AB 864
Oil Spill Response: Environmentally And Ecologically Sensitive Areas

January 5, 2017
Public Workshop
Sacramento

CAL FIRE
Office of the State Fire Marshal
Pipeline Safety Division
Overview

• Purpose Of This Public Workshop
• Background
• AB 864 Legislation
• Draft Regulation Development
• Public Comment
Purpose Of This Public Workshop

• This is the first public workshop held for AB 864 and is designed to be informational, the Office of the State Fire Marshal (OSFM) will not take any formal action at the workshop.

• The purpose of this workshop is to provide the public an opportunity to comment on proposed regulatory language and solicit input on:
  • Alternatives to the current draft approach
  • Any comments, suggestions, or recommendations on regulatory language that better protect environmentally and ecologically sensitive areas (EESA) in the coastal zone
  • Economic impacts to pipeline operators
  • Economic impacts to California
In May 2015 an oil spill at Refugio Beach in Santa Barbara County spilled over 100,000 gallons of crude oil and impacted over 25 miles of coastline and ocean water.

The impacts from the spill were devastating both environmentally and economically.
AB 864 Requirements

• By January 1, 2018 – Any new or replacement pipeline near EESAs in the coastal zone shall use best available technologies (BAT) to reduce the amount of oil released in an oil spill to protect state waters and wildlife.

• By July 1, 2018 – An operator of an existing pipeline near EESAs in the coastal zone shall submit a plan to retrofit the pipeline by January 1, 2020, with BAT.
• The OSFM shall adopt regulations by July 1, 2017. The regulations shall include, but not be limited to, all of the following:

  • A definition of automatic shutoff systems.
  • A process to assess the adequacy of the operator’s risk analysis.
  • A process by which an operator may request confidential treatment of information contained in their plan to retrofit or contained in a risk analysis.
  • A determination of how near to an EESA a pipeline must be to be subject to the requirements of the regulations.
AB 864 Requirements Cont.

• Notice
  • An operator of a pipeline near EESAs in the coastal zone shall notify the OSFM of any new construction or retrofit of pipeline.

• Consultation
  • The OSFM shall consult with the Office of Spill Prevention and Response (OSPR) about the impacts to state water and wildlife.

• Definitions and Terms (provided in the legislation):
  • “Environmentally and ecologically sensitive area” is the same term as described in Cal. Govt. Code section 8574.7(d).
  • “Best available technology” means technology that provides the greatest degree of protection by limiting the quantity of release in the event of a spill, taking into consideration whether the processes are currently in use and could be purchased anywhere in the world.
  • The OSFM shall determine what is BAT and shall consider the effectiveness and engineering feasibility of the technology when making this determination.
  • “Oil” means hazardous liquid as defined in Section 195.2 of Title 49 of the Code of Federal Regulations.
Developing The Draft Regulations...

- The OSFM created a stakeholder workgroup comprised of non-governmental organizations, local government, and industry. The workgroup met regularly since January 2016 to:
  - Define terms
  - Identify applicable standards
  - Create guidance on operator risk analysis and considerations contained therein
  - Identify a process to assess risk analysis and selection of best available technology
  - Set forth testing requirements following completion of implementing BAT
  - Provide a process for requesting confidential treatment of information in a risk analysis or plan

- The OSFM also consulted with OSPR about the potential impacts to state water and wildlife, and to identify EESAs in the coastal zone as described in Cal. Govt. Code section 8574.7(d).
Additional Workshop Schedule

- Two additional public workshops are scheduled for the following dates and locations:

  Santa Barbara County
  Thursday February 2, 2017
  4pm – 6pm
  105 E. Anapamu St. – Board Meeting Room 4th Floor
  Santa Barbara, CA 93101

  City of Long Beach Gas and Oil Department
  Thursday February 16, 2017
  3pm – 5pm
  2400 E. Spring Street
  Long Beach, CA 90806
Public Comment

• Please limit oral comment to three (3) minutes.
• Webcast participants can submit comments electronically during the workshop.
• Written comments physically submitted before 5pm January 2, 2017.
  • Comments received after January 2, 2017 are welcome and can be submitted by mail and email. Please provide comments no later than January 12, 2017 to:

  Postal Mail:    Daniel Hastert, Associate Governmental Program Analyst
                  CAL FIRE-Office of the State Fire Marshal
                  Pipeline Safety Division
                  3950 Paramount Boulevard, Suite 210
                  Lakewood, California 90712

  Email:          daniel.hastert@fire.ca.gov

• Note: Under the California Public Records Act, your written and oral comments, attachments, and associated contact information (e.g. your address, phone, email. Etc.) become part of the public records and may be released to the public upon request.
Contacts And Resources

• Please check this web address for updates to draft regulation language and related documents: http://osfm.fire.ca.gov/codedevelopment/codedevelopment_title19development

• If you have not already signed up for upcoming workshop notifications, please contact Daniel Hastert via email at daniel.hastert@fire.ca.gov.

• For questions about public workshops or about the draft AB 864 regulations, please contact the following:

  Ben Ho
  Pipeline Safety Engineer
  (916) 445-8348
  ben.ho@fire.ca.gov

  Doug Allen
  Supervising Pipeline Safety Engineer
  (916) 445-8345
  doug.allen@fire.ca.gov