completed its annual vessel insurance renewal "season" processing a total of 3,636 tank and 3,253 nontank vessels between January and April of this year.

As a result of the current budget crisis and the fund condition, OSPR as a savings measure will not be filling the following positions: OSPS (Bakersfield); OSPS (Bakersfield); Sr. ES (Spec) (Monterey); Sr. Toxicologist (Monterey); AGPA (Sacramento); MST (Sacramento); and Deputy Admin. (Sacramento). The following vacancies will be filled: SSMII (FASB Branch Chief), in progress, candidates are being reviewed; ES (ER Branch Los Alamitos), RPA pending; and AGPA (FASB), currently delayed until further notice.

Further impacts of the COVID-19 and the condition of the fund resulted in the cancellation of the following Business Services purchases in progress reported in the last TAC meeting: One scientific vessel and Two side by side ATVs.

The Public Work projects for facility maintenance and improvements at three of OSPR Labs that are also funded by BCP money are moving forward. These projects were deemed necessary for the safe operation of the labs, and protection of staff and equipment. The Marine Wildlife Veterinary Care and Research Center is having the roof replaced and exterior/interior paint will be done. At the Petroleum Chemistry and Water Pollution Control Labs Modular buildings are being removed and the parking lot will be resurfaced."

Other staff changes throughout OSPR branches include the **addition** of Paul Hichborn, OSPS (Preparedness Branch, Sacramento); the **promotion** of Francesca Batac to ES (MWVCR, Santa Cruz); **transfers** of David Lyons, ES (ERB Branch San Diego from Los Alamitos); Michael Zamora, OSPS (Preparedness Branch Sacramento from prevention Branch); **Bryan Gollhofer, F&G Patrol Lt. Specialist (Los Alamitos to CDFW Enforcement)**; (Seth Paine, Res. Data Specialist I (Response Tech. and Support Sacramento to another agency); and Paul Zurawski, F&G Warden (Los Alamitos to another state agency); **retirements** of Farina Khan, AGPA (FASB Sacramento); and effective April 1, 2020, after more than 30 years of state service, over 19 years with the Department of Fish and Wildlife and 9 years with OSPR, FASB Branch Chief Bernadette Fees retired. We thank her for her service to California and wish her all the best for the future.

Preparedness Branch TAC Update

Drills and Exercises

Notification Only Drills (NODs)

Due to the COVID-19 pandemic and the Executive Order issued by California Governor Gavin Newsom on March 19, 2020, the CDFW-OSPR Drills & Exercises Unit (D&E) was obligated to postpone several annual gear deployment drills and tabletop exercises with oil company contingency plan (Cplan) holders. In order to alleviate the burden of losing approximately 90 available drill days (March 15 – June 30), D&E will be offering Notification Only Drills (NODs) to qualifying plan holders. In order to receive credit for a NOD, all three of the following objectives must be met by the Cplan holder: Notifications, Firefighting, and Wildlife Recovery & Rehabilitation. As part of the NODs review process D&E staff determined plan holder eligibility using a thorough screening process. Based on this review, 35 Marine Tier I or Tier II (14 CCR § 820.01) or Inland Tier I or Tier II (14 CCR § 820.02) Cplan holders were identified as eligible for NODs. A total of 49 Cplan holders were originally identified as possible candidates for these exercises however 14 Cplans did not meet the requirements. The NOD will be partially scheduled and partially unannounced. The Cplan holder will be given the opportunity to schedule a date for the NOD. On the scheduled drill date, the assigned D&E coordinator will notify the Cplan holder between the hours of 0800 – 1630 that the drill has begun and the Cplan holder must take appropriate actions to complete the three objectives identified as part of the NOD. The D&E coordinator will work with the Cplan holder throughout the NOD process. Once completed, the drill credit request and documentation will be processed as a typical TTX drill credit. If a Cplan holder does not pass the NOD they will be required to perform a traditional TTX in 2020. NODs are not considered official Government Initiated Unannounced Exercises (GIUEs) and participation in one does not preclude the plan holder from other State or Federal unannounced drills or exercises.

California Triennial Vessel Exercises (CalTriVEX)

21 OSPR staff participated in the Witt O'Brien's CalTriVEX in March; this exercise took place prior to Governor Newsom's COVID-19 Executive Order issued on March 12, 2020. Two spill management teams have canceled their previously scheduled 2020 CalTriVEX due to COVID-19. ECM Maritime Services and Chevron Shipping have rescheduled their exercises to 2021; both companies will maintain their established three-year drill cycle and will drill in California again in 2023.

Updated ICS Forms Webpage

In March 2020, D&E updated the [ICS Forms webpage \(https://wildlife.ca.gov/OSPR/Drills-Exercises/ICS-Forms\)](https://wildlife.ca.gov/OSPR/Drills-Exercises/ICS-Forms). The page now links directly to the USCG and US EPA ICS forms databases and plan holders are encouraged to use the forms provided by the relevant FOSC during exercises and spills.

Updated Staffing Calendar

In May 2020, the D&E staffing calendar, including the one distributed to Agencies, has been updated to an Excel format. The page layout is nearly identical to the previous Word version, but offers additional functionality and efficiency for D&E.

Total Drills Statewide 2020 (January – June 2020)

- Statewide summary for 2020 oil spill contingency plan regulated drills and exercises during this period;
- Total Drills: 45
- Total Tabletop: 6
- Total Equipment Deployment: 5
- Total Notification Only Drills (projected): 34

Total Drills Southern California 2020 (January – June 2020)

- Total Drills: 24
- Tabletop: 3 (1 makeup exercise from 2019)
- Equipment Deployment: 1
- Notification Only Drills (projected): 20

Total Drills Central California 2020 (January – June 2020)

- Total Drills: 5
- Tabletop: 1
- Equipment Deployment: 0
- Notification Only Drills (projected): 4

Total Drills Northern California 2020 (January – June 2020)

- Total Drills: 16
- Tabletop: 2 (2 makeup exercises from 2019)
- Equipment Deployment: 4
- Notification Only Drills (projected): 10

Drill Planning for 2020

D&E staff are diligently working on maintaining OSPR standards and participation throughout the remainder of 2020. Tabletops and gear deployments were canceled based on the Governor's executive order from mid-March through mid-May; there are no in-person tabletops or gear deployments scheduled through June; all remaining equipment deployment drills were rescheduled to July-December; NODs are being offered to 35 Cplan holders; and two CalTriVEX's have been rescheduled to 2021. All remaining tabletops and gear deployments are scheduled for attendance by OSPR staff at this time. Drills and Exercises staff are in frequent communication with Cplan holders, consultants, and SMT/IMT representatives.

Unannounced Drill Program

Plan Holder Notification Unannounced Drills for 2020

- 1 Total: 1 passed

Inland OSRO Inspections 2020

- 2 Total: 2 passed

Oil Spill Contingency Plans: 2020

- Vessels Plans: 1304 total Withdrawn plans: 1466
- Total new approved plans for 2020: January-April - 45
- Vessels Revisions: January- April - 744
- Vessel Resubmittal approvals: January- April - 18
- Facilities: 2 New in 2020
- Inland Plans: 74 total
- 47 approved
- 5 in review (5 new plans received March-May 2020)
- 22 withdrawn
- 2 denied

Geographic Response Plans (GRPs)

OSPR Statewide Internal GRP Workgroup

Meetings

- Mar. 24, 2020
- June 23, 2020 (next meeting)

First Planning Cycle Completed: North Fork American River and Upper Sacramento river GRP's finalized and put on the OSPR website.

Current GRPs in progress:

- Klamath River (Siskiyou, Humboldt, Del Norte Counties) – majority of field work complete.
- Lower Sacramento River (Shasta, Tehama, Glenn, Butte, Colusa, Sutter, Yolo, and Sacramento Counties) – field work complete.
- Lower American River (Sacramento and Yolo Counties) – field work currently underway to identify strategy sites.
- Salinas River (Monterey County) - Still working on finalizing upstream boundary, may be at county line with San Luis Obispo. Field reconnaissance and ground truthing will begin after finalizing upstream boundary.
- Santa Ana River
- Lower Santa Ana River GRP (Orange and Riverside Counties) -Field work complete.
- Middle Santa Ana River GRP (Riverside County, includes Prado Basin) – Field work to begin soon.
- Upper Santa Ana River GRP (San Bernardino and Riverside Counties) – Field work to begin soon.
- Santa Margarita River (Riverside and San Diego Counties) - Field work mostly complete; adding two sites from upstream tributaries.

OSPR Response Qualifications and Certifications Unit (RQCU)

The annual Environmental Response to Oil Spills course will be held in Granite Bay, Ca on October 13-15, 2020, pending any agency directives pertaining to COVID-19 countermeasures. Representatives from national, State, and local government agencies, industry, local tribes, and NGOs are invited to apply for the course by contacting Lea Gibson at lea.gibson@wildlife.ca.gov.

On March 5, 2020, the RQCU held an 8-hour HAZWOPER Refresher course for US Fish & Wildlife Service staff. All other HAZWOPER courses have been canceled and new courses are not currently being scheduled, due to COVID-19 countermeasures. Online refresher options have been made available to OSPR employees and a list of vendors was provided to non-OSPR employees enrolled in the course scheduled for May 5, 2020. A list of vendors who provide online HAZWOPER refresher training is available, contact Lea Gibson at lea.gibson@wildlife.ca.gov.

Marine Area Contingency Plans (ACPs) and Regional Contingency Plan (RCP):

OSPR field staff updated environmental sensitive sites via the Sensitive Site Strategy Evaluation Program (SSSEP) for the ACPs throughout 2019, and those sites will be posted on OSPR's website on July 1, 2020. OSPR staff are currently updating the USCG

Sector SF ACPs 1-3, and the revision is due in 2022. OSPR staff have numerous internal workgroups to review and update ACP-related content, including economic sensitive sites and shoreline protection tables, and drafting various statewide-applicable guidance documents, templates, and sample plans. The Statewide ACP meeting was successful with an overwhelmingly positive attendance by Federal, State, and local committee members. Numerous spring ACP meetings have been canceled due to COVID-19. The USCG is looking into virtual meeting options to host upcoming ACP meetings though.

Spill Management Team Program

The rulemaking package has been delayed as OSPR considers adjustments to account for Covid-related cancellation of trainings and exercises that were planned by the regulated community to establish qualifications for spill management team personnel.

OSPR hopes to enter rulemaking in June or July, pending the department's approval of virtual public hearings for the rulemaking.

Due to the delays in rulemaking, and the extended timeframes for OAL approval under the current telework status, we anticipate the regulations going into effect either April 1, or July 1, 2021.

Legal Branch

Personnel Changes:

Staff: Due to the current fiscal situation filling the vacant Associate Governmental Program Analyst (AGPA) position has been put on hold. Marguerite Diaz, the longtime incumbent in that position will be coming back part time as a retired annuitant to assist.

Refugio Incident:

Criminal Enforcement: On September 7, 2018, the jury returned their verdict and the defendant, Plains All-American Pipeline, was found guilty of multiple counts under the California Government and Fish and Game codes. The court denied Plains' motion for a new

trial and a sentencing hearing was held on April 25, 2019. Plains was ordered to pay a penalty of \$3.34 million dollars by July 15, which was paid. A hearing regarding restitution was held on February 21, 2020. Hearings to determine the amount of restitution Plains must pay to various claimants have been delayed due to Covid-19 closures and restrictions.

Civil Enforcement: Settlement – Legal counsel working closely with counsel for state and federal enforcement agencies, counsel for state and federal trustee agencies, and the U.S. and California Departments of Justice reached a settlement with Plains and negotiated the terms of a Consent Decree to resolve claims arising from the May 19, 2015 discharge of approximately 2,934 barrels of crude oil from Plains’ Line 901, located near Refugio State Beach California. On March 19, 2020, the United States and California Department of Justice lodged the proposed Consent Decree with the U.S. District Court for the Central District of California in the matter of the United States and People of the State of California *ex rel.* CDFW et al., v Plains All American Pipeline et al., [Civil Action No. 2:20-cv-02415 (C.D. Cal.)] The settlement requires Plains to pay over 22 million in natural resource damages; to pay 24 million in penalties; and to implement injunctive relief to improve Plains’ nationwide pipeline system and modify operations to avoid conditions that caused the Line 901 spill. Plains also paid all outstanding response and natural resource damage assessment costs. A total of one million and fifty thousand dollars (\$1,050,000) in penalties will be paid to CDFW-OSPR for Lempert-Keene penalties, plus another \$25,000 will be paid for violating Fish and Game Code 5650. The remainder of the penalties will be paid to PHMSA (14.5 million), EPA (5.925 million) and the State Water Quality Control Board (\$2,500,000). The Public comment period for the Consent Decree ended on May 20, 2020.

The settlement resolves Plains’ violations of Pipeline Safety laws, the Clean Water Act, the State Porter-Cologne Act, the Lempert-Keene-Seastrand Oil Spill Prevention and Response Act and Fish and Game Code and natural resource damages resulting from spill. Signatories to the Consent Decree include the following enforcement agencies: the California Department of Fish and Wildlife Office of Spill Prevention and Response, the Central Coast Regional Water Quality Control Board, the Office of the State Fire Marshall, the U.S. Environmental Protection Agency, the U.S. Department of Transportation Pipeline and Hazardous Materials Safety Administration. Signatories also include the following state and federal trustee agencies: CDFW, the National Oceanic and Atmospheric Administration, the Department of the Interior, California Department of Parks and Recreation, the State Lands Commission, and the Regents of the University of California.

Natural Resource Damage Assessment -The Refugio Beach Oil Spill natural resource trustees hosted an initial public meeting on January 20, 2016 to inform the public of the natural resource damage assessment being performed and to solicit the public’s input on potential restoration projects that would compensate for the resource injuries caused by the spill. The projects received were then considered in the Draft Damage Assessment and Restoration Plan published on April 22, 2020. The Trustees include CDFW-OSPR, State Lands, Parks and Recreation, University of California, U.S. Fish and Wildlife Service, Department of the Interior, and the National Oceanic and Atmospheric Administration. The Trustees hosted two “virtual” public meetings on May 13th (due to Covid 19) to solicit the public’s comments on the draft Damage Assessment and Restoration Plan/Environmental Assessment. The public comment period runs until June 8, 2020. More information and a copy of the restoration plan can be found on OSPR’s NRDA webpage

at: <https://wildlife.ca.gov/OSPR/NRDA/Refugio> and https://www.fws.gov/ventura/docs/Refugio/FINAL%20DARP%20Fact%20Sheet_508revised.pdf

After the restoration plan is finalized, potentially later this summer, the Refugio Beach Oil Spill Trustee Council will begin the process of planning and implementing projects outlined in the plan.

Grove Incident:

The Attorney General's Office is preparing a complaint to be filed against both Crimson and subcontractor CD Lyons.

HVI Cat Canyon Inc., fka Greka:

The civil trial against Greka occurred on the week of October 22, 2018 in Federal District Court in Los Angeles in response to a series of spills and incidents occurring at facilities in the Santa Maria area. The matter is with the court for a decision.

On July 25, 2019, HVI Cat Canyon Inc. filed for Chapter 11 bankruptcy. OSPR legal staff and the Attorney General's Office continue to monitor this bankruptcy action and file motions when applicable.

On January 17, 2020, the OSPR Administrator issued a Cease and Desist Order against HVI Cat Canyon Inc. for all their facilities in Santa Barbara and Orange Counties. HVI Cat Canyon, under the direction of the bankruptcy trustee, has been in compliance with the terms of the order.

Resource Restoration Program

The natural resource trustees for the Refugio Beach Oil Spill, including OSPR, State Lands, Parks and Recreation, University of California, U.S. Fish and Wildlife Service, Department of the Interior, and the National Oceanic and Atmospheric Administration hosted two "virtual" public meetings on May 13th to solicit the public's comments on the draft Damage Assessment and Restoration Plan/Environmental Assessment. The Webinars had over 200 attendees for the afternoon session, and 44 attendees for the evening session. The trustees settled natural resources damages for the spill in the amount of \$22 million. More information and a copy of the restoration plan can be found on OSPR's NRDA webpage at: <https://wildlife.ca.gov/OSPR/NRDA/Refugio> and at https://www.fws.gov/ventura/docs/Refugio/FINAL%20DARF%20Fact%20Sheet_508revised.pdf

OSPR has and will continue to play a significant role as the State Lead Administrative Trustee for the Refugio Beach Oil Spill Trustee Council. After the restoration plan is finalized later this summer, the trustees will meet and begin the process of planning, implementing, and monitoring projects outlined in the plan.

OSPR Information Technology Operations Branch

Created new Microsoft Teams:

- Wildlife OSPR Liaison Team – The Liaison Officer group (D&E) is using this team to coordinate drills and collaborate on drill related documents.
- Wildlife OSPR OSAT – For general OSAT coordination and collaboration.
- Virtual OSPR Break Room - There is no host, this room is open and available 24/7. Designed as a place for staff to virtually gather, share and communicate.
- All future team creation requests will be routed through DTD's new request process which will be announced soon (with the exception of any spill-specific teams which we can expedite ourselves using the template we've created).

Built new SharePoint sites:

- Deployed SharePoint site for MANSUP > COVID-19 Telework Tracker.
- Deployed SharePoint site for OSPR Tactical Advisory Committee.
- Deployed SharePoint site for Cuyama River Incident.

Virtual Ops Center Drill:

- OSPR ITOB assisted with the first ever fully virtual drill, nobody in the physical OPS Center.

Cuyama River Incident:

- On-site OPS Center support on 3/21/2020.
- Worked with DTD to freeze server/network changes due to spill.
- Coordinated Command Trailer mobilization and Verizon Communication assistance remotely.
- Built a SharePoint site for incident and distributed link/instructions for staff.
- Worked with staff, DTD, and D&E regarding missing ICS forms web page. Links restored temporarily, and D&E is working on updating forms for ADA compliance.
- Resolved DNS routing issue on trailer Pepwave modem.
- Cuyama response demobilized. SharePoint site for this incident was a big success. SharePoint will likely be our standard for spill data moving forward.
- Gave DTD green light to un-freeze server/network changes.

General updates:

All OSPR production databases continue to be updated and modified, as staff needs arise. Long term development projects continue to progress. All work completed and communicated while telecommuting. Development staff have created working groups and meet virtually with staff to discuss needs, progress, and deployment.

IT Support staff continue to assist OSPR staff across the state. Mostly while telecommuting but also making many trips to OSPR headquarters to assist physically and in person when needed.

Prevention Branch

January 01 – April 30, 2020

Vessel Arrivals: 2920

Vessel Boardings: 108

Category 1 – 3 Risk Boardings: 04

Category 4 Risk Boardings/Monitorings: 2

Oil Transfer Notifications: 2207

Oil Transfer Monitorings: 35

Percent of Transfers Monitored: 1.59%

Facility C-Plan Verifications: 27

Marine Oil Spill Incidents: 266

Volume Spilled: 3382.31 gal

Inland Oil Spill Incidents: 217

Volume Spilled: 61175.1 gal

FUND CONDITION STATEMENTS 0320 OIL SPILL PREVENTION AND ADMINISTRATION FUND†

	2018-19*	2019-20*	2020-21*
BEGINNING BALANCE	<u>\$29,564</u>	<u>\$25,981</u>	<u>\$16,431</u>
Adjusted beginning Balance	\$29,564	\$25,981	\$16,431
REVENUES, TRANSFERS, AND OTHER ADJUSTMENTS			
Revenues:			
4129200 Other Regulatory Fees	52,165	51,941	51,941
4163000 Investment Income – Surplus Money Investments	<u>347</u>	<u>347</u>	<u>347</u>
Total Revenues, Transfers, and Other Adjustments	<u>\$52,512</u>	<u>\$52,288</u>	<u>\$52,288</u>
Total Resources	\$82,076	\$78,269	\$68,719
EXPENDITURE AND EXPENDITURE ADJUSTMENTS			
3560 State Lands Commission (State Operations)	14,146	15,215	15,145
3600 Department of Fish and Wildlife (State Operations)	34,283	38,757	36,995
3600 Department of Fish and Wildlife (Local Assistance)	1,341	1,341	1,341
3980 Office of Environmental Health Hazard Assessment (State Operations)	170	198	198
6440 University of California (State Operations)	2,500	2,500	2,500
7600 California Department of Tax and Fee Administration (State Operations)	247	355	348
8880 Financial Information System for California (State Operations)	5	-5	-
9892 Supplemental Pension Payments (State Operations)	495	1,071	1,067
9900 Statewide General Administrative Expenditures (Pro Rata) (State Operations)	<u>2,908</u>	<u>2,406</u>	<u>2,181</u>
Total Expenditures and Expenditure Adjustments	<u>\$56,095</u>	<u>\$61,838</u>	<u>\$59,735</u>
FUND BALANCE	<u>\$25,981</u>	<u>\$16,431</u>	<u>\$8,984</u>
Reserve for economic uncertainties	25,981	16,431	8,984

* Dollars in thousands, except in Salary Range. Numbers may not add or match to other statements due to rounding of budget details.

† Fiscal year 2018-19 budget display reflects the best available information for use in decision-making for this department and/or these fund(s). Additional review and reconciliation of 2018-19 ending fund balances will occur in the spring to evaluate if a budget adjustment is required.

Update on the CCC Oil Spill Program's Activities March 4, 2020 to June 4, 2020

A summary of the CCC Oil Spill Program's work activities since the last TAC meeting is provided below:

Meetings

Commission staff attended the following meetings:

- Six Harbor Safety Committee ("HSC") meetings: one Humboldt HSC meeting (5/21); two SF/BD HSC meetings (4/8 and 5/6); one LA/LB HSC meeting (6/3); and two San Diego HSC meeting (4/29 and 6/2).

HSC's did not meet in person for this period due to Covid-19. Rather, each HSC set up Zoom or Teams meetings as a way to accommodate health and safety issues. This format seemed successful with good participation. Updates to all Harbor Safety Plans are continuous and ongoing. Status reports will be submitted to the OSPR Administrator after approved at the next meeting. Humboldt and Port Hueneme HSC's continue to work on the SB 414 emergency tug/tow capability reports. These reports will be incorporated into the HSP's. SB 414 reports and annual updates to HSP's will be sent to the OSPR Administrator.

The LA/LB HSC is planning on taking action on new ATB regulations and inclusion in the HSP.

- One Area Committee ("AC") meeting: one North Coast AC meetings (5/21).

Refugio Oil Spill Restoration NRDA Open House (5/13).

CCC OS Program staff participated in the online open house for the Refugio Oil Spill Restoration. Presentations on NRDA and restoration projects were informative and well planned. CCC will continue to participate in the planning and implementation of restoration projects as they move forward.

Coastal Development Permits

- **San Diego Airport Fuel Storage Tanks** – CCC OS Program staff assisted the San Diego office in the review and approval of fuel storage tank expansion at the San Diego Airport. OS Program staff reviewed and approved the project specific Oil Spill Prevention and Response Plan that was submitted as a condition of approval for the project.
- **Laguna Beach Diesel Spill Emergency Permit** – On May 7th, 2020, approximately 2,100 gallons of red dye diesel fuel was released from a holding tank at Mission Hospital in Laguna Beach. The diesel entered the nearby storm drain, migrated under Pacific Coast Highway, and ultimately discharged onto the sand at the base of the bluff at Totuava Beach. The initial emergency response recovered approximately 600-700 gallons of free-standing liquid diesel and approximately 4 cubic yards of contaminated beach sand. The remaining diesel fuel has

penetrated into the surrounding sand and ponded in the groundwater underlying a roughly 33-foot by 38-foot project area.

The emergency coastal development permit (ECDP) authorizes emergency development consisting of removal of diesel fuel from the underlying groundwater table and excavation and removal of contaminated beach sand from Totuava Beach. Each morning a landing craft will offload all needed equipment onto the beach and will remain moored offshore for the day. Excavators will peel back the sand to expose groundwater in the contamination zone. All free product and surface sheen will be collected by way of pump skimming in combination with the use of absorbent pads and booms. After the diesel is removed, the contaminated sand will be excavated and loaded directly into super sacks for transport to an offsite disposal facility. The removed sand will be replaced with sand of similar composition and characteristics (e.g., quantity, grain size, color, etc.) as the native beach sand. The proposed emergency development was necessary to abate the threat of a significant diesel spill and to minimize the release of hazardous materials from entering the ocean.

San Francisco Bay Conservation and Development Commission Activity Report

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The following report covers the activities of the San Francisco Bay Conservation and Development Commission (BCDC) Oil Spill Prevention Program February 25 - May 25, 2020.

SF Harbor Safety Committee

BCDC participated in the March-May 2020 HSC meetings. The next remote meeting is scheduled June 11.

Two out-of-service cruise ships remain docked at the Port of Oakland, which in March also served as the disembarkation location for passengers of the quarantined Grand Princess. Another impact of COVID that is being successfully managed is the number of tankers moored at Anchorage 9 due to the decrease in demand.

The Draft EIR for the proposed ballpark at Howard Terminal continues to be under review by the state Air Resources Board. If GHG analysis and mitigation measures are approved by CARB, the City will initiate a 45-day public review period. The HSC plans to submit comments within the 45- day public comment period. BCDC also will submit its comments during this period.

The EIR/EIS for deepening the Baldwin Ship Channel in the Carquinez Strait was completed; however, USACE decided to rescind its application for State consistency determination until the project enters the preconstruction/design/engineering phase.

BCDC staff has begun to update the Harbor Safety Plan to reflect 2019-2020 activities.

Area Contingency Planning

BCDC spill staff attended the February 11, 2020 Area Committee meeting in Oakland and, remotely, the May 19, 2020 meeting. The next meeting is scheduled August 11.

Permitting staff has been approached to permit the construction of bird habitat on the Berkeley Pier, a project funded through the Cosco Busan settlement. BCDC Enforcement staff continue to participate in the USCG

Abandoned Vessels working group as well as the Richardson's Bay Regional Authority and City of Sausalito efforts to improve navigational and open waterways.

Response and Related Activities

Staff continues to monitor reports on an ongoing basis and issued no spill-related emergency permits during the period. No exercises have recently been conducted.



California State Lands Commission Oil Spill Technical Advisory Committee Report June 4, 2020

Since the middle of March, State Lands Commission staff have been continually adapting to the situation presented by the COVID-19 pandemic. The changes made are based on evolving guidance from the Governor and his administration, including the California Natural Resources Agency and California Government Operations Agency (GovOPS). Fortunately, the line of communication has been exceptional. At this time approximately 74 percent of our staff are teleworking. While all our offices are operational, we have closed our offices to visitors. We have posted contact information (telephone and email) so that the public, stakeholders and our regulated community can always get a hold of us. We continue to work closely with the California Natural Resources Agency on specific directives for managing staff and implementing physical distancing measures, sanitation practices, and the use of personal protection equipment pursuant to guidance from GovOPS. We have instituted modified inspection practices and procedures for our inspectors and engineers who are still inspecting marine oil terminals and oil and gas production facilities, monitoring transfers, and boarding vessels as part of the Commission's oil spill prevention and marine invasive species programs. These modified practices and procedures center around physical distancing, dispatching remotely, continuing data collection from the field, and digital paperwork while maintaining core inspection and monitoring activities.

State Budget/Commission Budget/OSPAF

The world has changed dramatically since the Governor proposed his January budget. A global health crisis has triggered a global financial crisis. Because of COVID-19, California and economies across the country are confronting a steep and unprecedented economic crisis -- facing massive job losses and revenue shortfalls. When the COVID-19 pandemic broke out, it changed the trajectory of legislation and altered the State's budget outlook. The Administration is projecting a deficit of over \$54 billion and has 40 percent less General Fund monies to invest this coming budget year than the prior year.

The Governor's revised May budget released reflects this emergency. The Administration is proposing a budget to fund the state's most essential priorities public health, public safety and public education. The revised May budget

proposes to cancel new initiatives proposed in the Governor's January budget, cancel and reduce spending included in the 2019 Budget Act, draw down reserves, borrow from special funds, temporarily increase revenues and make government more efficient.

There are a lot of uncertainties about what the COVID-19 pandemic means for the state budget. The constitutional mandate to pass a budget by June 15th remains, even though state and federal tax deadlines have been postponed until July 2020. This means that the State will not have a clear picture of its revenues until after the June 15th deadline to pass a budget. As a result, the Legislature will likely revisit the budget after June 15th, with a second round of budget deliberations in August or later this year.

Although it is still too early to know exactly how the Commission's budget will be affected, we expect the following changes to revenues, which will, in turn, impact the State's ability to fund currently proposed augmentations, especially out of impacted special funds. First, with oil and gas production down, royalty revenues to both the General Fund and the State Teachers' Retirement Fund will likely drop in the last quarter of the fiscal year 2019-20. In addition, the Oil Spill Prevention and Administration Fund (OSPAF) depends on fees that directly correlate to oil prices, meaning that the fund will likely see significant cuts to revenue for the duration of this economic slowdown. Finally, with normal shipping disrupted, the Marine Invasive Species Control Fund is also likely to see declining fee revenues. Program staff estimates a six percent reduction to fees because of reduced vessel visits to California ports, which will contribute to an already declining fund balance.

Commission staff is working closely with OSPR in reviewing the condition of the OSPAF to identify and implement solutions moving forward to ensure fund viability. Tight budget restrictions have been put in place including limiting non-essential travel, overtime, and training and essential travel, overtime and training must be directly authorized by the Executive Office. Furthermore, the Commission is developing a "zero-base" budget for the OSPAF portion of the Commission's larger budget in order to ensure we have "right-sized" our OSPAF operational budget to its leanest and most efficient form.

2021-2025 Strategic Plan

The Commission has begun the process of developing its new five-year Strategic Plan. Public access, climate change and sea-level rise, environmental justice, tribal relations, sustainable economic development, and environmental protection are among the key issues the next plan will cover. In the coming months, the Commission will be seeking public comment about what to address in our Strategic Plan. Staff will use that insight to create a draft by summer 2020 that will be circulated for public review and comment.

The Commission adopted its first [Strategic Plan](#) in December 2015. The Plan was the culmination of robust stakeholder input and collaboration and guides the Commission's stewardship of public lands and resources and promoting public access. Annual updates on the plan's implementation can be found on the Commission's website.

Staffing

The Commission's Marine Environmental Protection Division is in the process of recruiting to fill five (5) field staff positions and one (1) Marine Safety Supervisor position. These have been categorized as essential positions and are vital to maintaining our presence in the field and maintaining a prevention program for the protection of the public health, safety and the environment.

Oil Transfer Monitoring Statistics

For the months of January, February and March of 2020, staff monitored an average of 27 percent of oil transfers (390 of 1,461 transfers) conducted at marine oil terminals (MOTs) in California. This represents a decrease from 2019, during which 29% of oil transfer were monitored. The decline is due to a shortage of personnel in both field offices and shifting to make sure the highest priority transfer operations are inspected. Due to a decreased number of vessels calling at terminals over the last couple of months there has been an increase in percentages monitored from month to month climbing from 22% in January, 28% in February and 31% for March. Spills directly resulting from oil transfers during this time was zero (0). In the same time frame, staff conducted 14 spot and annual inspections.

Regulations Update

Staff are preparing to start the process of updating several sets of regulations including Article 5 (operations) and Article 5.5 (pipelines).

MOTEMS

Engineering staff reviewed multiple MOTEMS audit reports, designs, drawings and inspections related submittals from all 34 MOTs in California. Overall, MOTs in California continue to make substantial progress towards full MOTEMS compliance. Staff also worked on MOTEMS documents digitization project and defined the necessary processes for concise and accurate digitization of historical engineering physical and digital records.

Commission engineers are also in the process of working with the Port of Los Angeles and several MOT operators on major rebuild and rehabilitation projects in the port. There are approximately 7 projects in various stages of permitting and design.

Prevention First Symposium

Prevention First will be rescheduled due to the COVID-19 pandemic. The Commission is in the process of working with the venue and other stakeholders to set a future date for Fall of 2021.

Platform/Island Safety Inspection Program

Commission inspectors in the Huntington Beach and Goleta field offices continued the Commission's monthly inspection program of offshore platforms and islands and onshore drilling and production facilities. The facilities inspected comprise four offshore platforms, five manmade islands, and their related offshore pipelines. The program also includes onshore coastal petroleum production facilities. Each facility is inspected monthly. The inspections involve comprehensive equipment testing of all facility pollution prevention and safety alarm, control, and shutdown devices to ensure functionality, accuracy and reliability. On average, over 2,900 individual items are inspected on a monthly basis. Although the wells on Rincon Island and Platform Holly are shut in and in the process of being plugged and abandoned, monthly inspection of life safety and pollution prevention systems on all in-service equipment continues.

Safety and Oil Spill Prevention Audit Activities

The Commission's Safety and Oil Spill Prevention Audit program is used to verify regulatory compliance and conformance with design, maintenance, spill prevention, and other safety management practices that are key safety elements in preventing accidents and spills for offshore oil and gas production facilities. Safety audits of offshore oil and gas production facilities are conducted approximately every five years.

The safety audit of the California Resources Corporation (CRC) Long Beach Unit manmade islands and onshore production and processing facilities was completed in June 2019 and is in the clearance phase. No Priority 1 (High risk of injury or pollution) action items were found during the audit. Currently CRC has corrected all Priority 2 (medium risk) action items and 79% of the Priority 3 (low risk) items. A Safety Assessment of Management Systems (SAMS) evaluation was conducted as part of the Long Beach Unit safety audit. Thirty CRC and contractor employees representing a cross section of management, engineering, and field operations staff were interviewed following a set of questions designed to evaluate the level of integration of process safety practices and maturity of corporate safety culture in the organization in nine areas. A confidential summary report was distributed to CRC management in August 2019. This report does not identify interview responses by individual but can indicate strong and weak areas in corporate safety management programs.

The safety audit of Platform Emmy and the onshore Huntington Beach drilling, production, and processing area began in August 2019. Staff is currently ground-truthing Piping and Instrumentation Diagrams on the platform and reviewing Operating Manuals, tank and vessel inspection records, and other material onshore.

Safety audit results continue to show a high level of commitment on the part of these operators to comply with applicable regulations, codes, and standards, as well as vigilance for safety and spill prevention. Additional information on the Commission's Safety Audit Program can be found [here](#).

Pipeline Inspection Program

Commission engineers enforce strict pipeline safety regulations that include annual inspections of the eleven oil and gas pipelines from the State's four offshore platforms, and bi-annual inspections of the twenty-four pipelines from Federal OCS Platforms into State waters. During the first quarter of 2020 Commission engineers:

- Witnessed the hydrotesting of the four (4) Fiberspar mudlines from Platform Emmy to shore;
- Reviewed the Platform Esther to shore pipeline corrosion coupon reports;
- Reviewed Exxon Mobil's pipeline preservation reports for Platforms Hermosa and Harmony including corrosion coupons, residual corrosion chemical indices.

Structural/Facility Engineering Projects

Commission engineers continue to review and evaluate the structural adequacy for all platforms, causeways, and piers associated with the state offshore oil operations, including:

- The offshore platform structural inspection reports for Platforms Holly, Eva and Esther;
- The Rincon causeway pile thickness inspection reports;
- The Eva Amine unit removal project; and
- The Ellwood Pier Gangway landing project.

Rincon Island/Onshore Well Plugging and Abandonment Project

Since the State has listed oilfield operations as essential critical infrastructure workforce activities, abandonment operations are still progressing. Driltek, the well abandonment contractor, has established a COVID-19 response plan that follows industry preventive practices by maintaining low headcounts onsite, practicing personal distancing, conducting daily cleaning of facilities, encouraging frequent handwashing, and conducting onsite wellness screening

of all personnel and contractors before entering the job site. Technical and administrative support is provided remotely and by telework to the extent practicable. The rig and lease operation crews and a rig engineering manager continue to work onsite. Commission engineers also monitor daily operations on site. Plans are in place for shutdown, isolation, and security and surveillance of the facilities, should it become necessary.

Driltek continues to progress in abandoning the offshore and onshore wells at the former Rincon leases. On the island, 35 of the 50 offshore wells have been cemented back to mudline. Onshore, 24 of the 25 wells have been abandoned and the removal of the wellheads and concrete well cellars is 95 percent complete. The onshore rig has been demobilized because the remaining onshore well is a water injector and will be used to inject water transferred from the island operations. This well will not be abandoned until the offshore well abandonment work is completed. In total, 59 of the 75 well abandonments have been completed.

Difficulties caused by deteriorated wellheads and downhole production equipment, damaged casing, and excessive fill that has invaded the wellbore have slowed progress, and the well abandonment count is now three wells behind schedule. Driltek's engineers and rig crews have overcome significant difficulties and remain under budget. Project costs are now estimated at \$30.5 million, which is approximately \$4.2 million under the planned budget. Driltek anticipates project completion before June 2021.

Platform Holly Well Plugging and Abandonment Project

Plug and abandonment operations on Platform Holly are suspended pursuant to Platform Holly's pandemic response plan. In addition to our operations and maintenance contractor's two to three person crew, two small four-person crews (one daylight and one evening shift) from the drilling company are stationed on the platform to maintain and service critical equipment that will be used for the plug and abandonment work when the pandemic response plan is lifted. Personnel have received instructions about response and operating protocols and a paramedic is on board to monitor crews and observe implementation of the protocols. The Ellwood Onshore Facility has a two to three- person crew servicing the equipment and treating minor amounts of "annulus gas" from the platform.

Coiled tubing based lower well abandonment programs were reviewed, submitted to CalGEM, permitted and operations completed for ten wells before the platform was shut down due to the Covid-19 pandemic response. Abandonment programs for 8 of the rig based lower abandonments together with the upper abandonment procedures for 5 wells with completed coil lower abandonments have been submitted to CalGEM and are awaiting approval.

Commission staff is brainstorming ideas with its contractors on ways to continue to move well abandonment activities forward on Platform Holly while practicing safe physical distancing. The goal is to find creative solutions to continue the essential plug and abandonment work on Platform Holly while protecting all of the people engaged in the work.

TAC AGENCY REPORT CAL FIRE - Office of the State Fire Marshal June 4, 2020

COVID-19 Impacts

- OSFM cancelled the 2020 Hazardous Liquid Pipeline Safety Seminar that was scheduled for April 21, 2020.
- Staff have been assigned to either a partial or full telework schedule. Those on a partial telework schedule are asked to stagger their office days.
- Pipeline Safety Engineers are conducting some inspections remotely. However, we are continuing to monitor pipeline construction and anomaly repairs in person using mitigations to limit exposure.
- OSFM has reached out to hazardous liquid pipeline operators to identify the need for cloth face masks as part of the FEMA distribution to the transportation sector. As a result, approximately 1,000 cloth masks have been ordered for pipeline operator employees.

Annual Pipeline Operator Report

- OSFM complete the Annual Pipeline Operator Report (APOR) project on May 1. The APOR allows the operator to submit required reports to the OSFM through a secure web-based application. The APOR was designed to replace two annual pipeline reports and a manual update process by OSFM.

Regulations

- Assembly Bill 864: The proposed regulations will require pipeline operators to: identify pipelines subject to the proposed regulations, submit risk analysis evaluating spill volumes and dispersion that could impact environmentally and ecologically sensitive areas, propose the use of best available technology to reduce spill volumes that are subject to review and approval by the OSFM. Operators will be required to implement retrofit to existing pipelines with best available technology in a specified time frame. The draft regulation will be going to a fourth 15-day comment period with non-technical revisions required by the Office of Administrative Law.
- OSFM is continuing to prepare for the new regulation and anticipated workload associated the Best Available Technology (BAT) Program.

END OF REPORT

OSPR TAC NOAA Emergency Response Division (ERD) Briefing

Current Operational Status

We remain available to provide incident support as usual, with some adjustments:

- Remote incident support is a common method ERD has used for years and this has not been affected. Same for NOAA's National Weather Service.
- On-scene deployments may be somewhat delayed. All work travel has been cancelled through the end of the Federal FY (30-SEP). Emergency and mission critical travel may be approved on a case-by-case basis at the Deputy NOAA Administrator's level.
- Currently evaluating NOAA remote sensing assets (e.g. satellites, high-resolution aerial imagery, UAS) to leverage on-scene support while minimizing on-scene staff. Specifically focusing on two field-oriented activities we typically provide on-scene:
- Aerial observations of oil in the open water to support trajectory modeling
- Assessing oiled shorelines (e.g. SCAT) to drive cleanup decisions

Current Training Status

We remain available to provide information & training as needed, but are currently limited to remote training situations:

- In-person trainings, meetings, and gatherings have been cancelled or postponed for the remainder of the Federal FY.
- Weekly "You Don't Know What You Don't Know" webinar lecture series geared for the spill response/spill science community across the US. Held every Thursday from 1200-1300 hrs (Pacific), 250-300 people typically log on; though we have capacity for 500. Many OSPR staff have joined. Today's (04-JUN-2020) lecture topic will cover oil droplet formation from blowouts and waves, size distributions, transport, and biodegradation. More info on past and upcoming lectures are available here: <https://response.restoration.noaa.gov/oil-and-chemical-spills/oil-spills/orr-lecture-series-you-dont-know-what-you-dont-know>
- Evaluating ERD training content to host on-line now and in the future, particularly for some of our nationally available trainings, including SCAT (Shoreline Cleanup Assessment Technique), SOS (Science of Oil Spills), and SOCR (Science of Chemical Releases).

Remote Sensing

NOAA ERD and RPI (NOAA contractor) were recently funded to advance the use of Unmanned Aerial Systems (UAS) during oil spills (shoreline assessments and monitoring response operations) and disaster responses (ESF-10 target identification & assessment, environmental injury assessment). Expected products include an operational guide (and possibly job aids) for flights & data processing for efficient creation of ERMA-friendly products available for both response and NRDA personnel. May also result in UAS module for NOAA's SCAT trainings. OSPR collaboration opportunities may exist.

Sunken Oil Mats Response Guide

On 30-MAR, NOAA ERD completed a new response guide outlining the formation, behavior, detection & recovery methods of Sunken Oil Mats (SOMs). Focusing on floating oils that have

mixed with enough sand, either from beaches or suspended in the water column, to form nearshore mats of discrete oil. During/following the Deepwater Horizon oil spill, SOMs were most commonly found along the beaches of the Panhandle of Florida and coastal Alabama and for many years remained a source of beach re-oiling. Experiences are drawn from 15 different case studies around the world in marine, estuarine, and freshwater environments. Once made Section 508-compliant, the report will be available on our website (<https://response.restoration.noaa.gov>).

Incorporating AI into disaster response

Data management lessons learned from recent hurricane responses to oil & hazmat releases (ESF-10) have prompted NOAA ERD to begin using artificial intelligence (AI) to automate ESF-10 target identification (e.g. stranded/sunken/displaced vessels, vehicles, hazmat containers) from high-resolution, post-disaster aerial imagery. This is expected to vastly improve efficiency compared to the 2017 hurricane season, when over 3,000 vessels were “manually” identified from post-storm imagery following Hurricanes Harvey, Irma, and Maria.

Some Highlights of recent NOAA-supported Incidents

Thus far in 2020, NOAA ERD supported 65 incidents across the Americas (51 oil, 2 chemical, 12 other), of which 14 occurred off CA. Since the March TAC meeting, four ERD-supported incidents in CA related to grounded/sunken fishing vessels or pleasure craft, four were whale carcasses, one was an un-manned rocket failure, and one was a satellite-detected, unconfirmed sheen.

Nationally thus far, some incidents of potential interest include:

- RORO GOLDEN RAY in Brunswick, GA – This car carrier suffered an engine room fire, lost propulsion, grounded, rolled over and spilled back in September 2019 with 4,200 vehicles on board. No ERD staff are on-scene, but we anticipate possible deployment as the ship is cut apart & removed over the coming months. As the only large incident we are currently supporting during the COVID-19 pandemic, the potential for on-scene deployment has been instructive in evaluating approaches/expectations for pandemic responses.
- PetroEcuador pipeline spill into the Coca River – Severe riverbank erosion in early April caused the release of over 575,000 gallons of crude oil and 52,000 gallons gasoline from three pipelines. The Quijo, Coca, and Napo Rivers, all serving as drinking water sources for small, remote communities as well as the City of El Coca. Technical assistance requested by Ecuador to the National Response Team via the US State Dept is focused on remote technical input on oil fate & transport, cleanup tactics & endpoints, and environmental tradeoffs.
- Valdez Marine Terminal spill in Valdez, AK – Unknown volume of crude released from an oil-water separator sump in mid-April. Roughly 725 gallons recovered and shoreline cleanup has diminished, while shoreline assessments continue. Only people in the ICP were from Valdez, while all others worked remotely. ICP was initially so focused on COVID controls that some typical spill issues and engagement of remote support were delayed.

OSPR REGULATIONS AND LEGISLATIVE UPDATE (AS OF MAY 28, 2020)

To be added to the distribution list to receive notification of regulation workshop information, proposed regulations and hearing notices, visit OSPR's [Laws and Regulations web page](#).

REGULATIONS

Spill Management Team Certification

- Regulatory language complete
- Pending agency (CNRA) review
- No additional informal scoping meetings are anticipated
- Regulatory Timeline: Commencement of formal rulemaking process anticipated within next couple months. Submit final regulations to OAL by fall of 2020.

Contacts:

- Yvonne Addassi, Chief of Preparedness, (916) 375-4013 or Yvonne.Addassi@wildlife.ca.gov
- Dr. Rachel Fabian, (916) 375-4321 or Rachel.Fabian@wildlife.ca.gov
- Questions regarding the regulatory process, Christine Kluge, (916) 375-4676 or Christine.Kluge@wildlife.ca.gov

Non-tank Vessel Fee

OSPR intends to promulgate revisions to the regulations governing non-tank vessel fees. The proposal is to increase fees collected by non-tank vessel owners/operators by 15% to address the increased costs to administer a comprehensive non-tank vessel program and ensure best practices. This increase takes into consideration inflation that has occurred since the last fee increase in 2012.

- Non-tank vessel fees are collected at time of application for certificate of financial responsibility and every two years thereafter with the certificate renewal.

Regulatory Timeline: Commencement of formal rulemaking process anticipated within next couple months.

Non-Floating Oil

- [A.B. 936](#) - Introduced by Assembly Member Rivas on 2/20/2019; approved by the Governor 10/12/2019
- Regulatory Timeline: Scoping sessions with interested stakeholders anticipated in fall of 2020.

Articulated Tug Barge

Revisions necessary to include specificity to the combinations of tanker and tank barge based on the mechanical connection system. OSPR hopes to commence rulemaking activity in 2021.

LEGISLATION

[A.B. 3214](#) – *Oil Spill Criminal Penalties & Financial Responsibility*, Introduced by Assembly Member Limón on 2/21/2020, this bill would:

- Double criminal penalties for a spill and other violations to \$1 million
- Create an additional \$10,000 per gallon criminal penalty for each violation
- Double financial responsibility amounts for tank vessels from \$1 billion to \$2 billion
- Double financial responsibility for non-tank vessels from \$300 million to \$600 million

Status: Passed in the Committee on Natural Resources. Re-referred to Committee on Appropriations on 5/14/2020.

[A.B. 2028](#) – *Bagley-Keene Open Meeting Act*, Introduced by Assembly Member Aguiar-Curry on 1/30/2020, this bill would:

- Require all materials provided to a member of a state body by the staff of a state agency intended to be shared/discussed at an open and public meeting of a state body be included with the notice of the meeting.
- Require these materials be made available on the internet at least 10 days prior to the meeting.

Status: Passed the Assembly Committee on Governmental Organization. Re-referred to the Committee on Appropriations on 5/13/2020.

Contact: Christine Kluge at (916) 375-4676 or via email at Christine.Kluge@wildlife.ca.gov