

December 1, 2003

To the Governor of the State of California
and Members of the California State Legislature

Report on Oil Spill Response and Preparedness Programs

The Lempert-Keene-Seastrand Oil Spill Prevention and Response Act (the "Act") established the Oil Spill Technical Advisory Committee (the "TAC"). The TAC consists of nine (9) members, five (5) of whom are appointed by the Governor, two (2) by the Speaker of the Assembly, and two (2) by the Senate Rules Committee. (See, Gov. Code §8670.54, *et seq.*)

The TAC is mandated with providing public input and independent judgment of the actions of the Administrator of the Office of Spill Prevention and Response (the "Administrator"), and the State Interagency Oil Spill Committee (SIOSC). The TAC may also provide recommendations to the Administrator, the California State Lands Commission, the California Coastal Commission, the San Francisco Bay Conservation and Development Commission, and the SIOSC on any provision of the Act including the promulgation of all rules, regulations, guidelines, and policies.

The TAC is required to provide the Governor and the Legislature with a biennial report on their evaluation of marine oil spill response and preparedness programs within the State. This report covers calendar year 2002. In addition, the TAC may also prepare and send to the Governor and the Legislature any additional reports it determines to be appropriate.

The Governor appointed a new Interim Administrator of the Office of Spill Prevention and Response on March 3, 2003 -- former U.S. Coast Guard Rear Admiral Carlton Moore. Mr. Moore will serve until a new Administrator is appointed.

On behalf of the TAC, you are invited to review this report and share your thoughts and comments with us. Through our mutual efforts, California will experience fewer marine oil spills and better mitigate the harm associated with oil spills that do occur. The collective efforts of State agencies involved with marine oil spill prevention and response programs, coupled with a unique working partnership of local and Federal agencies, the regulated industry, and environmental interests, make the California marine oil spill programs a model for other states to follow. These collective efforts serve to ensure greater protection of our unique coastal and marine resources.

Sincerely,

Chair

REPORT
By The
OIL SPILL TECHNICAL ADVISORY COMMITTEE
To The
GOVERNOR and the LEGISLATURE

Pursuant to The
LEMPERT-KEENE-SEASTRAND OIL SPILL PREVENTION AND RESPONSE ACT
Government Code Section 8670.1 *et seq.*

November 2003

Executive Summary

Table of Contents

	<u>Page</u>
I. Background	1
II. Office of Spill Prevention and Response	2
III. California State Lands Commission	12
IV. California Coastal Commission	14
V. San Francisco Bay Conservation and Development Commission	16
VI. Technical Advisory Committee 2002 Issues and Accomplishments	16
VII. Future Technical Advisory Committee Activities	17
VIII. Conclusion	18
Appendices	19
A. Government Code	
B. TAC Member Information	

I. BACKGROUND

A. The Lempert-Keene-Seastrand Oil Spill Prevention and Response Act

The Lempert-Keene-Seastrand Oil Spill Prevention and Response Act (the "Act") was signed into law on September 22, 1990 (S.B. 2040, Stats. 1990, ch. 1248). The overall purpose of the Act is to prevent and cleanup marine oil spills, and to restore damaged environment. Specific findings by the Legislature concerning the California coast and the threat of pollution from marine oil spills motivated the adoption of the Act.¹ The Administrator of the Office of Spill Prevention and Response (OSPR), and the California State Lands Commission (CSLC) are vested with the primary responsibility for implementing the Act.

B. Oil Spill Technical Advisory Committee

One component of the Act was the creation the Oil Spill Technical Advisory Committee (the "TAC").² The TAC provides public input and independent judgment of the actions of the Administrator of OSPR and the State Interagency Oil Spill Committee (SIOSC). The TAC consists of nine (9) members, five (5) of whom are appointed by the Governor, two (2) by the Speaker of the Assembly, and two (2) by the Senate Rules Committee. The members must have backgrounds in marine transportation, local government, oil spill response and prevention programs, the petroleum industry, State government, environmental protection and ecosystems, and represent the public. There have been several recent personnel changes on the TAC. (*See, Appendix B for current TAC member information.*) Future activities of the TAC are discussed at the end of this Report.

The TAC makes recommendations to the Administrator, the CSLC, the California Coastal Commission (CCC), the San Francisco Bay Conservation and Development Commission (BCDC), and the SIOSC on any provision of the Act including the promulgation of all rules, regulations, guidelines, and policies.

At its own discretion the TAC may study, comment on, or evaluate any aspect of marine oil spill prevention and response in the State. To the greatest extent possible, these studies are to be coordinated with studies being done by the Federal government, the Administrator, the CSLC, the State Water Resources Control Board (SWRCB), and other appropriate State and international entities.

Biennially, the TAC is required to report to the Governor and the Legislature on its evaluation of marine oil spill prevention and response within the State.³ The TAC may also prepare and send any additional reports they determine to be appropriate to the Governor and the Legislature.

The Department of Finance is tasked with creating a financial and programmatic report regarding the State's oil spill response, prevention and preparedness program. By August 1, 2005, the TAC is to review and comment on the report and submit its comments to the Legislature and the Governor.

¹ See, Gov. Code §8670.2 for the specific findings.

² See, Gov. Code §§8670.54 through 8670.56.1.

³ In 2002, the reporting frequency changed from annual to biennial. S.B. 849 (Torlakson) Stats. 2002, ch. 514. See, Gov. Code §8670.55(d)

The TAC is required to meet at least twice a year. All TAC meetings are open to the public and portions of each meeting are devoted to public input on any issue affecting California's marine oil spill programs.

II. OFFICE OF SPILL PREVENTION AND RESPONSE

A. Roles and Responsibilities

The Act establishes an Administrator for the prevention of and response to oil spills in California's marine waters.⁴ The Administrator is in charge of OSPR. The Administrator, subject to and acting at the direction of the Governor, has the primary authority to direct prevention, removal, abatement, response, containment, cleanup, and restoration efforts with regard to all aspects of any oil spill in the marine waters of the State. The Administrator is also a Chief Deputy Director of the Department of Fish and Game (DFG), and in this capacity, the Administrator carries out the DFG's public trustee responsibility for protecting California's wildlife and habitat from marine oil spills.

The Administrator is mandated to provide the best achievable protection of the State's marine resources from oil spills. This mandate dictates the highest level of protection which can be achieved through both the use of the best achievable technology and those manpower levels, training procedures, and operational methods which provide the greatest degree of protection achievable.

Although OSPR is the lead State agency for marine oil spill prevention and response, under the Act the CSLC is mandated with establishing a comprehensive pollution prevention program for marine terminals and offshore oil production facilities located in State waters. The Administrator also chairs SIOSC and is responsible for keeping the twenty (20) SIOSC agencies informed of relevant issues.

Contingency Plans

OSPR requires all marine facilities, all tank vessels (oil tankers and tank barges) and nontank vessels (i.e. ships over 300 gross tons carrying oil or petroleum as fuel, such as cruise ships, container ships, large ferries, etc.) to prepare spill response contingency plans. The contingency plans must address the prevention of and response to marine oil spills through specific risk assessments for each facility or vessel.

Over 7,322 tank vessels and nontank vessels are covered. OSPR's contingency plan requirements cover 179 marine facilities, detailed as follows:

Marine Facilities = 71
Facilities = 15
Leased = 7
Marine Transfer Unit = 10
Offshore = 5
Pipelines = 24
Small Marine Fueling Facility = 32
Platform = 3
OSRO = 12

Of these facilities, 21 used the "Terminal" in their name (i.e.; Chevron Eureka Terminal).

⁴ See, Gov. Code §§8670.1 *et seq.*; and specifically §§8670.4 through 8670.9.

Oiled Wildlife Care Network (OWCN)

The Act (and subsequent legislative activity) also required the Administrator to establish rescue and rehabilitation stations for seabirds, sea otters and other marine mammals. The OWCN, a statewide collective of wildlife care providers and regional facilities interested in working with oil-affected wildlife, was thus established by the OSPR in 1994. Its mission is to strive to ensure that wildlife exposed to petroleum products in the environment receive the best achievable treatment by providing access to permanent wildlife rehabilitation facilities and trained personnel that are maintained in a constant state of preparedness for oil spill response within California. The OWCN is currently funded by interest generated by the Oil Spill Response Trust Fund and, through a MOU with the Administrator, is administered by the Wildlife Health Center at the School of Veterinary Medicine at the University of California, Davis.

Through focused research and development of animal care protocols, the OWCN has streamlined the response to oil spills and greatly increased the chances of survival for oiled wildlife. During response, the OWCN receives assistance from its twenty-five (25) participating organizations and uses one or more of twelve (12) regional facilities either built specifically for, or modified to accommodate, oiled wildlife. When not in use for emergency oil spill response, these facilities operate additional year-round programs that benefit and educate the community through working with the local participating organizations. The facilities are maintained in a constant state of preparedness, are stocked with emergency equipment and supplies, and are staffed by local volunteers specifically trained in the care of oiled birds and marine mammals. In addition to establishing oiled wildlife care stations, the statute clearly mandates the need for both applied and basic research into the effects of oil on wildlife and technology development for optimizing treatment of oiled wildlife. In 1995, research and technology development was added to the tasks to be accomplished by the OWCN. Since 1996, more than 70 research projects funded by the competitive grants program have increased the knowledge of the consequences of oil exposure to wildlife and improved the quality of response technology for oil spills in California and around the world.

Monitoring, Inspections, Enforcement and Dispatch

OSPR maintains and staffs a 24-hour Dispatch Center. The Dispatch Center is located at OSPR Headquarters in Sacramento, and services most Department of Fish and Game regions in California.

In 2002, OSPR dispatch received 7,113 incident reports from the Office of Emergency Services (OES). Besides spills, these OES reports include drug lab waste, unknown substance (with no water involved), train derailments, train v. vehicle/pedestrian, etc. There were 3,096 petroleum spills, 951 chemical spills, 363 railroad incidents, 323 "Other" substance reports, 299 "Unspecified" substance incidents, and various other (sewage, biomedical, radiological, etc.) substance reports in 2002. While most of the spill reports are for very small spills, the OES notice allows for rapid response to major spill incidents.

OSPR Enforcement Branch primarily consists of Fish and Game Wardens, who are peace officers. Other specialized staff (including Oil Spill Prevention Specialists, Water Quality Biologists, and Environmental Scientists) makeup OSPR's first responder team and respond to spills as necessary. In 2002, OSPR Enforcement Branch staff responded to and investigated approximately 1,090 incidents.

For Calendar Year 2002, OSPR Marine Safety Branch (MSB) staff monitored 87 oil transfer operations. OSPR analysis indicated that traditional oil monitoring had little effect on spills at terminals; therefore, MSB utilized limited manpower in other prevention activities. Comparing the same six (6) month period from calendar years 2001/2002 and 2002/2003, MSB

prevention activities increased from 113 to 218 events with a corresponding decrease in reported marine spills from 400 to 344, which was a 13.5% decrease. This comparison is for the same six (6) month period (November to April) -- the same season of the year. The prevention activities were outreach oriented focused on reducing the causes of oil spills rather than on enforcing regulations.

In 2002, OSPR completed four (4) marine spill settlements totaling \$938,575.09 (includes costs, penalties, and damages), six (6) marine spill Administrative Civil Penalty settlements totaling \$54,836.62 (includes costs and penalties), and two (2) marine transfer violation Administrative Civil Penalty claims totaling \$30,500 (penalties).

The TAC believes this type of information should be easily accessible to the public, not only for the number of spills but also the location, cause, type of spill, type of oil, and damage caused. The TAC recommends that OSPR maintain a database of this information and send a complete report to the TAC annually.

Natural Resource Damage Assessment

This program was established to assess damages to natural resources that are injured by releases of oil or other hazardous substances, and to restore these resources using settlement funds, damage awards, or other authorized funds for these purposes. The assessment of ecological injuries involves documentation of the impacted area, including impacts to fish, wildlife and their habitats, and human recreational uses. Damages include the cost of restoring resources, compensation for interim losses, and the cost of assessments. The type and amount of restoration needed following a spill or release are based on the damage assessment and, for larger cases, on the decisions of a Trustee Council (State and federal agency representatives who plan and implement restoration projects), and any relevant legal documents. This program is mandated by both State and Federal statutes. Since OSPR's inception, total NRDA settlements for past spills and other releases exceed \$112 million. Currently, there are several large NRDA cases ongoing.

Applied Response Technologies

The Administrator is required to conduct studies on the use and effects of dispersants, incineration, bioremediation, and any other methods used to respond to a spill.⁵

Regarding dispersants, the Regional Response Team (RRT), working through the six (6) California Area Committees, have approved a new Dispersant Use Plan for Federal waters off the coast of California (those waters more than three miles offshore). The Plan identifies all Federal waters outside of National Marine Sanctuaries as pre-approved by the RRT for dispersant use. Dispersant use in all Federal waters within the National Marine Sanctuaries will still require RRT approval at the time of a spill.

Regarding in-situ burns, the Administrator is to develop a decision-making document for the use of in-situ burning to address oil spills within marine waters of the State.⁶ In furtherance of these requirements, OSPR established an in-situ burning workgroup April of 1995 responsible for the development of a statewide in-situ burning policy. Workgroup members represented the Federal, State, and local agencies and California. After almost two years of work, the workgroup forwarded a policy for the use of in-situ burning in two specific geographic areas; quick approval zones and case-by-case zones. After a series of public meetings, the case-by-case zones as identified by the workgroup were adopted by the Administrator as well as the Coast Guard and

⁵ Gov. Code §8670.12

⁶ Gov. Code §8670.7(g)

were incorporated into the State Plan and the federal areas plans in 1998. Given concerns raised regarding the quick approval process, a programmatic environmental impact report was prepared by OSPR as outlined within CEQA. This document was complete in September 2000 and is currently under review by the Coastal Commission. OSPR will be filing the CEQA documents with the Office of Planning and Research as soon as possible.

Financial Responsibility

Certain vessels and facilities are required to demonstrate that they have sufficient insurance coverage or other assets which can be available to pay for oil spills in marine water.

There are approximately 1,443 tank vessels and 4,346 nontank vessels holding California certificates of financial responsibility. For facilities, 908 certificates have been issued, broken down as 113 applicants with 568 Mobile Transfer Units, 12 Marine Refueling docks, 50 Marine Terminals, 5 Offshore Platforms and 41 "others".

B. Specific Issues from 2002

(1) Oil Spill Response Organizations -- Evaluations

Vessels and facilities generally rely on oil spill response organizations (OSROs) as contractors to perform response and cleanup services, and to meet their contingency plan requirements. The Act did not expressly address the role of OSROs in spill response or drills. However, since the Act was passed, OSROs have developed into a niche industry to assist marine facilities and vessels with oil spill response.

So in 2002, OSPR was given the authority to establish and test concrete performance standards for OSRO Ratings, and OSPR promulgated a regulation to implement this authority.⁷

OSRO applications began arriving in early November 2002, and review and unannounced drill scheduling began immediately afterward. A total of ~~ten~~ (10) OSRO applications were received.

The OSRO Rating process is designed to ensure OSROs can meet plan holder needs. An individual or entity may apply for consideration as a rated OSRO for oil spill response operations, and may be given a rating for each service and area requested in their application. OSPR will only grant ratings for: booming, on-water recovery and storage, and shoreline protection.

A first-time applicant is required to submit to an unannounced drill, as a means of verifying their application. An unprecedented ten unannounced drills were completed in six (6) weeks. The first drill was held on November 15, 2002 in Long Beach, and the last drill was held on December 31, 2002 in San Diego. From beginning to end, the tone of each drill was positive, with OSROs making every effort to exceed requirements and expectations. One positive outcome of the program is the addition of four new rated OSROs. The OSROs receiving Letters of Rating were: Advanced Cleanup Technologies, Inc., Ancon Marine Services, Cal Bay Industrial Services, Clean Bay, Clean Coastal Waters, Clean Seas, Foss Environmental Services, Patriot Environmental, Inc., SoCal Ship Services, and TracTide Marine Corporation. SoCal Ship Services and Foss Environmental Services have each performed an additional unannounced drill to modify (upgrade) their ratings. National Response Corporation and Marine Spill Response Corporation are deemed to "meet the requirements of the regulation" until the end of the third year of their present applications; and are also subject to the same standards and drills. There are twelve (12) rated OSROs operating in California.

⁷ Gov. Code §8670.30; California Code of Regulations, Title 14, §819.

This program is a huge step in the right direction for OSPR to ensure that OSROs are prepared to respond to oil spills in California's marine environments.

At the end of the day, the OSROs have proven their capabilities, and OSPR knows what can be expected from these spill responders. All in all, it's a good basis for partnerships and moving forward.

(2) Drills and Exercises

The Administrator is authorized to periodically carry out announced and unannounced drills to assess the preparedness of facilities and vessels, and the OSROs they rely upon. Also, vessels and facilities ("plan holders") are required to exercise their oil spill contingency plans entirely once every three years. Drills are dynamic, evolving, and lessons are learned from every drill. The function of a drill is to verify and improve response readiness in California. All drills are coordinated with OSPR, the U.S. Coast Guard and other federal, state, and local government entities.

Unannounced drills are initiated by OSPR. Announced drills are generally led by plan holders and are coordinated with OSPR.

The objective of OSPR plan holder unannounced drills is to demonstrate the ability of plan holders to carry out their responsibilities during the first three (3) hours of a simulated spill.

OSRO unannounced drills verify and evaluate the ability of an OSRO to respond in accordance with the applications they have submitted to OSPR. In addition, these unannounced drills enable OSPR to evaluate the credibility of the OSRO rating process and the overall state of preparedness in California.

A major accomplishment during the past year was the success of the plan holder unannounced drill program. This program was definitely a factor in increasing the plan holder's awareness of responsibility and OSRO readiness. The results of this one (1) year program are as follows:

	<u>Facility</u>	<u>Tank Ship</u>	<u>Tank Barge</u>	<u>NonTank Vessel</u>
Total	12	7	2	23
Passed	9	7	1	19
Failed	3	0	1	4

At the TAC meetings, OSPR staff presented information, and opportunities were provided to hear from the public. While TAC members supported the drills, some feel that elements of the unannounced drill program still need improvement.

A follow-up Subcommittee was formed in January 2001 to work with OSPR on new elements of unannounced drills. The Subcommittee is still active and will continue to monitor the progress of the drill program.

(3) Sensitive Site Protection

Sensitive Site Strategy Evaluation Program

OSPR has begun implementation of the Sensitive Site Strategy Evaluation Program (SSSEP). The SSSEP was established as a five (5) year pilot program in the San Francisco region. The SSSEP evaluates site-specific response strategies contained in the San Francisco Area Contingency Plan.

The evaluation of sensitive site protections is an elementary building block of OSPR's response resource assessment program. The SSSEP enables OSPR to conduct strategy deployment exercises that test the site-specific response strategies ability to protect sensitive sites. The exercises will validate protection strategies and improve them as necessary. OSPR worked with USFWS, NMFS, USCG and EPA to complete California Environmental Quality Act (CEQA) and the Endangered Species Act, Section 7 requirements. OSROs have been participating in the Program on a voluntary basis. Plan holders do have a requirement to test sensitive sites which they could impact. OSROs and plan holders receive credits under the Drills and Exercise Program for participation in the SSSEP.

(4) M/V Jacob Luckenbach

On September 27, 2002, the Luckenbach response was concluded, with the salvage barge pulling anchor and tying up to Pier 96 in San Francisco. It carried 85,550 gallons of Luckenbach oil that will never threaten the shores of California again. On the Luckenbach, all accessible vents and sounding tubes were capped and all known loose oil has been removed. Approximately, 29,000 gallons of oil were entombed on board. This brought to a close a mystery, reaching back to 1993, that had resulted in the deaths of as many as 100,000 Common Murres.

(5) Regulations

Oil Transfer and Vessel Operations Regulations

OSPR made amendments to the regulations governing oil transfers and vessel operations (also known as bunkering and lightering), which were approved by the Office of Administrative Law (OAL) in August 2002. The significant changes include:

- Consolidates the generic requirements that apply to all oil transfers into one section (instead of separate requirements for bunkering and lightering);
- Adds requirements for oil transfers dealing with communications, the person in charge, and pre-transfer criteria;
- Lists the conditions that would necessitate not initiating, or shutting down, a transfer operation;
- Adds requirements for containment and removal of on-deck spills;
- Adds separate requirements for Small Marine Fueling Facility bunkering operations; and
- Repeals the section dealing with requirements at offshore marine terminals.

OSRO Rating Program Regulations

Legislation enacted in 2001 (A.B. 715, Stats. 2001, ch. 748) outlined the requirements for an OSRO "Rating" program, and required that contingency plan holders only contract with "Rated" OSROs. Regulations were approved by OAL in October 2002 to enact this Rating program, which is similar to OSPR's old Approval Program for OSROs but adds more specificity to the requirements, as follows:

- Clarifies and simplifies the application content format, and includes requiring more detailed information on subcontracted equipment and the “systems approach” to response;
- Limits Ratings to booming, on-water recovery and storage, and shoreline protection services;
- Clarifies conditions for Rating, including requiring participation in unannounced drills and verification inspections, and provides more detail on required “announced” drills (i.e., type and amount of equipment to deploy);
- Specifies Rating Levels and lists the information to be included on the OSRO Rating Letter;
- Requires dedicated or OSRO-owned and controlled resources for response of six hours or earlier. (This requirement will be phased in for shoreline protection services);
- Outlines the Rating update and renewal procedures;
- Specifies criteria for denial, modification, suspension or revocation of a Rating;

Regulation Amendments to Implement SB 849

Under existing law the Administrator is authorized to collect a fee sufficient to carry out the purposes of the Lempert-Keene-Seastrand Oil Spill Prevention and Response Act. SB 849 authorized a one cent (1¢) increase, from four cents (4¢) to five cents (5¢), to the maximum fee that can be charged by OSPR on each barrel of oil and petroleum products entering California over or through State marine waters. As also provided in SB 849, the Administrator is authorized to charge a nontank vessel owner/operator a \$2,500 fee, to implement a comprehensive nontank vessel program. The legislation also allows the fee to be reduced for nontank vessels which pose a reduced risk of an oil spill.

An emergency regulatory package to implement the fee increases was submitted to OAL and approved in November 2002. A “regular” rulemaking to make the emergency regulations permanent was approved by OAL in June 2003.

Revised Local Government Grant Regulations: The Local Government Grant regulations implement a program to provide grants for local governments to complete, update or revise an oil spill contingency plan, to help provide a coordinated oil spill response and cleanup effort between the local government, OSPR, and federal officials. Amendments to these regulations were approved by OAL in June 2003, and include:

- Limits the inclusion of local governments on the Unified Command only if this accommodation has been pre-arranged in an MOU with OSPR, and only if certain conditions are met including recognition by the Local Government of the Federal On-Scene Coordinator's and State On-Scene Coordinator's authority to direct oil spill response;
- Clarifies and provides consistency with the terms/titles used to describe the Unified Command System;
- Updates geographic boundaries to make them consistent with the United States Coast Guard Designated Areas;
- Refines some of the terms and conditions of the Grant Agreement;
- Amends the format for the local plans, to be consistent with the Area Contingency Plans;
- Clarifies the coordination of the local government's oil spill response personnel with that of the State's Incident Command System, which is used within the Unified Command structure; and
- Clarifies what the grant money can and cannot be used for.

Review of Tug Escort Requirements for San Francisco Bay

Several meetings were held by a Subcommittee of the San Francisco Harbor Safety Committee to revisit the Tug Escort requirements, specifically the tug/tanker matching criteria, and to discuss whether to recommend legislation to require tug escorts for vessels carrying dangerous cargos.

Regarding the tug escort requirements, a presentation was given by a representative from Glostien Associates, which did the original study upon which the tug/tanker matcher criteria was based. After reviewing the methodologies and assumptions used, the Subcommittee was confident that the model used as the basis for the tug/tanker matrix in San Francisco Bay was still valid and applicable. However, tug crews must be able to expeditiously respond to a tanker steering or propulsion failure within the models time constraints in order for predicted stopping distances to actually be achieved. As a result of this discussion, the Subcommittee drafted tug escort training guidelines for San Francisco Bay to support and improve upon the existing tug escort program.

After extensive analysis, the subcommittee decided not to recommend to propose legislation which would require tug escorts for vessels "carrying certain dangerous chemical cargoes in enough quantities to pose a risk" in San Francisco Bay, based on the following:

- It was extremely difficult to define dangerous cargoes and quantities which could be translated into legislation.
- Thorough analysis of this category of vessel in the Bay in calendar year 2001 did not reveal a pattern of problems that would be grounds for requiring a tug escort.

- The Coast Guard has the authority through Port State Control to require tug escorts and to detain “problem ships” in this category if necessary.
- Chemical tankers are designed to a higher level of structural integrity than are oil tankers. The majority calling in San Francisco Bay in 2001 were double hulled. Also, cargoes of greatest environmental concern are typically loaded into tanks in the middle of the ship which are protected by outer tanks and a double bottom.

III. LEGISLATION

In 2002, the Governor signed a bill that made substantive changes to the Act -- Senate Bill 849 (Torlakson) (Stats. 2002, ch. 514).

SB 849

- Allows for a one cent (1¢) fee increase. Under existing law the Administrator for oil spill response is authorized to collect a fee sufficient to carry out the purposes of the Lempert-Keene-Seastrand Oil Spill Prevention and Response Act (Act). The fee was originally established in statute at up to 4¢ per barrel of oil, to be paid by owners of crude oil and petroleum products entering the State through, across, or in marine waters.
- The new fee may be increased to five cents (5¢). The one cent (1¢) increase will help OSPR solidify and move forward with administrative programs which had been negatively impacted by previous budget adjustments.
- Calls for a \$2,500 fee to be paid by nontank vessels every two years. The fee will be based on the cost of implementing the nontank vessel mandates; but, the fee can be reduced for nontank vessels which pose a reduced risk.
- This fee for nontank vessels is intended to address mandates which were never provided with a funding source. Previously, a nontank vessel only paid \$100 every two (2) years, yet nontank vessels make up the majority of OSPR’s contingency plan and financial responsibility workload. The \$2,500 fee will equitably balance out the fee paid by tank vessels and facilities for each barrel of crude oil and petroleum products they bring into California via marine waters.
- Generally, all nontank vessels must demonstrate financial responsibility of \$300,000,000 in oil spill pollution coverage – usually through insurance. However, certain nontank vessels do not pose a risk of spill or damage justifying a need to pay premiums for \$300,000,000 coverage. Thus, in 2002 the Administrator was given the authority to allow certain nontank vessels to enter California with reduced oil spill financial responsibility coverage. This reduces to an appropriate level the costs incurred by the regulated community to obtain pollution insurance.

This authority was scheduled to “sunset”, but was extended to January 1, 2006.

- Added that on January 1, 2005, the Department of Finance (DOF) must prepare a report to the Governor and the Legislature on the financial basis and programmatic effectiveness of the State’s oil spill prevention, response, and preparedness programs. The TAC is required to review the DOF report, and transmit the Committee’s comments to the Governor and the Legislature by August 1, 2005.

- Added a nontank vessel representative to the TAC. This person must have expertise to assess programs and issues relating to nontank vessels.
- Changed the TAC's report to the Legislature and Governor about California's marine oil spill prevention and response programs from an annual to a biennial obligation.

SB 1513

Another relevant bill signed by the Governor was Senate Bill 1513 (Karnette) (Stats. 2002, ch. 207). Scheduled to sunset January 1, 2003, was the Administrator's authority to establish a lower standard of financial responsibility for a nontank vessel that has a carrying capacity of 6,500 barrels of oil or less, or, if the nontank vessel is owned and operated by California or a federal agency with a carrying capacity of 7,500 barrels of oil or less. SB 1513, in conjunction with the enactment of SB 849, extended that authority until January 1, 2006.

AB 2083

The Governor also signed Assembly Bill 2083 (Jackson) (Stats. 2002, ch. 512). This bill requires the CSLC to develop a form designed to enable the commission to obtain and track the amount and type of oil transported, as well as the name of the vessel, the vessel's route, and air emissions relating to the internal shipment of that oil. The form is to be completed by the responsible party engaged in the internal shipment of oil.

On or before April 1 of each year, for the calendar years 2004 to 2009, inclusive, the CSLC must file a report with the Legislature summarizing certain information and transmit a copy of the report to any interested agency or member of the public, upon request.

The CSLC must consult with the Administrator, other state agencies, and Federal agencies, including the United States Coast Guard and the federal Department of Transportation.

The Administrator must reimburse the CSLC for the costs of administering these provisions from the Oil Spill Prevention and Administration Fund. These requirements will sunset on January 1, 2010.

2003 Legislative Session

AB 433

This bill continues, and makes a number of reforms to the ballast water management program begun under AB 703 (Lempert, 1999) to combat the growing problems caused by aquatic invasive species. AB 703 made mandatory the voluntary provisions of current federal ballast water law contained in the National Invasive Species Act. AB 433 improves upon AB 703 by addressing gaps in the program that have become evident since the bill was enacted into law.

The bill extends the ballast water provisions from January 1, 2004 to January 1, 2010. Under the new program, the OSPR will be required to conduct additional biological surveys of non-indigenous species in the marine and estuarine waters of the state to determine whether new species have been introduced since the baseline survey was conducted in 2001. This monitoring effort will be used to assess the effectiveness of the ballast control requirements. In addition, the DFG/OSPR would be named to an advisory panel charged with making recommendations regarding standards for the discharge of ballast water into the coastal waters of California.

IV. CALIFORNIA STATE LANDS COMMISSION

A. Roles and Responsibilities

The Lempert-Keene-Seastrand Oil Spill Prevention and Response Act, as it relates to the CSLC, is codified in the Public Resources Code.⁸ The CSLC is directed to “adopt rules, regulations, guidelines, and commission leasing policies for reviewing the location, type, character, performance standards, size, and operation of all existing and proposed marine terminals within the state, whether or not on lands leased from the commission, and all other marine facilities on lands under lease from the commission to minimize the possibilities of a discharge of oil.” The CSLC is mandated to “ensure that all operators of marine terminals within the state and marine facilities under the commission’s jurisdiction always provide the best achievable protection of the public health and safety, and the environment.”

The Act defines marine facilities, essentially, as any facility from which a discharge of oil could impact marine waters. Marine terminals, a subset of marine facilities, are those facilities used for transferring oil to or from tank ships and barges. Other facilities “under the jurisdiction” of the CSLC include all offshore state oil and gas leases, and the associated onshore processing facilities.

Operations Manuals

The CSLC requires marine facilities to have operation manuals describing equipment and procedures employed to protect human health and safety, and the environment and to prevent oil spills.

Inspections

The CSLC performs inspections at marine facilities, and regulates and inspects marine terminals. There are currently 74 marine terminals in the State at which a reported 25 billion gallons of petroleum was transferred in 2002. This includes sixty (60) fixed commercial terminals, five (5) terminals operated by the Department of Defense and U. S. Navy, and nine (9) mobile marine terminal operators. In 2002, inspectors monitored more than 2,800 marine oil terminal transfer operations statewide. In addition, CLSC staff inspected 67 marine facilities.

CSLC staff has conducted safety and pollution prevention inspection and monitoring programs on drilling and production platforms in State waters since the platforms were constructed. In 1990, these responsibilities were extended to other marine facilities by the Act. In fiscal year 2000-2001, the CSLC’s “System Safety Analysis Program” was rejuvenated and augmented by the establishment of a “Safety Audit Program” to conduct comprehensive engineering and technical analyses of the operational safety of oil and gas producing facilities impacting State tidelands.

The CSLC also monitors construction, operations, maintenance, and oil spill prevention contingency planning on all offshore oil and gas operations on State offshore oil and gas leases.

Security

In 2002, the CSLC implemented emergency physical security regulations at fixed marine oil terminals statewide. Members of CSLC staff conducted security inspections and security plan reviews to help ensure the safety and security of these terminals. Permanent security

⁸ See, Public Resources Code §§8750 through 8760.

regulations will be implemented in 2003, and updated security plans are under review.

Engineering

The CSLC performs engineering inspections, mooring analysis, structural analysis, review of pipeline maintenance and testing, and also reviews documents relating to various proposed new facilities and environmental documents. This year, the engineering group has completed the "Marine Oil Terminal Engineering and Maintenance Standards" (MOTEMS) and has started the regulatory process. These standards contain criteria for inspections, seismic analysis and design, mooring analyses, fire protection/suppression, pipelines, and all other mechanical and electrical systems associated with marine oil terminals. The standards will be applicable to both existing and new marine oil terminals in California. The goal of the project is to provide minimum standards for all terminals, to mitigate the risk of damage or potential oil spills from earthquakes or other forms of potential damage, such as mooring or berthing incidents. For the first time, definitive criteria are provided for underwater inspection and for rehabilitation if problems or deficiencies are found.

Human Factors

The CSLC co-sponsored development, then introduced a no-cost, voluntary Safety Assessment of Management Systems (SAMS) for the marine industry. This assessment is conducted by CSLC staff that interviews a cross-section of an organization, from upper-level managers to line-supervisors, administrative staff, operators and contractors. Findings from the assessment are presented to the company in a non-regulatory, informal manner. SAMS have been conducted at thirteen (13) facilities to date.

B. Mineral Resources Management Division (MRMD)

Platform Safety Inspection Program

Mineral Resources Inspectors in the Huntington Beach, Goleta, Sacramento, and Kelseyville field offices continued the Division's monthly inspection program of offshore platforms and onshore drilling and production facilities. These inspections involve testing of facility pollution prevention and safety alarm and control devices to ensure functionality, accuracy and reliability.

CSLC has conducted safety and pollution prevention inspection and monitoring programs on drilling and production platforms in state waters since the platforms were constructed. In 1990, these responsibilities were extended to other marine facilities by the Act. In fiscal year 2000-2001, CSLC's "System Safety Analysis Program" was rejuvenated and augmented by the establishment of a "Safety Audit Program" to conduct comprehensive engineering and technical analyses of the operational safety of oil and gas producing facilities impacting State tidelands. These audits continued through FY 2002.

State Lease Activities

The CSLC also monitors construction, operations, maintenance, and oil spill prevention contingency planning on all offshore oil and gas operations on State offshore oil and gas leases.

C. Specific Issues in 2002

(1) Oil Transfer and Transportation Emission and Risk Reduction Act

Assembly Bill 2083 entitled "Oil Transfer and Transportation Emission and Risk

Reduction Act of 2002" was chaptered on September 12, 2002. The bill requires CSLC to develop a form that is completed by the responsible parties engaged in the internal shipments of oil between the San Francisco Bay area and the Ports of Los Angeles/Long Beach, and ports in between. The form will enable CSLC to obtain and track the quantities and types of oil transported between these areas. It will also enable CSLC to obtain the names of vessels, the vessel's routes and air emissions relating to the internal shipments of oil.

The bill requires CSLC to commence collecting this data for the calendar years 2004 through 2009, and file annual reports before April 1 of each year with the Legislature. The reports are required to include information relating to the numbers of internal transfers of oil, the number of transfers which were due to refinery shutdowns, the trends in the quantities and types of oil transferred internally, locations of air emissions, and any other pertinent information.

In developing the form, CSLC is required to consult with the Administrator, other state and federal agencies and the industry. CSLC has developed a draft form and presented it to the industry for their review. Meetings are ongoing with the Western State Petroleum Association staff and members of industry to finalize the form. The final version of the form will be adopted in a regulatory action under the Administrative Procedures Act by the end of 2003.

V. CALIFORNIA COASTAL COMMISSION

The CCC generally receives its authority from the California Coastal Act of 1976. The CCC reviews coastal development projects (including those conducted during emergency responses) to assure that they comply with the Coastal Act provisions for protection of coastal resources. In 1978, the CCC was delegated additional responsibilities under the Coastal Zone Management Act (CZMA)⁹ to review federal activities, and federally permitted and funded activities, for their consistency with the California Coastal Management Program (CCMP). To do this, the CCC provides its federal consistency reviews using the California Coastal Act as its benchmark.

In 1992, the CCC received additional responsibilities under the Lempert-Keene-Seastrand Oil Spill Prevention and Response Act. CCC responsibilities under the Act and through a companion Interagency Agreement include, but are not limited to:

- Serves as a member of the SIOSC and SIOSC Review Subcommittee.
- Review regulations for oil spill prevention and response, and provide input on these regulations consistency with Coastal Act policies and Coastal Commission regulations.
- Review oil spill contingency plans for marine facilities located in the coastal zone.
- Attend all Harbor Safety Committee (HSC) meetings for the ports of Humboldt Bay, Port Hueneme, Los Angeles/Long Beach and San Diego, and attend all appropriate HSC subcommittee meetings as feasible.
- As feasible, attend all statewide and regional Area Committee and subcommittee meetings (e.g., dispersants, sensitive sites, trajectories, ACP update, oiled wildlife operations, wildlife volunteer coordination, GRP), and chair subcommittees as appropriate.

⁹ Administration of the CZMA is through the National Oceanographic and Atmospheric Administration, Office of Coastal Resource Management.

- As appropriate, participate in studies and workgroups conducted under the Act that will improve spill prevention response and habitat restoration.
- Participate in the development of planning materials for oiled wildlife rehabilitation facilities located in the coastal zone.
- Participation in drills called by OSPR, and coordination with state and federal agencies regarding drills called pursuant to CCC permit requirements.
- As appropriate, consult with and assist OSPR during spill response operations, including those involving shoreline cleanup and assessment, wildlife operations, alternative response technologies and natural resource damage assessment. CCC oil spill program staff monitor (via faxed notice and 24-hr pager) all reports by OES of spills in the coastal zone.

CCC staff respond at spill sites to determine whether cleanup activities are considered “development” and, therefore, require an emergency coastal development permit pursuant to the California Coastal Act. For emergency permit purposes, the CCC would determine whether cleanup activities could adversely affect coastal resources. The types of spill response activities that may require a coastal development permit include but are not limited to:

- Grading or construction within the coastal zone for temporary storage (e.g., storage tank for oil), access roads or staging areas;
- Grading or clearing vegetation in sensitive resource areas;
- Berming a river mouth or a lagoon;
- Repair of pipelines and facilities under water or near sensitive habitats;
- Construction or retaining walls as oil spill containment barriers.

Issuance of an emergency permit can be accomplished with a verbal approval (on scene or via telephone) by the CCC Executive Director or his/her designate. The emergency permit is issued to the party responsible for the spill, and does not impede response activities. Acceptance of the emergency permit requires the responsible party to submit (generally within 60 days) an application for a follow-up regular coastal development permit. The coastal development permit will evaluate impacts to the site specifically related to the permitted cleanup or repair and maintenance activities; it does not evaluate the impacts from the oil spill itself, or interfere with the Natural Resource Damage Assessment process.

VI. SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION

BCDC serves on the HSC of the San Francisco Bay Region, and the various subcommittees or work groups. BCDC is currently involved in the Prevention Through People Workgroup (and taking the lead on preparation of a map of the Bay’s marine radio geography), the Underwater Rocks Subcommittee, and is chairing the Tug Escort Subcommittee. Additionally, there is a newly formed Ferry Operations Workgroup.

BCDC unanimously approved a new section in the *San Francisco Bay Plan* dealing with Navigational Safety and Oil Spill Prevention. BCDC now officially recognizes the benefits of safe navigation and oil spill prevention in its coastal zone management program.

BCDC oil spill staff attended the San Francisco Bay/Delta Area Committee, regarding Federal Area Contingency Planning. BCDC is Chair of the Volunteer Subcommittee. BCDC is also participating in the dispersants meetings and working with OSPR staff to try and use digital aerial photos in the response strategy sections of the Area Plan.

BCDC has been preparing a report that addresses issues such as: (1) the importance of navigation in the Bay Area and the hazards mariners face; (2) the vulnerability of Bay resources to spills; (3) navigational and spill risk issues that BCDC could address; (4) the legal and institutional framework, and (5) BCDC's role in navigational safety and oil spill prevention.

BCDC recently completed the *BCDC Oil Spill Permitting and Response Handbook* which sets forth an internal protocol for oil spill notification, details the oil spill response activities that are most likely to require BCDC authorization, addresses appropriate permitting options and special conditions for oil spill cleanup activities, and the roles and responsibilities of BCDC during a spill.

AB 715 added BCDC to the SIOSC and to the SIOSC Review Subcommittee. The Bill: a) authorizes BCDC to provide assistance to the Administrator regarding prevention and response studies, b) requires that BCDC be consulted regarding the construction of certain oiled wildlife facilities, and c) provides that BCDC's authority regarding these issues is limited to BCDC's jurisdiction only, and is not statewide.

VII. TECHNICAL ADVISORY COMMITTEE 2002 ISSUES AND ACCOMPLISHMENTS

TAC Bylaws

Since its inception in 1991, the Technical Advisory Committee (TAC) has not operated under Bylaws. However, the TAC determined to create a set of Bylaws to memorialize meeting structure and practices, to clarify membership appointments, and to operate under applicable State regulations for public meetings. As a result of a series of discussions, the TAC finalized and adopted Bylaws, which are effective January 1, 2003.

Funding

The TAC supports implementation of SB 849.

Tar Ball Spills

The TAC continues to have detailed discussion on Tar Ball Spills. Information and facility capability for vessels to discharge tank waste are a concern. The TAC would like to determine how tank vessels discharges relate to mystery occurrence of winter tar ball incidents. Questions such as, "Is there enough shoreside convenient disposal sites that would preempt the ship owners from dumping waste into the ocean?" are being addressed. The TAC will continue to address this issue.

Dispersants

The TAC has considered the use of dispersants and how the State is moving forward with approval of dispersant use. There is a concern that a mechanism needs to exist between the State and the Federal Trustee agencies, such as sanctuary managers, in the implementation of dispersal use policies.

In 2000, the Region IX RRT revised the Regional Contingency Plan providing for the use of dispersants as an applied response technology for waters 3 – 200 miles off the coast of

California, as specified. The RRT requested that Area Committees within the State, utilizing local expertise, to make recommendations for the use of dispersants into three (3) zones: 1) pre-approval; 2) pre-approval with consultation; and 3) RRT approval required. A modified Ecology Risk Assessment, known as a Net Environmental Benefit Analysis (NEBA), was conducted in each of the seven (7) area committees as a basis for developing the recommendations. The first of the Dispersant-Use Zone recommendations was approved by the RRT in July 2002, for the North Coast Area Committee. The second and third Dispersant-Use Zone recommendations were approved by the RRT in December 2002 for the Northern and Southern Los Angeles area committees. It is anticipated that the remaining dispersant use recommendations will be forward to the RRT for approval by June 2003. The TAC will continue to monitor this issue in 2003.

Spill Cleanup Costs

An ad hoc TAC Subcommittee was created to review formulas/levels used for determining financial responsibility (FR) amounts. A consultant was contacted to provide an estimate for a study to do a formalized review. While there was some initial concern that the current per barrel cleanup costs are based on outdated historical data, upon further review by the Subcommittee, the FR amounts generated still appear to provide adequate coverage of spill costs (cleanup and damages). A new FR study (with a cost estimate of a minimum of \$40,000) was determined by the Subcommittee not to be warranted.

Crude Oil Lightering Operations – San Diego

Meetings of agencies to discuss a "Risk Based Decision Matrix" and U.S. Coast Guard development of draft "Standards of Care", were two (2) 2002 major accomplishments of the San Diego crude oil lightering work group. Chevron made a lightering presentation to the TAC. After discussion, the TAC decided to continue monitoring the issue and the efforts of the lightering work group.

Cruise Ship Discharges

In the year 2000, with the passage of Assembly Bill 2746 (Nakano), the California State Cruise Ship Environmental Task Force was created. The impetus for the legislation was a number of factors including the following:

- The large number of cruise ships calling on California State ports
- The pollution history of the cruise ship industry
- Environmentalists concerns (over 14 environmental groups supported this Bill)
- Public citizen concerns
- Department of Justice cases against certain cruise ship companies
- US Environmental Protection Agency concerns
- Concerns of the State Legislature

The Task Force is comprised of representatives from the following Agencies:

- State Water resources Control Board
- The Department of Fish and Game
- The Department of Toxic Substances Control
- Integrated Waste Management Board
- State Lands Commission
- State Air Resources Board
- US Coast Guard

The Bill requires the Task Force to evaluate environmental practices and waste streams from large passenger vessels, gather reports and manifests of waste released and offloaded in California, conduct public hearings and collect public comments, and submit a written report to the State Legislature on or before June 1, 2003. The TAC will continue to address oil or oily

water discharges, as needed.

VI. FUTURE TECHNICAL ADVISORY COMMITTEE ISSUES

As stated previously, the Act established the TAC to provide a forum for public input and independent judgment of the actions of the Administrator and other California oil spill programs.

Although in the last year, OSPR Administrator and the Chair of the TAC took steps to increase the TAC's engagement in issues, the TAC can and should take more responsibility for guiding the process and being part of the solution. This has been discussed with the Administrator and other representatives, and we will make efforts to implement increased communication in the future. As a group, the TAC intends to address the follow issues in the upcoming year:

- Procedurally, the TAC will identify specific goals for the year, seek early notice of issues to facilitate meaningful input and judgment, and meet quarterly.
- More communication is needed with other TAC-like organizations, such as the regional Citizen Advisory Councils in Alaska, to increase information exchange.
- OSPR's implementation of SB 849 and the promulgation of regulations will be a main issue. The TAC should stay apprised of the plan holder and OSRO drill programs, including the shoreline protection program.
- The TAC requests a detailed discussion on tar ball spills. The TAC has requested information in 2001 on facility capabilities for vessels to discharge tank waste, and how that may relate to the "mystery" occurrence of winter tar ball incidents. The TAC continues to address this issue as a high priority.
- The TAC has considered issues relating to the use of dispersants and how the State is moving forward with approval of dispersant use. There is a concern that a mechanism needs to exist between the State and Federal Trustee agencies, such as sanctuary managers, in the implementation of dispersal use policies. We will continue to look at this issue in 2002.
- The TAC needs to begin to prepare for the 2004/2005 audit.
- The TAC continues to have concerns regarding crude oil lightering operations off San Diego. The TAC will continue to monitor operations and assess means by which to reduce the threat of pollution.

VIII. CONCLUSION

The past year or so has been a time of change. The TAC has been rejuvenated with new Committee Members and a new Chair.

TAC meetings have been very fruitful this past year, and the increased communication with the various agencies is very encouraging. Several important issues have been identified by the TAC. The TAC looks forward to a greater involvement in working on these issues, and looks forward to the support from the agencies in working through these issues in the up coming year.

APPENDIX A

California Government Code [Selected Sections]

§8670.54. Committee established; appointment of members

(a) The Oil Spill Technical Advisory Committee, hereafter in this article the committee, is hereby established to provide public input and independent judgment of the actions of the administrator and the State Interagency Oil Spill Committee. The committee shall consist of nine members, of whom five shall be appointed by the Governor, two by the Speaker of the Assembly, and two by the Senate Rules Committee. The appointments shall be made in the following manner:

(1) The Speaker of the Assembly, and Senate Rules Committee shall each appoint members who shall be representatives of the public.

(2) The Governor shall appoint a member who has a demonstrable knowledge of marine transportation.

(3) The Speaker of the Assembly and the Senate Rules Committee shall each appoint a member who has demonstrable knowledge of environmental protection and the study of ecosystems.

(4) The Governor shall appoint a member who has served as a local government elected official or who has worked for a local government.

(5) The Governor shall appoint a member who has experience in oil spill response and prevention programs.

(6) The Governor shall appoint a member who has been employed in the petroleum industry.

(7) The Governor shall appoint a member who has worked in state government.

(b) The committee shall meet as often as required, but at least twice per year.

Members shall be paid one hundred dollars (\$100) per day for each meeting and all necessary travel expenses at state per diem rates.

(c) The administrator and any personnel the administrator determines to be appropriate shall serve as staff to the committee.

(d) A chairman and vice chairman shall be elected by a majority vote of the committee.

§8670.55. Recommendations from committee; studies

(a) The committee shall provide recommendations to the administrator, the State Lands Commission, the California Coastal Commission, and the State Interagency Oil Spill Committee, on any provision of this chapter including the promulgation of all rules, regulations, guidelines, and policies.

(b) The committee may, at its own discretion, study, comment on, or evaluate, any aspect of oil spill prevention and response in the state. To the greatest extent possible, these studies shall be coordinated with studies being done by the federal government, the administrator, the State Lands Commission, the State Water Resources Control Board, and other appropriate state and international entities. Duplication with the efforts of other entities shall be minimized.

(c) The committee may attend any drills called pursuant to Section 8601.10 or any oil spills, if practicable.

(d) The committee shall report annually to the Governor and the Legislature on their evaluation of oil spill response and preparedness programs within the state annually and may prepare and send any additional reports they determine to be appropriate to the Governor and the Legislature.

§8670.56. Funding

The administrator may expend from the Oil Spill Prevention and Administration Fund any amounts necessary for the purposes of carrying out this article.

§ 8670.56.1. Committee members; immunity from liability

(a) The Legislature hereby finds and declares that because the administrator must rely on expertise provided by members of the committee and be guided by their recommendations in making decisions that relate to the public safety, members of the committee should be entitled to the same immunity from liability provided other public employees.

(b) Members of the committee appointed pursuant to this article, while performing duties required by this article or by the administrator, shall be entitled to the same rights and immunities granted public employees by Article 3 (commencing with Section 820) of Chapter 1 of Part 2 of Division 3.6 of Title 1. Those rights and immunities are deemed to have attached, and shall attach, as of the date of appointment of the member to the committee.

**California Government Code
[Revised Selected Sections – 2002 Stats]**

§ 8670.54. Committee established; appointment of members

(a) The Oil Spill Technical Advisory Committee, hereafter in this article the committee, is hereby established to provide public input and independent judgment of the actions of the administrator and the State Interagency Oil Spill Committee. The committee shall consist of ten members, of whom six shall be appointed by the Governor, two by the Speaker of the Assembly, and two by the Senate Rules Committee. The appointments shall be made in the following manner:

(1) The Speaker of the Assembly, and Senate Rules Committee shall each appoint members who shall be representatives of the public.

(2) The Governor shall appoint a member who has a demonstrable knowledge of marine transportation.

(3) The Speaker of the Assembly and the Senate Rules Committee shall each appoint a member who has demonstrable knowledge of environmental protection and the study of ecosystems.

(4) The Governor shall appoint a member who has served as a local government elected official or who has worked for a local government.

(5) The Governor shall appoint a member who has experience in oil spill response and prevention programs.

(6) The Governor shall appoint a member who has been employed in the petroleum industry.

(7) The Governor shall appoint a member who has worked in state government.

(8) The Governor shall appoint a member who has demonstrable knowledge of the dry cargo vessel industry.

(b) The committee shall meet as often as required, but at least twice per year. Members shall be paid one hundred dollars (\$100) per day for each meeting and all necessary travel expenses at state per diem rates.

(c) The administrator and any personnel the administrator determines to be appropriate shall serve as staff to the committee.

(d) A chairman and vice chairman shall be elected by a majority vote of the committee.

§ 8670.55. Recommendations from committee; studies

(a) The committee shall provide recommendations to the administrator, the State Lands Commission, the California Coastal Commission, the San Francisco Bay Conservation and Development Commission, and the State Interagency Oil Spill Committee, on any provision of this chapter including the promulgation of all rules, regulations, guidelines, and policies.

(b) The committee may, at its own discretion, study, comment on, or evaluate, any aspect of oil spill prevention and response in the state. To the greatest extent possible, these studies shall be coordinated with studies being done by the federal government, the administrator, the State Lands Commission, the State Water Resources Control Board, and other appropriate state and international entities. Duplication with the efforts of other entities shall be minimized.

(c) The committee may attend any drills called pursuant to Section 8601.10 or any oil spills, if practicable.

(d) The committee shall report biennially to the Governor and the Legislature on its evaluation of oil spill response and preparedness programs within the state * * * and may prepare and send any additional reports * * * it determines to be appropriate to the Governor and the Legislature.

(e) On or before August 1, 2005, the committee shall review the Department of Finance report required under Section 8670.42 and prepare and submit to the Governor and the Legislature comments on the report, including, but not limited to, recommendations for improving the state's oil spill prevention, response, and preparedness program.

§ 8670.56. Funding

The administrator may expend from the Oil Spill Prevention and Administration Fund any amounts necessary for the purposes of carrying out this article.

§ 8670.56.1. Committee members; immunity from liability

(a) The Legislature hereby finds and declares that because the administrator must rely on expertise provided by members of the committee and be guided by their recommendations in making decisions that relate to the public safety, members of the committee should be entitled to the same immunity from liability provided other public employees.

(b) Members of the committee appointed pursuant to this article, while performing duties required by this article or by the administrator, shall be entitled to the same rights and immunities granted public employees by Article 3 (commencing with Section 820) of Chapter 1 of Part 2 of Division 3.6 of Title 1. Those rights and immunities are deemed to have attached, and shall attach, as of the date of appointment of the member to the committee.

APPENDIX B

Members of the Oil Spill Technical Advisory Committee

Member	Alternate
<p>Ms. Vicki Nichols, Chair Save Our Shores 2222 East Cliff Drive, No. 5A Santa Cruz, California 95062 Tel: (831) 421-0331 Fax: (831) 462-6070 (801) 659-9165 (Home) Email: vnichols@cruzio.com</p> <p>Appointed: February 25, 2000 By: Sen. John L. Burton Senate Rules Committee As: Environmental Representative</p>	<p>Mr. Tim Eichenberg Oceana 2027 Hayes Street San Francisco, California 94117 Tel: (415) 386-8127 Fax: (415) 386-8147 Email: TEichenberg@oceana.org</p>
<p>Mr. Russell H. Long Bluewater Network 311 California Street, #510 San Francisco, California 94104 Tel: (415) 544-0790 (415) 332-9181 (home) Fax: (415) 544-0796 Email: rlong@bluewaternet.org</p> <p>Appointed: November 6, 2001 By: Robert M. Hertzberg Speaker of the Assembly As: Environmental Representative</p>	<p>Ms. Teri Shore Bluewater Network 311 California Street, #510 San Francisco, California 94104 Tel: (415) 544-0790 Fax: (415) 544-0796 Email: tshore@bluewaternet.org</p>
<p>Mr. R. Mitchel Beauchamp Pacific Southwest Biological Services 41 East 12th Street, Suite A National City, California 91950 Tel: (619) 477-5333 (619) 477-0295 (home) Fax: (619) 477-5380 Email: mitch@PSBS.com</p> <p>Appointed: August 13, 2002 By: Herb J. Wesson, Jr. Speaker of the Assembly As: Public Representative</p>	
<p>Mr. Matt Rezvani BP America, Inc. 4 Centerpointe Drive La Palma, California 90623 Tel: (714) 670-5462 (909) 861-8968 (home) Fax: (714) 670-5480 Email: rezvams@BP.com</p> <p>Appointed: May 11, 2001 By: Governor Davis As: Petroleum Representative</p>	<p>Mr. James E. Bobbitt BP Shipping (USA) 1300 Pier B Street Long Beach, California 90813 Tel: (562) 499-2332 (714) 848-6854 (home) Fax: (562) 499-2300 Email: bobbitje@bp.com</p>

Member	Alternate
<p>Mr. Tom Moore 39 Kinross Drive San Rafael, California 94901 Tel: (415) 456-9838 (home) Fax: (415) 460-0711 (home) Email: trmsem@ix.netcom.com</p> <p>Appointed: May 11, 2001 By: Governor Davis As: Marine Transportation Representative</p>	<p>Mr. Mike Scala Chevron Texaco Shipping Company 302 West 5th Street, Suite 201 San Pedro, California 90731 Tel: (310) 241-1384 Fax: (310) 241-1387 Email: mksc@chevrontexaco.com</p>
<p>Ms. Joan Lundstrom 48 Frances Avenue Larkspur, California 94939 Tel: (415) 461-4566 (home) Fax: (415) 927-5098 (home) Email: jlundstrom@ci.larkspur.ca.us</p> <p>Appointed: May 11, 2001 By: Governor Davis As: Local Government Representative</p>	<p>Ms. Rosemary M. Corbin 114 Crest Avenue Richmond, California 94801 Tel: (510) 235-5779 Email: rdcorbin@sbcglobal.net</p>
<p>Ms. Linda Sheehan The Ocean Conservancy Pacific Regional Office 116 New Montgomery Street, Suite 810 San Francisco, California 94105 Tel: (415) 979-0900 Fax: (415) 979-0901 Email: lsheehan@oceanconservancyca.org</p> <p>Appointed: January 14, 2003 By: John L. Burton Senate Rules Committee As: Public Representative</p>	<p>Ms. Jessica Hamilton The Ocean Conservancy Pacific Regional Office 116 New Montgomery Street, Suite 810 San Francisco, California 94105 Tel: (415) 979-0900 Fax: (415) 979-0901 Email: jhamilton@oceanconservancyca.org</p>
<p>Mr. Stephen Ricks (Vice Chair) Clean Bay 2070 Commerce Avenue Concord, California 94520 Tel: (925) 685-2800 Fax: (925) 825-2203 Email: cleanbay1@aol.com</p> <p>Reappointed: May 11, 2001 By: Governor Davis As: Oil Spill Response Representative</p>	<p>Mr. Raymond C. Nottingham Clean Coastal Waters, Inc. 190 S. Pico Avenue Long Beach, California 90802 Tel: (562) 432-1415, x222 Fax: (562) 432-1510 Email: rnottingham@cleancoastalwaters.org</p>
<p>Dr. Jonna Mazet Wildlife Health Center School of Veterinary Medicine University of California – Davis One Shields Avenue Davis, California 95616 Tel: (530) 754-9035 Fax: (530) 752-3318 Email: jkmazet@ucdavis.edu</p> <p>Appointed: May 11, 2001 By: Governor Davis As: State Government Representative</p>	<p>Dr. Michael Ziccardi Wildlife Health Center School of Veterinary Medicine University of California – Davis One Shields Avenue Davis, California 95616 Tel: (530) 752-4167 Fax: (530) 752-3318 Email: mhziccardi@ucdavis.edu</p>