



September 15, 2016

Board of Supervisors  
County of Santa Barbara  
105 East Anapamu Street  
Santa Barbara, CA 93101

**Re: Refugio Oil Spill After-Action Report and Improvement Plan – Appendix K:  
Public Comments**

Dear Honorable Supervisors,

On August 17, 2016, the Environmental Defense Center (“EDC”) submitted comments regarding the “2015 Refugio Oil Spill After-Action Report and Improvement Plan, July 6, 2016” (“After-Action Report”) prepared by the County of Santa Barbara Office of Emergency Management (“OEM”). Since that time a revised After-Action Report was released that includes a new “Appendix K: Public Comments.” The purpose of this letter is to respond to this new information, and to what appears to be a fundamental misunderstanding regarding the County’s role in oil spill response, and the corresponding intent of our earlier comments.

A significant focus of our August 17, 2016, letter was on the limited attention given in the After-Action Report to the oil spill response itself. As noted in our earlier letter, the initial response was inappropriately delayed and woefully understaffed and resourced. The result was that thousands of gallons of oil reached the ocean and spread 150 miles down the coast.

In response to this concern, the After-After Action Report, Appendix K, states that “[t]he majority of discussion specific to the timing and deployment of response assets is not specific to the County and the role of the County, but rather is specific to the deployment timeline and direction of these assets via the USCG and RP. Their role in deployment of personnel and direction of assets is outside the scope of this AAR.” (After-Action Report at p. 79.) The response further states that the County should “consider the ways *other* jurisdictions respond to oil spills and whether those strategies should be incorporated into the plan.” (*Id.*, emphasis added.) Additionally, the report states that “[a]s the County does not manage response assets associated with oil spills, incorporating these timelines into the Santa Barbara County Oil Spill Contingency Plan may not be appropriate.” (*Id.* at p. 82.)

These responses downplay the role of the County in oil spill response, and are inconsistent with the California Lempert-Keane-Seastrand Oil Spill Prevention and Response Act (“OSPRA”). This law was enacted in 1990 following the Exxon Valdez oil spill and is premised on a coordinated response involving both state and local agencies. As the law states, the intention of OSPRA is to provide for the “involvement of regional *and local agencies* in the effort to respond to an oil spill, and to *ensure the effective and efficient use of regional and local resources.*” Govt. Code § 8574.7(b), emphasis added. The State will coordinate with “local administering agencies that may be required to respond to...spills, unauthorized releases, or other accidental releases.” Govt. Code § 8589.7(a). “State *and local agencies* shall carry out response and cleanup operations in accordance with the applicable contingency plan.” Govt. Code § 8670.27(a)(1), emphasis added. Responsible parties are required to comply with federal, state *and local* oil spill response plans. Govt. Code § 8670.27(a)(2).

To accomplish this goal of a coordinated state and local response, OSPRA encourages local governments to prepare local oil spill contingency plans. 14 C.C.R. § 852.60.1 *et seq.* To make sure this happens, the State provides grants to local governments so that they can prepare and update their plans. The County has such a plan, which was most recently revised in July 2011. The County’s role, therefore, is to partner with the state to respond to oil spills to ensure effective response.

According to OSPRA’s implementing regulations, local oil spill contingency plans must include the following objectives: “identifying response resources and local agencies that may assist during an oil spill; and to ensure a coordinated effective response between local, state and federal agencies to provide the best achievable protection of California’s coastal resources and marine waters.” 14 CCR § 852.60.2. “The objective of the local government grant program is to encourage local governments adjacent to marine waters to update their local plan and to assist in providing a coordinated response and cleanup effort between local governments and state and federal officials in order to provide the best achievable protection of the California’s Coast and marine waters.” 14 CCR § 852.60.3.

Local plans must, at a minimum, address logistics to ensure an “effective and timely emergency response,” identify staging areas and local resources (including sites for “staging and deployment of response equipment along the coastline”), identify supplies and equipment including “oil-spill-specific equipment, such as booms and skimmers, as well as land-moving equipment, such as bulldozers and cranes,” prioritize facilities and areas of concern, and identify possible locations for emergency volunteer registration, training and assignment. 14 CCR § 852.62.2 (see attached list of requirements). Finally, the local agency must prepare an “After Action / Corrective Action Report” to evaluate the response, *to improve future response*, and to determine if any oil spill contingency plan revisions are necessary. 14 CCR § 852.62.2(b)(3).

Clearly, the County’s role in oil spill response is substantial. We urge the County to take an active role in “improving future response” as it updates its oil spill contingency plan. The updated plan should address *all* of the requirements set forth in OSPRA to ensure a timely and effective response should another spill occur.

We are also concerned about some of the other responses set forth in the After-Action Report. For example, we pointed out that the County's oil spill contingency plan states that Clean Seas has contracts with 60 fishing vessel operators who are trained to assist with oil spill response (the Fisherman's Oil Response Team, or "FORT"). We expressed concerns that these resources were not fully available or employed during the response to the Refugio oil spill. The response to our comment states that this issue will be addressed under the recommendation in *Area for Improvement 16*. This recommendation, however, is general and does not specifically address the use of FORT, which is a critical asset in terms of oil spill response. We urge the County to evaluate and hopefully revive this important program.

In addition, we remain concerned about the exclusion of the public from the formal briefing process. It is critical that the public be involved in the briefings to ensure access to complete and accurate information. If involved, public representatives can actually help ensure availability and dissemination of important information. We believe that any safety concerns can be addressed. Relatedly, we recommend assigning a public NGO liaison to the Joint Information Center ("JIC").

In conclusion, we look forward to working with the County to plan for the future. We urge the County to utilize its authority to fully engage in oil spill prevention, planning and response. Thank you for your consideration of these comments.

Sincerely,



Linda Krop  
Chief Counsel

Att: 14 CCR § 852.62.2

cc: Robert Troy, Interim Director, Office of Emergency Management  
Mona Miyasato, Chief Executive Officer  
Glenn Russell, Planning and Development  
Peter Cantle, Energy and Minerals Division  
Katie Freeman, Project Manager, Hagerty Consulting, Inc.

#### **4 CCR § 852.62.2 MINIMUM PLANNING REQUIREMENTS.**

The following elements are required in a local plan, to the extent applicable:

- (a) The Emergency Notification and Logistics Section.

The Emergency Notification and Logistics Section shall contain information which is essential for emergency notification(s) and coordination of logistical needs for an incident response to an oil spill in marine waters within or adjacent to the jurisdiction of the local government.

- (1) Emergency Notification.

The purpose of the Emergency Notification provisions set forth in this section is to provide timely notice to appropriate agencies and emergency personnel at the state, federal and local level. Emergency Notification shall include the following:

- (A) Pre-designation of the local government's primary contact person, including title and primary and after-hours telephone number, who is charged with the responsibility and authority to initiate local oil spill response operations, or identification of a dispatch center that can make this notification.
- (B) A current list of telephone numbers, addresses, and e-mail addresses of the federal, state and local organizations and agencies to be notified by the local government's primary contact person and/or identification of a dispatch center that can make these notifications when an oil discharge is discovered, which shall include the California Emergency Management Agency (formerly known as the Office of Emergency Services). The California Emergency Management Agency is currently required to then notify public agencies which may be affected by a spill, including the OSPR.
- (C) A current list of local emergency response personnel, by job classification or title, including primary and after-hours telephone numbers, addresses, and e-mail addresses of personnel on call to receive notification of an oil discharge, or identification of a dispatch center that can make this notification.
- (D) The local emergency response personnel and local organizations and agencies identified in Subsections (a)(1)(B) and (a)(1)(C) must include, but are not limited to: law enforcement; fire fighting services; medical and public health and safety services; poison control centers; evacuation centers; and hospitals.
- (E) Pre-designation of a local response coordinator, and alternate(s), including title, e-mail address and telephone number, who are charged with the responsibility and authority to direct and coordinate local response operations including: crowd and traffic control; emergency evacuation; beach closures and posting of beach closure signs; fire suppression; and mobilization of local equipment and personnel. During emergency response, this

person will serve as the local government representative for the State On- Scene Coordinator. Communication may be coordinated through the Liaison Officer identified in the State's Incident Command System outlined in the California Oil Spill Contingency plan.

(b) The Logistics Section.

The purpose of the Logistics Section is to provide information essential for an effective and timely emergency response.

(1) Logistics for Emergency Response.

This section will assist in the identification of staging areas and local resources which may be used during an oil spill response. To the greatest extent possible, local area maps should be provided, where applicable, for the following information:

- (A) Identification and description of possible locations for an oil spill Incident Command Post (ICP) and a reliable communications system for directing the coordinated overall response operations. See guidance in the San Francisco Bay and Delta Area Contingency Plan, "ICP Facility Assessment Check Sheet".
- (B) Firefighting capabilities for oil fires for both shipboard and on-shore structures, levels of fire response capability, and willingness of local government to respond to oil fires.
- (C) Potential staging area sites to be used for the staging and deployment of response equipment along the coastline.
- (D) Identify a person, by title, or an agency within the local government to coordinate and obtain lodging accommodations for emergency response personnel, upon request. In addition, provide a listing (or copies of a listing) of local accommodations.
- (E) Identification and inventory of available emergency response supplies and equipment under the control of the local government, which may potentially be used during an oil spill response to protect or contribute to the protection of resources. The list should include oil-spill-specific equipment, such as booms and skimmers, as well as land-moving equipment, such as bulldozers and cranes. In addition, identify the contact agency(s), title of person(s) with authority to deploy such equipment, their telephone numbers, and location where the equipment and supplies are stored. This should include any resources outlined in the California Master Mutual Aid Agreements. Identification and potential deployment of this equipment should be coordinated through the incident response management.
- (F) Identification and information on all local airports, or the nearest airport, which may be used for incoming response personnel and/or during response operations. This information should include sufficient details in order to determine the possible role of the airport during an emergency response.
- (G) Identification of potential temporary hazardous waste storage sites

that may be used for temporary storage of oily wastes retrieved following a marine oil spill, and procedures for securing necessary permits or variances from appropriate state agency(s), including title of responsible person at each agency, and a 24-hour telephone number.

- (H) Identification and description of the private or public property and roads to which access would be required in the event of a spill, for the areas where a spill is most likely to occur or have an impact on the shoreline. Additionally, this information should identify a mechanism by which the local government can gain access to ownership information for such properties and a contact phone number on a 24-hour basis.
- (I) Identification of economically sensitive sites, which are defined as locations which include, but are not limited to, public beaches, parks, marinas, harbors, yacht clubs, boat ramps, diving areas, industrial and drinking water intakes, power plants, salt pond intakes and other similarly situated underwater structures, intertidal and subtidal drilling leases, and major waterways and vessel traffic areas. This information should include the hours of operation and the name, title and telephone number of a local contact person for access to these sites.
  - 1. The local plan should include a prioritization of those facilities, areas of commercial interest, and public and private recreational areas within the jurisdiction of the local governments, that are of major concern during an oil spill. This includes the following:
    - i. A prioritization of those facilities that may be impacted by an oil spill which, if impacted, pose a potential threat to the public health and safety.
    - ii. A prioritization of areas of economic or commercial interest, and public/private recreational interest including, but not limited to, mariculture, commercial fisheries, commercial ports, recreational areas and tourist areas.
- (J) In case of a fishery closure as a result of an oil spill, identification of personnel to assist with public noticing of fisheries closures, including sign posting, and related activities. Fishery closures, reopening and resumption of commercial fishing are under the jurisdiction of the Director of the Department of Fish and Game (Fish and Game Code §5654).
- (K) Identification of local government representatives having information concerning local volunteer response groups or animal rescue/recovery groups. The activities of these groups are to be coordinated through the Operation Section's Wildlife Branch, to potentially assist with the efforts of the Oiled Wildlife Care Network.
- (L) Identification of local government representatives having

information concerning local media contacts or public information centers.

- (M) Identification of possible locations for emergency volunteer centers for volunteers. These facilities should have adequate space for screening prospective volunteers, registration, training, and assignment.
  - (N) Identification of hazardous material response equipment and capability, including the ability to conduct air monitoring and hazard characterization.
- (2) Training Requirements.
- (A) At a minimum, the oil spill Contingency plan element shall establish provisions to ensure training of fire, police and other emergency response personnel in oil spill response and cleanup equipment use and operations that is currently available to the local government, and ensure compliance with all other applicable state or federal training requirements;
  - (B) Provisions for documenting personnel training described in Subsection (A) above.
- (3) Drills and Exercises.

The Logistics Section shall include provisions for coordinating drill participation with the grant participant and OSPR, and shall include the title and phone number of a contact person for drill participation. The grant participant shall make every effort to participate in industry led oil spill contingency plan drills. The grant participants may be reimbursed for their participation in authorized oil spill drills.

(3) Incident After Action/Corrective Action Report

The Logistics Section shall describe provisions for the after action/corrective action report after a release or threatened release of oil into the marine waters of the state. The report shall include an interagency meeting to evaluate the response, to improve future response, and to determine if any oil spill contingency plan revisions are necessary.