

## **MINUTES**

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

10:00 a.m., Thursday, February 8, 1996

Port of San Francisco, World Trade Center, Room 3100, San Francisco, CA

1. The public meeting was called to order by Chair, Arthur Thomas, San Francisco Bar Pilots, at 10:05. The following committee members or alternates were in attendance: James Faber, Port of Richmond; Charles Mitchell, Port of San Francisco; Margot Brown, National Boating Federation; Geoff Landon (alternate for Maurice Croce), Chevron Shipping; Michael Nerney, Inchcape Shipping Services; Gunnar Lundeberg, Sailors Union of the Pacific; Scott Merritt, Foss Maritime; Mary McMillan, Westar Marine Services; Marci Glazer, Center for Marine Conservation; Joan Lundstrom, San Francisco Bay Conservation and Development Commission; Roger Peters, Member at Large; U. S. Coast Guard representatives, Capt. Donald Montoro (MSO) and Cmdr. Dennis Sobeck (VTS); U. S. Navy representative Robert Mattson; and OSPR representative Bud Leland. Also in attendance, more than thirty representatives of the interested public.

2. T. Hunter, Marine Exchange, confirmed that a quorum was present.

3. **MINUTES OF PREVIOUS MEETING.** M. Brown: p. 6, first paragraph in #17, line 6 from the bottom should read "form is submitted only for basic format." J. Faber: p. 2, last sentence should read "It was twenty minutes before they were able to order containment people", delete "to get someone to the site". S. Merritt: paragraph 4, Barry Baldwin is from Foss Maritime. MOTION by M. Brown, seconded by J. Lundstrom, "to approve the minutes as corrected." Motion passed without objection.

4. In opening remarks, the Chair noted that the meeting should go quickly, with the possible exception of the OSPR Report. He suggested that the report may demonstrate what can happen when a public forum, with full input from all maritime interests in a region, formulates a regulatory package for the State of California. This committee has been working for four years, utilizing as much technical expertise as is available anywhere on the coast. The lesson may be on how the democratic process can at times be subverted without a keenly aware public watching what goes on.

5. **COAST GUARD REPORT.** Captain D. Montoro. (1) D. Montoro introduced new staff member Rob Lorigan. (2) D. Sobeck, VTS, has distributed an agenda and related information for a San Francisco Workshop of the Committee on Maritime Advanced Information Systems to be held February 15-16 at Fort Mason Center. (3) D. Montoro's report, which is made a part of these minutes, indicated that there were 38 reported cases of pollution incidents investigated in January. Only 21 were actual spills. The only significant case involved tar balls from an unknown source washing ashore near Pt. Reyes, as well as the coast of Oregon/Washington/Vancouver. Test results for samples taken at Pt. Reyes and Canada were determined to be a refined bunker product rather than from a natural seepage. The USCG MSO and Dept. of Fish and Game will conduct investigations but it may be extremely difficult to track the source. In response to a question concerning the specific staff members who would conduct the investigation for MSO, D. Montoro responded that they would be assigned from the Marine Environmental Protection Branch. The

only port safety related event occurred when the *Delta Pride* lost propulsion at the SP Bridge as a result of a bad solenoid. The pilot, Capt. Wells, anchored the vessel .2 miles from the SP Bridge and reported that the response of the *SeaRiver Galveston* in releasing tugs to stand by was professional and timely. S. Merritt noted that the same ship had the same problem in the same area in March, 1994. A fire aboard the passenger vessel *Spirit of Sacramento* did not result in the release of any diesel or hydraulic fluids. There were no crewmembers or passengers aboard. The cause of the fire is under investigation.

**6. CLEARINGHOUSE REPORT, A. Steinbrugge.** (1) There were three occasions since the last meeting to report to OSPR regulated transits that did not check in with the Clearing House. Two involved tankers that didn't check in, although in both cases the tugs had. The third was a tug and barge coming in from sea. (2) Last month was the first time in months that both tanker and all vessel traffic has been back up to last year's levels. The day-by-day traffic count for February to date is ahead of January. The Chair added that the major ports are all seeing an increase in traffic.

**7. OSPR REPORT, B. Leland.** (1) The tank vessel regulations package went to the Office of Administrative Law on 2-2-96 and has been distributed by mail to the OSPR mailing list. The formal comment phase has begun and a public hearing has been scheduled for 3-19-96 at the Fort Mason Firehouse in San Francisco. The time frame for addressing comments will depend on the type of comment received. Minor or technical questions can be addressed within 15 days. More substantial issues can take 45 days. OSPR will address all comments in writing or in testimony at the public hearing. (2) The opening comments of the Chair were directed to a meeting held by the Technical Advisory Group on 2-7-96. B. Leland noted that he was not at that meeting, but would attempt to report informally. There are four groups that have been created to advise the Administrator: Best Available Technology and Best Available Protection Committees, with members appointed by the Administrator; the State Inter-Agency Oil Spill Committee, with members serving by nature of their position with state agencies, and the Technical Advisory Committee, with members appointed by the Governor. The TAC meets quarterly, with its last meeting held 2-7-96, postponed from November. The TAC has decided to look at tug escort regulations at a public Bay Area meeting on 4-17-96 in response to questions raised about the matching formula. R. Peters asked who serves on the TAC and what their credentials are. B. Leland responded that he did not have that information at hand but could provide it after returning to Sacramento. John MacLaurin, PMSA, was sworn in as a member of the TAC at the 2-7 meeting and offered to report as best he could. The TAC was presented with material from San Francisco and San Diego. The TAC was concerned as to exactly what their role was in the process, in that OSPR presented them with the tug escort package for their blessing in accordance with Government Code 8670.55. The group is advisory in nature and the Administrator can take or ignore what he receives from it. The Administrator is mandated by SB 2040 to take into consideration what he receives from the HSC. The Chair asked how many proposals were put into the same class as those from SF. J. MacLaurin responded that the San Diego regulations are interim. Recommendations have been made and civil penalties outlined and they are going out for public comment and then a public hearing. TAC members were told that OSPR staff is facilitating communication between HSCs for consistency. The Chair added that the HSCs exchange information by mail through their respective secretariats. B. Leland stated that definitions have

been identified for consistency. M. Brown asked if minutes of the TAC meeting and the names of the members are available to members of the HSC. B. Leland responded that he can arrange to have both distributed.

8. The Chair asked B. Leland to make sure that OSPR officially advises all HSCs who the membership of the TAC is and what the TAC's role and mission is, as well as provide all HSCs copies of recent TAC meeting minutes and the pertinent code under which the TAC performs. M. Glazer advised the Chair that she has a copy of the TAC membership list and will provide it for the record. R. Peters asked if there is the expectation that the proposed TAC meeting/hearing will delay the process of getting the regulations package on the books by the end of the year--it could build in a four month delay. B. Leland responded no; the TAC has no direct authority to intervene in the process. It would be the Administrator's call. If the comment period were extended past 4-17-96, (the date of the scheduled TAC meeting to look at the tug escort regulations for SF) getting new regulations by the end of December becomes an issue in terms of process. The existing regulations could be extended a third time. R. Peters stated that he understands that the TAC is looking for a hearing. He asked if the Administrator has the authority to say there will be no hearing or do what you will, the process will proceed on the timeline. J. MacLaurin responded that the 4-17-96 meeting to look at the tug escort regulations was called because the TAC was uncomfortable with receiving the package from OSPR the day before the 2-7 meeting and being asked to give its blessing the next day. He noted that the TAC Chair, Clifford Graves, tries to operate on a consensus basis. R. Peters repeated his question--does the Administrator have the authority to continue on the time line? B. Leland responded yes. The Chair asked if OSPR provided the TAC with the voluminous public record of technical and political background. J. MacLaurin responded that the Chair of the TAC had been critical of OSPR in that materials only got to TAC members the day before they were expected to pass on them. J. Lundstrom added that the issue of the tug escort regulations was on the TAC agenda under New Business and the TAC had not had adequate time to address the issue. OSPR advised the TAC to look at the regulations in a cover letter that accompanied the package. R. Peters stated that B. Leland and M. Ashe, have had the opportunity to provide a time line for the process. TAC review was not on that time line--are there any other such groups that may be injected into the process? B. Leland responded only the State Inter-Agency Oil Spill Committee, and they met and approved the package 2-7-96. T. Hunter asked if the TAC 2-7 meeting was public and governed by the Bagley-Keene Act and was the agenda published a week in advance with advice that a vote would be taken. B. Leland responded that the meeting was public and governed by Bagley-Keene. The agenda was properly distributed, but did not contain notice that a vote would be taken. The Chair stated that the San Francisco venue for the 4-17 TAC meeting is appropriate because this HSC will be well represented by members appointed by the Chair to an ad hoc committee. The committee will make certain that a clear record is created by presenting the TAC with a package that includes the technical work of the HSC. J. Faber asked what issues the TAC had with the proposed regulations package. J. MacLaurin responded that the package was the last item on the agenda and only procedural issues were addressed.

9. The Chair stated that the record should reflect that, regardless of the meeting scheduled by the TAC, the HSC wants OSRP to know that it really doesn't want the Bay Region to be in an

uncovered status with regard to the escorting of tankers and barges. Furthermore, this HSC wants all provisions of its recommendations in regulation. It doesn't want the TAC's lack of information or possession of mis-information to cause the TAC to advise against the package. If for some reason OSPR wants to play politics with the regulations or somehow delay the movement of the new package into regulations, OSPR should provide direction to the OAL to extend the existing regulations.

**10. PORTS SUB-COMMITTEE**, Capt. Tom Richards, NOAA. (1) Committee Chair D. Adams is not here to report because he is in Washington to meet with Dr. Baker, Secretary of Commerce, Oceans and Atmosphere, and Will Travis, NOAA. He has been successful with his presentation and Dr. Baker is impressed with the SF Bay Area PORTS project and the level of participation by constituents. (2) A four-person crew is in Oakland today to install weather sensors. They will install acoustic Doppler equipment in Richmond Outer Harbor and Oakland Outer Harbor next. Acoustic Doppler equipment will be installed at the Golden Gate in May. (3) Copies of the Puget Sound Human Factors meeting minutes are available for distribution.

**11. UNFINISHED BUSINESS:** (1) J. Lundstrom referred to the minutes of the last HSC meeting which indicate that review of the escort plan format would come back to the full committee. R. Peters responded that he had understood that input would be at the public hearing scheduled by OSPR, therefore he has not called a meeting for that purpose. Is it the intention of the HSC to look at the specifics of the checklist or have that happen through the process of hearing? To date, no comments have been received by the TES. The Chair stated that, although the escort plan form is not to be part of the regulatory process in order to keep it from becoming set in concrete, it is important for the TES to look at it and get back to the HSC. R. Peters will initiate comment by mail, then decide if a public meeting is necessary. M. Glazer concurred that it is a good idea to handle the issue so that the form is kept separate from the regulations. J. Lundstrom added that it is important to get input from the users.

12. (2) Troy Gaidick, State Lands Commission if the lack of HSC recommended underkeel clearance for barges at Moffett Field can be addressed. B. Leland responded that there is a need to look at the status of underkeel clearance requirements. He has looked at the recommendations and understands that the HSC wants to maintain the recommendation in the package, but in implementation there are difficulties with that part. The Chair agreed that it is time for the HSC to revisit that recommendation. The USCG and OSPR should both take a look and determine which are not unsafe operations. D. Montoro reported that there are projects planned to upgrade the Moffett Field facility so that they will be able to transfer product at a faster rate. Currently, they off-load during high tide. Then the barge sits on the bottom until high tide to move. D. Montoro added that he is personally satisfied that the operation is not unsafe. He asked what State Lands' position is. T. Gaidick responded that State Lands is interested in what the USCG and OSPR think. Chuck Gross, Commander, Defense Fuels West, introduced himself and noted that DFW is responsible for transporting fuel for the seven western states. DFW is looking at its dredging projects if there are added underkeel clearance requirements. This could significantly increase the cost of dredging, which is not estimated at \$.5 million. He added that the HSC December minutes should be corrected to indicate that the barges carry 10,000 barrels of product, not 10,000 gallons.

DFW concerns are: (a) Increased underkeel clearance requirements will mean that barges can't get in and out without carrying a lighter cargo. This would mean reducing cargo to 7,500 barrels. (b) It may also cause a situation where operators try to rush the discharge operation to make the tide, creating more of an unsafe condition. The Chair stated that he had the impression that the HSC did not feel the current operation is unsafe. Dredging is worthwhile.

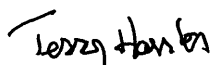
13. (3) R. Peters referred to the Administrator's report on the Coastal Protection Review at the December HSC meeting. He asked how that process would involve HSCs and this one in particular. B. Leland responded that he has nothing on that at this time. He will look and the recommendations in the CPR that directly relate to the concerns of the HSC and bring them back. R. Peters asked if there are any related time bars coming up and B. Leland responded not for at least a year.

14. **NEW BUSINESS:** J. Lundstrom reported that A. Thomas has appointed an Underwater Rocks Sub-Committee, which she will chair. Committee members are C. Bowler (pilots), Rich Smith (tanker operators), John Gosling (dry cargo operators), Capt. Donald Montoro (USCG Marine Safety Office), Dennis Sobeck (USCG VTS) and Max Blodget (US Army Corps of Engineers). The sub-committee will look at the Corps of Engineers' "Rock Removal Interim Report, Initial Analysis", which is available from J. Lundstrom for anyone interested. The first sub-committee meeting is scheduled for Wednesday, 2-28-96 at 10:00 at the Pier 9 Pilot Office. D. Montoro stated that the sub-committee needs an environmental member to address feasibility. J. Lundstrom reported that she has reported on the subject at Bay Planning meetings and has received comments regarding what some concerns will be. A. Thomas reported that there will be another study in 1998 on deepening the bar channel to 65', but that can't be done in a safe fashion if under water rocks remain in the outer bay. It may take years and the work of this HSC will be important in that effort. J. Lundstrom noted that the reality check issues are the environmental impact and funding. The agenda for the sub-committee meeting will go out with the notice for the meeting.

15. **NEXT MEETING.** The next meeting will be held on Thursday, 3-14-96, at 10:00 a.m. at the Port of Richmond. The location has changed from the Boathouse to the Harbor Master's Classroom. Directions: take Harbor Way South from 580 to Hall Avenue; just before the container yard, turn left on Hall and proceed to the Harbor Master's office.

16. **MOTION** to adjourn by M. Glazer, seconded by J. Faber. Meeting adjourned at 11:10 without objection.

Respectfully submitted,

  
Terry Hunter  
Executive Secretary

# SIGNIFICANT PORT SAFETY EVENTS

## FOR PERIOD 10 JAN 96 - 7 FEB 96

1. Total Port Safety cases open for period.	21
2. SOLAS Interventions/COTP Orders	1
3. Number of vessels requesting/granted Letters of Deviation to enter Bay.	5/5
4. Propulsion/Steering Failures	4
5. Deadship tow	0
6. Vessel Fires	2

### Significant Cases:

29 JAN 96: M/V DELTA PRIDE LOSS OF PROPULSION: On Monday, 29 January MSO received a call from VTS stating that the M/V Delta Pride, a 25,460 gross ton freight ship was anchored in the channel just east of the Southern Pacific Railroad Bridge due to the shut down of the main diesel engine. Sea River tugs that were in the area stood by to assist the vessel if necessary. Shipboard engineers were able to identify the problem as being a malfunctioning overspeed solenoid. Repairs were quickly made, and the master requested to continue the transit out to sea. The COTP required that testing be done to ensure proper operation of the solenoid, as well as the vessel's automation systems. A qualified engineer must also stand by at the main engine in the event of another casualty. All requirements were met and the vessel continued its voyage under tug escort out to sea without incident. Case Closed.

03 FEB 96: FIRE ON BOARD PASSENGER VESSEL SPIRIT OF SACRAMENTO: On Saturday, February 3, 1996 at 0815, MSO received notification from the Sacramento Fire Department that the M/V SPIRIT OF SACRAMENTO was on fire while tied up at the dock. No crew or passengers were on board at the time of the incident. The fire was quickly controlled, however the vessel is thought to have suffered at least \$50,000 in damage. The vessel had approximately 300 gallons of diesel and 300 gallons of hydraulic fluid/oil on board. None of the product entered the water. All valves were secured, and the fire department pumped out all the excess water. An investigation as to the cause of the fire is being conducted. Case Closed.

# POLLUTION STATISTICS

## FOR PERIOD 01JAN96 - 31JAN96

	MSO	MSD	TOTAL
1.) Total reported/investigated pollution incidents within MSO SF BAY AOR:	29	9	38
Civil Penalty Action	6	0	6
Spill, No Source	10	5	15
No Spill, Potential Only	9	3	12
No Spill, Unconfirmed Report	4	1	5
EPA Zone Reports	0	0	0
2.) Discharges of Oil from:			
Deep Draft Vessels	0	0	0
Oil Transfer Facilities	0	0	0
Military Vessels/Facilities	3	1	4
3.) Federalized Cleanups	2	0	2
4.) Non-Federal Cleanups	4	0	4
5.) Hazardous Material Releases	0	0	0
6.) Cases requiring polreps	2	0	2
7.) Tickets Issued	6	0	6

**Significant Cases:**

**MSO SAN FRANCISCO BAY:**

**UCN 022-96, TAR BALLS ON BEACH, UNKNOWN SOURCE, BETWEEN POINT REYES AND NEWPORT ISLAND, OR.**

On January 28, 1996, MSO San Francisco was notified of tar balls being washed ashore at Kehoe Beach near Point Reyes, CA. Initial investigation by the USCG, National Park Service (NPS), U.S. Fish and Wildlife Service (USFWS) and the Department of Fish and Game (OSPR) revealed a 10 mile stretch of beach that was affected with the heaviest concentration between Abbotts and Kehoe Beach. Tarballs were also reported in Oregon, Washington, and Vancouver, British Columbia, Canada. On January 31, 1996, the FOSC accessed the OSLTF for a Pollution Removal Funding Authorization (PRFA) for USFWS and NPS costs incurred to recover, remove, and process oiled birds as a result of this incident. OSPR biologists took

samples of the tar balls from all aforementioned areas, and sent the samples to OSPR Petroleum Chemistry Lab for an isotope analysis to determine source. Initial results show that the product do not contain components that are Monterey Formation related (i.e. is not natural seep), but instead has been determined to be a refined bunker product. On 31 January, 1996, at 1515U, clean up of the beach was completed with approximately 50 lbs. of tar balls ranging from 1/4 inch to 4 inches recovered. The case pends as MSO San Francisco and the Dept. of Fish and Game continue investigation for the source of the spill.