

MINUTES

HARBOR SAFETY COMMITTEE OF THE SAN FRANCISCO BAY REGION

9:30 a.m., Thursday, April 8, 1993

Port of Oakland, Board Room, 530 Water Street, Oakland, CA

1. The meeting was called to order by Chair A. Thomas at 9:40. The following committee members or alternates were in attendance: David Adams, Port of Oakland; James Faber, Port of Richmond; Alexander Krygsman, Port of Stockton; Morris Croce, Chevron Shipping; Mike Goebel (alternate for Dwight Koops), Exxon Shipping; Lynn Korwatch (alternate for John Gosling), Matson Navigation; Gunnar Lundeberg, Sailors' Union of the Pacific; Tom Crowley, Harbor Tug and Barge Company; Gail Skarich, Sanders Towboat Service (alternate for Mary McMillan); Joan Lundstrom, San Francisco Bay Conservation and Development Commission; A. Thomas, San Francisco Bar Pilots; and federal government representatives, Captain J. M. MacDonald, CMDR. Thomas Dolan, and Chief Attaway, U. S. Coast Guard. Also in attendance from OSPR, Bud Leland, Chuck Raesbrook and M. Ashe and from State Lands, Doug Wong; and a number of attendees from the general public.
2. T. Hunter, Marine Exchange, confirmed that a quorum was present.
3. MOTION by J. Lundstrom, seconded by J. Faber to adopt the minutes of the March meeting as written.
4. The Chair opened the meeting by noting that the committee has come a long way, not only in drafting a harbor safety plan, but in the details of tug escort provisions. OAL has not indicated their desire to treat these tug escort guidelines as emergency regulations, but a number of tanker companies have complied voluntarily.
5. PILOTAGE SUB-COMMITTEE, A. Krygsman. The sub-committee met on 4-1-93 and discussed issues of underkeel clearance, the Legislative Analyst's recommendation to eliminate the State Board of Pilot Commissioners and the vacancies on the Commission.
6. Underkeel Clearance. The sub-committee concluded, without disagreement from those in attendance, that there is no significant difference in safety between a minimum clearance of two feet (2') and three feet (3'). It is understood that oil companies can maintain more clearance than the minimum guidelines. The sub-committee makes the following recommendations for underkeel clearance requirements for tank vessels carrying oil or petroleum products as cargo: (a) tank vessels west of the Golden Gate Bridge, ten percent (10%) of the vessel's draft; (b) tank vessels under way east of the Golden Gate Bridge and south of Pt. Richmond, two feet (2'); (c) tank vessels north of Pt. Richmond, one foot (1'); and (d) tank vessels at final approach to berth and at berth, always afloat. MOTION by A. Krygsman, seconded by J. Lundstrom, to adopt the sub-committee's underkeel clearance recommendations as stated. M. Goebel asked what differentiates the area north of Pt. Richmond. A. Krygsman responded that to the north is sheltered water. M. Goebel noted that this sets a standard one foot less than at Anchorage 9. A. Krygsman replied that there was general agreement at the sub-committee meeting on (2') clearance except going up the rivers; Pt. Richmond is the logical cut-off point. M. Goebel noted that ARCO requires a minimum (3') clearance and he doesn't know many operators that run with (1'). J. MacDonald added that the COE recommends at least a (2') minimum and the Coast Guard has a problem with a (1') minimum. If the idea is to differentiate between different types of vessels, such as large tankers and barges, then they should be broken out. The guidelines should be more conservative with large tankers. J. Lundstrom stated that she is uncomfortable with (c) and the all encompassing (1'); if larger vessels should be at (2'), then the guidelines should say so. The guidelines would be consistent with federal COE recommendations if tankers maintained (2') clearance north of Pt. Richmond. A. Krygsman responded that the COE should not be accepted as experts. M. Goebel stated that a (1') minimum clearance requirement assumes that accurate depth readings can be obtained. A. Krygsman responded that soundings are very accurate now, within a couple of inches. J. Lundstrom suggested that seasonal run-off from rivers changes river bottoms between the times soundings are taken. A. Krygsman answered that a (1') change in minimum requirements would not change that situation; you still need to know the depth to plan. The Chair asked the pilots for an opinion. P. Buttner responded that the pilots had input and agree with the sub-committee's findings. M. Goebel asked why not make the cut-off

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above Avon? A. Krygsman answered that there is no reason to do so, it would not be any safer. L. Korwatch asked what the impact of making this change would be on industry. M. Goebel stated that Exxon allows 3' to 5' to Pinole Shoal and is looking for a standard like came out of Long Beach. A. Krygsman responded that their channels are like our rivers and their open area to the sea the same as ours. The Chair noted that the original sub-committee recommendations did not include subsection (c). A. Krygsman answered that (c) was added when the sub-committee did further investigation in response to requests for (3') clearance. Captain Baldwin, Port Captain MSC Pac, stated that a (1') minimum means one is counting on a lot of accuracy, which he doesn't believe you have. He strongly endorses a (2') minimum underkeel clearance. A. Krygsman responded that a master would be better off with (1') minimum clearance required so as not to be in violation at 1'8". The sub-committee discussed whether the masters/companies should make the decision. J. MacDonald suggested that a level playing field, i.e., the greater cushion preferred by regulators, takes the pressure off the master. Conditions such as ridges, suction, fouling of sea strainers and silting cannot always be accounted for when the margin of safety is reduced. The Chair asked if the sub-committee would be comfortable with the resubmitting the recommendation as originally offered, without subsection (c). A. Krygsman responded yes and will amend the recommendation accordingly, deleting sub-section (c) and "south of Pt. Richmond" in sub-section (b). The Chair called for the question as amended and the sub-committee's recommendation regarding underkeel clearances was adopted unanimously.

7. State legislative analyst's recommendation to the Joint Budget Committee to eliminate the California State Board of Pilot Commissioners. After a short discussion, the sub-committee agreed unanimously to recommend that the full committee oppose the elimination of the Commission. A. Krygsman, on behalf of the Port of Stockton and the Golden Gate Port Association, has written to Senators Boatwright and Alquist in opposition of elimination of the commission and further recommending that the vacant commission positions be filled and be kept filled. MOTION by A. Krygsman, seconded by J. Lundstrom, that the Harbor Safety Committee write to the Governor opposing the elimination of the State Board of Pilot Commissioners. Motion passed unanimously. A. Thomas, Chair, suggested that, since he is a pilot, it might be more appropriate if another member of the committee sign said letter. J. Lundstrom reported that in mid-March the Executive Director of BCDC's sent letters to various senators and assemblymen supporting continued state regulation of pilotage. J. MacDonald added that the Coast Guard supports the retention of the commission because the Coast Guard has no equivalent forum for local knowledge and internal operating guidelines and deals only with federal pilotage. P. Buttner, San Francisco Bar Pilots, noted that, while it is irregular for a regulated body to ask for regulation, that is what the pilots are doing because they believe it provides the greatest safety. J. Lundstrom asked the status. A. Thomas responded that the initial hearing in budget sub-committee was held and will be heard again after the recess; time is of the essence. OSPR supports fairly tight regulation of pilots as the key to regulation of tanker traffic and the administrator will do what in can in this effort.

8. REPORT FROM STATE PILOT COMMISSION. J. Moloney reported that he attended the sub-committee hearing on elimination of the Commission and believes Boatwright is opposed to the state getting out of the pilotage regulation business. The budget was not passed and the matter held over for further hearing. He noted that it is interesting that the legislature is considering the abolishment of the commission at the same time there is legislative activity to regulate pilotage on Humbolt Bay. The Chair stated that authorship is needed for the committee's letter of support for the commission. J. Lundstrom volunteered and the chair asked A. Krygsman to provide her with copies of his letters for reference.

9. CAPTAIN OF THE PORT REPORT, J. MacDonald. The Waterways Analysis and Systems Management Study has been published. J. Lundstrom noted that it contained several recommendations regarding aids to navigation and proactive steps. J. MacDonald reported that a lot has been accomplished through Coast Guard efforts. They have stated support for PORTS and succeeded in keeping the NOAA team here for depth sounding work and surveys. Copies of the WAMS study are available; they have been distributed to those who took an active part in preparing the study. Waterways management has been a focus of the Coast Guard here and in Washington.

10. In connection with recreational boating, approval for the Olympic buoys off Berkeley has been rescinded. They must now be lighted before they are returned.

11. There were 41 spills this month, mostly minor, including a 30 gallon spill at Fulton Shipyard which involved a non-documented, nor inspected, barge used for fueling. J. MacDonald noted that PCB spills are extremely difficult to clean up. The one at APL is now under control but such clean-ups are extremely expensive

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and operators should note the necessity to be careful with transfers. Other incidents where power loss was a factor involved the PRESIDENT JACK which required routine repairs to correct a fuel leak; the JEB STUART, the JEB STUART, the PACIFIC PRIDE with the loss of a rudder and a Marin Tug and Barge tug moving a loaded oil barge which was anchored at Brothers for three hours for repairs. The Coast Guard has an agreement with OSPR to report all power failures to OSPR for statistical purposes. The Coast Guard is currently investigating \$2500 in wake damage to the POMPANETO in the Pier 45 area.

12. J. MacDonald showed the committee an emergency spill kit representative of the type being manufactured by several companies. This type of clean-up kit is effective with small marina spills and more and more companies are responding to nuisance spills with this kind of small kit. The kits can be stored in a canvas bag that holds 6-8 kits. For marinas the downside of responding is that if they take action they assume liability under OPA 90. W. Capasso noted that the number '41' may sound like a lot but no one was keeping records until recently. The fact that industry is doing a good job is reflected in the fact that none of these spills involved tankers. J. MacDonald agreed. The Coast Guard has begun an outreach program to educate the public concerning automatic bilge pumps. The "eye in the sky" program with video taping of potential problems is being used in working with the pilots and for instructional presentation purposes to yacht clubs.

13. J. Lundstrom has been in contact with the Chief of Construction for the Army Corps of Engineers. She reported that he and the colonel are planning to address the issue of lowering Harding, Shag, Blossom and Arch Rocks in a letter to go out between now and May 5, at which time they will report on removal costs and time frames. The congressional act that lowered the level of these rocks in 1930 cannot be amended and new legislative action will be required for this work. BCDC has the permitting authority over that kind of project and the executive director and staff of BCDC have become more aware of the danger of spills weighted against the loss of fish.

14. The Chair reported on minor incidents involving the SP Railroad Bridge at Benicia/Martinez. Federal regulations require the bridge to lift when a vessel requests. Twice vessels have been advised that the spans would not open because of trains passing. This is dangerous and the Coast Guard has been requested to intervene. J. MacDonald agreed that it is dangerous but, because there is no VTS coverage in that area, information gets to the Coast Guard late. A. Thomas added that an additional factor in one of the incidents reported was the current. When a deep draft vessel is approaching the bridge, the changing current can play an important part in the timing of safe transit. Educating the bridge operators as to what factors impact the shipping industry is important. J. MacDonald suggested a natural working group be formed with concerned people from the participating groups. When the right people are brought together to network, problems can be solved in the same way the herring fishermen/shipping problems were mediated. The Chair noted that this committee has two members with offices in that vicinity who could be tapped for their input.

15. A. Thomas noted that in his travels to IMO, London, it was obvious that the U. S. government as represented by the USCG had dropped the ball and is not up to speed on oil pollution, pilot and vessel regulation to the extent that U. S. proposals were not taken seriously on an international level. He suggested that the Coast Guard get together with the international community. J. MacDonald responded that the Coast Guard is active in many venues and foci and would appreciate feedback from A. Thomas' perspective. He added that the U. S. has taken the lead in a number of issues and there must be some balance on an international level.

16. OSPR REPORT. B. Leland noted that there are four representatives from OSPR at this meeting. The revised draft pilotage evaluation report is out. He asked for a joint public workshop with the Harbor Safety Committee on 4-29-93. There will be a total of four such meetings, one for each Harbor Safety Committee in California. The review of the Harbor Safety Plan is not ready yet; the draft response should be ready in a week, with the response ready for the next full committee meeting in May. M. Goebel stated that he read in a newsletter that the spill was determined to be Hondo Crude; how is this specific determined? C. Raesbrook responded that OSPR has a chemistry lab second to none in the U. S.; with a new lab to be completed in early June which will facilitate an extremely sophisticated fingerprinting procedure. M. Goebel asked if Hondo crude comes only from a Hondo platform. C. Raesbrook answered yes; it is possible to identify 200 specifics of a sample.

17. D. Wong, State Lands, stated that calls come in for spills from 3 tps. to a barrel. The spill attributed to Fulton was an orphan spill until the lab results came back with the result that the material was not purely fuel.

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Numerous hazmat containers were also observed upon inspection. M. Ashe, a senior staff member from OSPR out of the regulations sector has put out a new timeline.

18. M. Ashe reported that the emergency tug escort regulations were resubmitted on 4-1-93. In preliminary discussion this submission seems to meet all questions raised by OAL, should know more tomorrow for filing with questions Monday. She asked the Chair how her comments should be submitted. A. Thomas responded that they should go to the Chair and the secretariat. The response should come from the full committee. Timelines for the regular filing of tug escort regulations and for the emergency filing were distributed.

19. A. Thomas reported that the latest version of the interim tug escort guidelines submitted to OAL by the administrator has changes which did not come from this committee regarding exemptions for charter hire vessels and twin screw tugs. C. Raesbrook responded that the charter hire exemption came from practical considerations. Companies constrained by contractual arrangements which are in place would be unfairly disadvantaged if the costs of escorts were placed upon them. A. Thomas replied that such an exemption now puts the burden on owners like Arco, Exxon, etc. It removes from regulation the very vessels that need escort the most; those low budget, small operations cutting costs. M. Ashe noted that the exemption applies only to the emergency filing and not to the regular filing. M. Croce stated that this exemption is dangerous. Exxon owns ships and 30-40% of their business is done with charters. In fact, this would make administration more difficult for operators. All of Exxon's charter agreements (and surely those of other companies) require compliance with law, so if tanker escort is law, compliance is required. C. Raesbrook said he would take these objections to the changes back to Sacramento and respond in writing.

20. J. Lundstrom pointed out that SB 2040 states that, if the administrator adopts lesser tug escort standards than those submitted by the harbor safety committee, public hearings must be held and the administrator must bring back findings and justifications for his/her changes. C. Raesbrook stated that OSPR would respond to these comments in writing to the Chair. A. Thomas emphasized that his sense is that it is the unanimous opinion of this committee that they don't want these exemptions. M. Goebel added that the major companies have already taken steps to incorporate these costs into charter agreements. A. Thomas asked where the exemption for twin screw tugs came from. C. Raesbrook responded that it was drawn from the concept of redundant systems. A. Thomas stated that this comes under the same provision as discussed earlier. The guidelines as submitted do not put a financial burden on tug companies. This was all hashed out over a year ago. M. Goebel noted that J. MacDonald just reported an incident with a tug moving a loaded barge. A. Thomas stated these were well considered. It seems that those who lost the battle here have gone to Sacramento and influenced staff or someone to water down the regulations behind the back of this committee.

21. J. Lundstrom suggested the Harbor Safety Committee go on record as adopting the Chair's statements so it gets on the record for upcoming public hearing; the lowering of standards needs to be noticed. MOTION by J. Lundstrom to put the committee's response to the administrator's reduction of standards in writing. M. Croce, in seconding the motion, stated that, regarding the exemption for twin screw tugs, the intention of the guidelines was that redundancy of systems should not be regulated. The committee said no to exempting twin screw tugs because one screw cannot do the job of two. J. MacDonald added that the tug moving a loaded barge reported to have lost power in his report earlier had to be rescued and it was a twin screw tug. The Chair asked for J. Lundstrom to restate the sense of the motion. J. Lundstrom restated the motion that the Harbor Safety Committee send a written statement for the OSPR hearing, noting the two instances of lessening of standards with rationale for not adopting these exemptions and reading into the record the request that the administrator provide justifications for modifying the submission of this committee. Motion passes unanimously.

22. J. Faber asked OSPR representatives what products are, in fact, regulated as addressed in last month's meeting. B. Leland responded that the project to identify regulated products has been underway for some time. If the query included the specific products in question OSPR could address specifics rather than generalities. J. Faber asked the Marine Exchange representatives if they are happy with the information they have on regulated cargo. J. McCarthy responded that they have not received definitions from OSPR and cannot advise companies. M. Goebel asked about MTBE. M. Ashe responded that this product came up before the Board of Equalization regarding tax fee and the call was that only products that come from a refinery would be taxed. There are no fees on MTBE because most of it doesn't come from refineries. M. Goebel countered that it all comes from a refinery and added

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that he hoped that the tax issue is not driving tug escort provisions. M. Ashe responded that that is how it first came up.

23. CLEARINGHOUSE REPORT, J. McCarthy. Tug testing is basically complete. The Clearing House produced and distributed a report showing the number of regulated tanker movements. A modified tanker report will show who is not escorting. A. Thomas asked if there was a problem during the testing of a tug that resulted in damage. M. Croce responded that three hawsers were broken during the trials. J. McCarthy added that the issue is being worked on. M. Goebel asked if the Clearing House can tell who is in ballast. J. McCarthy responded no. M. Goebel suggested that it doesn't take a rocket scientist to look at where a tanker is coming from and where it is going to and determine whether or not it is in ballast. With 318 transits, you can assume half of the movements involved empty tankers. Using the Marine Exchange figure of 318 regulated transits in March, 113 of those with escorts; that would give a 70% compliance figure. J. McCarthy stated that the Clearing House gets an approximate compliance of 60%. J. Faber asked if the Clearing House can ask ships as they come in whether they are in ballast or not. T. Hunter responded that the Exchange will get back to the committee; they don't want to get into the business of checking cargo but do want to respond to the Harbor Safety Committee. G. Skarich asked if there are escorted vessels who don't check in with the Clearing House. J. McCarthy responded that, because it is a new program, it is not yet perfect. T. Hunter added that operator cooperation with reporting in is better than expected.

24. UNFINISHED BUSINESS. None.

25. NEW BUSINESS. M. Croce reported on proposed changes to VTS protocol and harbor traffic lanes. The proposals were generated by the Coast Guard and reviewed by representatives of the pilots working with M. Croce. The goal was to make what is in writing more in line with what is currently in practice. Copies of the draft proposed regulations were distributed to committee members and anyone else interested. M. Croce recommended the committee look at and endorse the proposals before the Coast Guard goes to rulemaking. The matter will be agendaed for the May committee meeting.

26. NEXT MEETING will be held on May 13, in the Port of San Francisco Board Room at 9:30 a.m.

27. The Chair suggested that, if the plan is moving along on schedule, the committee members and OSPR representatives should consider committee meetings being held every other month rather than monthly.

28. MOTION to adjourn by M. Croce, seconded by J. Faber. Meeting was adjourned at 11:30 a.m.

Respectfully submitted,

Terry Hunter

