



BOARD OF SUPERVISORS  
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors  
105 E. Anapamu Street, Suite 407  
Santa Barbara, CA 93101  
(805) 568-2240

Department Name: CEO  
Department No.: 012  
For Agenda Of: August 16, 2016  
Placement: Administrative  
Estimated Time:  
Continued Item: No  
If Yes, date from:  
Vote Required: Majority

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**TO:** Board of Supervisors  
**FROM:** Department Director  
Mona Miyasato, County Executive Officer  
Contact Info: Robert Troy, Interim Director of Emergency Management  
**SUBJECT: Re-Ratification of Proclamation of Local Emergency – Refugio Beach Oil Spill – Passed July 19, 2016 (Thirty-Day Renewal)**

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**County Counsel Concurrence**

As to form: Yes

**Other Concurrence:**

As to form: NA

**Auditor-Controller Concurrence**

As to form: NA

**Recommended Actions:**

- a) Adopt a Resolution re-ratifying the Proclamation of a Local Emergency related to Refugio Beach Oil Spill (Attachment A) declared by the Director of Emergency Management on May 20, 2015, when the Board of Supervisors was not in session, pursuant to Government Code Section 8550 et. Seq. and Chapter 12, Section 12-5(a) of the Santa Barbara County Code and subsequently re-ratified by the Board of Supervisors; and
- b) Direct the Office of Emergency Management to return monthly for re-ratification of the Emergency until such time that response and recovery conditions dictate otherwise; and,
- c) Determine that this project was found by your Board to be exempt from the provisions of CEQA pursuant State CEQA Guidelines Sections 15061(b) (3) and 15269(a), and that the proposed actions are within the scope of the prior CEQA exemption.

**Summary Text:**

On May 19, 2015, a pipeline ruptured on the Gaviota Coast, west of Refugio State Park, causing an oil spill. According to Plains All American Pipeline, L.P, the Responsible Party, the initial estimate of the release was greater than 500 barrels (approximately 21,000 gallons). An updated report from the Responsible Party, based on pipeline flow rate and elevation profile, is that approximately 2,400 barrels

(101,000 gallons) of crude oil was released. On August 5, 2015, the Responsible Party announced that an alternate calculation using purge data suggests that the worst case scenario could be as much as 1,000 barrels higher. Plains retained a third party engineering and consulting firm to develop an independent estimate of the worst case discharge and in their most recent Q10 SEC filing report, that firm orally advised Plains that based on their detailed analysis of the pertinent data and materials, their estimate of the worst case discharge is approximately 3,000 barrels.

On May 20, 2015, the Governor's Office declared a state of emergency in Santa Barbara County. That same day, the County Executive Officer acting as the Director of Emergency Management proclaimed a local emergency to assist with the response; the proclamation (Attachment B) was effective for a period of seven days unless ratified by the Board of Supervisors. The Board of Supervisors ratified that emergency proclamation on May 25, 2015 and has continued to re-ratify it within 30-day periods. The City of Goleta also issued an emergency proclamation, and the University of California, Santa Barbara issued a campus emergency.

### **Response Efforts**

The County is not leading this effort but is part of a Unified Command response. The Unified Command includes United States Coast Guard, the U.S. Environmental Protection Agency, California Department of Fish and Wildlife, Office of Spill Prevention and Response, the Santa Barbara Office of Emergency Management and the responsible party, Plains All American Pipeline.

The Incident Command Post is overseeing operations in Santa Barbara County. Unified Command approved Refugio Incident Response, Phase II – Guidelines for Terrestrial Marine Waters and Shoreline Habitat Cleanup Endpoints on June 3.

Shoreline Cleanup Assessment Teams (SCAT) Phase II endpoints have been achieved for 98.9% of the impacted shoreline. Remaining cleanup work is primarily being done along the shoreline in an area near where oil flowed into the ocean through a storm drain culvert. The majority of oiling is located on beaches, cobble, riprap, and upon rock faces between Arroyo Hondo and El Capitan Beach. These areas are being targeted for manual removal.

Initially, the County established a "Recovery Advisory Council" (RAC) which included Supervisorial Districts 2 and 3, the County Executive Office, Sheriff, Auditor-Controller, County Counsel, Fire, General Services, Planning and Development, Public Health and Public Works. The RAC held four meetings in June and then transitioned to a smaller group of County staff. This staff-only group meets approximately once a week to facilitate communications between departments.

On June 9, 2015 and June 10, 2015, Unified Command coordinated a beach tar ball sampling for Santa Barbara, Ventura, Los Angeles and Orange counties. The stated objective of the sampling program was to determine the origin of persistent or recurring hydrocarbon product (tar or oil) on beaches within the survey reach (i.e., whether incident related or from other sources such as "natural seepage"). State Fish and Wildlife released the sample results to the public.

Phase III – Guidelines for Maintenance and Monitoring – was signed-off (approved) by Unified Command on August 8, 2015. Phase III, post emergency response, is the maintenance and monitoring phase during which Operations cleanup crews are on standby to react and be deployed as necessary to recover Refugio Incident source oil (Line 901 oil). In particular, it will focus on Shoreline Cleanup and

Assessment Technique (SCAT) surveying for buried oil that may be uncovered through sand erosion and will consist of periodic oil sampling for fingerprint analysis.

The threshold for a significant storm event was reached during the week of January 4, 2016 and, in accordance with approved plans, the Unified Command conducted county-wide sampling of oil samples during the week of January 25, 2016. All samples collected were compared to the Refugio Oil Spill source, Line 901 oil from the pipeline, and all samples analyzed in December and January yielded no match to the pipeline oil. Additional sampling will be conducted in May 2016.

Pursuant to their internal policies, the United States Coast Guard and the California Office of Spill Prevention and Response (OSPR) both released internal After Action Reports (AAR) on May 3, 2016.

Pursuant to the County's Oil Spill Contingency Plan, the Santa Barbara County Office of Emergency Management has developed an After Action Report for the Refugio Oil Spill. In working with public and non-profit partners, the after action report will evaluate the response, improve future response, and determine if any oil spill contingency plan elements need to be revised. The After Action Report was presented to the Board of Supervisors for adoption on July 19, 2016. The Board requested that adoption be delayed so that the public would have additional opportunity to provide input. The period for public input was extended until August 19, 2016, and the report will be brought back to the Board on September 20<sup>th</sup> as a receive and file.

### **Re-Ratification of Emergency Proclamation**

The potential benefits of continued re-ratification of the County's local emergency proclamation are as follows:

- State funds to deal with actual or threatened conditions. (Gov. Code § 8645.)
- Protection from liability and enhanced immunities for:
  - The County and its employees and those employees from other jurisdictions that provide services during local emergency. (Gov. Code § 8655.)
  - Duly registered volunteers and conscripted emergency workers have same protections. (Gov. Code § 8657.)
  - Medical personnel, including veterinarians and veterinary registered technician, rendering aid at the request of any responsible local agency. (Gov. Code § 8659.)
  - Those businesses or non-profits that are listed the Statewide registry and provide services without compensation. (Gov. Code § 8657.5.)
- May increase the availability of unemployment insurance for residents who are directly unemployed due to the emergency.
- The ability to capture and recover for later discovered damage.

### **Fiscal and Facilities Impacts:**

Budgeted: No

### **Fiscal Analysis:**

Narrative: Associated costs incurred by the County are being tracked and will be processed following the U.S. Coast Guard claiming requirements.

**Special Instructions:**

Direct Clerk of the Board to send a copy of the minute order to Office of Emergency Management, Attn: Robert Troy

**Attachments:**

Attachment A: Resolution Re-ratifying the Proclamation of Local Emergency Proclamation

Attachment B: Proclamation of Local Emergency by Director of Emergency Services

**Authored by:**

Justin Freiler, Emergency Manager (805) 681-5542

**CC:**