



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

Thursday, April 21, 2021, 10:00 a.m. – 2:30 p.m.  
Microsoft TEAMS Meeting

The following members were in attendance:

### **TAC members:**

Matt Rezvani (Chairman), Janell Myhre (Vice Chair), John Berge, Peter Santillan, Lynn Korwatch, Tracy Van Houten, Kit Cole, Sejal Choksi-Chugh, Joseph Cobb, Elizabeth Jones

**Agency Representatives:** Jennifer Lucchesi - California State Lands Commission (CSLC), Jonathan Bishop - California Coastal Commission(CCC), Linda Scourtis - San Francisco Bay Conservation and Development Commission(BCDC), Uduak-Joe Ntuk - California Geologic Energy Management(CalGEM), Timothy Holmes - United States Coast Guard (USCG), Gordon Schremp, California Energy Commission, James Hosler – State Fire Marshall, Chris Beckwith - CLSC

### **Guest Presenters:**

Cassidee Shinn – OSPR Statewide Area Contingency Plan Coordinator, Jeff Poteet – OSPR Oil Spill Prevention Specialist

### **OSPR Participants:**

Thomas M. Cullen, OSPR Administrator, Dr. Julie Yamamoto, Deputy Administrator, Eric Milstein, Assistant Chief Counsel, Amir Sharifi, Branch Chief Financial and Administrative Services, Renee Rose, Budget Analyst, Christine Kluge, Regulations Analyst, Ryan Todd, Attorney, Yvonne Addassi, Preparedness Branch Chief

### **Guests:**

Andrew Benware, Thomas Haug, Julie Oltmann, David Reinhard, Jenna Driscoll, Paul Hichborn, Kathleen Jennings, Cathy Conway, David Bell, Greg McGowan, Ben Eichenberg

### **Roll Call:**

Matt Rezvani, Janell Myhre, John Berge, Lynn Korwatch, Tracy Van Houten, Sejal Chocksi-Chugh, Kit Cole, Joseph Cobb, Peter Santillan, Elizabeth Jones

### **1. INTRODUCTIONS**

*Captain Thomas M. Cullen, Jr., Administrator, OSPR*

### **2. APPROVAL OF MINUTES**

*Mr. Matt Rezvani, TAC Chair*

Quorum Present.

TAC Minutes of November 5, 2020, Matt Rezvani made a motion to accept, Peter Santillan seconded the motion.

**Vote taken:** Vote passed with unanimous approval to pass minutes for November 5, 2020, TAC meeting.

3. **TAC NOMINATION AND VOTE FOR VICE CHAIR VACANCY**

*Mr. Matt Rezvani, TAC Chair,*

John Berge made a motion to nominate Janell Myhre as Vice Chair of the TAC.

Kit Cole seconded.

**Vote taken:** Unanimous approval for the appointment of Janell Myhre as TAC Vice Chair.

4. **OSPR UPDATE**

*Captain Thomas M. Cullen, Jr., Administrator, OSPR*

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.

Thank you to John Berge for his long-time service to the TAC.

Some of the significant responses: Iron Horse Trail, Camarillo Springs Golf Course, Chevron incident at Richmond, American Challenger

The Department of Finance (DOF) submitted its report of its audit of Fund 320. DOF had two recommendations; improve the Drills and Exercises Program and improve our spill response database

Steve Hampton, the OSPR Deputy Administrator has retired. OSPR will be looking to fill that vacancy in the next few months.

The OSPR/Chevron Technology Workshop for Oil Spill Response was held in February.

OSPR received an invitation to advise the Israel government to support cleanup of a mystery oil spill that was impacting their northern coast.

OSPR has 14 contact tracers out through June and are assisting with various mutual aid projects such as wildfire debris cleanup, an inland levee break down in southern California, and staff deployed to assist with the vaccination clinics.

The Pacific States British Columbia Oil Spill Task Force held its annual meeting virtually.

OSPR supported a tabletop exercise for the Department's executive team to give a better understanding of the incident command system.

Congratulations to Janell on her Vice Chair election.

5. **OSPR AND STATE LANDS COMMISSION BUDGET UPDATES**

*Mr. Amir Sharifi, Branch Chief, Financial and Administrative Services, OSPR*

*Ms. Jennifer Lucchesi, Executive Director, CSLC*

Fund balance of Fund 320, the Oil Spill Prevention and Administration Fund, continues to decline.

This fiscal year(FY), the Department of Finance (DOF) authorized a onetime loan from our oil spill response trust fund in the amount of \$6.5 million.

Non-tank vessel fees are renewed every 2 years. When OSPR responds to an incident and there is a Responsible Party (RP), or staff are deployed for fire debris cleanup, contact tracing etc., they charge their time off to project codes that are not OSPAF funded.

There is a significant decline in barrel fee recoveries, from 56M barrels down to 42M barrels in June.

This FY20/21, OSPR recovered fees from 45M barrels and are still trending significantly below the average.

**Ms. Jennifer Lucchesi, , Executive Director, CSLC**

Prior to FY 2018/2019, SLC's appropriations increased year after year primarily due to salary/benefits and retirement increases that are dictated by the State.

The significant decreases experienced in FY2019/2020 are due to the insolvency and ultimate quit claims of the leases associated with the Rincon Island offshore facility and Platform Holly. There are 75 wells associated with the Rincon leases offshore of Ventura County and 32 wells associated with the Platform Holly operations. The work on Platform Holly will not resume until the 3rd or 4th quarter of 2021.

SLC's Marine Environmental Protection Division and Mineral Resources Management Division had significant vacancies that have not been filled that have contributed to our expenditures being less than typical for FY 2019/2020.

FY2020/2021, SLC was appropriated a little over \$14M. We are waiting for year-to-date numbers from FISCAL.

SLC has completed work at Rincon. We are moving into the ultimate disposition of the island and the onshore facilities, including significant CEQA work. That work is not charged to the OSPAF.

Based on the Governor's budget issued in January 2021, SLC has an appropriation of \$15.2 million for our oil spill prevention activities.

SLC has relied on bonds to help provide the liability protection for the State. SLC has taken additional steps to increase liability protections such as renegotiating royalty formulas, naming the State on deeds of trust, requiring money to be deposited into a fund that the Commission has access to in order to complete the plugging and abandonment work.

**6. AGENCY BRIEFINGS**

**California Coastal Commission**

**Mr. Jonathan Bishop**

**Administration**

New CCC Headquarters Address: 455 Market Street, Suite 300. San Francisco, CA, 94105.

Covid-19/Planned Leave Program: CCC Staff continues to telework.

Personnel changes in the Energy and Ocean Resources and Federal Consistency Programs: Alison Dettmer, Chief Deputy Director; Kate Huckelbridge, Deputy Director, EORFC; Cassidy Teufel, Federal Consistency Program Manager.

Harbor Safety Committees: Jonathan Bishop has been reappointed to represent the Coastal Commission on Harbor Safety Committees for another 3-year term (beginning 3/31/21).

**Meetings:**

Commission staff attended the following meetings via Zoom or Teams:

Ten Harbor Safety Committee (HSC) meetings.

Six Area Committee (AC) meetings

Regional Response Team Region IX (RRT 9)

Updates to all Harbor Safety Plans are continuous and ongoing. 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 Tugboat Workgroup studied the issues associated with how to best apply the Tank Vessel Escort Requirements for LA/LB harbors to articulated tug and barge units (ATB's). HSC approval of suggested language for new regulations is expected.

**Six Area Committee (AC) meetings:** Two North Coast AC meetings (November 19<sup>th</sup> and March 18<sup>th</sup>); two Central Coast AC meetings (January 7<sup>th</sup> and April 8<sup>th</sup>); one SF/BD AC meeting (November 10<sup>th</sup>); one LA/LB AC meeting (February 19<sup>th</sup>); and one SD AC meeting (January 19<sup>th</sup>).

**Regional Response Team Region IX (RRT 9):** Quarterly Meeting, (January 27<sup>th</sup>).

**OSPR/Chevron Technology Workshop :** (February 22<sup>nd</sup> – 26<sup>th</sup>).

**ExxonMobil Oil Spill Response Plan (OSRP) NE-0001-21.** CCC OS program staff has been working with BSEE, OSPR, and the USCG on the ExxonMobil OSRP update. CCC has issued a No Effects Determination # NE-0001-21. The Commission finds that removing the FRV from Santa Barbara Harbor does not reduce protection of coastal resources.

**Refugio Draft Damage Assessment and Restoration Plan.** CCC OS Program and Federal Consistency staff have been working with OSPR (NRDA program) and other stakeholders on the funding and implementation of restoration projects identified in the Damage Assessment and Restoration Plan.

**New Legislation/Regulations:**

AB 1197 (Limon) Spill Management Teams (SMT's)

Non-tank Vessel Fees

Articulated Tug/Barges - ATB's

**Emergency/Follow-up Coastal Development Permits:**

Upper Magnolia Marsh Restoration 5-20-0072

Avila Beach Pier Rehabilitation

**California Energy Commission**

**Mr. Gordon Schremp**

Demand for gasoline remains low compared to same pre-pandemic period in 2019. It is expected to rise slightly but not completely.

The crude receipts at refineries through April are down about 32M barrels. The continuing reduction of crude oil receipts is significant. The Martinez Refinery operated by Marathon plans to convert that facility to produce renewable diesel later in 2023/2024. That will be a permanent reduction in crude oil receipts.

Another refinery change will be the Philips 66 facility in conjunction with their Santa Maria refinery. Philips will be ceasing operations around the end of 2023 beginning 2024. Those facilities will stop processing crude oil resulting in a further decline of crude oil receipts.

Diesel demand has recovered and that is due to goods movement. Goods movement from the ports of LA/LB have been at record levels. Diesel demand in California has gone up and so have exports.

It will be a few years before the demand for jet fuel recovers. It is currently down 35-45% which is very significant.

Refineries are able to accommodate higher diesel demand only because jet fuel demand is down. Refineries disproportionately produce more diesel at the expense of jet fuel.

Absent a change to the liquids that the barrel fee is applied to, or the size of the fee per barrel, there will be revenue issues.

Renewable fuel demand is increasing in CA. Renewable diesel imports are averaging about 300,000 barrels a week and expected to continue. Renewable diesel use is about 15% of total diesel use, and bio-diesel about 5-7%. These numbers are meaningful if there is a fee applied to the imports of renewable diesel and bio-diesel.

Ethanol is about 10% of the gasoline supply and a fee applied to that would be rather significant – 1.5 billion gallons of ethanol a year.

The more renewable diesels used in California, the greater the pressure on refineries.

## **San Francisco Bay Conservation and Development Commission (BCDC)**

*Ms. Linda Scourtis*

BCDC staff participated in the November 2020 and January-April HSC meetings.

### **SF Harbor Safety Committee**

The Draft EIR for the proposed ballpark at Howard Terminal was released. The HSC will submit a comment letter on potential impacts to navigation. USACE has begun a feasibility study of widening the turning basin adjacent the proposed development. At the same time, BCDC staff is drafting its comments on a broad range of topics.

Ongoing depth condition issues at Pinole Shoal were a primary topic for a series of Dredge Issues work group meetings.

Four dead whales were recently found in the Bay Area within an eight-day span.

Necropsies to date have revealed no disease.

BCDC staff has initiated the update of the Harbor Safety Plan to reflect 2020-2021 activities.

### **Area Contingency Planning**

BCDC spill staff attended the February 9, 2021, Area Committee remote meeting. The next meeting is scheduled May 11; an RRTIX meeting is calendared the previous week.

Spill staff continues its membership on the interagency team managing the investigation into the cause of the ongoing seep near Hyde Street Pier in San Francisco, and visited the site as exploration of a fuel depot pipeline is underway. It is believed the source may soon be identified and cleanup procedures initiated.

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. The effects of the February Chevron pipeline spill were largely restricted to floating product and a beach remediation was avoided.

### **California State Lands Commission**

*Ms. Jennifer Lucchesi*

*Chris Beckwith*

State Lands Commission staff continue to adapt to the situation presented by the COVID-19 pandemic. The majority of our staff continue to telework.

### **State Budget/Commission Budget/OSPAF**

The State's budget for the 2021-2022 fiscal year includes a total budget for the State Lands Commission of \$61,265,000, including an appropriation of \$15,255,000 from the Oil Spill Prevention and Administration Fund (OSPAF).

Commission staff is working closely with OSPR in reviewing the condition of the OSPAFA 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. Travel, overtime and training must be directly authorized by the Executive Office.

### **2021-2025 Strategic Plan**

The Commission unanimously adopted its 2021-2025 Strategic Plan in February 2021. This Strategic Plan addresses key issues including public access, climate change and sea-level rise, environmental justice, tribal relations, sustainable economic development, and environmental protection. More information can be found at

<https://www.sl.c.ca.gov/strategic-plan/2021-2025/>

### **Oil Transfer Monitoring Statistics**

From January 1 through December 31, 2020, staff monitored 22 percent of oil transfers (1,078 of 4,959 transfers) conducted at marine oil terminals (MOTs) in California. The decrease from 2019 is due to a shortage of personnel in both field offices as well as impacts resulting from the COVID-19 pandemic.

### **Regulations Update**

Staff has started the process of updating several sets of regulations including Article 5 (operations) and Article 5.5 (pipelines).

### **Marine Oil Terminal Engineering and Maintenance Standards (MOTEMS)**

Staff reviewed multiple MOTEMS audit reports, designs, drawings and inspections related submittals from all 34 MOTs in California.

Staff are also 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 is rescheduled due to the COVID-19 pandemic.

### **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 wells on Rincon Island and Platform Holly are shut-in and in the process of being abandoned (cleaned out and cemented to mudline), monthly inspection of life safety and pollution prevention systems on all in-service equipment continues.

### **Safety and Oil Spill Prevention Audit Activities**

Safety audit of CRC Platform Emmy was completed in December. CRC continues to make progress in resolving action items. Progress is being reviewed with CRC on a weekly to bi-weekly basis.

Safety Audit results continue to show a high level of commitment on the part of the operators to comply with applicable regulations, codes, and standards, as well as vigilance for safety and spill prevention.

### **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 that traverse through State waters to shore.

### **Structural/Facility Engineering Projects**

Staff continue to review and evaluate the structural adequacy for all platforms, causeways, and piers associated with the State offshore oil operations.

### **Rincon Well Abandonment Project**

Driltek, the Commission's well abandonment contractor, is making excellent progress. All 50 wells on the island have been abandoned to the base of the common well cellar, and removal of the island tank battery and other production processing equipment is complete. Surface abandonment operations on the island are in progress.

Onshore, 24 of the 25 wells have been abandoned and the removal of the wellheads and concrete well cellars is complete. The remaining onshore well, a water injector used to inject water recovered during well abandonment operations, will be abandoned in the next few weeks.

Driltek has developed plans to prepare the onshore and offshore areas for caretaker status. The purpose of the plans is to prepare the sites for the hiatus between the end of well and surface abandonment activities and initiation of the final island repurposing or removal activities. A De Minimis Waiver from Coastal Development Permit requirements was reported to the Coastal Commission at its February 12th meeting.

Padre Associates has begun the Phase II environmental analysis work, which will include conducting a feasibility study and preparing CEQA documentation evaluating decommissioning alternatives for the ultimate disposition of the island and onshore facilities. Work has started on the feasibility study and the CEQA process will commence after the feasibility study.

### **Platform Holly/Piers 421 Decommissioning Projects**

In early March, the Commission and the City of Goleta hosted a virtual town hall to provide an update on the status of the Platform Holly and Piers 421 decommissioning projects.

ExxonMobil has developed an engineering plan to decommission the shorezone Piers 421 oil piers located on Haskell Beach. The Commission will be issuing a Notice of Preparation (NOP) shortly to begin the CEQA process and the actual removal is expected to commence early to mid-2022.

The Platform Holly work remains paused because of the COVID-19 pandemic protocols and is not expected to restart before the third quarter of 2021.

## **CalGEM**

### ***Uduak-Joe Ntuk***

We continue to have remote work in our five offices across the state due to the COVID pandemic. We do have staff going in for critical work every day.

CalGEM has a new office in Bakersfield. In Sacramento, we will be moving into the new Resource Agency building.

CalGEM has a new Chief Deputy of Programs, Courtney Smith. She oversees all of CalGEM's underground projects; injection control, data management, and underground gas storage facilities.

A summary of our 2020 permits can be found on our website.

The May revise of the budget made 21 limited term positions permanent from the 2018 budget cycle, and added 26 new positions to be phased in over three years.

Upcoming workshops have been announced on our new WELSTAR public portal and dashboard.

## **CAL FIRE - Office of the State Fire Marshal (OSFM)**

### ***James Hosler Assistant Deputy Director***

#### **General Updates**

Chief Mike Richwine has been confirmed as the State Fire Marshal. Chief Wendy Collins was promoted to the Assistant State Fire Marshal.

OSFM – Pipeline Safety Division received a score of 98.95% for the 2020 U.S. DOT PHMSA audit.

OSFM will not conduct the 2021 Hazardous Liquid Pipeline Safety Seminar due to the ongoing COVID-19 pandemic.

The Pipeline Safety Engineer training and experience exam has been advertised. We have collaborated with State of California HR and our HR department to what is called a Training and Experience application. Applicants respond to a series of questions allowing us to ascertain if people have knowledge regarding pipelines and pipeline safety.

OSFM HQ, Sacramento is scheduled to move their office to the new Natural Resources building later this year.

#### **Significant Investigations**

Kinder Morgan – Walnut Creek: On November 20, 2020, Kinder Morgan notified the OSFM of a potential product release and shut down the pipeline. After initial testing, the release location was identified in the City of Walnut Creek and Kinder Morgan began excavation of the pipeline. The failed pipeline segment was replaced with new pre-tested pipe and the failed segment with the crack was sent to laboratory analysis. Initially a limited amount of product was found at the location with the crack, however it is believed that additional product travelled along an underground gravel backfill of a sanitary sewer and was found pooling under the San Ramon Creek bypass. This incident is currently under investigation.



Torrance Valley Pipeline – Lebec: On November 20, 2020, Torrance Logistics confirmed a crude oil release occurred on their M1 pipeline at the Tejon Ranch east of the northbound I-5 highway. The source of the release was found to be from a circumferential crack. The segment will be sent to a metallurgical laboratory for analysis. This incident is currently under investigation.

### **Best Available Technology (BAT) Program**

The OSFM adopted CBAT regulation (aka AB-864) to limit the quantity of a release in the event of an oil spill. This regulation became effective on 10/1/2020. In the past few months, the OSFM created the following website to share the three-step implementation process with the operators and the public:

<https://osfm.fire.ca.gov/divisions/pipeline-safety-and-cupa/coastal-best-available-technology/><https://osfm.fire.ca.gov/divisions/pipeline-safety-and-cupa/coastal-best-available-technology/>

The OSFM met with multiple operators to discuss the CBAT procedures. Multiple operators submitted Form PSD-2102 to identify pipelines that are subject to the CBAT regulation. The OSFM acknowledged their list of CBAT regulated pipelines and is working with multiple operators to classify each CBAT regulated pipeline into one of the five categories.

The first deadline for the Section 2103 Exemption and the Section 2104 Deferral is May 1, 2021. The OSFM expects to receive multiple requests to exempt/defer the implementation of BATs in the upcoming weeks.

### **United States Coast Guard**

*Timothy Holmes*

#### **Meetings, Plans & Coordination:**

RRT9's next meeting is scheduled for May 4, 2021, via MS Teams.

RRT9 Webpage has moved: [www.rrt9.org](http://www.rrt9.org) to [nrt.org/rrtix](http://nrt.org/rrtix)

MEXUSPAC: CGD8 and SEMAR R1 (MEXUSGULF) held their annual seminar on March 2021 in NOLA. Dispersant use along the international maritime border was a key discussion (cross border application; process; etc.).

USCG-SEMAR Staff Talks: Took place April 14 and included discussion on the MEXUSPLAN and its two regional annexes. Senior leadership found the MEXUSPLAN program to be among the best binational programs led by USCG & SEMAR.

NRT-RRT: Apr 27-29, 2021 Virtual Platform

IOSC 2021: May 10-13, 2021 Virtual Platform

Clean Pacific: Aug 17-19, 2021

### **CA Coastal Area Committee Activities:**

#### **San Francisco Area Committees: October 2020 to March 2021**

Sector SF Pollution Responses received 164 NRC reports, had 8 federal cases, issued 25 Letters of Warning, 6 Notice of Violation, and 2 Civil Penalties.

AMERICAN CHALLENGER – Former F/V in-tow from Seattle to Mexico broke towline and ran aground north of Tomales Bay on March 5, 2021. FOSC removed oil/hazmat that may have posed an immediate/substantial threat from vessel; situation deemed unsafe

when vessel began to list to 30deg; FOSC will assess the vessel for any remaining oil/hazmat when deemed safer to do so; vessel remains hard aground at same location.

**Los Angeles Area Committees: October 2020 to March 2021**

Sector LA/LB Pollution Responses 118 NRC Reports, 05 federal cases, issued Letters of Warning 20, 02 Notice of Violation.

Operation Odyssey –ADV/ Vessel of Concern operation (Nov 2020 – Feb 2021):

Sector LA-LB IMD & MSD Santa Barbara conducted a joint op vessels of concern or abandoned/ derelict vessels. In depth HARPATS, engaging with OGAs and marina managers for over 4 months, 102 marinas visited/patrolled, 34 vessels identified, vessels will be updated as NOAA ERMA layer, results/ vessels will be shared internally and with OGAs.

**San Diego Area Committee: January 2021 to March 2021**

Sector SD Pollution Responses received 43 NRC reports, had 1 federal case, issued 04 Letters of Warning, 0 Notice of Violation, and 0 Civil Penalties.

Sector SD worked with CDFW to identify abandoned and derelict vessels and conducted two- OPERATION CENTRAL & SOUTHERN SURGE. SD AC identified 12 vessels and have sent them to NOAA to be uploaded into ERMA.

CY20 Annual Area Committee Reports are due to CG-MER on August 2, 2021.

The 2021 Coast Guard National Review Panel (CGNRP) for ACPs will convene in August.

D11's Area Committee Coordinator position remains unfilled. D11 anticipates advertising the position soon.

**GIUEs:**

D11 Sectors have completed 4 required GIUEs 1st, 2nd, and 3rd QTR of FY 2021; 4 pass, 0 fail.

**D11 DRAT Training & Preparedness:**

DRAT w/CA OSPR held Oil Spill Boom refresher training for Marin Fire and an Open House for local oyster farmers in Tomales Bay on March 26th, following the grounding of the M/V AMERICAN CHALLENGER.

DRAT w/ Navy Supsalv will conduct an Oil Spill Equipment deployment exercise in Port Hueneme the week of May 3, 2021.

**HQ/NRT:**

Refer to the latest continuity of operations ALCOAST (series) for information on COVID-19's impact to Marine Environmental Response operations.

The NRT developed and posted new training via FEMA's EMI training portal: National Oil and Hazardous Substances Pollution Contingency Plan/National Response System Independent Study (IS) Course (IS-1190).

The VRP Program hosted a VRP Express overview training in March.

The 2020 SONS Executive Seminar, hosted by ADM Schultz, was held September 9, 2020; draft AAR is completed. The first ever SONS Strategic Coordination Call was exercised on December 16, 2020, to test the new communications procedures with the DHS NOC. The new NIC Instruction Manual has been submitted through sequential clearance. The initial SONS 2022 Exercise Planning Team Meeting kicked off on March 10, 2021.

**CG R&D Center**

ISR Ideas submitted for the Research, Development, Technology, and Evaluation (RDT&E) Idea Forum are currently being evaluated for MER sponsorship for FY22. Three new MER projects are being considered for CG RDC R&D.

FY21 New Project Kickoff: Behavior of Diluted Bitumen (Dilbit) in freshwater: This project will study the chemicals used to dilute Dilbit for transport, behavior (density and weathering) and response tools used for Dilbit in the freshwater environment. This research will provide the USCG Federal on-Scene Coordinators with decision-making tools as they relate to the fate and transport of Dilbit in the freshwater environment.

2020 R&D Project Completion: Two new projects have been completed and closed out recently by USCG RDC:

Oil Sands Products Spill Response: A report for FOSCs on best practices and analysis on Oil Sands Product response.

Vessel of Opportunity (VOSS) Technology Market Research: Research for responders on state of the market technologies that could potentially replace the SORS and VOSS equipment.

## LUNCH BREAK

### 7. REGULATORY AND LEGISLATIVE UPDATE *Christine Kluge, OSPR Regulations Analyst*

#### Regulations

##### [Spill Management Team Certification \(SMT\)](#)

Final rulemaking submitted to OAL on April 9, 2021.

##### [Non-tank Vessel Fee](#)

Formal rulemaking commenced January 8, 2021.

Final rulemaking to be submitted to OAL this week.

#### Drills and Exercises (D&E)

OSPR is working towards harmonizing the marine and inland D&E regulations into one section. Will include overall clean up (e.g., refresh and realign the regulations, address inconsistencies, provide clarity, update and reduce forms, and standardized language applicable to all plan holders, etc.).

#### Non-Floating Oil

A.B. 936 - Introduced by Assembly Member Rivas on 2/20/2019; approved by the Governor 10/12/2019.

#### Articulated Tug Barge

Revisions necessary to include specificity to the combinations of tanker and tank barge based on the mechanical connection system.

Revisions would allow articulated tug barges to operate as tank vessels for the purposes of tug escort assistance into LA/LB Harbor.

#### Other Initiatives:

##### Reasonable Worst-Case Spill (RWCS) Volume adjustments.

OSPR will be promulgating adjustments to the RWCS volume levels for inland production facilities, and associated adjustments in tier criteria.

For inland production facilities, the new RWCS calculation will more closely resemble the volume of spills documented since OSPR's expansion to statewide. This adjustment was deemed necessary after comparing the current RWCS volume levels with the largest inland spills over the last five years and a finding that the current RWCS volume levels did not adequately cover actual spill sizes. Over fifty spills exceeded RWCS volumes

The RWCS volume calculation for inland production facilities is currently 10% of the daily volume of the highest producing well. The new proposal will be 50% of the storage capacity of the largest storage tank, or using a formula based on the existence of gathering lines within a quarter mile of state waters if there is no storage tank within a quarter mile of waters of the state.

Drill and SMT tier assignments for all inland production plan-holders will be modified. Plan holders will either stay in the same tier or fall to a lower tier with fewer regulatory obligations. The exception will be large inland producers with a higher RWCS based on the new storage tank-based calculation. Producers near non-perennial waters (e.g., intermittent or ephemeral waters, or dry washes) will remain in the lowest tier, Tier III.

#### **Harmonization of Contingency Plan regulations.**

Similar to the D&E regulations, OSPR plans to harmonize the marine and inland contingency plan regulations.

#### **NON-OSPR REGULATIONS**

##### **California Air Resources Board (CARB) – Commercial Harbor Craft regulations**

CARB is currently developing amendments to the Commercial Harbor Craft (CHC) regulations adopted in 2007 to reduce toxic emissions from diesel engines used on commercial harbor craft operating in the regulated California waters.

Certain vessels will be required to reduce run times depending on age of engine.

Applies to diesel fueled harbor craft.

Expressly exempts designated emergency use vessels.

#### **LEGISLATION**

##### **AB 339 *State and Local Government: Open Meetings***

Introduced by Assembly Members Garcia on 1/28/21, this bill would:

Require the availability of both phone-in and internet-based options for public participation at open meetings of state and local bodies and the Legislature.

Instructions must be translated into the non-English languages that 5% or more of the population speaks and post those instructions online.

Require closed captioning for internet service.

Require translation services at meetings.

Require at least one location for in-person participation.

##### **AB 480 – *Hazardous Substances***

Introduced by Assembly Member Carrillo on 2/8/21, this bill would:

Require “handlers” of facilities regulated by Unified Program Agencies to immediately report a release or threatened release of a hazardous material, waste, or substance.

Require handlers of facilities not regulated by Unified Program Agencies to only report actual releases, not threatened releases, and only if the handler believes the release will pose a significant hazard to the environment or human health and safety.

Give Unified Program Agencies authority to issue an order to the responsible party to immediately suspend or discontinue the operations resulting in a release or threat of release of hazardous waste or hazardous substance.

Responsible party is given an opportunity to appeal the order.

Revise when/what incidents must be reported to the California Office of Emergency Services and to the Unified Program Agency.

No requirement to report until there has been "activation" of response personnel.

Those that pose an imminent *and* substantial endangerment to public health.

If handler's rationale for not reporting seems reasonable, then there is no violation.

Materials were presented and can be found at <https://cdfw.sharepoint.com/sites/OSPRTAC>

8. **PRESENTATION: CHEVRON'S INCIDENT IN RICHMOND, AMERICAN CHALLENGER**

Materials were provided and can be found at <https://cdfw.sharepoint.com/sites/OSPRTAC>

9. **NEXT MEETING**

*Matt Rezvani, TAC Chair*

A Doodle Poll will be sent out to determine the best available dates for September.

**Adjourn Meeting: 2:20 p.m.**