



OIL SPILL PREVENTION AND RESPONSE TECHNICAL ADVISORY COMMITTEE (TAC)

<http://www.dfg.ca.gov/ospr/commit/tac/tac.html>



Meeting of
Thursday, February 13, 2014
9:00 a.m. to 3:00 p.m.

1700 K Street, Ste. 250
Sacramento, CA 95811
(916) 445-9326

MINUTES

Attendance:

<i>TAC members</i>	<i>Agency Representatives</i>	<i>Participants</i>	<i>Guests</i>
Steven Ricks	Jonathan Bishop	Tom Cullen, OSPR	Scott Morris, MSRC
Deb Self (by phone)	Linda Scourtis	Yvonne Addassi, OSPR	
John Berge	Captain Laura Kovary (alternate)	Steve Hampton, OSPR	
Tom Ford (by phone)	LT Karl Breedlove (alternate)	Joy Lavin-Jones, OSPR	
Jonna Mazet		Steve Sawyer, OSPR	
Brian Meux		Julie Yamamoto, OSPR	
Matt Rezvani			
Michael Ziccardi (alternate)			
R. Mitchel Beauchamp (by phone)			

1. INTRODUCTIONS

Captain Thomas Cullen, OSPR Administrator

2. APPROVAL OF MINUTES

Mr. Stephen Ricks, TAC Chairman

Minutes of 11/6/13. Comments by Jonathan Bishop - does not recall the statement “Not had an event since last reported.” No further comments or objections made. Motion to approve with corrections, seconded, and unanimously approved.

3. OSPR UPDATE

Captain Thomas Cullen, OSPR Administrator

(report provided)

Administrator Thomas Cullen offered a brief update of each branch of the Office of Spill Prevention and Response, touching on a couple highlights. Further updates can be found in the report provided.

Executive Branch

• For first time OSPR’s proposal to a statewide oil spill program is specifically address in the Governor’s budget summary with a proposed additional \$7 million to address this program. Since the last TAC meeting a core team was established in furtherance of this proposal. OSPR briefed DOF and the analyst quickly saw the importance of the funding of the statewide proposal. Subsequently, OSPR briefed the CDFW Director, as well as a couple of the Governor’s top advisors and legislative advisors.

OSPR has met with other potential and already existing partners – State Fire Marshal, California State Transportation Agency, California Public Utilities Commission, Department of Conservation, Federal Railway Administration, various environmental agencies, non-governmental organizations. A legislative briefing was held for key legislative and committee staffers. OSPR is following up with meetings with Cal OES, Toxic Substances Control and the railroads.

• OSPR met with Director and Deputy Director concerning the relationship between CDFW and OSPR. Further conversations are necessary concerning conflicts with Section 704 of the Fish and Game Code and the Lempert-Keene Act.

• OSPR leadership is focused on transparency and in ensuring that information is available to all stakeholders and plan holders. Ideas include database improvements that will allow access to plan status and regulatory compliance, in order to avoid violations.

Preparedness Branch

After many years as the supervisor of the Drills & Exercises unit, Barbara Foster has retired. OSPR will not be able to fill that position until June.

Financial and Administrative Services Branch

Bernadette Fees has been appointed as the Financial and Administrative Branch Chief after Garry Smith's retirement. Ms. Fees comes to OSPR from the Department where she was in charge of the Office of Communications and Outreach. She has been with OSPR for a couple of years and brings a wealth of experience to the position.

Enforcement Branch

OSPR continues to build a strong and productive relationship with the Chief of Patrol at the Department's Law Enforcement Division (LED). LED has stepped up to help split fund six positions previously funded by the Inland 207 account, which is now in deficit. Together CDFW and OSPR cooperatively came up with an innovative way of "cost share" for one of OSPR's inland Captain's positions, whereby CDFW can use him for special projects. OSPR will recover that Captain position back with the new fiscal year funding, keep those six positions working with another funding source, and be able to maintain experienced and confident in their inland response abilities.

Scientific Branch

- The tremendous task of updating the area contingency plans is underway.
- EROS Training (Environmental Response to Oil Spills in California) is coming up March 25 – 28 in San Diego.
- Inland Spill Response Training being offered to all CDFW regions to staff – wardens, biologists, other scientific folks, etc. – that are not necessarily up speed on how to respond to a spill.

Marine Safety Branch

Figures show about a 34% reduction of marine spills and about a 70% in volume. This change could be correlated to the bunkering monitoring program.

Upcoming Events

- Next Thursday OSPR Administrator will be presenting at the California Maritime Leadership Symposium at the Sacramento Convention Center along with representatives from Alaska Tanker Company, American Waterways Operators and others, to talk a little about the statewide spill program.
- In May has been invited to speak at the e-Navigation Conference at the California Maritime Academy concerning the fusion between technology and the human factor.

4. AGENCY BRIEFINGS

State Lands Commission

(report provided)

Captain Laura Kovary

- As of the end of December, Gary Gregory and Bob Sheland both retired. Captain Laura Kovary was offered and she accepted the position of Division Chief of Marine Facilities.
- Temporary leadership with Port of Los Angeles as well as Port of Long Beach. Have had MOTEMS meetings with Port of Los Angeles. Working with individual terminals to bring them into compliance.
- In terms of numbers, total product transfers for month of January 2014 only a slight increase over the same time last year.
- Marine facilities operations statistics show monitoring events increased by 2% from 2012 to 2013. Monitoring of transfers figures 2013 year end to 2014 YTD overall was 46%. Starting out 2014 very well with 51% transfers monitored. Total reported oil spills in 2012 were 12; in 2013 they were down to 4. No spills have been reported for January 2014.

Coastal Commission

(report provided)

Mr. Jonathan Bishop

- Very busy fulfilling mandates, attending five Area Committee meetings and nine Harbor Safety Committee meetings. Have also attended two OSPR workshops.
- Working with federal partners on proposed equipment changes on ExxonMobil Platform Hondo. No negative effects; conversely will improve time, efficiency, and safety.
- Solimar Beach Seawall (Ventura County) contamination may be a natural seep; no responsible party identified. The three oil pipelines in the area have been ruled out as the investigation found no ruptures or leakages in those lines. Core samples still being analyzed. CalTrans has paid for all costs and has applied for emergency permit to do additional drilling. A contingency plan has been implemented.

BCDC

(report provided)

Ms. Linda Scourtis

- Tugs workgroup met in January to discuss proposed BMP for offshore emergency towing. Draft circulating among members by next meeting February 25.
- Working on Area Contingency Plan update due this summer.
- The First 96 Workgroup submitted a draft plan to command staff to include a First 96-Hour Checklist, a joint CG/OSPR Initial Medial Plan and A Public Information Officer Toolkit.
- By and large the MOTEMS upgrades have not required major permits. There have not needed to be any major amendments made to any facility permits under maintenance and repair.

U.S. Coast Guard

(report provided)

LT Karl Breedlove

- Coast Guard owned Vessel of Opportunity Skimming Systems (VOSS) plans to consolidate to a single location, has been delayed. New potential location between North Carolina and Miami.
- Coast Guard Island hosting a Marine Salvage course April 15 – 17; open to everyone. Send request to LT Breedlove's email.
- Response numbers for all three sectors have had no big changes. San Francisco a bit higher for Federal cases in part of which was the Oakland Estuary project. The OSTLF (Oil Spill Trust Liability Fund) was opened to remediate.
- Coast Guard is in preliminary discussions with OSPR and other TAC members about developing a plan to better engage and collaborate with environmental stakeholders and non-governmental organizations (NGOs) on roles, responsibilities and expectation for spill response. The goal is to provide a forum for more direct and open dialog between and amongst governmental agencies and NGOs on areas of mutual interest and concern.

5. FUND CONDITION AND BUDGET UPDATE

(report provided)

Dr. Julie Yamamoto for Ms. Becky Mack

Dr. Julie Yamamoto presented an overview for Fund Conditions 207, 320, 321, and 322. Fund conditions capture three prior fiscal years of actual revenues and expenditures (FY 10/11- FY 12/13) and three fiscal years of projected revenues and expenditures (FY 13/14- FY 15/16). For current fiscal year 2013/14, revenues and expenditures were presented reflecting fiscal month 6 (December) actuals and projections through the end of 2014.

- Fund 207 – Fish & Wildlife Pollution Account: There are no dedicated revenues for this, just fines and penalties. YTD had 109K in civil fines and a modest amount - 268K - of cost recovery coming in. Expenditures – 154K actual. There are no dedicated staff on this. This fund will eventually zero out.
- Fund 320 – Oil Spill Prevention & Administration Fund: Projections are reflective of what is in the Governor's proposed budget assuming the 6.5¢ fee which sunsets January 2015. Current revenues are more or less on track. Structural deficit is 2.5 million.

- Fund 321 – Oil Spill Response Trust Fund: Revenues and fund balance still reflect \$40 million loan. Modest amount of cost recovery.
- Fund 322 – Environmental Enhancement Fund: Must be spent on restoration and coastal projects. Due to successful budget change proposal, for FY 14/15 there is an increase in appropriations of 400K, and for 15/16 another 300K.

6. REGULATIONS & LEGISLATIVE ISSUES

(report provided)

*Ms. Joy Lavin-Jones,
OSPR Oil Spill Prevention Specialist*

- Drills and Exercises: Amendments approved and will be effective 4/1/14. Include limiting scheduled drills, and developing more performance-based drill objectives. Big changes are more measurable objectives, testing once every 3 years.
- Shoreline Protection Tables: Approved and effective as of 12/19/13. Incorporate changes from the Area Contingency Plans.
- Oil Spill Response Organization (OSRO) Workshops: Two held in December concerning regulatory changes to rating system and the Sensitive Site Strategy Evaluation Program. OSPR also anticipates commencing a new voluntary registry for vessels of opportunity (VOO). The Sensitive Site Strategy Evaluation Program (wherein equipment is deployed to test the validity of spill response strategy) is also voluntary, however OSPR is proposing making it mandatory for OSRO's that get shoreline protection ratings. Draft of possible regulatory changes to be released soon for informal written comment period.
- Spill Management Team (SMT) Workshops: Feb 11 in Oakland and Feb 25 in San Pedro. Will discuss potential changes to Contingency Plan regulations regarding SMTs. The draft proposed SMT regulations are posted on the OSPR Legal and Regulations webpage at http://www.dfg.ca.gov/ospr/Law/regs_under_review.asp.
- AB 881: Is in the inactive file; the legislature has until September to act on it.

7. STATEWIDE OIL SPILL PROGRAM

(report provided)

*Dr. Julie Yamamoto,
OSPR Scientific Branch Chief*

Challenge 1: Currently, there are three transportation routes of oil over the marine environment that provide funding for the OSPAF (Oil Spill Prevention and Administration Fund): vessels (primarily tankers from Alaska and overseas) offshore platforms, and marine pipelines. Altogether this is 70% of California's crude oil. Another 30% comes from inland production, which is not subject to the fee. OSPR predicts by 2016 there will be a dramatic shift of crude transport by rail (primarily at the expense of vessel transportation). This shift will have a significant effect on the OSPAF fee.

Challenge 2: The quantity of product being transported by rail is increasing, and accidents by rail are also increasing. These accidents have the potential for increased impacts on the environmental sensitive resources.

Challenge 3: Current funding limits OSPR to the marine zone. There is no dedicated funding to respond to inland spills, including inland rail.

Challenge 4: Due to low interest earnings on the Oil Spill Response Trust Fund (Fund 321) and lack of progress on proposed legislation (AB 881), the Oiled Wildlife Care Network (OWCN) will lack the funding necessary to operate in FY 14/15 (by July 1, 2014). If not remedied, the currently-approved oil spill contingency plans for most operators in the State will be invalid, as most, if not all, list the OWCN as their wildlife response protection.

Proposal: The solution involves improving the ability to respond to oil spills statewide and addressing shifting revenues for oil spill response. OSPR's proposal is to expand the existing 6.5¢/barrel fee currently charged on marine crude oil to all crude oil regardless of its mode of transport; authorize administrative and response funds 320 and 321 for all oil spills in state waters; apply contingency plan, drill, and financial responsibility requirements statewide; and provide for full/expanded funding for Oiled Wildlife Care Network from Fund 320. All possibilities to maintain operational funding for the OWCN should be actively and rapidly pursued. In addition, a plan should be developed to notify plan holders that their plans will soon be inadequate in the area of oiled wildlife response.

It is OSPR's opinion with the expected shifts in crude-by-rail, the fee on marine oil would have to increase to 8.3¢ just to maintain OSPR's current programs.

8. BAT/BAP REVIEW

Mr. Stephen Ricks, TAC Chairman

(report provided)

All reports have been resurrected and are in the process of being updated. Remote sensing updated. To be sent out to focus groups. Ready to be polished up and sent to legislature. Consensus is that three to five years is a reasonable time frame to revisit this.

9. CONFLICT OF INTEREST – CATEGORY 1 EMPLOYEES

*Mr. Stephen Sawyer,
OSPR Legal Branch Chief*

(report provided)

All TAC members required to complete Form 700 Statement of Economic Interests. Deadline to submit is March 1.

10. OLD/NEW BUSINESS, NEXT MEETING

Mr. Stephen Ricks, TAC Chairman

Next meeting moved to Thursday, April 24 in Sacramento.

ADJOURN

Meeting adjourned 2:46 p.m.