

## MINUTES

### HARBOR SAFETY COMMITTEE OF THE SAN FRANCISCO BAY REGION

9:30 a.m., Thursday, January 13, 1994

Port of Oakland, 530 Water Street, Oakland, CA

1. The meeting was called to order by Vice-Chair Ann Nothoff, Natural Resources Defense Council, at 9:30. The following committee members or alternates were in attendance: David Adams, Port of Oakland; James Faber, Port of Richmond; Roger Peters, Port of San Francisco; Alexander Krygsman, Port of Stockton; Margot Brown, National Boating Federation; Dwight Koops, SeaRiver Maritime; Morris Croce, Chevron Shipping; John Gosling, Matson Navigation; Carl Bowler (alternate for A. Thomas), San Francisco Bar Pilots; Joan Lundstrom, San Francisco Bay Conservation and Development Commission; Gail Skarich (alternate for Mary McMillan), Sanders Towboat Service; and federal government representatives from the U. S. Coast Guard. Also in attendance Bud Leland, Larry Kirsch and Marian Ashe, OSPR.
2. T. Hunter, Marine Exchange, confirmed that a quorum was present.
3. Three typographical errors in the minutes of the previous meeting were noted. MOTION by J. Lundstrom, seconded by A. Krygsman to adopt the minutes as written with the corrected spelling of "Ann Nothoff", "Glosten" and "deal" (p. 3). Motion passed unanimously.
4. A. Nothoff reported that Burr Henneman will be leaving the Center for Marine Conservation for a position elsewhere. M. Glazer will replace him as A. Nothoff's alternate and has already been sworn in. She also noted that a conference on oil spill prevention and response will be held in Alaska from 3-23-94 to 3-25-94.
5. COAST GUARD REPORT, M. Dobravic. There were 92 incidents of pollution in November and December, 1993; 7 involving deep draft vessels, 12 oil transfer facilities, 7 military operations, 9 hazardous materials. Of these, civil penalties were levied in 20 cases, no source was found in 36 and no discharge or spill was found in 7 instances. Significant cases included a 20 gal. spill on 11-5-93 during a transfer operation between two tankers; a vessel explosion in Concord on 11-27-93 releasing 30-40 gals.; two groundings on 11-27-93 in the San Pablo Straits (same vessel); an asbestos spill on 12-7-93; two groundings on 12-14-93, neither of which resulted in a spill or damage. The grounding of a tank barge in Puerto Rico and the resultant release of 750,000 gals. was discussed. 32,000' of shoreline was affected. Recovery efforts reclaimed 300,000 gals. from the water and 818,000 gals. of water/oil from the barge. The spill went undetected for two hours after the lines parted releasing the barge. B. Clinton noted that Crowley and Souse, though not required by regulation, always use two tow wires on a tow.
6. OSPR REPORT. L. Kirsch, representing control and enforcement, reported on a pinhole pipeline leak from the Chevron Richmond refinery. Chevron cooperated fully and handled repair and containment procedures effectively. A spill affecting McGrath Beach in Southern California was the result of a pipeline failure under Hwy. 1 on 12-25-93. 20-30 OSPR personnel were on-site. Issues of jurisdictional oversight (federal vs. state) are being investigated regarding authority over pipelines. At issue is unregulated pieces of pipe. A. Nothoff asked where the state's authority over pipelines rests since OSPR only impacts waterways. L. Kirsch responded that authority lies with the State Fire Marshall and a staff of 15 to cover 7800 miles of pipelines. M. Croce noted that pipelines are not within the purview of the HSC. L. Kirsch delivered a letter to HSC from C. Raesbrook addressing the regulatory time frame for tank escort regulations, including a draft regulations timetable. By the end of June, OSPR needs to know how long development of permanent guidelines will take the HSC.
7. J. Faber asked the source of funding for the peer review in connection with the work of the Tug Advisory Group. B. Leland responded that the Administrator has \$75,000 to contribute to a trust account to pay for peer review. M. Croce noted that the TAG has received no instructions to establish a trust account and needs direction. R. Peters

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asked how the financing process happens and who are the authorities. He requested written documentation for the record.

8. CLEARINGHOUSE REPORT. A. Steinbrugge submitted reports of tank movements for the months of 11-93 and 12-93. He noted that one of the groundings reported by USCG earlier in the meeting involved a tanker that had moved on 1-3-94 without the tanker or tug escort checking in with the Clearinghouse. A. Nothoff asked how the status "unregulated" is determined. T. Hunter responded that the state randomly checks such vessels without notice to confirm this status. L. Kirsch added that OSPR is looking at changing the regulations so that all tank vessels check in, both regulated and unregulated. When there is a violation a verbal warning is issued. Violations can also result in civil penalty or criminal enforcement. A deputy conducts an investigation and submits it to the Administrator for a decision on the direction to take.

9. B. Clinton asked if any liability lies with the tug. L. Kirsh responded that full liability lies with the tanker company. M. Croce noted that the regulations specify that it is the company that is in violation. C. Bowler asked how many investigations of reports of non-compliance were, in fact, violations. L. Kirsch responded 10% and added that there have been no incidents of a vessel transiting all the way in without an escort. M. Croce emphasized that it is important that the HSC hear about that type of violation rather than pipeline reports. R. Peters requested that the HSC receive written documentation of investigations conducted. D. Adams asked exactly what a warning is. L. Kirsch responded that when a vessel moves without notification to the Clearinghouse a verbal warning is issued. D. Adams asked if there is a profile or watch list kept on violating vessels. L. Kirsch responded yes. J. Lundstrom stated that this type of information is germane to the work of the TES and requested a summary report, to-date, along with an outline of procedures of enforcement and internal guidelines. L. Kirsch responded that such information would be provided to the TES. J. Faber, referring to the language barrier that was a factor in a recent grounding, asked if there is a process for advising other ports of such problems. L. Kirsch responded that this is not a tug escort issue, but rather a pilotage issue and governing regulations are not yet in effect. B. Clinton added that Crowley has a policy that tugs always check in with the Clearinghouse to avoid instances of non-reporting. T. Hunter added that there have only been four or five incidents since May where reporting was lacking. He noted that the tank companies and tug companies should be commended for making this work.

10. TUG ESCORT SUB-COMMITTEE, R. Peters. A sub-committee was held 1-6-94 for the purpose of presenting a public forum to review proposed candidates for peer review of the Chevron/ARCO study to help develop permanent guidelines. In addition to sub-committee members, 25 members of the public attended. Candidates were considered and compared on the basis of competency, bias or perceived bias and financial considerations; in that order. It was determined the University of Michigan proposal was best at meeting the established criteria and was mid-range in cost. The TES unanimously approved this peer reviewer and brings the matter to the HSC for action to endorse the sub-committee's decision and convey it to OSPR. MOTION by J. Faber, seconded by M. Brown that "the HSC endorse the TES selection of the University of Michigan team as peer reviewer for the Chevron/ARCO test and that the HSC pass that endorsement on to OSPR and request their concurrence with that selection." M. Croce noted that Chevron is happy with the selection, adding that it is the task of TAG to facilitate the relationship between the Michigan team and Glosten. A. Nothoff asked the total cost of the Chevron/ARCO study. R. Peters responded several hundred thousand dollars, including \$23,000 to the University of Michigan.

11. D. Adams asked who exactly is hiring the peer reviewer. M. Croce responded that it is Chevron/ARCO. D. Adams asked whose money is paying them. R. Peters responded that the study is being sponsored by Chevron/ARCO and they have an interest in recovering the costs by making the results available to the state. The state has not yet identified all moneys necessary. The Administrator has \$75,000 in this year for the peer and some additional costs. There has been indication that a like \$75,000 will be available in the next fiscal year. M. Croce stated that the contracts with Glosten and the Michigan team are with Chevron/ARCO. R. Peters noted that, based on time constraints for the

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development of permanent regulations, a non-regular process with public involvement has been developed to facilitate a timely process. B. Leland stated that the Administrator's concept is to purchase the results of the study and this first \$75,000 goes towards that. M. Croce added that the \$150,000 identified by the state only covers half of the cost of the study because public input resulted in a total cost of \$300,000 needed to conduct the study. Chevron and ARCO are committed to this study and decided to continue with the hope that the state would eventually pay the balance. He reported that the process stopped before Christmas so that the issue of peer review could be addressed. This delayed the beginning of the study by one month and requires the development of a new timetable from Glosten, which is expected 1-13-94, looking at a completion date in July. This delay did not compromise the time line process for state action to implement regulations and allowed the development of a clear definition of scope, which was needed before the study could commence. A. Krygsman called for the question on the Faber motion. Motion passed unanimously. -

12. R. Peters reported that the balance of the sub-committee meeting focused on setting a process for developing a timeline for issues not addressed in the Glosten study. J. Lundstrom and R. Peters will be meeting next week to look at hosting a public workshop on 2-17-94 at the Richmond Boathouse at 9:30 a.m. to bring people who have nine months of day-to-day working experience with the interim guidelines together. This will include skippers, pilots, tug operators, agents, OSPR enforcement personnel and others. A method will be devised to keep the meeting focused on improving the guidelines, with an agenda designed to facilitate the gathering of information from the participants

13. G. Skarich submitted and distributed copies of a recent advertisement placed in the most recent issue of "Pacific Maritime" announcing delivery of the tractor tug "Lindsey Foss" and demonstrating obvious bias to tractor technology. Discussion of the fact that this is the purpose of a peer reviewer versus the fact that there is continued concern among many that Glosten is responsible for developing Voight Schneider tug technology. M. Croce stated the opinion that Glosten was taking the opportunity to advertise for business. Interested parties will make sure that alternate types of tugs are considered and reviewed in the study. R. Peters added that the TAG has the responsibility to provide technological review to ensure that the work is done fairly. The aim of the study is to look for a science to help avoid oil spills. Glosten has the most advanced scientific capability to do such a study and because of the business Glosten is in, a peer reviewer has been selected. M. Croce stated that the purpose of the study is not to design tugs, but to determine the physics of affecting tank vessels to avoid spills. The TAG wanted a peer reviewer because they perceived the possibility of bias. B. Clinton noted that the timing of the advertisement was poor timing on Glosten's part but did not invalidate their qualifications to conduct the study.

14. Tony Munoz, American Navigation, expressed displeasure with both the selection of Glosten to conduct the study and the veto of Robert Allen as the peer reviewer just because Glosten did not want a competitor reading their computer banks. He stated his objection to Glosten having the right of veto over a peer reviewer. M. Croce stated that there would be a problem if the entity conducting the study and the peer reviewer did not like each other. T. Munoz disagreed. R. Peters stated that the University of Michigan team was the first choice based on the criteria of competency and second when perceived bias was considered. He emphasized that the final selection was made based on choosing the most competent party.

15. D. Koops noted that the HSC has the obligation to look at the economic impact of its recommendations on the people who make their living on San Francisco Bay, adding that best available technology is an evolutionary process. M. Croce stated that the task is to make sure there are enough checks and balances on Glosten to keep the study focused on physics and not designing tugs. T. Munoz commended Chevron and ARCO for their part but maintained his opposition to Glosten. B. Clinton stated that, after attending the TES meeting, he is convinced that they did a great job. J. Faber added that the TES would have had a problem regarding bias with Allen who only does tractors.

16. FEDERAL REGULATIONS REVIEW SUB-COMMITTEE, A. Krygsman. The sub-committee held a meeting on 12-17-93 and was able to address all but the issue of underkeel clearances. There was considerable public

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comment. The Coast Guard reacted positively and a sub-committee meeting has been scheduled on Coast Guard Island, 1-21-94 at 10:00 to re-draft the Captain of the Port's proposed regulations in concert with Coast Guard representatives. This meeting is not meant to be a public hearing, but rather a working meeting. Interested observers will not be excluded. A draft of the product of that meeting will be distributed and a public hearing held prior to the next HSC meeting.

17. **UNFINISHED BUSINESS:** M. Croce noted that he was tasked at the last HSC meeting to contact Captain Dolan, USCG, regarding the issue of near misses. This will be reported on at the next HSC meeting. A. Krygsman noted that he looked into SB 2040 and found that it talks to "near accidents" not near misses, a term used internally by the Coast Guard in their reports. The term "near miss" does not appear in Coast Guard regulations.

18. **NEW BUSINESS:** Scott Shaeffer, State Lands, noted that State Lands is responsible for the regulation of facilities. Any new vessel (last three years) calling at California facilities will be met by someone from State Lands. The Port Safety Information Exchange can be contacted for the past history of vessels. In response to a question from the floor, M. Croce reported on the grounding of the CHEVRON COLORADO, sitting close to the dock just past low water on a rising tide. There were no consequences; it was a docking situation, not a navigational incident, and was routinely.

19. **MOTION** by M. Croce, seconded by J. Lundstrom "to cancel the meeting scheduled for 2-10-94." Discussion and agreement that the work of the committee is proceeding expeditiously, with work over the next two months to be conducted in sub-committee for presentation to the full committee on 3-10-94. Motion passed unanimously.

The next meeting will be held March 10, 1994 at 9:30 at the Port of Richmond facility.

Meeting adjourned.

Respectfully submitted,



Terry Hunter  
Executive Secretary