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de la Guerra, Sheila

From: Linda Krop <lkrop@environmentaldefensecenter.org>
Sent: Thursday, April 4, 2019 1:51 PM
To: sbcob
Cc: Lewin, Robert; Hartwig, Mark; Miyasato, Mona; Maus-Nisich, Terri; Pontes, Matthew; KATIE FREEMAN (katie.freeman@hagertyconsulting.com)
Subject: EDC letter re SBC Operational Area Oil Spill Contingency Plan Approval
Attachments: EDC letter re Draft SBCOA OSCP_2019_04_04.pdf

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Dear Clerk of the Board,
Please distribute the attached letter to the Board of Supervisors regarding the April 9 hearing on the Santa Barbara County Operational Area Oil Spill Contingency Plan Approval.
Thank you,
LK

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DEFENSE CENTER

April 4, 2019

Mr. Steve Lavagnino, Chair
Board of Supervisors
County of Santa Barbara
105 East Anapamu Street
Santa Barbara, CA 93101

Re: Santa Barbara County Operational Area Oil Spill Contingency Plan

Dear Chair Lavagnino and Supervisors:

Thank you for this opportunity to comment on the draft Santa Barbara County Operational Area Oil Spill Contingency Plan (“OSCP”). These comments are submitted on behalf of the Environmental Defense Center (“EDC”), a public interest law firm that protects and enhances the local environment through education, advocacy, and legal action. EDC, along with other community groups and stakeholders, was involved in the response and follow-up to the Plains All American pipeline oil spill. We participated in a State “hot wash” as well as a multi-agency Subcommittee process established by the U.S. Coast Guard that developed recommendations for improved oil spill response and changes to the local, State, and Federal oil spill contingency plans.

The OSCP is a necessary update to the County’s 2011 plan,¹ and provides the opportunity to incorporate lessons learned from the 2015 Plains oil spill. That spill revealed many deficiencies and challenges in oil spill response in our community. Some of the most critical issues pertained to the response to the spill, and the lack of adequate public information and engagement.

The Draft OSCP incorporates many of the recommendations from the Subcommittee process, as well as comments we provided to the County regarding preparation of this plan. In addition, we urge the County to incorporate additional measures to ensure the most effective response possible, as discussed herein.

¹ Pursuant to the State’s oil spill contingency plan grant program, local plans are supposed to be reviewed and updated every three years. 14 C.C.R. § 852.61.11(h).

First, we are pleased with the following changes and provisions that are included in the draft OSCP:

- Restructuring the plan and adding sections regarding Roles and Responsibilities, and Operations;
- Improving the timing of oil spill response by identifying the County as an Incident Commander and first responder;
- Enhancing public outreach and communication by providing an Assistant Liaison Officer to meet with community stakeholders, including NGO stakeholders;
- Requiring immediate fingerprint sampling;
- Providing a mechanism to obtain input from experts, academic researchers, and citizen scientists in a timely manner;
- Providing for input from external experts (e.g., the Marine Science Institute at UCSB) to help develop accurate oil spill trajectory modeling;
- Acknowledging that other entities can help with oil spill sampling;
- Supporting the most environmentally sensitive oil removal operations and methods;
- Expanding the list of environmentally sensitive areas to include more coastal creeks, marine protected areas, and other important sites;
- Requiring continued response to reports of oil;
- Identifying the Non-Wildlife Volunteer Plan as an aid in training and deploying volunteers;
- Providing community meetings;
- Requiring web-based information for the public;
- Providing information in Spanish; and
- Attaching the 2013 Coastal Commission Guidance for responding to oil spills.

In addition to these welcome changes, we recommend the following modifications to the OSCP:

- **A description of the personnel, training, equipment, vehicle, and vessels needed to make the County an effective first responder, and a plan to satisfy these needs.** In 2015, the Fire Department was on scene immediately but was not able to activate a response because it was not recognized as a first responder. Although the draft OSCP provides for the Fire Department to act in this capacity, the plan does not set forth the requirements for the Fire Department to meet the qualifications to be considered a first responder. Nor does the plan identify the equipment and assets that the Fire Department will need to physically and logistically be able to act as a first responder. As noted in the plan, the County currently lacks necessary equipment.
 - Accordingly, we urge the County to include (perhaps in an Appendix) the personnel, training, equipment, vehicle, vessel and any other needs to ensure that the Fire Department will be a qualified and effective first responder.
- **Response times for the various phases of oil spill response, containment, and cleanup.** The delayed response to the Plains oil spill resulted in most of the oil reaching the ocean, where it is virtually impossible to contain or clean up a spill. As a result, the oil spread more than 150 miles, all the way to Redondo Beach. Several hundred seabirds, marine mammals, and other animals died; miles of commercial fishing grounds were closed; public parks and beaches were inaccessible; tourism and recreation businesses suffered; and private property was damaged. The OSCP should incorporate guidance to ensure timely and effective response.
 - According to the Coastal Commission Guidance, boom and containment operations should be deployed within fifteen to sixty minutes of spill discovery; skimming operations should commence within two hours, and secondary response should begin within two to six hours of the spill.
- **Assurance that the Fishermen's Oil Spill Response Team ("FORT") is appropriately trained, maintained, and utilized.** The 2011 OSCP requires the OSRO to maintain and train sixty fishing vessel operators to assist in oil spill response. We learned during the Plains oil spill response that this program was not fully operational. The draft OSCP recognizes the FORT and its role in oil spill response, but no longer provides specific requirements.
 - The County should work with the Area Committee and MSRC to ensure full training and operational capacity of the FORT.
- **Support for research and development of improved oil spill response technology, tactics, and equipment.** Oil spill response technology and methods are constantly changing and improving. The OSCP should commit the County to adhering to the best

available methods and technologies. Additionally, one of the reasons for delayed response to the Plains oil spill was the shut down of operations overnight. Those first hours of a spill are absolutely critical in terms of preventing the spread of a spill. The lack of overnight operations resulted in the continued spread of oil along beaches and into the ocean.

- The County should commit to working with partner agencies to assure application of best available oil spill response technologies and methods, including consideration of night-time operations.
- **Replace the County's Oil Spill Response Planner position.** The County's long-standing Oil Spill Response Planner, Elsa Arndt, retired at the end of 2017 and has not been replaced. The County needs a full-time employee to oversee all of the aspects of oil spill response planning, training, coordination with other agencies, exercises and drills, ensuring adequate facility oil spill prevention and response plans, responding to public inquiries, etc. Until recently, the County had a full-time position to address these needs. The workload will only increase now that the County will also act as an Incident Commander and first responder. The County will need to assure proper training, certification, and acquisition and maintenance of necessary equipment and other assets.
 - The County should re-hire an Oil Spill Response Planner to oversee all aspects of oil spill response, including measures to ensure that the County has the capacity to act as an Incident Commander and first responder.

Conclusion

Thank you very much for this opportunity to review and comment on the draft OSCP. The plan is an improvement over the existing 2011 plan and contains some critical responses to the issues identified during the Plains oil spill response. We respectfully request that you consider the comments provided above. Please do not hesitate to contact me if you have any questions.

Sincerely,



Linda Krop
Chief Counsel

cc: Robert Lewin, Santa Barbara County Office of Emergency Management
Mark Hartwig, Santa Barbara County Fire Chief
Mona Miyasato, Teri Maus-Nisich, and Matthew Pontes, Santa Barbara County Chief Executive Office
Katie Freeman, Haggerty Consulting