

**2011-2012  
BIENNIAL 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.***

**JULY 2013**



# Executive Summary

As required by statute, the Oil Spill Technical Advisory Committee (TAC) presents this report to the Governor and the Legislature of California as an opportunity to review our activities of the past two years and discuss our priority issues for 2013-2014. The report follows the format in the 2011/2012 report, which we hope informs the Governor and the Legislature of the important issues the TAC has been actively following, and adequately highlights those issues that we feel are critical to our State oil spill preparedness, prevention and response programs.

During the past two years, the Department of Fish and Wildlife, Office of Spill Prevention and Response (OSPR) continued its successful day-to-day operations and development of the future vision of the state's oil spill programs in conjunction with the California States Lands Commission (CSLC), the California Coastal Commission (CCC), and the San Francisco Bay Conservation and Development Commission (BCDC). OSPR continues to improve upon its responses to issues arising from the aftermath of the November 7, 2007 *Cosco Busan* oil spill in San Francisco Bay, as well as impacts and consequences of the October 30, 2009 *Dubai Star* oil spill in San Francisco Bay, the April 20, 2010 *BP* Gulf oil spill and the November 7, 2010 *Da Tang 18* oil spill in Long Beach Harbor. These spills and the lessons learned from them have led to a number of legislative, regulatory and administrative changes at the Office over the last few years.

OSPR continues to work tirelessly to be more responsive to the concerns of the public, the legislature and local governments. The continuous review and assessment of existing practices and the incorporation of changes to state laws, regulations and best practices provides ongoing improvement to oil spill preparedness, prevention and response in California.

Adequate funding and efficient administration of the state's oil spill program is a key focal point for the TAC. Both of these issues were addressed in Assembly Bill 1112 (Huffman, statutes of 2011), which provided increased revenue through temporary and permanent special fund rate increases, mandates for increased oversight of fuel transfer operations, as well as audits of multiple aspects of the program. The current and projected status of funding and the results of the statutorily mandated audits have been completed and are addressed in greater detail in this report.

Looking forward to the 2013-2014 period, the state agencies involved in oil spill preparedness, prevention and response will strive to build upon historical lessons learned, implement new programs and improvements to existing ones, in addition to successfully carrying out their primary mission of administering the day-to-day activities associated with the State oil spill programs.

Ongoing issues on which the TAC has focused are highlighted in the 2011/2012 Issues and Accomplishments section of this report. The TAC has continued its ongoing oversight of issues raised in the 2005 Department of Finance Audit of OSPR, which include staffing and priority programs to be implemented. Pursuant to passage of AB 1112, the Bureau of State Audits (BSA) released their audit of the state's spill program in August of 2012. The audit conducted by the Department of Finance was completed on December 31, 2012 and made available to the TAC in early January of 2013. Both of those audits are discussed in detail in the body of this report.

As with previous TAC reports to the Legislature and Governor, issues that have been under review in 2011/2012 will continue to be TAC priority issues for consideration in 2013/2014. Issues of particular concern continue to be:

- Clarification of the Administrator's direct responsibility for the CDFW staff and programs funded by the OSPAF.
- The continued close work with the Administrator to ensure OSPAF monies are used only for authorized activities.
- The development of an Inland Spills Program and its impact on OSPR's critical mission requirements and associated funding needs.
- Adequate funding of the Oiled Wildlife Care Network (OWCN) in view of the shortfall from existing available revenue streams.

These issues form the basis for the following recommendations that the TAC is making to the Governor and Legislature:

## **Recommendations**

- Amend Fish and Game Code §704 to state that the Administrator has the managerial control for all CDFW employees paid from the OSPAF and those employees are responsible to the Administrator to carry out the provisions of the Lempert-Keene-Seastrand Oil Spill Prevention and Response Act.
- OSPAF funds should not be available for uses not authorized under Government Code Section 8670.40 – including loans to other CDFW funds.
- The TAC concurs with the recommendation in the Department of Finance 2012 Audit, *“The Program should explore feasible options to obtain a dedicated funding source for OWCN. This may require amending legislation.”*
- Commission an independent study to determine the most efficient and effective organizational structure and division of roles between OSPR and CDFW that best meets the spill program's mission.
- Seek a solution from the Legislature for sufficient funding for the adequate administration of an inland spills program.

The TAC looks forward to continuing our excellent working relationship with the OSPR Administrator and the dedicated men and women at OSPR, the States Lands Commission, the Coastal Commission, and the San Francisco Bay Conservation and Development Commission. The TAC would like to express our appreciation for their dedicated hard work to protect California's spectacular natural resources and expand knowledge to other states during disastrous circumstances.

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# **Background**

## **The Lempert-Keene-Seastrand Oil Spill Prevention and Response Act**

The Lempert-Keene-Seastrand Oil Spill Prevention and Response Act (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 clean up marine oil spills and to restore damage to the 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. The Administrator of the OSPR and the California State Lands Commission (CSLC) are vested with the primary responsibility for implementing the Act.

The staff of OSPR is comprised of personnel within the Department of Fish and Wildlife. They coordinate and directly respond to marine oil spills and work with an array of public and private entities to prepare and prevent spills. Some notable partners include the United States Coast Guard, National Oceanic and Atmospheric Administration, and the newly formed Bureau of Ocean Energy Management, Regulation and Enforcement. In addition there are five Harbor Safety Committees that develop harbor safety plans for San Diego, Los Angeles/Long Beach, Hueneme, the San Francisco Bay Area ports and Humboldt Bay. Other services to aid in safer navigation of California State Waters are the US Coast Guard Vessel Traffic Services in San Francisco and Los Angeles Long Beach and the Physical Oceanographic Real-Time Systems (PORTS).

## **Oil Spill Technical Advisory Committee**

One component of the Act was the creation of the Oil Spill Technical Advisory Committee (TAC). The TAC provides public input and independent review and evaluation of the actions of the Administrator of OSPR. The TAC consists of ten (10) members, six (6) of whom are appointed by the Governor, two (2) by the Speaker of the Assembly, and two (2) by the Senate Rules Committee. The membership must have background in marine transportation, local government, oil spill response and prevention programs, the petroleum industry, State government, environmental protection and ecosystems, and the dry cargo vessel industry, and must represent the public. Pursuant to its by-laws, TAC members serve until they are either replaced by the appointing authority, a member resigns, or a member is asked for their resignation after a vote of at least two thirds of the appointed TAC members. (*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) and the San Francisco Bay Conservation and Development Commission (BCDC) 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.

Since 2003, the TAC has been required to report biennially to the Governor and the Legislature on its evaluation of marine oil spill prevention and response within the State. The TAC may also prepare and send any additional reports it determines to be appropriate to the Governor and the Legislature.

The TAC meets at least on a quarterly basis throughout the year. All TAC meetings are open to the public pursuant to the Bagley-Keene Open Meeting Act, and portions of each meeting are devoted to public input on any issue affecting California's marine oil spill programs.

# **Issues and Accomplishments 2011/2012**

## **Monitoring of Oil Spill Fund Balances**

The Oil Spill Response Trust Fund (OSRTF or Fund 321) is available to the OSPR Administrator to pay for the cost of responding to marine spills until such time that the Fund is reimbursed by the responsible party or by the Federal Government's Oil Spill Liability Trust Fund, if available. The OSRTF was initially funded by a twenty-five cent (\$0.25) per barrel (42 U.S. gallons) fee. The fee was discontinued once the fund balance reached a prescribed level. The fee must be reinstated if the balance falls below 95% of the prescribed level. The Fund has not fallen below the threshold for reinstatement of the fee since its inception. During 2005/2006 the TAC became aware of discrepancies in the Fund balance resulting in the resources within dropping close to the level required to trigger a reinstatement of the fee. The accounting and allocation errors have since been corrected without the need for such fee reinstatement. Since then, the TAC receives regular briefings from OSPR on fund activity and balance. Over the last two years the TAC has seen no accounting irregularities with the Fund balance; however recent events in 2011 have, in the opinion of the TAC, seriously jeopardized the integrity of the Trust Fund. That situation has not been rectified and is discussed later in this report.

As part of their periodic reports, OSPR also provides the TAC with financial reports for the Oil Spill Prevention and Administration Fund (OSPAF or Fund 320). This fund is used to finance OSPR's operating budget and the State marine oil spill programs. The funding is provided by a \$0.065 per barrel (42 U.S. gallons) fee on crude oil and petroleum products received at a marine terminal, together with a fee assessed biennially on non-tank vessels when they apply for their Certificate of Financial Responsibility (COFR). That fee is set on a sliding scale based on the size of the vessel.

The per-barrel fee was increased from \$0.04 to \$0.05 per barrel in 2003, at which time the non-tank vessel COFR fee was established. The barrel fee was increased by thirty percent to \$0.065 in 2012 as a result of AB 1112 (Huffman, statutes of 2011) entering into force. That increase included a sunset date of January 1, 2015, when the fee will revert to \$0.05 per barrel. Concurrent to that increase, the non-tank vessel fee was also increased by thirty percent in 2012; from \$2,500 to \$3,250 for the top tiered vessels. That increase was affected by a directive of the Governor and under existing statutory authority granted to the Administrator. Unlike the barrel fee, that increase has no sunset provision nor is it applied to tank vessels. The fee increases were, in part, required to fund the legislative mandate in AB 1112 to develop and implement a bunkering and lightering monitoring and inspection program.

The TAC continuously monitors the OSPAFA fund to ensure the fee level is appropriately set to fund the mandates of the Lempert-Keene-Seastrand Act. The TAC is committed to further analyzing the programs' minimum needs in terms of funding and resources to better understand and comment on appropriate funding levels.

The latest OSPAF projections provided to the TAC indicate potential deficit in fiscal years 2014/2015 and forward, based on an increase in expenditures estimated by OSPR and other affiliated agencies, combined with slightly reduced or flat revenue projections. The TAC is concerned that the fiscal integrity of the fund be maintained, either through an increase in revenue, expenditure reductions within the confines of OSPR's statutory requirements, or a combination of the two.

### **Implementation of New Legislation and Regulations**

As a result of the October 2009 *Dubai Star* oil spill in San Francisco Bay, and in response to potential revenue shortfall of the state's oil spill program, the Legislature adopted AB 1112, which the Governor signed into law in 2011. OSPR began implementation of those statutory changes 2012.

**AB 1112 (Huffman, Chapter 583):** This bill included several provisions:

1. Increased the per barrel fee by 30% (from \$0.05 to \$0.065) commencing January, 2012. This provision will sunset on January 1, 2015, returning the per barrel fee to \$0.05.
2. Directed OSPR to develop and implement a screening mechanism and risk-based monitoring program for inspecting fuel transfer of vessels at anchor and at the dock. Because the funding for the additional resources required for this monitoring program was tied to the increase in the per barrel fee, this program is also scheduled to sunset on January 1, 2015.
3. Required OSPR and the State Lands Commission to contract with the Department of Finance for a programmatic audit of their oil spill programs. Such audit to be presented to the Governor and Legislature by January 2013, with repeat audits to occur every four years.
4. Directed the State Lands Commission, in consultation with the Department of Conservation, to report to the Legislature by March of 2012 on regulatory actions pending or undertaken, and statutory recommendations to the Legislature to ensure maximum safety and prevention of harm from offshore oil drilling. This provision is repealed on January 1, 2016.

In the Governor's signing statement, he issued a directive to OSPR to also increase the non-tank vessel Certificate of Financial Responsibility (COFR) fee by 30 percent, from \$2,500 (for large commercial vessels) to \$3,250. This fee increase is not subject to a sunset nor is it applied to tank vessels.

The Office is in the process of hiring additional personnel in order to accomplish the goals of the provision outlined in number 2 above. Because of the sunset provisions of AB 1112, if the fuel-transfer inspection program is to continue beyond that point, additional revenue or reduction of other OSPR expenditures must be accommodated.

Concurrent to AB 1112 and in response to two oil spill incidents related to fuel transfers, OSPR tasked the Harbor Safety Committees of San Francisco and LA/Long Beach to develop Best Maritime Practices (BMP) for fuel transfers. Although robust federal and state regulations are already in place to regulate these activities, stakeholders agreed that formalizing better education, communication, and transfer protocols would help reduce the risk of incidents. The Harbor Safety Committees completed those BMPs in 2012 and adopted them into their respective Harbor Safety Plans. Also included in this effort was coordination with Harbor Safety Committees in the Pacific Northwest to update an existing instructional video on BMPs for fuel transfers. That video, which can be used in any harbor on the west coast of the United States, is expected to be available for general use in 2013.

In addition to AB 1112, the Legislature and the Governor also enacted SB 80 (Committee on Budget and Fiscal Review, Chapter 11, statutes of 2011). That bill authorized loans from the Oil Spill Response Trust Fund (OSRTF, fund 321) to the State General Fund without triggering the automatic enactment of the \$0.25 per barrel oil fee required when the fund falls below 95% of its designated amount. SB 84 (Committee on Budget and Fiscal Review, Chapter 13, statutes of 2011), amended the 2010 Budget Act to appropriate \$40 million from the OSRTF to the General Fund to implement the loan authorized in SB 80.

### **OSPR Relationship With CDFW**

The TAC continues to have concerns with the structural relationship between OSPR and CDFW whose roles appear to be in statutory conflict. Both the 2012 BSA and DOF Audits of the CA Oil Spill Programs contain findings that question the changes made to Sections 700 -704 of the Fish and Game code that was modified to read:

*704. (a) Notwithstanding any other provision of law, the director is the appointing power of all employees within the department, and all employees in the department are responsible to the director for the proper carrying out of the duties and responsibilities of their respective positions.*

The TAC concurs with the DOF audit findings:

*“A conflict appears to exist between the Administrator and DFG Director roles. The Act gives the Administrator authority to direct Program employees and administer the Program’s funds in accordance with state law. However, in 2002 the Legislature amended provisions of the law giving the DFG Director authority over all employees including OSPR staff. This conflict has created numerous issues and it appears DFG has interpreted and applied the 2002 amendment in a way (such as the redirection of staff resources) that has impaired the Administrator’s authority to fully implement the Act. This issue is also identified by the California State Auditor in its report issued in 2012.”*

The TAC further concurs with the DOF audit recommendation that: *“The Program should request the Legislature to clarify its intent of the 2002 amendment regarding the authority of the Administrator and the DFG Director over OSPR operations.”*

The TAC will continue to follow this issue as one of its priority issues for 2013/2014.

### **OSPR’s Fiscal Relationship With SLC**

In the TAC 2010-2011 Biennial Report, the TAC expressed a concern with the mechanisms in place to ensure equitable and transparent accounting of expenditures and revenues between the OSPAF, OSPR, and the SLC Marine Facilities Division and Minerals Management Division. The TAC is pleased to report that our concerns have largely been addressed. Procedures have been established where by the Administrator now has the ability to review Budget Change Proposals from SLC that are directly funded by the OSPAF. The TAC will be reviewing the success of this procedural change with OSPR and SLC during the 2013/14 budget process.

### **Oiled Wildlife Care Network (OWCN)**

The OWCN is funded from the interest earned from the Oil Spill Trust Fund. As a result of the \$40,000,000 loan to the General Fund and the low interest rates currently available, there is not sufficient funding available to sufficiently support the cost of the program. The TAC concurs with the recommendation in the DOF Audit, *“The Program should explore feasible options to obtain a dedicated funding source for OWCN. This may require amending legislation.”*

The TAC feels this is an urgent matter that deserves the Governor and Legislature’s attention. We have included a recommendation on this matter later in this report.

In addition, during the 2008 Legislative Session, AB 2911 (Wolk, Chapter 565, Statutes of 2008) tasked OSPR with ensuring increased capacity for proactive capture and stabilization of oiled or threatened wildlife. This is an ongoing issue that will be monitored through 2013/2014.

### **Inland Spills Program**

AB 2911 also made certain marine oil spill provisions applicable to inland oil spills, such as designating the OSPR Administrator as incident commander for inland oil spill cleanup; makes responsible parties liable for damages similar to those for marine oil spills; and allows for administrative enforcement of inland oil spills. The bill also strengthens enforcement penalties for both inland and marine oil spills. The new law,

however, does not include any provisions for creating a dedicated funding source for the Inland Pollution Program.

The Inland Spills Program continues to have no source of dedicated funding. Funds available to administer the program continue to decline. In fact as recently as September 2012, the Fish and Wildlife Pollution Account has a negative balance of \$26,838. It has been necessary to cut back drastically on the administration of the program.

The TAC agrees with the DOF Audit recommendation:

*“The Program should (1) explore feasible options to obtain a dedicated funding source for the prevention, preparedness, response, and clean up of inland spills; and (2) develop formalized prevention and preparedness activities for the Inland Spills Program. This may require amending existing or creating new legislation.”*

Because the TAC was established under the Lempert-Keene-Seastrand Act, the TAC has had preliminary discussions as to its role in addressing the issue of inland spills. While the authorizing statutes suggest a role for the TAC, there are outstanding questions concerning authority, responsibilities and adequate representation that should be considered by the Legislature.

### **MOTEMS Implementation and Enforcement**

The TAC continues to monitor the implementation of the MOTEMS program. In the recent DOF audit, it is noted that the State Lands Commission Marine Facilities Division has not completed their review of the comprehensive engineering audits provided by oil terminal as part of the MOTEMS program. The TAC will continue to follow the implementation of this program as one of our 2013-2014 Priority Issues.

### **Environmental Enhancement Fund – Fund 322**

The TAC has received a number of briefings on the status of the Environmental Enhancement Fund. This fund is used to fund coastal habitat acquisition and improvement projects and is replenished by penalties collected following marine oil spills. Funding is limited to \$300,000/year even though there are additional funds available. The TAC feels that if additional funds are available they should be used to the extent deemed of benefit for important environmental enhancement projects. Legislative authority is required to increase annual funding.

### **Open TAC Positions**

There are ten positions on the TAC appointed by the Governor and Legislature. Currently there are two open positions on the TAC. Having vacancies makes it difficult

to conduct TAC business, and we are concerned about designated appointed stakeholder groups lacking representation on the TAC. We urge the Governor and the other Legislative representatives that make appointments to fill these open positions.

## **Priority Issues for the TAC in 2013/2014**

For the 2013 and 2014 horizon, the TAC intends to consider the following issues as potential areas of focus, recognizing the need to adjust priorities based on current events and newly developing issues of concern. Many of these are issues that have been addressed by the TAC on a regular or semi-regular basis; demanding constant vigilance. The order of listing of these issues does not reflect a particular ranking in terms of prioritization or importance.

- **OSPAP and OSRTF**

The TAC will continue to monitor the fiscal integrity of the California programs and their funding and expenditures. The TAC will continue to request OSPAP and OSRTF budget reports at our quarterly meetings.

- **OSPR relationship with CDFW**

As memorialized in previous state audits and TAC reports, the programmatic, fiscal and administrative relationship between OSPR and CDFW continues to be of concern to the TAC. Under the existing framework, that there is a marked lack of control by the Administrator over OSPR employees, and only a limited control over funds, is of great concern to the TAC.

This issue has been identified in both the BSA and DOF audits. The TAC will continue to monitor this issue to ensure progress is being made to implement the audit recommendations.

- **Implementation of BSA and DOF 2012 Audits of the CA Oil Spill Programs**

The BSA and DOF 2012 audits included a number of areas of risk and recommended measures to improve the programs' efficiency and/or effectiveness. A number of these issues are included in the TAC's 2013/2014 priority issues. The TAC will continue to monitor progress as OSPR and CSLC implement the audits' recommendations.

- **Implementation of the Bunkering and Lightering Monitoring Program**

AB 1112 directed OSPR to develop and implement a screening and risk-based monitoring program for inspecting fuel transfer of vessels at anchor and at the dock. The TAC will continue to follow the implementation of this new program by receiving periodic reports from OSPR.

- **OWCN funding status**  
OSPR's ability to fulfill its statutory mandates for providing Best Achievable Protection of wildlife impacted by oils spills was strengthened in recent proposed legislation, but the TAC continues to be concerned about the fiscal integrity of OSPR's oiled wildlife care programs into the future. The TAC believes that the existing funding mechanism is not adequately sound and has agreed on recommendations to achieve that goal, as outlined below.
- **Track new legislation**  
At the time of this report's drafting, there was one bill introduced in the first year of the current legislative session that directly impacts the oil spill program.

AB 881 (Chesbro), as introduced, includes a provision to increase the per barrel fee from \$0.065 up to \$0.07 and remove the existing January 2015 sunset date. The bill would also increase the Non-Tank Certificate of Financial Responsibility biannual fee from \$3,250 up to \$3,500. Also included is a provision to transfer funds from the Oil Spill Prevention Administration Fund (OSPAF - Fund 321) to the Oil Spill Response Trust Fund (OSRTF – Fund 320) in order to provide funding revenue to the Oiled Wildlife Care Network.

AB 982 (Williams), as introduced, defines and places notification and reporting requirements on hydraulic fracturing. While not directly impacting the existing state spill program, the potential expansion of OSPR activities related to inland spills deems this as a bill of interest to the TAC.

SB 4 (Pavley), as amended on 3/11/13, hydraulic fracturing. As with AB 982, this bill may impact the existing spill program in regards to preparedness, prevention and response to inland spills.

- **Pending regulations, Enforcement and Administrative Actions**  
OSPR continues to improve existing programs through the promulgation of regulations and taking administrative action under existing statutory authority.

OSPR is amending its existing Drills and Exercises regulations to be more focused on performance-based evaluations, while also accommodating OSPR staff schedules to provide for greater agency attendance and oversight. As part of this effort, simplified drill objectives are being developed for Small Marine Fueling Facilities, Mobile Transfer Units and Vessels Carrying oil as Secondary Cargo.

Continuing a program change that was launched in 2012, OSPR is expanding their unannounced plan holder drills to include mobilization of the Spill Management Team sufficient to demonstrate the ability to initiate the beginning planning sequence in response to an incident. These drills are already underway.

OSPR will be updating the Shoreline Protection Tables to incorporate changes to the various Area Contingency Plans (the geographically specific guidance documents for responding to spills) and to streamline and simplify the tables.

- **Inland Spill management and funding**

The TAC continues to be concerned with the responsibilities placed on OSPR to respond to non-marine spills, coupled with the lack of dedicated funding to fulfill those mandates. The TAC has identified funding gaps and predicts the near term exhaustion of funds currently used to pay for these efforts. The TAC also needs to further assess the role and authority of the TAC in addressing inland spills, as well as the question of whether the existing make-up of the TAC provides appropriate representation for the expanded scope of the program.

- **MOTEMS implementation and enforcement**

A subsequent revision to the original MOTEMS became effective on January 1, 2011, and includes such additional requirements as the consideration of sea level rise and the call for a site-specific tsunami plan. There has also been a revision to the code for the inclusion of tsunami run-up values for the San Francisco Bay. These changes and a general review of the progress of the MOTEMS program will continue to be on the TAC radar.

## Conclusions

The TAC is a forum to provide public input and independent oversight of the OSPR Administrator and the oil spill programs of California. The last two years have thankfully been devoid of significant oil spill events. This has provided the agencies the latitude to continue implementation of pending regulatory and administrative enhancements to the state's program. In addition, TAC has supported the OSPR directive to each of the five Harbor Safety Committees to adopt Best Maritime Practices for each harbor to prevent spills, including improved practices for fuel transfers. Also, the Governor's office moved to appoint Captain Thomas Cullen (USCG Ret.) as the new Administrator to OSPR, together with establishment of a stable management team at the Office. The TAC is optimistic that the resolution of the agency's leadership will help the agency in dealing with the existing and future challenges outlined in this report.

During 2013–2014, OSPR will face continued challenges implementing amended regulations and developing new regulations, policies, and procedures to address the newly enacted legislation. This increase in activity will be in addition to continuing their primary mission of administering the prevention, preparedness, and response programs of the State. The TAC looks forward to working very closely with the Administrator to provide public input and independent judgment regarding the operations of oil spill prevention and response activities in the State. The TAC will also make timely 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 pertinent provision of the Act including the promulgation of all rules, regulations, guidelines, and policies.

## APPENDIX A

### California Government Code [Selected Sections]

#### Article 8. Oil Spill Technical Advisory Committee

##### **§ 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 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

### Office of Spill Prevention and Response TECHNICAL ADVISORY COMMITTEE (TAC)

Member	Alternate
<p>Mr. Stephen Ricks (Chair) Marine Spill Response Corporation 702 National Court, Suite 1 Richmond, CA 94804 Tel: (510) 478-0702 Fax: (510) 478-0725 Email: <a href="mailto:ricks@msrc.org">ricks@msrc.org</a></p> <p>Reappointed: May 11, 2001 By: Governor Davis As: Oil Spill Response Representative</p>	TBA
<p>Ms. Deb Self (Vice Chair) Executive Director San Francisco Baykeeper 785 Market Street, Suite 850 San Francisco, CA 94103 Tel: (415) 856-0444 Email: <a href="mailto:deb@baykeeper.org">deb@baykeeper.org</a></p> <p>Appointed: September 7, 2010 By: Darrell Steinberg, Chairman Senate Rules Committee As: Environmental Representative</p>	TBA
<p>Dr. Jonna Mazet Wildlife Health Center School of Veterinary Medicine University of California – Davis 1089 Veterinary Medicine Drive Davis, CA 95616 Tel: (530) 754-9035 Fax: (530) 752-3318 Email: <a href="mailto:jkmazet@ucdavis.edu">jkmazet@ucdavis.edu</a></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 1089 Veterinary Medicine Drive Davis, CA 95616 Tel: (530) 754-5701 Fax: (530) 752-3318 Email: <a href="mailto:mhziccardi@ucdavis.edu">mhziccardi@ucdavis.edu</a></p>

Member	Alternate
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<p>Mr. John Berge            Vice President            Pacific Merchant Shipping Association            250 Montgomery Street, Suite 700            San Francisco, CA 94104            Tel: (415) 352-0710            Fax: (415) 352-0717            Email: <a href="mailto:jberge@pmsaship.com">jberge@pmsaship.com</a></p> <p>Appointed: July 29, 2008            By: Governor Schwarzenegger            As: Dry Cargo Industry Representative</p>	<p>Mr. John McLaurin            President            Pacific Merchant Shipping Association            250 Montgomery Street, Suite 700            San Francisco, California 94104            Tel: (415) 352-0710            Fax: (415) 342-0717            Email: <a href="mailto:jmclaurin@pmsaship.com">jmclaurin@pmsaship.com</a></p>
<p>Mr. Tom Ford            Director of Marine Programs            Santa Monica Bay Restoration Foundation            1 LMU Drive            Pereira Annex MS:8160            Los Angeles, CA 90045            Tel: (310) 216-9824            Email: <a href="mailto:tford@santamonicabay.org">tford@santamonicabay.org</a></p> <p>Appointed: August 28, 2008            By: Don Perata, Chairman            Senate Rules Committee            As: Public Representative</p>	<p>Mr. Mark Abramson            Senior Watershed Advisor            Santa Monica Bay Restoration Foundation            1 LMU Drive            Pereira Annex MS:8160            Los Angeles, CA 90045            Tel: (310) 961-4871            Email: <a href="mailto:mabramson@santamonicabay.org">mabramson@santamonicabay.org</a></p>

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<p>Mr. Brian Meux  Marine Program Manager  120 Broadway, Suite 105  Santa Monica, CA 90401  Tel: (310) 394-6162  Fax: (310) 394-6178  Email: <a href="mailto:bmeux@lawwaterkeeper.org">bmeux@lawwaterkeeper.org</a></p> <p>Appointed: April 15, 2013  By: John Perez  Speaker of the Assembly  As: Environmental Representative</p>	<p>TBA</p>
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