



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: May 16, 2017
Placement: Departmental
Estimated Time: 30 min.
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors
FROM: Department Mona Miyasato, County Executive Officer
Director(s)
Contact Info: Terri Nisich, Assistant County Executive Officer, 568-3400
Robert Lewin, Director Office of Emergency Management, 681-5526
SUBJECT: **2015 Refugio Oil Spill Status Report**

County Counsel Concurrence

As to form: Yes

Other Concurrence:

As to form: N/A

Auditor-Controller Concurrence

As to form: N/A

Recommended Actions:

That the Board of Supervisors:

- a) Receive and file Status Report on 2015 Refugio Oil Spill, and;
- b) Provide direction to staff as necessary; and,
- c) Determine that these activities are exempt from California Environmental Quality Act review per CEQA Guideline Section 15061(b) (3), since it can be seen with certainty that there is no possibility that the activities may have a significant effect on the environment. This is not a project as defined in CEQA Guideline Section 15378(b)(5).

Summary Text:

This item is on the agenda to provide the Board of Supervisors with a presentation on the status of the May 19, 2015 Refugio Oil Spill response and recovery efforts. This report will include an update on the disestablishment of the Unified Command and the efforts moving forward on improving operational effectiveness based on lessons learned from the Refugio Oil Spill identified in the After Action Report (AAR) presented to the Board on September 20, 2016. Representatives of the US Coast Guard, the California Department of Fish and Wildlife Office of Spill Prevention and Response (OSPR) and the County Planning & Development will participate in the presentation to the Board.

Background:

On May 19, 2015, a pipeline owned by Plains All American Pipeline ruptured on the Gaviota Coast west of Refugio State Park causing the release according to Plains All American Pipeline of 142,800 gallons of oil. This oil migrated from the release site to the Pacific Ocean causing extensive environmental damage and closures of beaches. Various County, State and Federal partners were involved in the response and recovery efforts for nearly two years. As required by law, the responsible party, Plains All American Pipeline was fiscally responsible for the oil clean-up and participated in the Unified Command with Federal, State and Local On-Scene Coordinators. On September 20, 2016, the immediate response and recovery efforts involving this incident were largely complete and, the Board of Supervisors terminated the Proclamation of a Local Emergency. On March 2, 2017, the Unified Command for the incident was disestablished after required monitoring demonstrated that the Responsible Party had met all clean-up end points.

The County has received 100% of the about \$1.9 million that it has claimed so far against Plains All American Pipeline for “removal costs” and “increased costs of public services.”

After Action Report(s) Status

The intent of the AAR process was to identify areas of strength in the County’s response to the May 19, 2015 Refugio Oil Spill, and recommend actions and improvements the County could make to improve future response. The report was specific to the County’s response and capabilities and how the County engaged with other agencies and the public during the response. The report identified 11 strengths and 18 areas for improvement, with 36 specific recommendations. After Action Reports from OSPR and the US Coast Guard were also conducted.

Currently, County staff and local Non-Government Organizations (NGOs), are participating in subcommittees of the Area Committee concerned with implementing improvements and clarifications to the Los Angeles – Long Beach Area Contingency Plan (includes the Santa Barbara County coastline). These changes are focused on those elements identified in the AARs. After this process is complete, County staff will begin the process of updating the 2011 Santa Barbara County Oil Spill Contingency Plan to make sure it incorporates the lessons learned from the AARs, as well as being consistent with the Los Angeles – Long Beach Area Plan and the National Contingency Plan. Staff is also moving forward on including operational changes into policy, procedures and possible code changes to improve the response and outreach efforts in the event of future spills.

On September 20, 2016, the Board of Supervisors held a hearing on the 2015 Refugio Oil Spill After Action Report and Improvement Plan (Hearing Item16-00019). The Board of Supervisors gave the following direction to staff. In bold font is the current update on staff’s progress:

Received and filed staff presentation and conducted public hearing. A motion was made by Supervisor Carbajal, seconded by Supervisor Farr, that this matter be acted on as follows:
a) Received and filed. Directed staff to incorporate additional information to the report and return to the Board at a later date as reflected in the following, but not limited to:

- *Update Page 9 of the 2015 Refugio Oil Spill After-Action Report and Improvement Plan to reflect the number of gallons spilled to correspond with the Pipeline and Hazardous Materials Safety Administration (PHMSA) report; **These minutes are***

part of the public record and therefore serve as that correction. PHMSA reported that according to Plains All American Pipeline 142,800 gallons of oil spilled.

- **Update the Memorandum of Understanding (MOU) to include the County's response authority along with an assessment of the resource capability and those of the contractors and resources to respond within that resource authority; During the update of the Oil Spill Contingency Plan staff will identify recommendation to the MOU, target is the end of 2017.**
- **More completely describe the circumstances of the Joint Information Center (JIC) memo within the report; County staff is participating on a subcommittee working group to incorporate recommendations on the JIC and will also include in our Oil Spill Contingency Plan update. JIC operations must be conducted with standards SEMS standards.**
- **Clearly establish a contract for sampling and clearly identify how the communication of the sampling is transmitted to the general public; Sampling is part of the Unified Command, during the County Oil Spill Contingency Plan update the document will establish what County agency is responsible for County implemented sampling outside the Unified Command.**
- **Incorporate the actual 48 hour timeline once it has been released as part of any ongoing investigations; County staff provided a nine hour timeline prepared by OEM staff. It only reflects what OEM staff observed and recorded. The Coast Guard maintains other timelines.**
- **Outline a list of additional places that could be used as incident command post and facilitate that transition; Staff is participating in the subcommittee working groups that are focusing on identifying locations for Incident Command Posts. Staff has submitted 9 locations that are being reviewed.**
- **Reevaluate the establishment of a volunteer database. Participation has increased in VOAD (Voluntary Organizations Active in Disasters) which has a database of volunteer organizations for all types of disasters. Focusing on organizations specifically for oil spills could be addressed in the Oil Spill Contingency Plan.**

Unified Command Status – Oil Spill Response

Santa Barbara has an Oil Spill Contingency Plan that was revised in 2011 and approved by the CDFW-OSPR. In the plan it identifies that the Office of Emergency Management (OEM) meets the conditions to represent the Operational Area as the Local On-Scene Coordinator (LOSC) in the Unified Command alongside of the Federal On-Scene Coordinator (FOSC) and State On-Scene Coordinators (SOSC) on an oil spill incident. In Santa Barbara County we have an MOU with OSPR, which gives Santa Barbara County the ability to participate in the Unified Command. The FOSC, US Coast Guard and/or the Environmental Protection Agency, has primary authority to direct oil spill response, the MOU codifies that the County, along with the CDFW-OSPR and the Responsible Party shall make up the Unified Command. Generally in Unified Command decision making is by consensus; however, in the absence of consensus the paramount authority is the FOSC and the SOSC. During the Refugio Oil Spill, the MOU was honored and Santa Barbara County was represented by the County OEM in Unified Command as the LOSC.

Natural Resource Damage Assessment (NRDA)

The purpose of the Natural Resource Damage Assessment (NRDA) is to evaluate and quantify damages to natural resources caused by the oil spill, including lost recreational uses, through scientific and economic studies. Assessing damage from the spill is the responsibility of “natural resources trustees.” The Refugio NRDA is comprised of the following trustees: California Department of Fish and Wildlife (CDFW); California Department of Parks and Recreation; California State Lands Commission; University of California; National Oceanic and Atmospheric Administration; and the Department of Interior through the U.S. Fish and Wildlife Service, the National Park Service, and the Bureau of Land Management. The NRDA has been divided into seven teams according to resource category: birds, mammals, fish, sandy beach habitat, rocky intertidal habitat, subtidal habitat and recreational uses (i.e., including camping, non-commercial fishing, and other beach uses).

As a local government representing the public most impacted by the damages of the spill and with intimate knowledge of area resources, the County became a local advisor to the trustees in summer of 2015. The County has been coordinating primarily with CDFW regarding the recreational use element of this assessment to identify potential projects that would mitigate impacts and damages to public and recreational uses resulting from the oil spill. As part of its advisory role, County staff has proposed several projects as potential mitigation and restoration items including the development of segments of the California Coastal Trail along the Gaviota Coast, reparation of the Class I bikeway that links El Capitan and Refugio State Beaches, beachfront improvements at Goleta and Arroyo Burro beaches, Goleta pier improvements and seawall removal west of Refugio.

A public meeting was held on January 20, 2016 by the trustees to answer questions about the process and gather public input for restoration projects that would compensate for the impacts caused by the spill. The data collection and analysis process is culminating. The trustee agencies have conducted a biologic injury assessment and trajectory analysis with identified shoreline exposure zones; however they have not yet publicly released any preliminary results. The next steps include finalizing the assessment and analysis numbers, and damage quantification and restoration scaling which involves evaluating potential compensatory restoration projects and "scaling" them to the size of the impact and public input for mitigation projects prior to finalization of the damage claim. The timing of the release of preliminary results, damage quantification and restoration scaling is influenced by a variety of factors and is not certain at this time. The table below provides the steps in the process to date and those steps that are remaining.

NRDA Process Steps and Timeline

Milestone	Date
NRDA formed	Summer (June) 2015
Assessment/Information Collection and Analysis	June 2015 – December 2016
Public Information Meeting	January 2016
Preliminary Results	
Damage Quantification and Scaling	
Public Scoping Meeting	
Draft Restoration Plan	
Consent Decree and Final Restoration Plan	
Implementation	

Pipeline Regulatory Changes

At the time of the spill, the Plains All American Pipelines Lines 901 and 903 were designated interstate pipelines under the regulatory authority of PHMSA. Plains will need to comply with all items and conditions in the PHMSA issued Corrective Action Order and Amendments. If the pipeline is returned to service, PHMSA has entered into a Memorandum of Understanding with the Office of the State Fire Marshal to transfer regulatory authority.

The following regulations only apply to **intrastate** pipelines which are under the authority of the Office of the State Fire Marshal. The Plains All American Pipeline which caused the Refugio Spill was on an interstate pipeline, Line 901. It is now designated as an intrastate pipeline.

SB 295

SB 295 regulations are completed and have been approved by the Office of Administrative Law. SB 295 requires the Office of the State Fire Marshal (OSFM) to increase the frequency of intrastate pipeline and operator inspections to an annual basis. Prior to the enactment of Section 51015.1 the OSFM inspected intrastate pipelines and operators once every five (5) years through a certification from the United States Department of Transportation, Pipeline and Hazardous Materials Safety Administration (PHMSA). The PHMSA certification requires the OSFM conduct six (6) different types of inspections on each operator, and two (2) different types of inspections on each pipeline once every five (5) years. The objective of inspecting on an annual basis is to mitigate the risk of spill and/or accident that may harm the environment. Conducting more frequent inspections by the OSFM will ensure compliance with federal and State laws, enhance public safety, protect California's vital natural resources and wildlife, and reduce the risk of future jurisdictional hazardous liquid pipeline accidents.

AB 864

The draft AB 864 regulations requiring Best Available Technology on certain pipelines are still under development. This bill would require, by January 1, 2018, any new or replacement pipeline near environmentally and ecologically sensitive areas in the coastal zone to use best available technologies to reduce the amount of oil released in an oil spill to protect state waters and wildlife. The bill would require, by July 1, 2018, an operator of an existing pipeline near these sensitive areas to submit a plan to retrofit the pipeline, by January 1, 2020.

AB 864 regulations are still in draft form. Any comments or concerns regarding the draft regulations for AB 864 may be submitted to OSFM for consideration. Additional workshops for the draft regulations will be scheduled in the future for all interested parties to submit additional comment.

Detail information on SB 295 and AB 864 may be found at:

http://osfm.fire.ca.gov/codedevelopment/codedevelopment_title19development

Next Steps

The Office of Emergency Management, working with the allied agencies and NGOs, will continue to utilize the After Action Report and Improvement Plan to build local capabilities, and to help provide local training and education opportunities specific to oil spill response and recovery. Staff will continue to work with the Coast Guard and OSPR on the Area Contingency Plan to include the lessons learned. Staff will scope out the process of updating and the Local Oil Spill Contingency plan with a target of the

end of 2017 for Plan completion. Staff will determine what policy and possible code changes would improve response capability. Planning & Development will continue efforts of the NRDA process.

Performance Measure:

N/A

Fiscal and Facilities Impacts:

Budgeted: N/A

Fiscal Analysis:

There are no fiscal or facilities impacts to accepting this report.

Key Contract Risks:

N/A

Staffing Impacts:

Legal Positions:
0

FTEs:
0

Special Instructions:

None

Attachments:

A. Presentation

Authored by:

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