



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

Tuesday, September 28, 2021, 10:00 a.m. – 2:30 p.m.

Microsoft TEAMS Meeting

The following members were in attendance:

TAC members:

Matt Rezvani (Chairman), John Berge, Peter Santillan, James Farner, 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), Uduak-Joe Ntuk - California Geologic Energy Management(CalGEM), Timothy Holmes - United States Coast Guard (USCG), James Hosler - State Fire Marshall, Chris Beckwith – CLSC

Recording Secretary:

Elizabeth Vos-Widtfeldt

OSPR Participants:

Thomas M. Cullen, OSPR Administrator, Dr. Julie Yamamoto, Deputy Administrator, Eric Milstein, Assistant Chief Counsel, Amir Sharifi, Assistant Deputy Administrator, Renee Rose, Budget Analyst, Christine Kluge, Regulations Analyst

Guests:

Nick Carter, Jennifer Cribbs, Mikaela Elder

Roll Call:

Matt Rezvani, John Berge, Tracy Van Houten, Sejal Chocksi-Chugh, Kit Cole, Joseph Cobb, Peter Santillan, Elizabeth Jones, James Farner

I. INTRODUCTIONS

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

II. APPROVAL OF MINUTES

Mr. Matt Rezvani, TAC Chair

Quorum Present.

Action: Matt Rezvani, Chair, made the Motion to accept TAC Minutes of April 21, 2021, Motion Seconded, Roll Call Vote taken, Motion Approved.

III. **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.

- The American Challenger vessel is still grounded off shore of the Marin coastline. We are awaiting the decision of the Commandant of the Coast Guard, who has the authority to destroy a vessel. A decision should be made public soon.
- The Environmental Response Branch continues to work on the seven geographic response plans. Those are the companions to our coastal contingency plans for the various regions of the State that have surface waters that could be impacted by a spill.
- We continue to be the lead agency among trustee councils in moving forward on the execution of the funds for the Refugio spill.
- OSPR's Ellen Faurot-Daniels and Judd Muskat received awards for their work.
- The Department of Finance conducted their quadrennial audit of the Oil Spill Prevention Administrative Fund (OSPAPF). There were two recommendations made regarding our spill tracking database and our drills and exercises program. We are complying with the recommendations.
- Dr. Steve Hampton has retired.

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

Mr. Amir Sharifi, Assistant Deputy Administrator, OSPR

Ms. Jennifer Lucchesi, Executive Director, CSLC

Assembly Bill 148 was passed July 22, 2021, which changes the OSPA Fee Program.

Increase the fee to \$.085 per barrel of crude oil and petroleum products starting October 1, 2021.

Expand OSPA Fee Program to include renewable fuel and adding new registration requirements for renewable fuel production facilities and renewable fuel receiving facilities beginning January 1, 2022.

Adding definition of renewable fuels and revising definition of oil, starting July 22, 2021.

Requires on-line filing of the monthly OSPA fee return starting July 22, 2021.

Requires CDFW to adjust the OSPA fee annually based on changes in the California Consumer Price Index starting July 1, 2023.

The [Fund 320 Condition Statement and Fund 320 Barrels Subject to Fee presentation](#) provide the detailed information provided to the TAC.

Ms. Jennifer Lucchesi, Executive Director, CSLC:

The [California State Lands Commission](#) provided their portion of the budget update in a separate presentation.

California State Lands Commission received a \$12 million appropriation from the legislature to pursue the removal of abandoned and derelict vessels in the Delta. We are putting together a more comprehensive implementation plan for that money.

V. AGENCY BRIEFINGS

CALIFORNIA COASTAL COMMISSION

Mr. Jonathan Bishop

Administration

CCC Staff continues to be encouraged to work from home.

Meetings:

Commission staff attended the following meetings via Zoom or Teams:

- Eight Harbor Safety Committee (HSC) meetings.
- Six Area Committee (AC) meetings
- Statewide Area Committee/RRT 9

Federal Consistency Review:

ND-0022-21: On August 20, the CCC issued a Negative Determination for the DARP. This approval paves the way for the funding and implementation of a variety of restoration projects required as mitigation for the impacts of the Refugio oil spill.

NE-0004-21: No Effects Determination for Freeport-McMoRan Oil & Gas's Automatic Radar Potting Aid (ARPA)/Ship Traffic Warning System (STWS) Upgrades on the Point Arguello Unit.

BSEE intends to prepare a Draft PEIS to inform future decisions on applications for the decommissioning of oil and gas pipelines, platforms, and other facilities offshore of Southern California on the Pacific Outer Continental Shelf (OCS).

Coastal Development Permits:

Avila Beach Pier Rehabilitation # 3-20-0546.

American Challenger – CCC OS program staff has been participating in weekly meetings with the EU on the American Challenger response and future salvage plan.

New Legislation/Regulations:

AB 1197 (Limon) Spill Management Teams (SMT's), Non-tank Vessel Fees; Articulated Tug/Barges - ATB's.

The full report provided by CCC can be read in its entirety in the [TAC BINDER](#).

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

BCDC participated in the May-July and September 2021 HSC meetings.

Navigation Work Group. The Harbor Safety Committee received a briefing on Vessel Speed Reduction (VSR) by NOAA.

Dredge Issues Work Group. Bulls Head Channel experienced shoaling and reduced depth. Marathon Petroleum drafted a letter to the USCG requesting support for emergency dredging of the channel.

Area Contingency Planning

BCDC spill staff attended the May 11 Area Committee meeting.

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.

Enforcement staff continues its involvement on the USCG ADV working group.

Response and Related Activities

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

The full report provided by BCDC can be read in its entirety in the [TAC BINDER](#).

CALIFORNIA STATE LANDS COMMISSION

Ms. Jennifer Lucchesi

Chris Beckwith

State Budget/Commission Budget/OSPAP

The 2021-22 state budget includes a total budget for the State Lands Commission of \$349,196,000, including a \$15,255,000 appropriation from the Oil Spill Prevention and Administration Fund.

Regulations Update

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

Prevention First Symposium

Prevention First is rescheduled due to the COVID-19 pandemic.

Platform/Island Safety Inspection Program

The wells on Rincon Island and Platform Holly are shut-in and in the process of being abandoned.

Safety and Oil Spill Prevention Audit Activities

Fieldwork for the safety audit of Platform Emmy, which was suspended by COVID-19 pandemic, resumed and was completed in December 2020.

Rincon Well Abandonment Project

All wells both on Rincon Island and the associated onshore facilities have been successfully plugged and abandoned and the restoration of the sites has been inspected and certified as complete.

Platform Holly/Piers 421 Decommissioning Projects

ExxonMobil has developed an engineering plan to decommission the shorezone PRC 421 oil piers and caissons located on Haskell Beach in Goleta. The Commission issued a Notice of Preparation to begin the CEQA process in June 2021.

The full report provided by CSLC can be read in its entirety in the [TAC BINDER](#).

CALFIRE - OFFICE OF THE STATE FIRE MARSHAL (OSFM)

James Hosler Assistant Deputy Director

General Updates:

OSFM participated in the National Association of Pipeline Safety Representatives (NAPSR) National Meeting in South Dakota.

Rulemaking Activity: Pipeline Safety Intrastate Fees 45 Day Comment Period (9/3/2021 – 10/18/2021)

Hazardous Liquid pipeline operators are continuing to abandon their purged and out-of-service pipelines.

U.S. DOT PHMSA completed the annual audit of OSFM – Pipeline Safety Program.

OSFM is planning to hold the 2022 Hazardous Liquid Pipeline Safety Seminar in Southern California.

OSFM – Pipeline Safety Division, Sacramento office has moved to the new Natural Resources building.

Significant Investigations:

- Kinder Morgan – Walnut Creek: This is an ongoing investigation.
- Torrance Valley Pipeline – Lebec: This incident is currently under investigation.
- Kern Oil and Refining (KOR): This is an ongoing investigation.
- SFPP, L.P. (Kinder Morgan) – Niland, CA: On March 30, 2021, a Kinder Morgan Line Rider found a release of diesel at the Niland Station.

Coastal Best Available Technology (CBAT) Program

The OSFM adopted CBAT regulation (aka AB-864) to limit the quantity of a release in the event of an oil spill.

The full report provided by CalFIRE can be read in its entirety in the [TAC BINDER](#).

UNITED STATES COAST GUARD

Timothy Holmes

RRT9:

CG & CA OSPR personnel met to discuss Potential Places of Refuge in August to discuss the current PPOR guidance content and process.

MEXUSPAC:

CGD11 and SEMAR R2 hosted annual meeting activity on August 11, 2021. The activity was an oil spill response seminar.

CA Coastal Area Committee Activities:

San Francisco Area Committees (1-3): October 2020 to March 2021

Los Angeles Area Committees (4-5): October 2020 to March 2021

San Diego Area Committee (6): January 2021 to March 2021

D11's Area Committee Coordinator position remains unfilled.

Sector SF:

Pollution Responses received 272 NRC reports, had 11 federal cases, issued 45 Letters of Warning, 11 Notice of Violation, and 1 Civil Penalty.

American Challenger - vessel remains hard aground at same location while the CG seeks funding to remove the vessel.

Sector LA/LB:

Sector LA/LB raised the partially sunk 65' P/C GODFATHER to remove pollution.

Sector SD:

Sector SD responded to a vessel fire at Southwestern Yacht Club; the vessel was removed and destroyed by the owner.

D11 DRAT Training and Preparedness:

DRAT w/CA OSPR held Oil Spill Boom refresher training for SF Fire and had to cancel training with the Yurok Tribe due to increased COVID-19 concerns.

The full report provided by the U.S. Coast Guard can be read in its entirety in the [TAC BINDER](#).

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION (NOAA)

Jordan Stout

In CA, NOAA has supported 20 incidents, including sunken/grounded/drifting vessels, shipboard fires, a pipeline release, whale carcasses, and a missing person.

NOAA continues to be involved in oil spill related research and publishing guidance:

- With USCG Research & Development Center (RDC) – Advancing Autonomous Underwater Vehicle (AUV) and Un-manned Aerial Systems (UAS) capabilities to characterize water column and surface oil in ice environments.
- Multi-platform oil thickness sensors recently deployed at the Santa Barbara seeps from USCG Cutter Blackfin.

The full report provided by NOAA can be read in its entirety in the [TAC BINDER](#).

LUNCH BREAK

VI. REGULATORY AND LEGISLATIVE UPDATE

Christine Kluge, OSPR Regulations Analyst

REGULATIONS

Spill Management Team Certification (SMT)

Office of Administrative Law (OAL) initial review in May 2021.

OAL determination deadline: Oct 27, 2021.

Non-Tank Vessel Fee

OAL initial review in May 2021.

Additional 15-day public comment period Aug 13 – Aug 27, 2021.

OAL determination deadline: Sept 24, 2021.

Drills and Exercises (D&E)

OSPR is working towards harmonizing the marine and inland D&E regulations into one section.

Regulatory Timeline: Commencement of formal rulemaking delayed until approval of SMT regulations.

Non-Floating Oil

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

Regulatory Timeline: Commencement of formal rulemaking anticipated in Spring/Summer 2022.

LEGISLATION

[AB 339](#) - **State and Local Government: Open Meetings**

Introduced by Assembly Members Garcia on 1/28/21.

The status of this bill: pending approval by Governor.

[AB 480](#) - **Hazardous Substances**

Introduced by Assembly Member Carrillo on 2/8/21

The status of this bill: this bill would: pending approval by Governor.

The full report can be read in its entirety in the [TAC BINDER](#).

VII. **AB 148 – IMPLEMENTATION**

Dr. Julie Yamamoto

There was no report provided. The [PowerPoint](#) presentation provides information presented to the TAC.

VIII. **UC DAVIS ENVIRONMENTAL POLICY STUDENT STUDY ON OWCN PROGRAM**

Guest Presenters: Nick Carter, Jennifer Cribbs, Mikaela Elder

Nick Carter, Jennifer Cribbs, and Mikaela Elder, graduate students from the University of California, Davis, presented their findings after conducting an independent evaluation of the Oiled Wildlife Care Network (OWCN) in terms of its programmatic performance.

IX. **TAC BIENNIAL REPORT DISCUSSION**

Matt Rezvani, TAC Chair

Discussion amongst the members of the Technical Advisory Committee about the Biennial Report to the Legislature to decide who was going to work on what section of the report.

X. **NEXT MEETING**

Matt Rezvani, TAC Chair

A Doodle Poll will be sent out to determine the best available dates for April 2022.

Adjourn Meeting: 2:05 p.m.