

Harbor Safety Committee

of the San Francisco Bay Region

*Mandated by the California Oil Spill
Prevention and Response Act of 1990*

Harbor Safety Committee of the San Francisco Bay Region

Thursday, October 8, 2009

Exhibit Room, Harbor Master's Office, Port of Richmond, California

Joan Lundstrom, Chair of the Harbor Safety Committee of the San Francisco Bay Region (HSC), San Francisco Bay Conservation and Development Commission (BCDC); called the meeting to order at 1001. **Allen Steinbrugge**, Marine Exchange of the San Francisco Bay Region (Marine Exchange), confirmed a quorum of the HSC.

Committee members (M) and alternates (A) in attendance with a vote: **Capt. Marc Bayer (M)**, Tesoro Refining & Marketing; **Capt. Peter Belden (A)**, Baylink; **John Berge (M)**, Pacific Merchant Shipping Association (PMSA); **Ted Blanckenberg (M)**, AMNAV Maritime Services; **Capt. Bruce Horton (M)**, San Francisco Bar Pilots (Bar Pilots) **Ron Chamberlain (M)**, Port of Benicia; **Capt. Thomas M. Cullen (A)**, USCG Sector San Francisco, **Aaron Golbus (M)**, Port of San Francisco; **Major Samuel Volkman (A)** United States Army Corps of Engineers (USACE); **Capt. Paul Gugg**, United States Coast Guard (USCG); **Jennifer Kovacs (M)**, San Francisco Baykeeper; **William Needham (A)**, National Boating Federation; **William Nickson (A)**, Transmarine Navigation; **Eric Osen (M)**, Chevron Shipping Company; **Chris Peterson (M)**, Port of Oakland; **Gerry Wheaton**, National Oceanic and Atmospheric Administration (NOAA); **Thomas Wilson (M)**, Port of Richmond.

Alternates present, and those reporting to the HSC: **Capt. Esam Amso (A)**, Valero Marketing and Supply Company; **Robert Chedsey**, California State Lands Commission (State Lands); **Capt. Rick Holly**, California Office of Spill Prevention and Response (OSPR), **Lt. Cmdr. DesaRae Janszen**, USCG; **Capt. Lynn Korwatch**, Marine Exchange; **Rob Lawrence**, USACE; **Lt. Cmdr. Kiley Ross**, USCG, **Linda Scourtis (A)**, BCDC.

The meetings are always open to the public.

Approval of the Minutes

Corrections to the minutes of the meeting of July 9, 2009, had been submitted and distributed by email to members of the HSC. The corrected minutes of the July 9, were accepted unanimously and without discussion.

Corrections to the minutes of the meeting of September 10, 2009, had been submitted by the staff of the California Air Resources Board (CARB), distributed to members of the HSC by email, and are attached to these minutes. No other corrections to the minutes were suggested. The minutes, as corrected, were accepted without discussion or dissent.

Comments by the Chair – Lundstrom

- Since there were no objections, the agenda was modified to move item 11, requiring discussion and a possible vote, to immediately after the Coast Guard report.
- A Harbor Safety Committee Summit on low-sulfur fuel switching will be held at OSPR offices on November 30 in Sacramento. Chairs of the HSC's were invited. The chairs were allowed to designate members from their committees for attendance, and **Capt. John Cronin**, Matson Navigation; **Capt. Bruce Horton**, Bar Pilots; **Capt. Eric Osen**, Chevron, and **Alan Steinbrugge** SFMX will attend for the San Francisco HSC.

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- CARB had provided additional information requested by members of the HSC, including a draft of their survey. This had been forwarded to the members. Everyone present was reminded that CARB was eager to hear comments, but their deadline was October 9.
- New work group assignments would be going out the third week of October. Members were invited to contact the chair regarding subjects of interest to them.

Coast Guard Report – Capt. Cullen

- **Capt. Gugg** (M), USCG, noted the representatives of CARB in attendance. He thanked them for attending a meeting with him and his staff prior to the HSC meeting. He thanked the HSC for its efforts regarding the topic of fuel switching, and said that he would abstain from any vote.
- The trans-bay cable laying project was going well. The consortium involved in the project had been responsive to concerns expressed by USCG and interested parties.

Lt. Cmdr. Janzen, read from a report that is attached to these minutes.

Capt. Horton noted that the *King Dorian* referenced in her report was a tank vessel. He then asked if the **Hanjin Elizabeth** was under an ongoing requirement to be escorted. **Lt. Cmdr. Andrew Wood**, USCG, said that is was a case by case situation.

Capt. Pete Bonebakker, ConocoPhillips asked what had triggered the case reported with the *Fidelity*. **Lt. Cmdr. Jantzen** said that it was a result of request from US Customs and Border Protection

Someone from the public asked what had caused the man overboard in the case of the *Ever Elite*. **Lt. Cmdr. Wood** said that it was a rigging problem with the wooden gangway, and that a cable snapped. The man lost was not wearing a life jacket or harness.

Berge asked if the problems with the *Hanjin Elizabeth* could be traced to fuel switching. **Lt. Cmdr Wood** said that a number of different problems could have caused her history of problems. **Needham** asked if her problems could be related to her plant running at low revolutions per minute due to fuel switching. **Lt. Cmdr. Wood** said that was possible.

Lundstrom asked what information had been collected by USCG District 11. **Lt. Cmdr. Kiley Ross**, USCG, said that they were looking at nine cases in California for September, five of which were believed to be related to fuel switching. He reported that three of the possible fuel switching cases had happened in the Bay Area, and two had happened in Los Angeles/Long Beach.

Capt. Horton said that the Bar Pilots were keeping their own anecdotal count. They think that there may have been eight fuel switching issues in the Bay Area for September, and thirty-six since July 1, 2009. The Bar Pilots are sharing their information with the Coast Guard. ; **Peggy Taricco**, CARB, asked whether the Bar Pilots had more detail to share on the incidents in question. **Capt. Horton** said that they weren't engineers, so they could only identify cases of concern. **Tarrico** asked if the Bar Pilots had tracked loss of propulsion incidents prior to July 1, 2009, and **Capt. Horton** said they had not.

Lt. Cmdr. Wood said that the Coast Guard had noticed an increase in anecdotal reports of propulsion problems possibly related to fuel switching. **Lundstrom** said that such anecdotal reports raise real concerns. She said that given the number of rocks and bridges in our complex waterway, one incident would be one too many.

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Needham asked whether the Coast Guard had any information on the case of two containers dropped on a bunker barge in Los Angeles/Long Beach. **Capt. John Strong**, Long Beach Pilots Association and chair of the Los Angeles/Long Beach HSC, said that they were awaiting results of the Coast Guard investigation to determine whether their local best practices had been followed in the incident.

Request by the Western States Petroleum Association (WSPA) and the Pacific Merchant Shipping Association (PMSA), the San Francisco HSC urge CARB to temporarily suspend monetary and legal sanctions for non-compliance with Low Sulfur Fuel Switching Requirements for ocean-going vessels –Lundstrom.

Lundstrom opened the discussion by saying that WSPA and PMSA had written a joint letter of request to the HSC for the October meeting, after two separate letters had been submitted in September. She said that the HSC had also received letters from CARB, the Bay Area Air Quality Management District, and a joint letter from several health and environmental organizations that disagreed with the request made by WSPA and CARB. All documentation received is part of the record of proceedings and grounds for discussion on whether and how the HSC should vote on the request from WSPA and PMSA.

Berge said that the vast majority of operators are trying to comply with the regulations, but that there was still much to be learned on how to do so safely. He said that a grace period seemed reasonable in order to collect the best possible data on how to reduce risk. He said that their goal was only to suspend regulatory actions for main engine fuel-switching rather than for auxiliary engines. They believe that the exemption process is well intentioned but may not be able to accommodate all situations. Their concern is that it was too great a safety concern to rely on switching back to regular fuels in a moment of crisis. Their goal is to seek some flexibility until root causes can be identified.

Lundstrom said that the letter submitted by PMSA and WSPA was not clear on the distinction between main and auxiliary engines that **Berge** was raising. **Capt. Bayer** said that the language would be clarified in the motion since WSPA and PMSA were in agreement. **Capt. Bayer** added that they are still seeking notices of violations, and only requesting a grace period on fines. **Wilson** asked why auxiliaries were being excluded. **Capt. Bayer** said that they felt they had enough experience and knowledge with them.

Ellen Johnck, Bay Planning Coalition, asked whether there were numbers on specific examples where the exemption process had not worked. **Berge** said that they had not looked at those numbers because their concern is how long it can take world-wide enterprises with shore-side and ocean-going interests to identify and resolve problems that could result from multiple causes. **Taricco** said that it was part of the regulatory environment that masters of vessel could request exemptions after an incident of concern, and that all such requests had been granted. CARB planned to put out another advisory on the exemption process and they were working with the Coast Guard to put one out.

Wilson asked about the details of the exemption requests. **Bonnie Soriano**, CARB, said that one was in regard to an essential equipment modification. Another had been a safety exemption request filed after the vessel had moved. She said that four exemptions had been filed subsequent to movement. **Taricco** said that one case involved a vessel running out of low sulfur fuel that had required anchoring offshore, one case was a boiler problem and another was an O-ring question. **Needham** said that if exemptions were always granted, that a grace period to require voluntary reporting would encourage participation and achieve the same goal. **Taricco** said that it was not workable to suspend enforcement under the law. **Berge** said that while there may have been four exemptions granted after incidents, that there were many more actual reports of vessels experiencing problems and that some might be nervous about reporting to CARB. **Taricco** said that no fines had been levied so far.

Wilson said that he appreciated the outreach efforts that CARB had made. He said the he remained concerned because new, and unexpected issues like RPM fluctuations, were still coming to light. He thought that the time frame to

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identify and correct all un-intended consequences was too short. **Wilson** said that it would be better to spend money on root cause studies than on fines.

Capt. Gugg asked a hypothetical question about the owner of a fleet of six ships needing twelve months to make essential modifications and whether they would be fined. **Taricco** said that they would have to examine each incident on a case by case basis. Fines remained a possibility. **Lundstrom** asked whether they had discretion to issue citations rather than fines, and suggested that citations would work better. **Dan Donohue**, CARB, said that they did not have discretion to issue citations, but the fines are scalable from five hundred dollars to ten thousand dollars.

Lundstrom said that she continued to hear reports from the community that suggested the regulations are still not well understood. She urged the use of specific examples in terms that mariners would understand. **Taricco** and **Donohue** said that CARB was committed to outreach and remained open and receptive about how to best clarify and communicate the requirements of the regulations.

Capt. Horton said that a great deal of work done by the HSC on best practices was now out the door because of uncertainties created by the new regulatory environment. **Taricco** said that CARB staff would be happy to meet with the Bar Pilots to hear their concerns. **Capt. Bayer** asked whether the Bar Pilots did any testing of vessels before boarding. **Capt. Horton** said that they did not do any testing. He said that there were too many variables in moving a ship from the pilot station to dock that could not be tested for in advance by them. **Lt. Cmdr. Wood** said that in their investigations of incidents operations had seemed entirely normal prior to sudden failure. Each incident required an investigation to discover the cause of the problem.

Johnck asked whether the penalty was financial only. **Berge** said that they were civil and financial. **Johnck** asked what the distinction was. **Steve Adams**, CARB, said that the distinction was between civil and criminal penalties, and that the fines were a civil penalty. He said that the suspension of penalties would amount to a suspension of the law itself.

Wilson said that if the HSC voted for the motion, it could also change its mind at any time it became apparent that the regulations were being flouted by an unacceptable number of vessels. **Capt. Bayer** said that ninety per cent of tank vessels were already in compliance. They are not looking to evade the regulation, but they don't want to face financial penalties while they are working to meet the requirements. **Berge** said that members of his organization had continued to voluntarily comply with regulations on auxiliary engines even after that part of the law had been struck down in Federal Court.

Wheaton said that he would abstain, but that he wanted to note that vessels operating under the regulations were doing so in a number of Marine Protected Areas and Sanctuaries in California waters.

Lundstrom invited public comments or questions.

Capt. Bonebakker said that a notice of violation was not without repercussions because it would trigger internal review processes as well as review by the International Maritime Organization under its International Safety Management code.

Capt. Amso asked where the fines would go. **Donohue** said that the money would go to the governor's discretionary air pollution fund.

Donohue said he did not understand how issues could be identified without the threat of enforcement and he did not see how suspension of the regulations could achieve the desired results. He said that the issue was state wide and

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beyond the scope of the interests of the Bay Area alone. He said that even non-compliance of twenty per cent would cause an additional one hundred twenty deaths from increased air pollution.

Taricco asked how organizations like PMSA reached out to industry. She wanted to know what their plans were. **Berge** said that they provide information on known issues and advise compliance, but that each company must make its own determinations. **Taricco** asked whether their process identified problems. **Berge** said that they rely on the results of Coast Guard investigations for that kind of information. **Lundstrom** asked whether PMSA represented all non-tank vessels. **Berge** said that they only represent liner companies, and they are aware of the regulations. He said that he could not speak to the level of awareness of vessels in tramp trade that call on an irregular basis.

A representative from Friends of the Earth said that compliance rates had been less than twenty per cent under a voluntary program in Southern California. He said that he was skeptical that a lack of coercive teeth in the regulations would lead to greater compliance.

Jackie Dragon, Pacific Environmental, said that she felt the existing regulations were a safe and sane way to proceed. She said that she did not believe that more could be learned about possible problems without the threat of enforcement. She said that industry had time to acquaint itself with the requirements during the years that they were developed. She said that a number of current alternatives had been identified and that there was sufficient flexibility in the existing regulations.

A representative from the Bay Area Air Quality Management District said that he believed that there was sufficient flexibility in the regulations as written.

The motion was made and seconded that:

“The Harbor Safety Committee supports a resolution to the Administrator of OSPR requesting CARB to immediately suspend the issuance of financial penalties for a period of one year, which we believe will provide the time necessary to collect data on these performance issues, identify and address root causes and apply corrective measures.”

The motion carried: 10 for; 1 opposed; 6 abstentions (Golbus, Capt. Horton, Lundstrom and federal agency representatives for NOAA, the Coast Guard and USACE).

US Army Corp of Engineers Report – Lt. Col. Farrell

- The new debris boat had arrived and was undergoing tests. It is named for **Maj. Gen. A. B. Dillard**, the highest ranking engineer killed during the Vietnam War, and a former commander of the San Francisco District.

Golbus asked whether one of the old debris boats would be retired. **Lt. Col. Farrell** said no.

Lawrence read a report that is attached to these minutes.

Capt. Amso asked when dredging of Pinole Shoals would start. **Lawrence** said that it would be after completion of Suisun Bay dredging.

Clearing House Report – Steinbrugge

Steinbrugge read from a report that is attached to these minutes.

At this point, **Lundstrom** exercised her prerogative as chair to ask for a report from Coast Guard on the Trans Bay Cable project that had been omitted during the Coast Guard report.

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Lt. Cmdr Ross said that the process looked good. Representatives of the companies doing the work had twice met with Coast Guard representatives including Vessel Traffic Service (VTS) and Waterways Management, as well as representatives from the Bar Pilots. They had responded positively to re-routing suggestions.

Capt. Bonebakker asked why it had not been possible for him to consider the plan in case he had issues. **Sean Kelly**, Coast Guard VTS, said that the situation had been complicated by a non-disclosure agreement between Patten Energy and Bay Area Rapid Transit (BART). They had not been able to resolve the issue in time. **Lundstrom** said that the information would soon be on NOAA charts anyway and suggested that **Capt. Bonebakker** try again.

OSPR Report – Capt. Holly

- They are accepting applications for an alternate representative for tug boat companies.
- The HSC summit on fuel-switching will include a presentation on what can go wrong. Capt. Holly said that the current issues with fuel switching reminded him of his days in the Navy when they were working on engine fuel conversions. After five or six years of study it was determined that new engines would have to be built.

Berge asked whether the studies **Capt. Holly** described were publicly available. **Capt. Holly** said that he thought that **Capt. Gugg** should be able to access them.

NOAA Report – Wheaton

- A new edition of chart 18650 had been published
- *NRT 6* was working USACE on depth soundings.
- Rain was predicted for the week ahead. *El Niño* is here, but it is “squishy.”

State Lands Report – Chedsey

Chedsey read from a statistical report that is attached to these minutes.

Tug Escort Work Group – Blanckenberg

There was nothing to report

Navigation Work Group – Capt. Horton

There was nothing to report.

Ferry Operation Work Group – Capt. Belden

- They had met to discuss lessons learned from the recent Vessel Mutual Assistance Plan (VMAP) drill. These included a lack of resources and training and needed changes to the plan.
- They are discussing outreach to the recreational boating community to inform them about the ferry routes.

Prevention Through People Work Group – Needham

There was nothing to report.

Dredge Issues Work Group – Capt. Bayer

There was nothing to report.

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Physical Oceanographic Real Time System (PORTS) Work Group – Capt. Amso

- They are waiting for funds to be released by the state.

PORTS Report – Steinbrugge

- Work proceeds on expansion. Three sites had been identified.
- Introduced Mark Bailey, from the NOAA office in Seattle, who was in town to help with installs.

Public Comment

Chedsey, State Lands Commission, said that low sulphur fuel switching would be on the agenda for their next Customer Service Meeting on October 28.

A representative from the California Maritime Academy reminded everyone about the security expo scheduled for October 20 and 21 in Long Beach. They had received a Congressional grant for upgrades to their crisis management simulation center that would include a module on oil spill response.

Old Business

There was no old business.

New Business

There was no new business.

Next Meeting

Lundstrom said that the next meeting of the HSC would convene at 1030, November 12, 2009 at the Pier 1 Conference Center, Port of San Francisco.

Lundstrom adjourned the meeting at 1214.

Respectfully submitted:



Capt. Lynn Korwatch

Briefing and Discussion: Essential Modification and Safety Exemptions in the CARB Ocean-Going Vessel Fuel

Regulation – Taricco

Taricco introduced members of the CARB staff who were in attendance. They were **Bonnie Soriano**, **Paul**

Milkey, who had previously briefed the HSC when the regulations were in the works; and CARB staff legal counsel, **Steve Adams**.

Taricco then provided some introductory comments regarding implementation of the Ocean-going Vessel Fuel Regulation and then Bonnie Soriano gave a Power Point presentation about the Safety Exemption and Essential Modification Exemption provisions in the regulation~~background of the regulation that~~ which is attached to these minutes.

After the presentation, **Taricco** said that CARB was ready to work with the HSC ~~to achieve zero incidents. She said that they are also ready to help and~~ the USCG in any way they can. They are aware that there is not a central location for reporting operational experiences that may not be required to be reported to the USCG and there is was ~~not then~~ a good mechanism to collect all of the pertinent information. They are working on a survey to collect consistent information, and she invited anyone interested to provide input. The survey was scheduled to be ready in the third or fourth week of September.

~~Soriano then completed the Power Point presentation to describe the various options for exemption applications under the regulations. She spoke from the same presentation that is attached to these minutes.~~

Wilson suggested that CARB submit a draft of their survey to the HSC before it was sent out. **Taricco** said that they would be happy to work with representatives from the HSC.

Capt. Bayer said that the survey should be formally presented to the HSC for comment. He also said that CARB should seek comment from people in the industry besides technical representatives. **Taricco** said that CARB would provide a draft of the survey to the HSC for comment.

Kelley suggested some sort of feedback mechanism through a web site, so that masters and operators that aren't based in the region could give their comments. **Taricco** said that CARB was working on that.

Lundstrom said that since the issue was state-wide, other HSC's should have the same opportunity to comment. **Capt.**

Toledo said that a draft should be made available to the public if it was to be reviewed by the HSC.

Lundstrom said

that it could be posted on the Marine Exchange web site, where other HSC documents are housed.

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Capt. Bayer asked to read a letter from the Western States Petroleum Association (WSPA). **Capt. Toledo** asked

whether that should be considered under New Business. **Lundstrom** said that it was her opinion that the letter was

related to the discussion. She said that it did not need to be raised under New Business since there was no item on the

agenda for the HSC to take any formal action on any matter. **Edinger** consulted privately with OSPR's legal counsel,

and said that the letter could be read.

Capt. Bayer read the letter, attached to these minutes, expressing WSPA's concern with the dramatic increase in main

engine propulsion failures during the month of July. WSPA requested that the San Francisco and Los Angeles/Long

[Submitted Changes for the September 10, 2009 minutes from California ARB](#)

Beach Harbor Safety Committees urge that CARB lift monetary and legal sanctions for noncompliance with low sulphur fuel switching regulations for one year until October 1, 2010 to allow ship owners to develop procedures and modify equipment without threat of regulatory retaliatory measures.

Berge read a letter from PMSA, attached to these minutes, to similarly request the HSC to urge CARB to suspend issuance of violations and collection of non-compliance fees until the increased risks are fully evaluated and resolved.

PMSA also urged that CARB collect data on incidents with the goal of minimizing risks and to create a forum to disseminate the “lessons learned” to vessel operators in a timely and effective manner.

Lundstrom said that discussion of the requests, and a possible vote would be on the October 8 meeting agenda.

The CARB lawyer said that he did not understand why suspension of the fines was being asked for. **Berge** said that the

non-compliance fees came without a phase in period. **Milkey** said that there is no fee associated with the use of the safety exemption or essential modification exemption. was an existing waiver procedure. **Capt. Bayer** said that by the time a request for waiver was submitted according to CARB’s procedure, which

takes a minimum of 45 days to process, it would be too late to prevent an operational failure.

Taricco said that CARB was happy to meet with anyone prior to October 18, 2009.

A representative of Friends of the Earth spoke in favor of the existing regulations. He said that the regulations address

important health and environmental issues. He said it would be imprudent to suspend the fines. He said that they are

concerned about the level of preparation in the industry. He said that more effort should have been made to get people prepared.

Lundstrom said that WSPA had been working with the Coast Guard and CARB to establish best practices. She said

that the issue is international in scope and not just a matter for members of WSPA or PMSA. **Capt. Bayer** said that

there had been no serious casualties to date because of training, but it would be hard to predict how any event could

play out in the future. **Berge** said that the classification societies had also been hard at work on the training issue, and

he thought a grace period to apply lessons learned was not unreasonable.

Lundstrom said that at the October 8 HSC meeting, best practices technology and training would be discussed. Our

HSC would continue to communicate with the Los Angeles / Long Beach HSC on the matter.

Jackie Dragon, Pacific Environmental supported the existing regulations. She said that they addressed important

environmental and health issues. She said that Maersk had voluntarily sought to come into compliance ahead of time,

and suggested that the HSC engage with them about what needed to be done.

Milkey said that it was possible to apply for an essential modification exemption to the regulations in advance of arrival for any vessels in a company’s fleet, so he did not understand some of the comments made. **Lundstrom** asked him to provide written clarification that could be attached

to the minutes.

Lundstrom called a recess in the meeting at 1225. At 1230, she called the meeting back to order.

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Transbay Cable Project Update – Wehn.

[Submitted Changes for the September 10, 2009 minutes from California ARB](#)

□ **Wehn** introduced **Ian Austin**, USR Corporation, **Joan Lamphier**, representing the city of Pittsburg, California, and **P. J. Galvin** who gave a Power Point presentation that described the unique nature of the public-private partnership, some of the technology featured in the project, and the schedule of vessels due to arrive to work on the project.

Lundstrom said that in the interest of time, the HSC was most interested in a detailed description of where the cable would be laid, since that would have the greatest impact on harbor safety. **Wheaton** said that he was interested in that

because NOAA had begun discussions with USACE about realigning the Federally designated channels.

Capt. Bayer

said that he had seen some more detailed charts at their presentation at VTS the previous week, and he asked if those were available to show the HSC.

Capt. Rick Hurt, San Francisco Bar Pilots, asked when the project had first been put out for review of navigational

safety concerns. **Wehn** said that the survey had been done in 2005 by Alpine Ocean.

Lundstrom said that the HSC had gone on record recommending that the project work with Coast Guard and the Bar

Pilots to ensure that the cable would not interfere with safety. **Wehn** said that safety on such a large project was of

natural concern to them because any accident could endanger the large investment made. **Kelley** said that they had met

with VTS and the USCG Waterways Management branch to go over the route in detail. He said that two areas of

concern had been identified, and that there would be a meeting that afternoon to go over them in more detail.

Capt. Bayer said that he did not think the project would impede commercial traffic, but he did suggest that they reach

out to inform the recreational boating community.

Capt. Pete Bonebakker, ConocoPhillips, asked where he could see the detailed charts. **Kelley** said that they could be

provided to the Marine Exchange to be posted on the web site. Wilson suggest that such detailed charts be protected by

a password system. **Steinbrugge** said that he could provide them by email to those that requested them.

Work Group Reports:

Lundstrom said that due to the extraordinary length of the meeting, the regular Work Group Reports would be

skipped. She asked work group chairs to submit their reports by email to be attached to these minutes.

Capt. Korwatch begged the Chair's indulgence to introduce **Kaitlin Ortega**, Director of Internal Operations, and

Howard Weiss, Vessel Support Specialist. She said that to most of the community outside of the present meeting,

people like Weiss, are the Marine Exchange.

Lundstrom adjourned the meeting at 1300.

Respectfully submitted:

Capt. Lynn

USCG SECTOR SAN FRANCISCO

PREVENTION / RESPONSE - SAN FRANCISCO HARBOR SAFETY STATISTICS

September-09

PORT SAFETY CATEGORIES

Total Port Safety (PS) Cases opened for the period:

15

1. Total Number of Port State Control Detentions for period:

1

SOLAS (0), MARPOL (0), ISM (0), ISPS (1)

2. Total Number of COTP Orders for the period:

1

Navigation Safety (1), Port Safety & Security (0), ANOA (0)

3. Marine Casualties (reportable CG 2692) within SF Bay: Allision (1), Collision (0), Fire (0), Grounding (0),

10

Sinking (0), Steering (0), Propulsion (7), Personnel (2), Other (0)

4. Total Number of (routine) Navigation Safety related issues / Letters of Deviation:

3

Radar (1), Steering (0), Gyro (0), Echo sounder (0), AIS (2), AIS-835 (0)

5. Reported or Verified "Rule 9" or other Navigational Rule Violations within SF Bay:

0

6. Significant Waterway events or Navigation related cases for the period:

0

7. Maritime Safety Information Bulletins (MSIBs):

0

MARINE POLLUTION RESPONSE

Total Oil/Hazmat Pollution Incidents within San Francisco Bay for Period

23

* Source Identification (Discharges and potential Discharges):

TOTAL VESSELS

Commercial Vessels

1

Public Vessels (Military)

0

Commercial Fishing Vessels

1

Recreational Vessels

3

TOTAL FACILITIES

Regulated Waterfront Facilities

0

Other Land Sources

3

TOTAL UNKNOWN/UNCONFIRMED

*Spill Information

Pollution Cases Requiring Clean-up

1

Federally Funded Cases

0

TOTAL OIL DISCHARGE AND HAZARDOUS MATERIALS RELEASE VOLUMES BY SPILL SIZE CATEGORY:

23

1. Spills < 10 gallons

11

2. Spills 10 - 100 gallons

0

3. Spills 100 - 1000 gallons

0

4. Spills > 1000 gallons

0

5. Spills - Unknown

12

TOTAL OIL DISCHARGE AND/OR HAZARDOUS MATERIAL RELEASE VOLUMES:

23.6

1. Estimated spill amount from Commercial Vessels:

3

2. Estimated spill amount from Public Vessels:

0

3. Estimated spill amount from Commercial Fishing Vessels:

10

4. Estimated spill amount from Recreational Vessels:

1.5

5. Estimated spill amount from Regulated Waterfront Facilities:

0

6. Estimated spill amount from Other Land Sources:

9

7. Estimated spill amount from Unknown sources:

0.13

TOTAL PENALTY ACTIONS:

5

Civil Penalty Cases for Period

0

Notice of Violations (TKs)

1

Letters of Warning

4

SIGNIFICANT PORT SAFETY AND SECURITY CASES

MARINE CASUALTIES - PROPULSION/STEERING

Marine Casualty- Loss of Propulsion, M/V NIU POLYNESIA (2 September): Vsl lost propulsion while inbound to Long Beach Harbor, then while transiting to San Francisco pilot station. Vsl regained propulsion at pilot station and completed transit to berth. COTP order issued requiring a one tug escort while transiting San Francisco Bay. Loss of propulsion caused by a rocker arm linkage failure to the #5 cylinder fuel oil injector. Vsl transited out of SF harbor without incident. COTP order lifted on September 3rd. Case Closed.

Marine Casualty- Personnel, USS KEYSTONE STATE (2 September): While working in the Engine Room of the vsl, the 2nd Assistant Engineer rolled his ankle while descending a ladderwell. Crewmember had his ankle iced, and was transferred ashore to receive medical treatment. Doctor diagnosed injury as a sprain, and prescribed three days of rest. Drug testing was completed with negative results (NEGRES). Case Closed.

Marine Casualty- Loss of Propulsion, T/V MAERSK BEARING (8 September): While underway from Long Beach to San Francisco, the vsl lost main engine propulsion. Vsl regained propulsion after approximately one half hour. A COTP order was issued for a one tug escort to Richmond berth, and the vsl be attended by a class society surveyor. Loss of propulsion caused by water contamination in the settling and day tanks, via a loose water detection sensor in the oil outlet from the HFO purifier. Vsl's class attended ship and verified repairs. Tech report received and COTP order lifted on September 10. Case Closed.

Marine Casualty- Loss of Propulsion, M/V WILLIAMSBURG BRIDGE (10 September): While leaving Oakland Berth 25, the vsl's main engine would not respond to bridge commands. Vsl was tied back up at Oakland Berth 25 using on scene tugs. A COTP order was issued requiring the vsl be attended by a class society surveyor to verify operation of the main propulsion system. Loss of propulsion caused by a loose connection between the high pressure air line and start air distributor. Class surveyor verified repairs, and tech report was received. COTP order lifted on September 11. Case Closed.

COTP Order - Personnel, M/V EVER ELITE (10 September): Vsl was in transit in SF bay to Oakland Berth 35 when a man overboard was reported near the Delta-Echo span of the Bay Bridge. Three tugs, one 25' patrol boat, and one pilot boat arrived on scene. Seaman was recovered and transferred to EMS at Pier 39, where he was pronounced dead. COTP order issued requiring vsl to correct safety deficiencies to the satisfaction of Coast Guard Inspectors and class surveyor. Port gangway was stowed, and stbd gangway was weight tested with class surveyor in attendance. Class survey was completed and COTP order lifted same day. Case Closed.

Marine Casualty- Loss of Propulsion, M/V DRESDEN EXPRESS (13 September): While underway to Oakland Berth 85 near buoys 7 and 8, the vsl experienced a loss of lube oil pressure that led to a loss of the main propulsion. A COTP order was issued requiring a one tug escort into and out of SF bay, and the vsl be attended by a class surveyor. The loss of propulsion was caused by air in the lube oil system, stemming from a low lube oil level and heavy rolls. Vsl's class society attended and verified findings. COTP order lifted September 14. Case Closed.

Marine Casualty- Loss of Propulsion, M/V OOCL SHANGHAI (15 September): Vsl lost main engine propulsion while testing astern bells at the SF sea buoy. Vsl took on pilot and tested astern bell with positive results. Vsl continued to berth without incident. A COTP order was issued requiring vsl to have a tug escort to berth and be attended by vsl's class society. Loss of propulsion caused by low RPMs while attempting to answer a dead slow astern bell. Vsl adjusted main engine RPMs. The system tested ahead and astern and vsl's class surveyor deemed the main engine and fuel system were technically fit. COTP

Marine Casualty- Loss of Propulsion, M/V KING DORIAN (17 September): While anchoring in Anchorage 9, the vsl lost main engine propulsion. Vsl subsequently fetched anchor and regained propulsion. A COTP order was issued requiring a one tug escort and inspection by a class surveyor. Loss of propulsion caused by low RPM's while attempting to answer dead slow astern. Vsl class society attended vsl, and cleared vsl for operation. COTP order lifted on 17 September. Case Closed.

Marine Casualty- Allision, Ferry Vessel SAN FRANCISCO (19 September): Vsl was underway when it collided with N. Channel Buoy #2. The Master cited that the allision was caused by his misjudgment of the current. The vsl was carrying 164 passengers, and no damage to vsl, personnel, or buoy was reported. Case Pends.

Marine Casualty- Loss of Propulsion, M/V GREAT RIVER (28 September): Vsl lost propulsion while transiting in San Francisco Bay to Anchorage 8. Vsl regained propulsion and anchored successfully. A COTP order issued for one tug escort to Crockett, Ca, and an inspection by a class surveyor. Loss of propulsion was caused by a failure to adhere to fuel switching instructions by the crew. Class surveyor educated crew and the COTP order was lifted on October 1. Case Closed.

VESSEL SAFETY CONDITIONS

NONE TO REPORT

GENERAL SAFETY/SECURITY CASES

COTP Order - Pending Crew Control Security Plan, T/V FIDELITY, (25 September): Customs and Border Patrol requested a COTP order to provide crew security. Vsl had several crewmembers without visas. COTP order issued to vsl requiring an updated security plan, four armed guards, and a muster every 8 hours of all individuals not allowed to go ashore while berthed in Richmond, Ca. COTP received security plan on 25 September. Case Pends.

NAVIGATIONAL SAFETY

Navigation Safety - LOD 3 CM RADAR, M/V MAERSK DENVER (10 September): Vsl was granted an inbound LOD for an inoperable 3 cm radar monitor. On September 12th a tech report was received from technician stating that the monitor was repaired. Case Closed.

Navigation Safety - LOD AIS, M/V GIULIO VERNE (21 September): Vsl was issued an inbound LOD for a malfunctioning AIS. AIS could not transmit its own information, but could receive other vsl's information. Tech report received that AIS had been fixed on September 23rd. Case Closed.

Navigation Safety - LOD AIS, M/V HELLENIC WIND (29 September): Vsl was issued an inbound LOD for a malfunctioning AIS. Tech report received on October 1, stating AIS was repaired. Case Closed.

Navigation Safety - History of Loss of Propulsion, M/V HANJIN ELIZABETH (29 September): Due to several loss of propulsion incidents, the vsl was deemed a potential risk. A COTP order was issued to the vsl requiring a one tug escort at all times while transiting into, around, and out of San Francisco Bay. Case Pends.

SIGNIFICANT INCIDENT MANAGEMENT DIVISION CASES

21SEP09 - IMD received a report of a sunken vessel at Pier 49 in Fisherman's Wharf. IMD investigated and found the vessel discharging oily residue and Parker Diving and Salvage on-scene. Vessel owner stated that the vessels tanks were empty and only residual fuel products remained onboard.

SIGNIFICANT PORT SAFETY INFORMATION OR EXERCISES

NONE TO REPORT

**Harbor Safety Committee
Of the San Francisco Bay Region**

**Report of the
U.S. Army Corps of Engineers, San Francisco District
October 8, 2009**

1. CORPS FY 2010 O&M DREDGING PROGRAM

The following is this years O & M dredging program for San Francisco Bay.

- a. **Main Ship Channel** – Surveyed at the end of July and posted. **No Change.**
- b. **Richmond Outer Harbor (and Richmond Long Wharf)** – Dredging is complete to -35 feet MLLW. **No Change.**
- c. **Richmond Inner Harbor** – Currently being dredged to -38 feet MLLW. Scheduled to be completed in August. **No Change.**
- d. **Oakland O & M Dredging** – **Dredging of the Outer Harbor is essentially complete. Possibly, the contractor is removing a few high spots.**
- e. **Suisun Bay Channel** – **Pre-construction meeting on Sept. 22. Scheduled to begin Oct. 7. Bullshead Shoal advanced maintenance to -37+2 is part of the same contract.**
- f. **Pinole Shoal** – **Same contract as Suisun. Advanced maintenance (-37+2 in selected locations).**

As of Wednesday October 14, 2009: Due to equipment scheduling and weather issues with the disposal site, the contractor plans to start early next week. The contractor will submit an updated schedule. The contractor does not see an issue with completion by original date 28 November.

The contractor will start in Pinole first. The contractor does not yet have a Before Dredge survey for Suisun. The contractor cannot work in Suisun until he has a Before Dredge survey.

- g. **Redwood City/San Bruno Shoal** – **Dredging of 85,000 cubic yards of material began September 25, should be completed toward end of October. Disposal is to be at Bair Island. Then the dredging of an additional approximately 350,000 cy of sediment begin. Disposal will be at Hamilton. Another 130,000 cy will go to SF-11.**
- h. **San Leandro Marina Channel** – **Awaiting arrival of equipment from Noyo Harbor project. (Dredging to -5+2(?))**

2. DEBRIS REMOVAL – September totals: The Raccoon collected 6 tons; the Grizzly collected 3.5 tons of debris. For Fleet Week the debris boats will increase patrols through Saturday in preparation for Ship Parade and increased vessel traffic associated with Air Show, etc.

	Grizzly	Raccoon	Other	Total						
October	20.50	6		27						
November		5		5						
December		12		12						
Jan. 2009	25	15	5	45						
Feb. 2009	2	8	2	12						
March	26	25		51						
April	11	15		26						
May	4.5	12		17						
June	9	23	5	37						
July	7	45		52						
August	3	10		13						
September	3.5	6		10						
Totals	110.50	182.00	12.00	307						

3. UNDERWAY OR UPCOMING HARBOR IMPROVEMENTS

Oakland 50-ft Deepening Project – The deepening project is scheduled to be completed mid-Oct.

4. EMERGENCY (URGENT & COMPELLING) DREDGING

There was no emergency dredging in FY 2009.

5. OTHER WORK

a. **San Francisco Bay to Stockton** No additional money appropriated for 2010. This project is moving forward on carry-over money.

b. **Sacramento River Deep Water Ship Channel Deepening** Expecting about \$2,000,000 in 2010 to move this project forward.

6. HYDROGRAPHIC SURVEY UPDATE

Address of Corps’ web site for completed hydrographic surveys.

<http://www.spn.usace.army.mil/hydrosurvey/>

Main Ship Channel: Survey completed in July 2009 has been posted.
Pinole Shoal: Post-dredge surveys completed in July 2009 have been posted.
Suisun Bay Channel, New York Slough: Surveys completed in March 2009 have been posted.
Bull's Head Channel: August condition survey has been posted.
Redwood City: Survey completed in **August** 2009 has been posted.
San Bruno Shoal: Surveys completed in May 2009 have been posted.
Oakland Entrance Channel: Surveys completed in **August and September** 2009 have been posted.
Oakland Inner Harbor: Surveys completed **March - August** 2009 have been posted.
Brooklyn Basin South Channel (Inner Harbor) - Surveys completed in **Sept.** 2009 have been posted.
Oakland Outer Harbor: Surveys completed in **July – Sept.** 2009 have been posted.
Southampton Shoal and Richmond Long Wharf: Surveys completed in July 2009 have been posted.
Richmond Inner Harbor: Surveys completed in **Sept.** 2009 have been posted.
North Ship Channel: Surveys completed April 2009 have been posted.
San Leandro Marina: Surveys completed in January 2008 have been posted.
San Rafael Creek and San Rafael Across the Flats: Surveys completed April and May 2009 have been posted.
Larkspur Ferry Terminal: Surveys completed in July 2008 have been posted.
Mare Island Strait Channel: Surveys completed in August 2008 have been posted.
Alameda Naval Station Survey (Alameda Point Navigation Channel): Survey completed in May 2009 has been posted.

Disposal Site Condition Surveys:

SF-09 (Carquinez) and SF-10 (San Pablo Bay) July 2009 surveys have been posted.
SF-11 (Alcatraz): The Sept. 14, 2009 survey has been posted. This survey indicates the depth on the south side of the disposal site is now at -31.9 feet MLLW (-31.3 in August). The October 6, 2009 survey has recently been posted. This shows the mounded area to be at -32.9 feet MLLW. This depth is deeper than the depth in September and October 2008, when the mound of concern began to form. As such, the depth of the area of concern will no longer be reported unless there is an indication that a mound is forming and is shallower than -30 feet MLLW.



San Francisco Bay Region
Tank Vessel Escort Clearing House

c/o Marine Exchange of the San Francisco Bay Region
Fort Mason Center, Building B, Suite 325
San Francisco, California 94123-1308

San Francisco Clearinghouse Report

October 8, 2009

- ✎ In September the clearinghouse did not call OSPR regarding any possible escort violations.
- ✎ In September the clearinghouse received one notification of a vessel arriving at the Pilot Station without escort paperwork.
- ✎ The Clearinghouse has contacted OSPR 7 times 2009 about possible escort violations. The Clearinghouse called 4 times 2008; 9 times in 2007; 9 times in 2006; 16 times in 2005; 24 times in 2004; twice in 2003; twice in 2002; 6 times in 2001; 5 times in 2000.
- ✎ In September there were 99 tank vessels arrivals; 2 Chemical Tankers, 11 Chemical/Oil Tankers, 23 Crude Oil Tankers, 32 Product Tankers, and 31 tugs with barges.
- ✎ In September there were 293 total arrivals.

San Francisco Bay Clearinghouse Report For September 2009

San Francisco Bay Region Totals

				<u>2008</u>	
Tanker arrivals to San Francisco Bay	68			82	
Barge arrivals to San Francisco Bay	31			42	
Total Tanker and Barge Arrivals	99			124	
Tank ship movements & escorted barge movements	347			371	
Tank ship movements	193	55.62%		220	59.30%
Escorted tank ship movements	88	25.36%		101	27.22%
Unescorted tank ship movements	105	30.26%		119	32.08%
Tank barge movements	154	44.38%		151	40.70%
Escorted tank barge movements	65	18.73%		66	17.79%
Unescorted tank barge movements	89	25.65%		85	22.91%

Percentages above are percent of total tank ship movements & escorted barge movements for each item.

Escorts reported to OSPR 0 1

Movements by Zone	Zone 1	%	Zone 2	%	Zone 4	%	Zone 6	%	Total	%
Total movements	198		327		0		160		685	
Unescorted movements	95	47.98%	185	56.57%	0	0.00%	78	48.75%	358	52.26%
Tank ships	68	34.34%	104	31.80%	0	0.00%	37	23.13%	209	30.51%
Tank barges	27	13.64%	81	24.77%	0	0.00%	41	25.63%	149	21.75%
Escorted movements	103	52.02%	142	43.43%	0	0.00%	82	51.25%	327	47.74%
Tank ships	63	31.82%	86	26.30%	0	0.00%	42	26.25%	191	27.88%
Tank barges	40	20.20%	56	17.13%	0	0.00%	40	25.00%	136	19.85%

Notes:

1. Information is only noted for zones where escorts are required.
2. All percentages are percent of total movements for the zone.
3. Every movement is counted in each zone transited during the movement.
4. Total movements is the total of all unescorted movements and all escorted movements.

San Francisco Bay Clearinghouse Report For 2009

San Francisco Bay Region Totals

			<u>2008</u>	
Tanker arrivals to San Francisco Bay	614		769	
Barge arrivals to San Francisco Bay	374		474	
Total Tanker and Barge Arrivals	988		1,243	
Tank ship movements & escorted barge movements	3,368		4,045	
Tank ship movements	1,870	55.52%	2,417	59.75%
Escorted tank ship movements	875	25.98%	1,143	28.26%
Unescorted tank ship movements	995	29.54%	1,274	31.50%
Tank barge movements	1,498	44.48%	1,628	40.25%
Escorted tank barge movements	664	19.71%	712	17.60%
Unescorted tank barge movements	834	24.76%	916	22.65%

Percentages above are percent of total tank ship movements & escorted barge movements for each item.

Escorts reported to OSPR 7 4

Movements by Zone	Zone 1	%	Zone 2	%	Zone 4	%	Zone 6	%	Total	%
Total movements	1,985		3,198		0		1,501		6,684	
Unescorted movements	972	48.97%	1,738	54.35%	0	0.00%	753	50.17%	3,463	51.81%
Tank ships	647	32.59%	985	30.80%	0	0.00%	342	22.78%	1,974	29.53%
Tank barges	325	16.37%	753	23.55%	0	0.00%	411	27.38%	1,489	22.28%
Escorted movements	1,013	51.03%	1,460	45.65%	0	0.00%	748	49.83%	3,221	48.19%
Tank ships	587	29.57%	852	26.64%	0	0.00%	361	24.05%	1,800	26.93%
Tank barges	426	21.46%	608	19.01%	0	0.00%	387	25.78%	1,421	21.26%

Notes:

1. Information is only noted for zones where escorts are required.
2. All percentages are percent of total movements for the zone.
3. Every movement is counted in each zone transited during the movement.
4. Total movements is the total of all unescorted movements and all escorted movements.



CALIFORNIA STATE LANDS COMMISSION

HARBOR SAFETY COMMITTEE MONTHLY REPORT - SEPTEMBER COMPARISON

VESSEL TRANSFERS

	Total Transfers	Total Vessel Monitors	Total Transfer Percentage
SEPTEMBER 1 - 30, 2008	241	117	48.55
SEPTEMBER 1 - 30, 2009	228	109	47.81

CRUDE OIL / PRODUCT TOTALS

	Crude Oil (D)	Crude Oil (L)	Overall Product (D)	Overall Product (L)	GRAND TOTAL
SEPTEMBER 1 - 30, 2008	13,339,710		19,357,753	11,725,266	31,083,019
SEPTEMBER 1 - 30, 2009	12,443,000	250,000	19,985,100	14,038,041	34,023,141

OIL SPILL TOTAL

	Terminal	Vessel	Facility	Total	Gallons Spilled LUBE OIL / 1 gal
SEPTEMBER 1 - 30, 2008	0	1	0	1	
SEPTEMBER 1 - 30, 2009	0	0	0	0	0

*** Disclaimer:

Please understand that the data is provided to the California State Lands Commission from a variety of sources; the Commission cannot guarantee the validity of the data provided to it.

LOSS OF PROPULSION INCIDENTS

Since July 1, 2009

Fuel Switching Related

UPDATED: 10-7-09

Status	Activity Date	Activity Number	Unit	Vessel Name	IMO #	Vessel Type	Flag	Year Built	Casualty	Cause	Brief Text	MDE	Fuel System	Fuel Source/ Type	Viscosity (mm2/s)	Sulfur Level (%m/m)
Open	01-07-09	3528951	LA/LB	PACIFIC LINK	9286255	Container Ship	GERMANY	2004			On 01July09 vessel lost propulsion 3 times on approach to Long Beach Pier 98 while running all vital systems on diesel fuel oil. Vessel unable to operate at dead slow ahead and astern.					
Closed	16-07-09	3541924	SF	APL PHILIPPINES	9077276	Container Ship	UNITED STATES	1995	Loss of RPMs at dead slow; low fuel pressure due to leakage	Incident occurred while operating on distillate fuel after switching from HFO; Low sulfur MGO inhibits sufficient fuel pump pressure at slow speeds due to the viscosity of the oil; At a dead slow bell, there is not enough workload (demand) combined with the internal leakage to maintain piston firing, thus resulting in stalled engines.	The M/V APL PHILIPPINES experienced three subsequent losses of propulsion while mooring at the APL terminal in Oakland.					
Closed - not investigated due to distance offshore	19-07-09	3538762	LA/LB	BRITISH PROGRESS	9180152	Tank Ship	ISLE OF MAN	2000	High pressure leaks on manifold; shut down voluntarily	Incident occurred while operating on distillate fuel after switching from HFO; Leaks around gaskets and crew voluntarily shut down	M/T British Progress reported to the Coast Guard that their vessel lost propulsion after switching fuel as required when entering the ports of LA/Long Beach. The vessel safely transited to outside anchorage without further incident.					
Open	25-07-09	3548929	SF	JACQUES JACOB	9164201	Tank Ship	CAYMAN ISLANDS	2000			On 25 July, Sector San Francisco received a report from the Cayman Islands flagged tank vessel JACQUES JACOB that they had lost propulsion while 50NM southwest of the San Francisco Sea Buoy.					
Closed	27-07-09	3548694	SF	MAERSK JEWEL	9292759	Tank Ship	SINGAPORE	2006	Leaking of fuel valve o-ring due to temperature change of fuel	Incident occurred while operating on distillate fuel after switching from HFO; The O-ring failed, presumably as the result of constant exposure to high temperatures of the HFO coupled with fuel change-over to MGO at a lower temperature.	Received report that the 594 FT, Singapore flagged tanker vessel MAERSK JEWEL, experienced a temporary loss of propulsion while transiting to the San Francisco Bay.	MAN Diesel				
Closed	29-07-09	3550143	SF	MAERSK PHUKET	9168219	Container Ship	UNITED KINGDOM	1998	Loss of fuel pump pressure; engine would not restart at low RPMs	Incident occurred while operating on distillate fuel after switching from HFO; Could not maintain fuel pressure while on MGO and in pilot house control	MAERSK PHUKET, a 689-ft Great-Britain flag container ship, lost propulsion while mooring to Oakland Berth 24, about 100 feet away.					
Open	04-08-09	3555918	SF	STENA VISION	9205081	Tank Ship	BERMUDA	2001			At 0735T SF VTS notified SEC SF that the starboard engine on the T/V Stena Vision (BM) was not working.					
Open	10-08-09	3564330	SF	HANJIN NEWPORT	9404194	Container Ship	MARSHALL ISLANDS	2009			M/V Hanjin Newport reported to VTS SF a temporary loss of propulsion IVO the SF Sea Buoy while inbound to Oakland Berth 56. The engine order telegraph in the wheelhouse was at dead slow ahead.	MAN Diesel		MGO		0.54
Open	18-08-09	3571959	LA/LB	TASMAN RESOLUTION	8714918	Container Ship	MARSHALL ISLANDS	1988			On 18 August, 2009, the M/V TASMAN RESOLUTION experienced a loss of propulsion following their changeover from HFO to MGO, approximately one hour after the start of the changeover.			Singapore/MGO	3.5	0.94
Closed	30-08-09	3581505	LA/LB	NIU POLYNESIA	9376907	Container Ship	ANTIGUA AND BARBUDA	2007	Low RPMs resulted in loss of propulsion; stuck control rod valve on fuel pump	Incident occurred while operating on distillate fuel after switching from HFO; Governor control rod to No.5 fuel pump was sticking due to inadequate lubrication.	M/V NIU POLYNESIA was transiting inbound to Long Beach, CA. when the vessel reduced speed to "dead slow" (40 RPM) in accordance with normal maneuvering procedures. The vessel's Captain noticed fluctuations in the main engine revolutions (35-41 RPM) and a standby tug was made fast to the vessel while entering Queens Gate at Long Beach CA. At approximately 1556 the main engine stopped (0 RPM's) experiencing a Loss of Propulsion.		MAN fuel pump	LA - LB/MGO	2.9	

Open	05-09-09	3589150	LA/LB	NASSAU PARADISE	8110318	Freight Ship	BAHAMAS	1984			M/V NASSAU PARADISE, a Bahamas-flag 582-ft bulk carrier, because the ship was unable to start main propulsion while transiting outbound from the port of Los Angeles. The ship had tugs standing by, which took it safely to anchorage outside the break wall.			Korea / MGO	3.3	0.44
Closed - Non-reportable due to distance offshore	12-09-09	3592435	LA/LB	CSAV VENEZUELA	9357846	Container Ship	LIBERIA	2006	After fuel change over, cylinder lubrication failure alarm sounded; Fuel pumps, plunger and barrels found visibly worn; all fuel pumps rebuilt and plunger/barrels renewed	Not investigated	After completing fuel change approximately 40 nm offshore & beginning to proceed, received alarm on engine. Call was made to USCG to notify of problems w/ fuel change-over & concern of operating on MGO. COTP Order issued requiring 2 tug escort/assist within territorial (12-mile) limit while using low-sulfur fuel.	MAN B&W				
Open	15-09-09	3595595	SF	OOCL SHANGHAI	9198111	Container Ship	GERMANY	1999			M/V OOCL SHANGHAI (DE), a 864ft general container ship, suffered a loss of propulsion. Ship was operating on MDO and when arriving at pilot station, conducted astern propulsion test 3 separate times at 6.5 knots with no success. Took on pilot and tested astern propulsion successful while traveling less than 4 kts. LPOC was LA/LB and no problems operating on MDO.	MAN B&W		Los Angeles / MDO	3.42	
Open	17-09-09	3596687	SF	KING DORIAN	9374844	Tank Ship	MARSHALL ISLANDS	2006			M/V KING DORIAN suffered an engine casualty of its astern propulsion while anchoring in SF Bay. VSL fetched anchor and regained forward and aft propulsion. Pilot and Chief Engineer ran tests and vsl is in good order.			San Francisco / MGO		0.15
Open	28-09-09	3604668	SF	GREAT RIVER	9268930	Freight Ship	HONG KONG	2002			M/V GREAT RIVER experienced a loss of propulsion while anchoring in the San Francisco Bay Anchorage #8. As the GREAT RIVER was approaching their anchorage, the vessel would not start at dead astern propulsion on 3 tries. The vessel anchored at dead ship.			Singapore / MGO	4.5	0.4
Open	05-10-09	3609786	LA/LB	GREAT RIVER	9268930	Freight Ship	HONG KONG	2002			The M/V GREAT RIVER suffered a loss of propulsion while docking at Long Beach berth 210. Vessel had been operating on MDO fuel. The engine did not lose propulsion until the vessel went from ahead to astern. Two tugs were attached to the vessel which mitigated any other risks of another casualty. The vessel was safely moored to the pier at Long Beach berth 210. The temperature of the MDO at the time of the loss of propulsion was 58 degrees celsius and the viscosity was at 1.8 cSt.			MDO	1.8	
Open	06-10-09	3610709	SF	ARIES	9225421	Container Ship	MARSHALL ISLANDS	2000			The 636-ft Marshall-Islands flag container ship ARIES lost propulsion in the San Francisco Bay. ARIES was anchoring to await bunker delivery on the way outbound from Oakland, and lost astern propulsion.	MAN-B&W		Panama/ MDO	2.47	0.14

Survey of Ship Operator's Experience Using Distillate Fuels

This is a voluntary survey form. However, we hope that you will take the time to complete this short survey. The information below is designed to assist ARB staff in gathering information on ship operators' experience with using the distillate fuel required by the California Air Resources Board Ship Fuel Rule. If you are completing this survey in written format, please return the completed survey to:

California Air Resources Board
Stationary Source Division
P.O. Box 2815
Sacramento, CA 95812
Attn: Layla Gonzalez

If you would like the contact information and the vessel identification reported to this survey kept confidential please check here.

Contact Information

Company Name: _____

Contact Name: _____ Title: _____

Phone Number: (____) _____ Email: _____@_____

Mailing Address: Street: _____

City: _____ State: _____

Country: _____ Zip: _____

Vessel type: Tanker Container Cruise Ro-Ro Auto Bulk
 Other _____

Vessel name: _____ IMO# _____

General Information on Operational Experiences with Fuel Switching per the California OGV Fuel Regulation

Since the OGV Fuel Regulation began implementation in July 2009, how many times has your vessel switched from heavy fuel to distillate fuel to comply with the requirements? 0* 1-3 4-8 More than 8 times

*If you checked the box marked zero (0) you do not need to complete the rest of the survey.

How would you describe your overall experience with the use of distillate fuel in your main engine, auxiliary engines, and auxiliary boilers since implementation of the ship fuel rule on July 1, 2009?

- Excellent - No problems to report
- Good – Some problems but were able to correct
- Challenging – Have had problems and haven't found a way to mitigate
- Other

Survey of Ship Operator's Experience Using Distillate Fuels

If you marked good, challenging, or other, please briefly describe what problems you have encountered and any steps you have taken to mitigate them. _____

Did you test your engines or boilers for sensitivity to low sulfur/low viscosity fuel prior to visiting California under the regulation?

Yes No If yes, please describe the your findings: _____

Have you made any changes to your vessel to enable the use of distillate fuels?

Yes No If yes, please describe the changes made: _____

Have you developed on-board fuel switching procedures for the crew members?

Yes No

Have you had to modify your procedures based on actual in-use experiences with fuel switching per the OGV fuel regulation?

Yes No If yes, please describe the modifications to the procedures: _____

Survey of Ship Operator's Experience Using Distillate Fuels

This portion of the survey focuses on incidents where there were problems with vessel operation but did not result in a reportable incident to the U.S. Coast Guard. If you have not had any significant operational problems, then you can stop here. If you have had some significant operational issues that were not already reported to the United States Coast Guard, we would like to find out more about each incident. Please respond to the questions below for each incident.

Report of Operational Difficulties

General Information

Please provide a description of the problem (what happened, time or at what type of operation, vessel location etc.) _____

Vessel speed _____ EngineLoad/RPM when problem occurred _____

Problem occurred during:

Transiting Maneuvering Anchorage Other _____

Did the problem occur:

During the process to switch fuels After fuel switching had occurred Both

Problem occurred during switch to: Distillate to HFO HFO to Distillate

Was there a tug escort when problem occurred? Yes No

Was there a Pilot on board when the problem occurred? Yes No

What do you think was the cause of the difficulties? _____

Have any actions been taken to resolve the problem? *Example: replacement of parts, different fuel used, fuel switching procedures changed, etc.*

Yes No If yes, please describe: _____

Survey of Ship Operator's Experience Using Distillate Fuels

Did you contact the classification society, engine, or equipment manufacturer about the problem? Yes No If yes, who was contacted and what was the opinion on the source of the problem? _____

Technical Information on the Engine/Equipment and Fuel Used during the Operational Difficulty – Please fill out applicable survey questions for this section.

Equipment/engine with noted problems

Equipment/Engine Type	Make	Model	Date of Build	Date of Last Service	Comments
Main Engine(s)					
Auxiliary Engine(s)					
Auxiliary Boiler(s)					
Fuel Supply Pump					
Booster Pump					
Fuel Injection Pump					
Fuel Injectors					
Other:					

Survey of Ship Operator's Experience Using Distillate Fuels

Fuel Specifications for Fuels In-Use During the Operational Difficulty

Fuel Type (HFO/MGO/MDO)	Fuel Sulfur Content	Viscosity (cSt @ 40C)	Where purchased	Estimate of the percentage of listed fuel used to supply the engine/equipment when the problem occurred	Please indicate any additives used

If more than one fuel in the tank, please provide information for each.

If possible, please supply a copy of the bunker delivery note, or other information from testing ordered by ship operator.

What lubricant (cylinder lube-oil) was used?

What was the feed rate of the lubricant?

What is the current fuel pump index and the index of a new engine (if known)?

Please provide any information on estimated fuel temperature or viscosity at engine inlet during the incident (if known).

Any other comments/observations you would like to report:

Harbor Safety Committee San Francisco Bay Region



Port of Richmond
October 8, 2009

California Environmental Protection Agency



Air Resources Board

Background

- **WSPA and PMSA have requested HSC to urge ARB to suspend requirements of the of Clean Fuel Rule**
 - suspend issuance of violations and non-compliance fees (PMSA)
 - immediate relief from regulatory requirements for one year (WSPA)
- **Cited concerns over**
 - safety, risk and number of incidents reported to USCG
 - boiler safety
- **PMSA recommends creating a forum to disseminate “Lessons Learned”**

ARB Believes in Continued Implementation of the Clean Fuel Rule, Without Suspension of Enforcement

- **Over 2000 successful fuel switches during first three months of implementation**
- **Regulation includes exemptions to address safety**
- **All incidents have been managed effectively, using operational practices currently in place**

Continuation of Clean Fuel Rule Implementation Key to Establishing Lessons Learned

- Vital operational experience gained through complying with regulation**
- Ongoing cooperative effort to fully investigate operational issues underway**
- ARB will facilitate forum to**
 - bring together agencies, industry and engine makers**
 - disseminate “Lessons Learned”**

ARB Committed to Gather and Disseminate Information to Further Assist Implementation

Deliverables and Action items	Date
Expand Dissemination of Safety Advisory	October 2009
Finalize surveys to collect information on operational experiences from ship masters, shipping industry, pilots	October 14, 2009
Distribute survey and request return date of November 6, 2009	October 15, 2009 and on-going
Collect and collate data, compile technical findings into draft report	November 24, 2009
Convene Maritime Technical Working Group to bring together stakeholders Provide “Lessons Learned” Technical findings from survey	December 2009

ARB Urges HSC to Support Ongoing Implementation of Clean Fuel Rule Without Suspension

- **Rule provides critical public health benefits**
 - dramatic reductions in PM (83%) and SO_x (96%)
 - results in 3600 fewer premature deaths statewide
 - reduces cancer risk from OGV emissions by 80%
- **Experience gained lays groundwork for successful implementation of anticipated ECA**
- **Operational issues and incidents have been and can be managed with best practices and procedures currently in place**

Contact Information

Bonnie Soriano
(Lead Staff)
(916) 327-6888
bsoriano@arb.ca.gov

Peggy Taricco
(Manager)
(916) 323-4882
ptaricco@arb.ca.gov

Paul Milkey
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pmilkey@arb.ca.gov

Dan Donohoue
(Branch Chief)
(916) 322-6023
ddonohou@arb.ca.gov

<http://www.arb.ca.gov/marine>



Air Resources Board



Linda S. Adams
Secretary for
Environmental Protection

Mary D. Nichols, Chairman
1001 I Street • P.O. Box 2815
Sacramento, California 95812 • www.arb.ca.gov

Arnold Schwarzenegger
Governor

October 7, 2009

Ms. Joan Lundstrom, Chair
Harbor Safety Committee
of the San Francisco Bay Region
505 Beach Street, Suite 325
San Francisco, California 94133

Dear Ms. Lundstrom:

We appreciate the opportunity to work with the Harbor Safety Committee of the San Francisco Bay Region (HSC) in its efforts to facilitate communication and ensure safe vessel transit in the San Francisco Bay. We support the HSC's goal to develop best practices for shipping that will reduce the number of vessel incidents in the San Francisco Bay. The Air Resources Board (ARB) values HSC's cooperation during this initial implementation phase of its Ocean-Going Vessel Clean Fuel Rule, which began July 1, 2009.

ARB staff does not support the recommendations presented to the HSC at the September 10, 2009 meeting by the Western States Petroleum Association and the Pacific Merchant Shipping Association to suspend enforcement of the Ocean-Going Vessel Clean Fuel Rule. Such action is not supported by the available data and it is not in the best interest of the citizens of California.

The emission reductions achieved from this regulation are a critical component of California's strategy to protect public health and improve air quality in California. This regulation results in dramatic reductions in particulate matter emissions from ocean-going vessels, about 83 percent. It also significantly reduces emissions of sulfur dioxide by about 96 percent, and the secondarily formed particulate matter that results from sulfur dioxide emissions. Nitrogen dioxide emissions are also reduced by about six percent. The benefits include improvements to local, regional, and statewide air quality and an 80 percent reduction in statewide cancer risk due to ocean-going vessel emissions. Between 2009 and 2015, the regulation will also result in an estimated 3,600 fewer premature deaths statewide due to reduced public exposure to particulate matter.

In the first three months of implementation, there have been over 2,000 vessel visits statewide with successful fuel switches of these visits. The United States Coast

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our website: <http://www.arb.ca.gov>.

California Environmental Protection Agency

Ms. Joan Lundstrom
October 7, 2009
Page 2

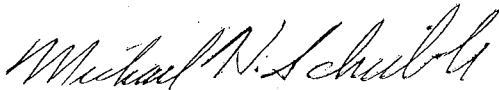
Guard (USCG) has received 13 incident reports that may be associated with fuel switching. Many of these are still under investigation, with the findings and root cause not yet completed. All of these incidents were managed effectively, using the operational practices currently in place, ending with the vessels arriving safely at port or anchorage without accident. In addition, the USCG reported at the September HSC meeting that the increase in reported incidents is in part attributable to more stringent reporting efforts by the USCG, which have resulted in the reporting of incidents that would not previously have been reportable.

ARB shares the concerns about any vessel incidents that may be related to fuel switching, but believes that it is ill-advised to suspend enforcement of the regulation in this early phase of implementation. The practices that are in place, in large part due to the work of the HSC, are very effective in facilitating safe vessel travel within the San Francisco Bay region. Practices such as vessel pilotage, tug escorts, USCG incident tracking and investigation, and Captain of the Port screening have been highly effective and successful in managing the risks associated with commercial shipping. In addition, the regulation contains a safety exemption that vessels may use to forego or cut short fuel switching procedures where extraordinary circumstances including fuel-related mechanical problems make it unsafe to use low-sulfur distillate fuel.

We believe that the best approach is a cooperative effort by all those involved to resolve any operational issues that have surfaced during implementation. This will provide the opportunity to continue to gain essential operational experience, gather information to further assist in implementation, and distribute the findings to the shipping industry. Looking ahead, this operational experience will be indispensable to the HSC and the shipping industry as a whole as we move toward implementation of the anticipated United States and Canadian Emission Control Area pursuant to the International Maritime Organization MARPOL Annex VI.

If you have any questions or comments, please contact Mr. Daniel Donohoue, Chief, Emissions Assessment Branch at (916) 322-8277 or by email at ddonohou@arb.ca.gov.

Sincerely,



for James N. Goldstene
Executive Officer

cc: See next page.

Ms. Joan Lundstrom
October 7, 2009
Page 3

cc: Don Koch, Director
Office of Spill Prevention and Response
California Department of Fish and Game
1700 K Street, Suite 250
Sacramento, California 95811

Steve Eddinger, Administrator
Office of Spill Prevention and Response
California Department of Fish and Game
1700 K Street, Suite 250
Sacramento, California 95811

Captain John Strong, Chair
Los Angeles-Long Beach
Harbor Safety Committee
1259 Pier F Avenue
P.O. Box 32248
Long Beach, California 90832

Daniel Donohoue, Chief
Emissions Assessment Branch



**BAY AREA
AIR QUALITY
MANAGEMENT
DISTRICT**

ALAMEDA COUNTY
Tom Bates
(Secretary)
Scott Haggerty
Jennifer Hosterman
Nate Miley

CONTRA COSTA COUNTY
John Gioia
Mark Ross
Michael Shimansky
Gayle B. Uilkema

MARIN COUNTY
Harold C. Brown, Jr.

NAPA COUNTY
Brad Wagenknecht
(Vice-Chairperson)

SAN FRANCISCO COUNTY
Chris Daly
Eric Mar
Gavin Newsom

SAN MATEO COUNTY
Carol Klatt
Carole Groom

SANTA CLARA COUNTY
Susan Garner
Yoriko Kishimoto
Liz Kniss
Ken Yeager

SOLANO COUNTY
James Sperring

SONOMA COUNTY
Shirlee Zane
Pamela Torliatt
(Chairperson)

Jack P. Broadbent
EXECUTIVE OFFICER/APCO

October 8, 2009

Ms. Joan Lundstrom, Chair
Harbor Safety Committee of the San Francisco Bay Region
505 Beach Street Suite, 325
San Francisco, CA 94133

Dear Ms. Lundstrom:

The Bay Area Air Quality Management District (District) is the public agency responsible with regulating sources of air pollution in the nine counties that surround San Francisco Bay: Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, southwestern Solano, and southern Sonoma counties. Our jurisdiction includes marine vessel activities outside and within San Francisco Bay. Since 1989, the District has adopted and enforced marine vessel air quality regulations.

Diesel particulate matter (PM) air pollution poses the largest air toxic health risk to Bay Area residents. Diesel exhaust contains a variety of harmful gases and over 40 other known cancer-causing substances. Ocean-Going Vessel emissions are a primary contributor to the overall PM problem in the Bay Area as well as local PM problems. Currently, diesel PM emissions from vessels expose millions of people in the Bay Area to cancer risk levels in excess of 10 in a million for lifetime exposures.

Vessels are the largest source of harmful emissions at our region's Ports, contributing significantly to elevated cancer risks. A health risk assessment conducted by CARB concluded that vessels contribute approximately 60% of the cancer risk from Port activities in West Oakland. For example, the Port of Oakland's air quality improvement plan targets a risk reduction from diesel emissions by 85%. The Port of Oakland's current strategy is solely reliant on compliance with CARB's regulations. Any relaxation of the CARB fuel requirements will require the Port of Oakland to consider other, potentially more costly methods for achieving their goals.

The use of low fuel sulfur fuel is the only feasible means for controlling diesel PM emissions from vessels currently in operation. The reductions in sulfur oxide achieved through switching to low sulfur fuel are beneficial as this reduces the formation of additional particles in the atmosphere.

The District does not believe that compliance with the Ocean-Going Clean Fuels Rule constitutes a safety hazard because the rule contains a safety exemption. The rule exempts vessels from its requirements (including the Noncompliance Fees) if "the master reasonably and actually determines that compliance with this section would endanger the safety of the vessel, its crew, its cargo or its passengers because of severe weather conditions, equipment failure, fuel contamination or other extraordinary reasons beyond the master's reasonable control." This safety exemption is similar to the exemption in the District's marine vessel

Letter to Ms. Joan Lundstrom – Chair
October 8, 2009
Page 2 of 2

regulations; these exemptions provide for the safe operation of marine vessels within the bay. The District believes the CARB rule's safety exemption addresses the concerns raised by WSPA and PSMA. In addition, recent joint inspections of vessels conducted by the District with CARB indicate a high compliance rate has already been achieved by the industry.

In conclusion, the District supports an ongoing open dialogue between CARB, the ship operators, the Coast Guard, the Harbor Safety Committees and others to ensure we achieve the public health benefits from the use of low sulfur fuel while conducting safe vessel operations. The District strongly urges that the Harbor Safety Committee of the San Francisco Bay Region should not support the recommendations presented by WSPA and PMSA to suspend enforcement of CARB's Ocean-Going Clean Fuels Rule.

Sincerely,

A handwritten signature in black ink, appearing to read "Jack P. Broadbent". The signature is written in a cursive style and is positioned above the typed name and title.

Jack P. Broadbent
Executive Officer/APCO
JPB:JR;KJW:WIK

cc: James Goldstene, ARB

**American Lung Association in California – Breathe California – Friends of the Earth
Natural Resources Defense Council – Pacific Environment – Sierra Club California
Union of Concerned Scientists – West Oakland Environmental Indicators Project**

October 7, 2009

SENT VIA EMAIL

Ms. Joan L. Lundstrom
48 Frances Avenue
Larkspur, California 94939
Chair, Harbor Safety Committee of the
San Francisco Bay Region

Re: CARB Ocean-Going Vessel Fuel Rule

Dear Ms. Lundstrom:

The above-listed organizations write to urge that the San Francisco Bay Region Harbor Safety Committee decline the request of the Pacific Merchant Shipping Association (PMSA) and the Western States Petroleum Association (WSPA), expressed in recent respective letters, that the Harbor Committee recommend to the California Air Resources Board (CARB) to suspend non-compliance penalties under CARB's ocean-going vessel fuel rule. We believe that current safeguards associated with the rule, as well as its importance to public health and welfare, weigh strongly against such a drastic proposal, which would severely undermine the rule's effectiveness. We further urge the Harbor Safety Committee to continue to help facilitate the rule's safe and environmentally beneficial implementation.

For the following reasons, the CARB ocean-going vessel rule should be maintained in its present form. First, the rule provides sufficient regulatory flexibility by offering two broad exemptions, for safety and essential modifications. The latter exemption has already been approved for over 275 vessels, which compose approximately 15 percent of the total number of ships that visit California ports annually. Second, any propulsion loss events that have occurred (15 reportable incidents from July 1st through August 2009) have been handled successfully without further incident because several procedures and practices are already in place to minimize casualty risk. These measures include notifying U.S. Coast Guard authorities about a propulsion loss, utilizing tug escorts, and beginning to switch fuels outside of the 24 nm boundary. Further, one should bear in mind that propulsion losses are not exclusively confined to fuel switching activities, but occur routinely for various other reasons as well. Third, as with any new regulatory measure, there is a learning curve, and implementation is not always seamless. It is reassuring to note, though, that propulsion loss incidents since the first of July have held steady (6 in July, 4 in August, and 5 in September), with broad efforts underway to push that number to zero. Lastly, relaxing full implementation of this rule will do little to adequately prepare ships to comply with the future fuel switching obligations of an IMO-sanctioned Emission Control Area – extending 200 nm off the California coast – which is likely to come into force by mid-2012.

In addition, the public health and welfare benefits of the CARB fuel rule are dramatic. As compared to normal bunker fuel use, implementation of the rule in 2009 will immediately result in reductions of 74 and 81 percent for diesel particulate matter and sulfur oxides, respectively, with additional reductions of 9 percent in 2012 for both substances. The substantial scaling back of ocean-going vessel air emissions will reduce incidences of cancer, cardiovascular illness, asthma, and hospital admissions, and will assist in achieving federal and state ambient air quality objectives. Finally, from 2009 to 2015, the rule will be responsible for avoiding a staggering 3,600 premature mortalities in California.

We thank you for considering these comments, and ask that this submission be included in the minutes for the Harbor Safety Committee's October 8, 2009 meeting in Richmond.

Respectfully submitted,

John Kaltenstein
Marine Program Manager
Friends of the Earth

Melissa LinPerrella
Staff Attorney
Natural Resources Defense Council

Jenny Bard
Regional Air Quality Director
American Lung Association in California

Andy Katz
Government Relations Director
Breathe California

Jackie Dragon
Marine Sanctuaries Campaign Program Director
Pacific Environment

Brian Beveridge
Co-Director
West Oakland Environmental Indicators Project

Don Anair
Senior Analyst
Union of Concerned Scientists

David McCoard
Air Quality Committee
Sierra Club California

CC:

Rich Smith (Vice Chair), General Manager, Westar Marine Services
Captain John Z. Strong, Chair of the Los Angeles/Long Beach Harbor Safety Committee
Captain Paul Gugg, Commander, Sector San Francisco, U.S. Coast Guard
Lt. Col. Laurence M. Farrell, Commander, U.S. Army Corps of Engineers, S.F. District
Gerry Wheaton, National Ocean Service, Coast Survey Representative for California
Chris Peterson, Chief Wharfinger, Port of Oakland
Thomas Wilson, Port Maintenance Manager, Port of Richmond
Ron Chamberlain, Safety and Security Manager, Port of Benecia
Aaron Golbus, Wharfinger, Port of San Francisco
Margot Brown, National Boating Federation
Richard Nagasaki, Area Operations Coordinator, Chevron Shipping Company LLC
Captain Marc Bayer, Manager Marine Assurance, Tesoro Refining & Marketing Company
Captain John Cronin, Vessel Manager Marine Operations, Matson Navigation Company
John Berge, Vice President, Pacific Merchant Shipping Association
Marina V. Secchitano, Regional Director, Inlandboatmen's Union
Jennifer Kovecses, Staff Scientist, San Francisco Baykeeper
Ted Blankenburg, Sales Manager, AMNAV Maritime Services
Pat Murphy, Operations Manager, Blue & Gold Fleet
Captain Bruce Horton, Ship Pilot, San Francisco Bar Pilots
Sarah Randall, Program Director, Institute for Fisheries Resources
Steve Edinger, Administrator, OSPR
Captain Gary Toledo, Oil Spill Prevention Specialist, OSPR
Peggy Taricco, Manager, Technical Analysis Section, CARB



Western States Petroleum Association
Credible Solutions • Responsive Service • Since 1907

October 6, 2009

Joan Lundstrom
Chair – San Francisco Harbor Safety Committee

Re: Safety Concerns Related to CARB Main Engine Fuel Regulation

Ms. Lundstrom,

The Western States Petroleum Association (WSPA), representing companies that explore for, produce, refine, distribute and market petroleum and petroleum products, and the Pacific Merchant Shipping Association (PMSA), representing dry cargo shipping lines and terminal operators servicing California's major ports, have formally expressed our mutual concern to the Harbor Safety Committee (HSC) regarding the unintended consequences that have arisen since the implementation of the California Air Resources Board (CARB) main engine fuel rule on July 1, 2009. These unintended consequences have been clearly demonstrated through empirical evidence showing a dramatic increase in propulsion related incidents since the rule went into force, as well as evidence provided by ship pilots and industry representatives of degradation in main engine performance.

As pointed out in the letters that WSPA and PMSA submitted into the HSC record on September 9, 2009, our organizations support the reduction of emissions through the use of cleaner fuel; however, we are concerned that these unintended and unexpected consequences demonstrate that CARB's initial enforcement period of the rule has substantially increased the risk of a major incident with catastrophic consequences; a risk that our organizations view as unacceptable.

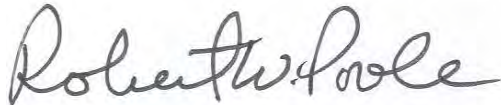
Our organizations ask that the HSC support a resolution to the Administrator of OSPR requesting CARB to immediately suspend the issuance of violations and collection of non-compliance fees for the period of one year, which we believe will provide the time necessary to collect data on these performance issues, identify and address root causes and apply corrective measures. Such a phased in approach to enforcement of regulations is the norm for the maritime industry.

While the vast majority of vessels calling the state will continue to burn cleaner fuels, this simple recommendation will greatly reduce the risk of a catastrophic deep draft vessel casualty. CARB's existing effort to provide a safety exception in an attempt to address these issues is too limited in scope and does not adequately address many of the concerns raised at the HSC Navigational Work Group meeting on August 12. Additionally, it should be noted that CARB's attempt at

providing the master of a vessel the option of switching back to heavy fuel in the event of a main engine failure is too little too late and would most likely make a very bad situation worse.

Thank you for your consideration.

Sincerely,



Bob Poole
Senior Coordinator, WSPA



T.L. Garrett
Vice President, PMSA

Harbor Safety Committee

of the San Francisco Bay Region

*Mandated by the California Oil Spill
Prevention and Response Act of 1990*

October 14, 2009

Steve Edinger, Administrator
Office of Spill Prevention and Response
1700 'K' Street, Suite 250
Sacramento, Ca 95814

Subject: California Air Resources Board (CARB): Ocean Going Vessel Clean
Fuel Regulation

Dear Mr. Edinger:

At the October 8, 2009 regular meeting of the Harbor Safety Committee of the San Francisco Bay Region, the Committee voted on the following resolution regarding the recent California Air Resources Board Regulation for Ocean Going Vessels mandating the switch to low sulphur fuel when entering port. The vote was 10 yes; 1 no; 6 abstentions (Coast Guard, Corps of Engineers, NOAA, Port of San Francisco, BCDC and Bar Pilots).

“The Harbor Safety Committee supports a resolution to the Administrator of OSPR requesting CARB to immediately suspend the issuance of financial penalties for a period of one year, which we believe will provide the time necessary to collect data on these performance issues, identify and address root causes and apply corrective measures.”

The Committee does not advocate suspension of the CARB clean air regulation, but compliance and a phased in approach to enforcement during an interim period to reduce the increased risk of an incident resulting in an oil spill in the San Francisco Bay Region. Since the July 1st implementation of the regulation, the U.S. Coast Guard 11th District has documented a major increase in propulsion failures related to fuel switching, initiating 15 casualty investigations between July 1st and the end of September in San Francisco and Los Angeles/Long Beach related to fuel switching. Prior to this period the average was one a month. In addition the San Francisco Bar Pilots reported anecdotally during the same period a marked increase in engine failures, engines not starting, and problems with changes in speed, which affect maneuverability.

Prior to July 1st, the Coast Guard Captain of the Port, Sector San Francisco reported to the Committee an increasing number of problems observed, beginning with the tanker Overseas Cleliamar which lost electrical and propulsion power while passing under the Golden Gate Bridge, anchoring fifteen feet from the rocky Marin Headlands. The probable cause - low sulphur fuel switching. During the succeeding months as pilots

Harbor Safety Committee c/o Marine Exchange of the San Francisco Bay Region
505 Beach Street, Suite 300, San Francisco, California 94133-1131
(415) 441-6600 – hsc@sfmtx.org

Harbor Safety Committee

of the San Francisco Bay Region

*Mandated by the California Oil Spill
Prevention and Response Act of 1990*

reported increased problems, the Coast Guard Captain of the Port stated this was a major concern.

As a result, the Harbor Safety Committee pro-actively asked CARB staff to meet with the committee, beginning with the Navigation Work Group on August 12 to explain the regulation. Approximately seventy people attended, with comments by industry as to their experiences on the effect of switching to low sulphur fuel on various ships. This was followed by a CARB briefing and discussion of essential modification and safety exemptions of the regulation at the regular September 10 HSC meeting. At the recent October 8 HSC meeting, the Committee then voted on the request by PMSA and WSPA to support the suspension of the financial penalties for one year. All meetings are publicly noticed with agendas and minutes posted on sfmx.org.

It should be noted that four years previously, the HSC initiated a dialogue with CARB staff about the proposed regulations. The HSC recommended in a November 20, 2005 letter to CARB that the regulation include a safety clause if maneuvering problems occurred upon changing to low sulphur fuel and that the regulation include a "phase-in" period.

In conclusion, the Harbor Safety Committee notes that the Bay Region is an environmentally sensitive estuary system, an important part of the Pacific Flyway with three National Marine Sanctuaries offshore. Additionally, the Bay presents a number of hazards to navigation – strong tides and currents, fog, underwater rocks within the shipping lanes in the Central Bay and eleven bridges adjacent to shipping lanes. The Committee believes there is a demonstrated increased risk of an accident, which requires time for a risk analysis of the variety of problems being encountered with the new fuel and the development of Best Maritime Practices, beyond current procedures.

The Harbor Safety Committee of the San Francisco Bay Region is dedicated to working with CARB, the Coast Guard and the maritime community to prevent an oil spill in the Bay Area.

Sincerely,

Joan L. Lundstrom, Chair
Harbor Safety Committee of the
San Francisco Bay Region

Cc: Harbor Safety Committee
Captain John Strong, Chair Los Angeles/Long Beach Harbor Safety Committee
Captain Paul Gugg, Coast Guard Captain of the Port, Sector San Francisco
Commander Kiley Ross, Coast Guard District 11
James N. Goldstene, Executive Officer, CARB

Harbor Safety Committee c/o Marine Exchange of the San Francisco Bay Region
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(415) 441-6600 – hsc@sfmx.org