



California Department of Fish & Game's

# Office of Spill Prevention and Response

## Bunkering and Lightering and other Regulatory Updates



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# History of the Bunkering and Lightering (a k a, Oil Transfer and Vessel Operations)

## Amendments:

**AB 234 (Huffman) Purpose of the bill, according to the author:**

- ° On October 30, 2009, the Dubai Star spilled between 400 to 800 gallons of bunker oil into the San Francisco Bay within six miles of the Alameda coastline, devastating local wildlife and aquaculture.
- ° Dubai Star oil spill occurred when one of the ship's massive fuel tanks overflowed during an early morning refueling stop and crew members failed to notice until oil had already seeped into the bay.
- ° The Dubai Star did not pre-boom prior to the oil transfer, but did have the appropriate equipment on board the vessel.
- ° By the time workers realized there was a leak, it was too late to contain by deploying the booms.

# Draft Regulation Amendments

Concurrent with the legislative process, OSPR drafted several amended versions to its Oil Transfer and Vessel Operations (Bunkering and Lightering) regulations, and has given opportunities to comment on each version.

Please note, these regulations apply to (from California Code of Regulations Section 840.1):

- All oil transfer operations other than internal vessel transfers regardless of the quantity being transferred, conducted within California marine waters, or a shore-based transfer where a spill could impact California marine waters, except as noted as follows:

**These regulations do not apply to:**

- (1) nontank vessels with an oil carrying capacity of less than 250 barrels;
- (2) oil transfers to or from a marine terminal;
- (3) small craft refueling docks as defined in Chapter 1, Section 790 of this subdivision;
- (4) public vessels as "public vessels" are defined in 33 United States Code (USC) 2701;
- (5) dedicated oil spill response vessels when conducting response operations in a response area;
- (6) vessels of opportunity as defined in Chapter 1, Section 790 of this subdivision; or
- (7) internal vessel transfers.



**Workshop was held to April 7, 2010, to discuss:**

- **Summary of Dubai Star incident**
- **Summary of Bunkering Process/Evolution**
- **Options to meeting Best Achievable Protection:  
Non-regulatory; Regulatory.**

# Non-regulatory Options Discussed:

- **More monitoring of bunkering operations (USCG has reportedly stepped up its monitoring program).**
- **More education and training for the vessel being fueled – how to prevent spills during bunkering, and what needs to be done during and after a spill.**
- **Bunker barge to station person on vessel, for constant communication during the transfer operation.**
- **Do pre-inspections for vessels that have never bunkered in California waters.**
- **Encourage federal/international guidelines for alarms on all vessels during bunkering.**

## Regulatory Options discussed, as proposed in draft regulation amendments:

- **Drilling bunker barges to make sure they can demonstrate their ability to deploy and tend containment boom, as prescribed.**
- **If this is adequately demonstrated, the bunker barge is allowed to utilize the stand-by booming option (as opposed to pre-booming).**



**OSPR did a new draft of the language, based on the comments received from the Workshop and in-house discussions. The new draft was circulated for an informal written comment period, which ended on June 14, 2010.**

**The new draft language contained:**

- More specificity on the successful completion of the bunker barge's equipment deployment drills before being allowed to utilize the stand-by boom option.**
- Required annual drills by the barge and any support vessels, under conditions similar to the environment where the bunkering is conducted.**
- The drills will be monitored by OSPR staff, and documentation of the drill will be submitted to OSPR.**



**OSPR did a new draft of the language, and held a Workshop on August 26, 2010, to discuss the new draft, which contained:**

- **Requirements for pre-booming in areas where the maximum actual or predicted water current velocity is less than 1.5 knots within the expected duration of the oil transfer operation, or;**
  - **If the maximum current velocities are less than 1.5 knots for the majority of the days in the calendar year.**
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- **However, in no case is pre-booming required if it has been determined not to be safe by the master/person in charge or their supervisor.**
  - **Otherwise stand-by booming is allowed if successful completion of a twice yearly equipment deployment drills have been conducted.**
  - **More details were added regarding the equipment deployments drills.**
  - **The addition of an optional announced or unannounced equipment deployment drill that may be required by the Administrator.**

# The comments received include:

- **OSPR tried to balance subjective vs. objective standards – 1.5 current threshold is objective; determination of what is safe and effective is subjective.**
- **Decision [of what is “safe and effective”] should not be left to the supervisor – leave the decision with the Person-in-charge (PIC). It should only be the bunker barge making the call.**
- **Master of receiving vessel should be involved in the decision - he will be ultimately responsible if there is a spill.**

# More comments...

- **The pre-transfer conference - this is the ideal time to make this decision – where the two PICs make this decision.**
- **There must be a boat capable of deploying boom standing by, and this boom must be capable of being deployed and monitored. Real stand-by boom would require someone watching ready to deploy.**
- **Need to require an advancing skimmer of a size and capacity to collect oil – this is the best chance of getting fresh oil after a spill.**

# More comments...

- **Pre-booming and/or stand-by skimming is expensive. If there are increased costs in California they will not take bunkers here.**
- **Suggest establishing best practices through the Harbor Safety Committees –to encourage better communication between the vessel and bunkerer.**
- **Suggest OSPR to work with the USCG to increase monitoring, such as in cases where there are not working alarms on the vessel; or monitor transfers where it has been determined it is not safe and effective to pre-boom.**

# Next Steps...

- **Waiting on outcome of AB 234.**
- **Discussing and evaluating Workshop comments in-house.**
- **Another Workshop likely...**

# Regulation amendment packages coming down the road:

## **Oil Spill Contingency Plans:**

- **Primarily due process changes so that vessel plan holders cannot submit plans at the last minute.**
- **Also included are steps to go to an all "electronic" submittal;**
- **Removing the "post spill review" requirement;**
- **several minor changes/corrections.**

**Rulemaking process begun; end of comment period is November 16, 2010.**

# Certificates of Financial Responsibility

These amendments will:

- Clarify when a renewal for proof of self-insurance needs to be submitted to OSPR;
- Make a distinction between when evidence of FR expires; or when it is terminated.
- Clarify renewal timeframes, to ensure a continuation of COFR coverage.
- Clarifications/corrections.

Workshop will be held on November 2, 2010, at 10am at the Bay Model Visitor's Center in Sausalito, CA.

# Local Government Grant Program:

- Amendments to the local government contingency plan regulations to make the local plans more usable by aligning them with what information may be needed by the different ICS sections (i.e., Command, Operations, Planning, Logistics and Finance).
- Removing information that was requested from the local governments, but now is provided by the ACPs.
- Anticipate rulemaking process to being mid-November.

# Shoreline Protection Tables:

- To incorporate changes that were made in the ACPs.
- Streamlining/simplifying the tables.
- Should have a draft by the end of the year for workshop discussion.

# BAT Report:

An update to the 1995 Best Achievable Technology Report:

4 Focus Group Sections:

- Mechanical Response
- Prevention and Spill Mitigation
- Applied Response Technology
- Remote Sensing, Sampling and Analysis
  
- Broad representation on these Focus Groups: OSRO's, USCG, MMS, California State Lands Commission, California Coastal Commission, San Francisco Bay Conservation and Development Commission, non-profit organizations, marine transportation industry, oil company representatives, and members of academia.
- ALL the focus groups will need to re-group and go over their sections to make sure concerns, lessons learned, new technologies, etc., from the Gulf Spill are addressed.
- Draft of the entire report by early next year.

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**ANY QUESTIONS**

