



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



Ca. Department of Fish and Game
20 Lower Ragsdale Drive, Ste 100
Monterey, CA 93940

October 21, 2008

9:30 a.m. - 3:30 p.m.

Attendance:

Members	Agency Representatives	DFG/OSPR Participants		Guests	Constituents
<i>Stephen Ricks</i>	<i>Linda Scourtis</i>	<i>Tena Rakela</i>	<i>Stephen Edinger</i>		
<i>Michael Ziccardi</i>	<i>Gary Gregory</i>	<i>Steve Sawyer</i>	<i>Forrest Gardens</i>		
<i>Laura Kovary</i>	<i>Ellen Faurot-Daniels</i>	<i>Marion Boyd</i>			
<i>R. Mitchel Beauchamp</i>		<i>Bud Leland</i>			
<i>Joan Lundstrom</i>					
<i>John Berge</i>					
<i>Sejal Choksi</i>					

- I. **INTRODUCTIONS** **STEPHEN L. EDINGER (Administrator)**
 - ❖ Mr. Edinger announced a new member, recently appointed, Tom Ford as a public representative.
 - ❖ Mr. Bud Leland announced his retirement date, December 12, 2008. OSPR is hosting a retirement dinner in Sacramento on December 12, 2008.

- II. **APPROVAL OF THE MINUTES** **STEPHEN RICKS (CHAIRPERSON) TAC**
 - ❖ Corrections were made to the list of attendees, pages 3-4, and section 9.
 - ❖ John Berge motioned to approve the minutes with edits, Mitchel Beauchamp and Michael Ziccardi seconded.

- III. **OSPR UPDATE** **STEPHEN EDINGER, OSPR**
 - ❖ The West Coast Governor's Agreement on the ocean health action plan was released on July 29, 2008.
 - ❖ The action plan dedicates resources to improve and prevent oil spills.
 - ❖ OSPR participated in the British Columbia Task Force meeting. OSPR was able to share information about the Cosco Busan response. The Governor has made a public commitment to that action plan.
 - ❖ The state budget was recently passed. Notably there are two items that effect OSPR.
 - There is a \$650K allotment for grants. This includes equipment, training and storage space for local agencies to assist with oil spills. Monterey County and Santa Cruz County have already received their grants.
 - There is a \$300K allotment for shipping port grants. Seven additional sensors were installed in the S.F. Bay to assist traffic safety.
 - ❖ There are five legislative updates. One legislative bill was vetoed; it was in regards to response times.
 - ❖ OSPR will be undergoing a reorganization project; we will create a new Readiness Branch that will tie in OSRO, contingency plans, training, and Drills and Exercises. OSPR will be even more ready for the next spill.
 - ❖ Recently introduced legislation, focuses on the involvement of local governments with spill response.
 - ❖ We have been real active with marine counties in supplying them all the training and materials they will need to act as a first responder to a spill.
 - ❖ There will be a local government representative in ICS.
 - ❖ San Diego does not want to be apart of the ICS if a spill were to occur in Southern California.
 - ❖ The issue with the grant program is the care and maintenance of the protection equipment. The equipment that was distributed could be forgotten sometime later.
 - ❖ The fire department is commonly involved with the testing and deployment of equipment.
 - ❖ Linda Sheehan has resigned from TAC; her replacement was recently appointed by Don Perata, the chair of the senate rules committee. Mr. Thomas Ford will be sworn in at the next meeting in Sacramento, CA.

- IV. **PUBLIC COMMENTS**
 - ❖ No comments from the public were made.

- V. **AGENCY REPORTS**

❖ **California Coastal Commission**

ELLEN FAUROT-DANIELS

- ◆ Robin and Ellen have been working on an upcoming proposal to use Platform Irene for additional drilling; drafting sections of the staff report for federal consistency.
- ◆ Attention on review of draft OSPR response time regulations.
- ◆ The volunteer plan is nearly complete. There will be another draft ready for public review by November 2008; training will be extended to environmental groups and local government; the plan will be laid out by county and operational divisions; placement of the volunteer unit within ICS is being discussed.

❖ **State Lands Commission**

GARY GREGORY

Reports Provided:

- ◆ SLC is continuing to have staff recruiting problems; compensation is below market value. In the past we have had as many as 200 applicants. In the last round of advertising the exam, we had less than 15 applicants many of whom did not meet the minimum qualifications for entrance to the exam.
- ◆ Work on the Pier 400 berth 408 Los Angeles marine oil terminal continues. Design work is basically done. When completed, Plains All America will have the deepest shore side terminal in North America. They will be bringing in tankers of 330,000 deadweight tons to the dock.
- ◆ We are reviewing the MOTEMS submissions for high risk terminals. We are hoping to complete the reviews by the end of December. Structural analysis will be done on an as needed basis.
- ◆ Tesoro management has decided to maintain their Avon after the allision damage that occurred earlier this year. They are submitting new rehabilitation documents to SLC. They will need to renew their lease from the State Lands Commission. Before they invest millions dollars they will want a lease in hand.
- ◆ Prevention First was a great success. Record number of people, participants and exhibits. The next Symposium for 2010. SLC is looking for ideas and suggestions for the next event.
- ◆ SLC and OSPR have been contacted by entities asking for Biofuel regulation clarification. If any amount of petroleum is mixed with Biofuels it is considered petroleum. In addition, Biofuels have similar harmful effects on the environment and its wildlife.

❖ **BCDC**

LINDA SCOURTIS

Report Provided:

- ◆ Following completion of the Governor's Directive after the Cosco Busan allision to make recommendations to improve navigational safety in the San Francisco Bay, BCDC has begun to update the Harbor Safety Plan.
- ◆ The USCG has brought to the Harbor Safety Committee's attention that nearly half of distress calls are hoaxes. Primarily, children are the culprits in the false distress calls; they find radios in vessels and call-out on them.
- ◆ The Tug Escort work group met recently. They received a presentation from the Pacific Maritime Institute regarding use of a simulator for training and testing of operators.
- ◆ Tug boat operators and pilots of vessels need more training on communication skills. Currently the tug boat operators take their orders from the vessel pilots. A clear line of responsibility, in regards to safety, needs to be set.
- ◆ The Ferry Operations Work Group developed a ferry routing system. The waypoints will be listed on NOAA charts in the S.F. Bay.
- ◆ In the event of a spill, a Local Government Representative (LGR) may be a 4th member of the ICS, pending a request from the LGR and the approval from the federal on-scene coordinator.

❖ **NOAA**

(Sit-in report) ELLEN FAUROT-DANIELS

- ◆ EROS training conference is scheduled to take place in November, co-taught by OSPR and NOAA in Santa Cruz. It covers oil spill chemistry, coastal oceanography, finger printing, ocean behavior, oil effects on ecosystems, oil spill modeling, geographic information systems, environmental system index maps, resources at risk, oil spill cleanup agent, shoreline cleanup assessment team, oil spill cleaning agents, fire remediation, wildlife operations (Wildlife Care Network), some aspects of the Natural Resource Assessment wildlife process.
- ◆ The University of Santa Cruz and NOAA have been working together to create
- ◆ NOAA has a new shore-based, high-frequency radar ocean observing system (covering surface water as far as Mexico) that currently tracks ocean water movement, temperature, surface currents, and wave height.
- ◆ NOAA is exploring the idea of oil spill projection modeling with this new radar system.
- ◆ The device could track oil spills on the surface of the water.
- ◆ It is a real-time based application system with Web site upload capability.
- ◆ The radar could be explored by TAC; arrangements could be made to see the facility in Santa Cruz.

- ♦ Scientists are creating a consortium of data there. TAC could contribute and benefit from this technology and information if it is accessible.

VI. COSCO BUSAN ISPR PHASE II REPORT/RECOMMENDATIONS MR. JOHN BERGE, PMSA /Ms. LINDA SHEEHAN, CCKA Report Provided

- ❖ Transporting oiled wildlife by non-trained volunteers can undermine helpful intentions. Wildlife collected in the field, from convergent volunteers can interfere with staff and hamper recovery efforts.
- ❖ The response management structure is being reviewed by Rob Dugeon with S.F. Emergency Services. There is concern about the incident command post, both physical and structural aspects. Items of concern are: identification, signage and how the local government fits into the command structure.
- ❖ Pre-restoration activities and NERDA activities; how to speed up response activities.
- ❖ Procedures for shoreline treatment termination and end points were discussed.
- ❖ There was some confusion between local governments and land managers in regards to beach closures. UC Davis does not have authority to close these areas. There is a need for the ICS to notify various stakeholders with the best available data.
- ❖ Closure of fisheries was a hot-button issue it was addressed at one of the early hearings with Assemblymembers' Hancock and Swanson. The ICS does not have the authority to close a fishery.
- ❖ There could be better communication between ICS, the Governor's Office and the Department of Fish and Game.
- ❖ There was a concern from local personnel that equipment and manpower from outside sources were being used first.
- ❖ The UC has the authority to deploy resources and personnel and to request additional such items.
- ❖ One main concern was that local equipment was not being used and remained inactive while outside sources were used first and primarily.
- ❖ SOSOC did feel there was enough equipment but there was a lack of biologists.
- ❖ In speaking with the spill management teams it is essential for them to bring as many people from around the county to help with training. NRC mentioned as well they like to pull people from around the county as well.
- ❖ Commercial vessels can assist with oil spill cleanup but they cannot be considered a dedicated responder.
- ❖ The fishermen were very vocal, asking to assist responders. They were operating their boats with trained responders with boons. They can get 3,000.00 dollars a day.
- ❖ The ISPR team agreed using any commercial vessel to assist with an oil spill is beneficial.
- ❖ Commercial vessels commonly have insurance and staff for hire.
- ❖ Medical treatment of birds and tracking of medical records and better manage information.
- ❖ Two things were significantly different from prior spills. The internet and cell phones were instrumental.
- ❖ OSPR could have better monitored 3rd party Websites during the Cosco Busan response.
- ❖ TAC has officially reviewed the ISPR report. The report is available on the Web.

VII. LEGISLATION/REGULATIONS UPDATE

- ❖ AB 2911 (Lois Wolk) is looking to strengthen the Oiled Wildlife Network. It is limited to oil; it does not cover hazardous waste or sediment. It appoints OSPR as the on-scene coordinator for inland spills. It limits the recovery to 50,000.00 dollars. This bill also requires OSPR to review and fix the oil spill contingency plan. This bill would have been more effective if it encompassed all materials not just oil.
- ❖ AB 1960 (Pedro Nava) This bill gives DOGR more authority to issues a cease and desist to oil companies. This bill will allow OSPR to shut down companies that will not improve their facilities. This bill also makes it a crime to falsely report a spill.
- ❖ AB 2031 This gives the Administrator the authority to train local governments. OSPR can train a trainer. That trainer then trains local response personnel.
- ❖ Regulatory changes to response times in ports
- ❖ The Water Board does not get involved on dairy waste in inland pollution. OSPR is in charge of cleaning up all deleterious materials that enter the environment that is harmful to wildlife whether it is oil or any other substance.
- ❖ AB 2935 This bill requires us to close a fishery when one barrel of oil is spilled in a waterway. DFG is currently working with OSPR on how to implement this new policy. There is a provision within the bill to pre-identify sensitive sites that must be protected. i.e. "A" sites are the most sensitive sites. Another provision allows OSPR to use vessels of opportunity.
- ❖ SB 1739 This bill creates an independent spill monitor.
- ❖ One of the bills is a statutorily mandated 2 hour response time. The governor did recognize OSPR has the statutorily right to create response times. We have reduced the spill response time from 6 hours to 4 hours for the majority of the San Francisco Bay and LA Harbor.
- ❖ We have created OPRA's (Oil Pollution Risk Areas) Some places are: San Mateo Bridge, Bay Bridge, Turning Rock, and Alcatraz. We have a two hour containment goal around each of these points.
- ❖ The best achievable technology component, we require skimming or booming systems be made for the environment they will be used in. A Technical Advisory Group was created to look at technology such as a high skimming system for high current water.
- ❖ OSPR will prioritize rulemaking/policies for regulation packages. Many of these policies will be borrowed from the Lempert-Keen marine section to the inland section.

VIII. REVIEW OF BUREAU OF STATE AUDIT REPORT FINDINGS

STEPHEN EDINGER, OSPR

- ❖ The BSA came out with a report about 70 pages; copies of the report and OSPR's response's are available via the Web at www.bsa.ca.gov. OSPR must provide a response and an update, in 60 days, 6 months and 1 year from August 28, 2008.
- ❖ There were 3 different chapters and approximately 15 recommendations to the audit report. Many of the recommendations had already been acknowledged by OSPR staff; processes of correcting are currently under way.
- ❖ Chapter 1: *The Office of Spill Prevention and Response has fulfilled most of its oversight responsibilities, but coordination with local governments could improve.*
 - ◆ Update the state oil spill plan. OSPR has not updated the oil spill plan in three years. OSPR staff is working on that right now; 10 percent is already done.
 - ◆ OSPR is regulated to create a post spill review. Since no reviews have been made, BSA advised OSPR to either comply with the regulation or remove it. OSPR doesn't have any spills that apply to that regulation from its inception, until the Cosco Busan oil spill.
 - ◆ OSPR was not able to produce all spill drill documentation. OSPR is creating an on-line database that will track and monitor spill drills and it will allow companies to enter information directly to it.
- ❖ Chapter 2: *State and private entities met their fundamental duties in the Cosco Busan response, but communication breakdowns caused problems.*
 - ◆ BSA approved ISPR and the HOT Wash.
 - ◆ The difficulty in the liaison position was over-tasked and possibly under trained.
 - ◆ BSA took issue with OSPR spill calculations and how quickly they were issued to the ICS.
 - ◆ BSA looked OSPR key messaging and the amount of effort of our Public Information Officers. OSPR will create a "turn-key" Web page that can be activated in the event of an oil spill.
 - ◆ The public wants information via the Web as a primary source of information.
 - ◆ BSA wanted to know, what are the training standards for volunteers? OSPR has contacted CalOSHA to get state standards. OSPR has not received a response yet.
- ❖ Chapter 3: *The oil spill prevention and administration fund as a high reserve balance and has paid for inappropriate personnel charges.*
 - ◆ The administrator is required to create an annual fund condition. BSA instructed OSPR to make sure there are sufficient funds. OSPR is currently is receiving the maximum amount per barrel of .05 cents.
 - ◆ OSPR is issuing direction to staff not to code any time worked to this account unless they work directly on OSPF projects.
 - ◆ BSA recommended a time study of game wardens in an effort to alleviate miscoding of time worked. In January, all DFG wardens will participate in this time study.
 - ◆ An attorney had incorrectly charged his time to the OSPF.
 - ◆ BSA has asked OSPR to reduce friction between DFG and OSPR. Some of the animosity may stem from OSPR's secure funding and the departments general fund reliance.

IX. FUND CONDITION AND BUDGET UPDATE
Report Provided

TENA RAKELA, OSPR

- ❖ The overhead rate charged by the department for 07/08 was 22.56 %.
- ❖ The overhead rate charged by the department in 06/07 was 19.62 %
- ❖ OSPR received a breakdown of the overhead; the percent was charged across all branches within DFG.
- ❖ OSPR did have a decrease in BOE collections it was offset by the increase of fees by COFR. Those are issued every two years.
- ❖ The interest amount had been decreased due to the drop in the savings percentage.
- ❖ Expenditures will be averaged from the last 3 years to reflect current fiscal climates. Previously the average spanned the last 10 years.

X. 2009/2010 PROGRAM PRIORITIES

- ❖ TAC would like to support OSPR with BCPs
- ❖ TAC is creating an inland spill supporting document. Currently funding needs to be identified
- ❖ Offshore LNG is still being examined
- ❖ Volunteer participation and readiness
- ❖ Tug escorts
- ❖ State Audit
- ❖ Places of refuge
- ❖ Economic vs. environmental protection by OSRO and local participation
- ❖ MOTEMS
- ❖ Reactivations of Santa Barbara Channel Platforms – slant drilling
- ❖ Response plans

- ❖ Create an educational program that trains students on maritime environmental programs
- ❖ Regulatory items and notification of those regulations
- ❖ OSPR magazine – TAC/OSPR needs to create a constituency

XI. BIENNIAL REPORTS

- ❖ TAC will rethink what the biennial report, its purpose and delivery.
- ❖ The report should be short, concise and to the point.
- ❖ OSPR should not draft the report.

XII. OLD/NEW BUSINESS

- ❖ OSPR will look at two different technology demonstrations by December 31, 2008
 - ◆ Santa Barbara, CA, November 2008: A multi-spectral camera will be mounted to a plane to gather real-time information at this event. OSPR is almost guaranteed oil on the water.
 - ◆ San Ramón, CA, February 2009: OSPR will cosponsor a technology event at the Chevron facility at Bishop Ranch. More information is available on the OSPR Web site.
- ❖ *TAC Chairman is encouraging members to reach out to relative organizations for presentations. Contact should be made with NOAA to request updated information about the new radar technology.*
- ❖ OSPR is creating a Prevention Branch. This will incorporate items from the Marine Safety Branch to work on more prevention activities.
- ❖ OSPR is prepared to answer calls from the media regarding our accomplishments since Cosco Busan.
- ❖ The next meeting will be at the Department of Fish and Game, Office of Spill Prevention and Responses Head Quarters office located at 1700 K. Street, Ste 250, Sacramento, CA 95811.
- ❖ TAC will be included in the Harbor Safety Committee email distribution lists.
- ❖ The NTSB report will be released in November 2008. It will explain why the allision occurred and the response to that allision. NTSB has confidential information.
- ❖ The administrator extended an open door policy to TAC.
- ❖ TAC requested a copy of our Audit response.
- ❖ TAC understands that the warden time study will help resolve incorrect charges to the OSPAF. However, TAC has continued concern about the direct reporting lines of OSPR staff to DFG managers. The Chair will revisit this issue in 2009.