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OFFICE OF THE CITY CLERK
OAKLAND

CITY OF OAKLAND
AGENDA REPORT

2009 MAY 14 PM 4:33

TO: Office of the City Administrator
ATTN: Dan Lindheim
FROM: Fire Department
DATE: May 26, 2009

RE: **Resolution Authorizing The City Administrator Or His Designee To Accept And Appropriate Two Grants For Oil Spill Response Equipment and Training, In The Amount Of Twenty-Five Thousand Dollars (\$25,000) Each, Totaling Fifty Thousand Dollars (\$50,000.00) In Grant Funding For Reimbursement From The California Department Of Fish And Game; Office Of Oil Spill Prevention And Response, To Purchase Oil Spill Response Equipment Including Training To Provide The City Of Oakland The Enhanced Capability To Immediately Respond And Deal With The Immediate Needs Of An Oil Spill And Protect Our Ecologically Sensitive Sites As Well As Local Resources, And Waiving The City's Bid And Request for Proposal Processes for the Purchase of Said Equipment And Training**

SUMMARY

This report requests that the City Council approve a resolution authorizing the City Administrator or his designee to accept and appropriate two grants for oil spill response equipment and training in the amount of \$25,000 each, totaling \$50,000.00 for reimbursement from the California Department of Fish and Game to purchase oil spill equipment including training that will provide the City of Oakland the enhanced capability to respond and deal with the immediate needs of an oil spill in order to protect ecologically sensitive sites and local resources. The grant period is April 15, 2009 through October 31, 2009.

INTRODUCTION

As a result of lessons learned from the Cosco Busan Oil Spill incident, the State of California Department of Fish and Game (DFG), Office of Oil Spill Prevention and Response (OSPR), which provides equipment and training grants for Oil Spill Prevention and Response (OSPR), has awarded the City of Oakland two (2) grants in the amount of \$25,000 each, for a total grant award of \$50,000, to purchase oil spill response equipment and training. These grant awards will provide oil spill response equipment and training for City of Oakland and Alameda County first responders. The trailers, equipment and training provided by this grant will enhance the Bay Area's ability to deal with the immediate needs of an oil spill and protect local resources. The City of Oakland has been awarded these grants based upon the threat and magnitude of an oil spill in marine waters with proximity to ecological sensitive sites, the proximity of existing nearby response equipment, personnel and the ability to deploy spill response equipment. The equipment will include, but is not limited to, a mobile trailer, containment boom, anchors, tool box, Personal Protective Equipment (PPE), and an eight (8) hour hands on training course.

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OSPR staff will assist all grantees with the administrative functions in regards to selecting a certified equipment and training vendor. OSPR has pre-identified Global Diving and Salvage, Inc. as the approved and recommended vendor to provide the equipment and the training under the two grant awards.

FISCAL IMPACT

Approval of this resolution will authorize the acceptance and appropriation of two grants for \$25,000 each (for a total of \$50,000) from the Department of Fish and Game for the purchase of oil spill response equipment and training for the City of Oakland and Alameda County first responders. Funds will be deposited to the State of California Other Fund (2159), Office of Emergency Services (20711), miscellaneous state grants account (46229), in a project to be determined, and Homeland Security/Office of Emergency Services program (PS21); the appropriation will be appropriated to the same fund, organization, project, program and appropriate accounts.

Operations and maintenance fees associated with the equipment will be limited to vehicle end-of-service-life replacement fees and maintenance for the two trailers. The annual estimated cost per trailer is \$1,688.00 each and will be covered by the Oakland Fire Department Emergency Support Services (Organization 20816, Program PS26) General Purpose Fund (1010) operating budget.

The oil spill equipment in the trailers will be maintained by the Oakland Fire Department's Hazardous Materials Response team as a part of their regular HazMat equipment maintenance routine. Training for the equipment will be covered by the grant and will be provided at the City's convenience. Further, training will be scheduled as a part of Oakland's Hazardous Materials Team and Water Rescue Teams' regular training so as not to generate additional labor costs.

Any equipment used to assist the Coast Guard and Department of Fish and Game (DFG) during any significant marine or inland aquatic oil spill response will be decontaminated and expendable equipment will be replaced by DFG. Acceptance of this equipment will not affect the City's right to seek compensation for all costs associated with an emergency response and investigation caused by future oil spills.

Fees for purchasing will be estimated at 1% of the purchasing amount, which will be paid by the grant. There are no other fees, matching funds, or out-of-pocket expenses associated with receiving the equipment grant.

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BACKGROUND

On November 7, 2007 the shipping freighter Cosco Busan exited Oakland Berth 56 in dense fog conditions, with limited visibility, striking a pier under the Bay Bridge. The subsequent spill of 583,569 gallons of heavy fuel oil covered 56 miles of shoreline within the San Francisco Bay, and took up to 1,399 federal, state, Responsible Party (RP), local agencies and contractors over the course of several months to clean up. Numerous environmental sanctuaries were contaminated with hazardous materials, totaling over \$60 million in cleanup costs to government agencies.

The Coast Guard report on the Cosco Busan incident identified 76 environmentally sensitive zones in the Bay Area in direct threat from the release of heavy fuel oil. Of those 76 sites, only 22 critical sites had documented buoy deployment in the subsequent days of response due to limited equipment supplies and resources for containment. Additionally, the National Response Corporation Environment Services (NRCES) reported that it took nearly two hours from the initial report of fuel oil leaking from the Cosco Busan at 0837 hours before the initial 2500 feet of buoys were placed around the reported leak at 1030 hours.

Many of the environmentally sensitive sites left unprotected by DFG, the Coast Guard, and the Responsible Party were left vulnerable based on the decisions, priorities, and criteria identified in the San Francisco Bay Area and Delta Area Contingency Plan (ACP).

As of March 2009, the Alameda County Local Oil Spill Contingency Plan (LOSCP) has been completely revised to incorporate the lessons learned as a result of the Cosco Busan Oil Spill incident. The revision includes on-going updates of available response resources and capabilities to the Coast Guard's Area Contingency Plan (ACP) in order to provide a more immediate response to local ecological and economically sensitive sites.

Now that the LOSCP and ACP have been finalized, the California Department of Fish and Game (DFG), Office of Oil Spill Prevention and Response (OSPR), the Coast Guard, Counties, and local agencies are in discussion concerning validation and testing of the plans. Continued training, drills and exercises provide one of the best opportunities for first responders to practice and further hone their response skills, as well as to interact with other responding organizations.

OSPR is the lead state agency for the coordination of oil spill drills conducted by vessel and facility contingency plan holders within California. OSPR staff members are currently working on a drill cost project that, among other tasks, will identify the amount of funding that would be required to promote local participation. The City of Oakland first responders, Oakland Fire Department OES and key city staff would participate in any local, county and statewide oil spill drill and exercise.

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KEY ISSUES AND IMPACTS

In the case of an oil spill in coastal water ways, the State of California Department of Fish and Game (DFG), Office of Oil Spill Prevention and Response (OSPR) along with the Responsible Party (i.e., the spiller) have the responsibility to protect environmentally sensitive sites in Alameda County as prioritized in the ACP.

These pre-determined environmentally sensitive locations do not include the 70 currently identified economically sensitive sites in Alameda County. Twenty-one (21) of the economically sensitive sites are located in the City of Oakland. Lake Merritt, for example is not considered an environmentally sensitive site, however, it is categorized as an economically sensitive site. Because of this, prioritization and categorization of economically sensitive sites, and those sites considered low priority, may go unprotected for an undetermined length of time.

Acceptance of this oil spill response equipment and training grant from the DFG will enhance the local response capability, which will allow for immediate response to the City of Oakland's economically sensitive prioritized sites. Any equipment used in assisting the Coast Guard and DFG during a spill response or OSPR sponsored training exercise will be replaced by DFG.

Although there are some minimal ongoing fees and costs for the maintenance of the equipment following the first year of service, the benefit of having the capability to prevent, respond and protect Oakland's economically sensitive sites far exceeds the insignificant costs associated in accepting this equipment and training.

PROJECT DESCRIPTION

The primary objective of this grant funded project is to enhance the City of Oakland's and Alameda County's oil spill response capacity and capabilities. See Attachment A for project tasks and deliverables.

SUSTAINABLE OPPORTUNITIES

Economic:

This project supports the California Master Mutual Aid Agreement and helps to ensure that the City of Oakland and Alameda County have the resource response capabilities to assist in and facilitate a rapid response to protect human lives, land, fish, wildlife, air, water, ground water, drinking water supplies, commercial shipping, parks, recreational areas, and other such resources in the event of an oil spill in the San Francisco Bay, which has potential impacts for Oakland or neighboring cities.

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Environmental:

Alameda County contains environmentally sensitive shoreline areas, many of which are in Oakland, identification of these environmentally sensitive areas continues to be critical when prioritizing response actions. Access points to the shoreline vary from easy to nonexistent. It is essential that the City continues to assist in the development, training and implementation of the oil spill response strategies while providing OSPR on-going updates of available response resources.

Social Equity:

The equipment provided by this OSPR grant will allow the City of Oakland to assist with the protection the wetlands and shoreline affording equal access to all residents.

DISABILITY AND SENIOR CITIZEN ACCESS

This program has no immediate impact on persons with disabilities or the senior citizen communities and does not in any way conflict with the Americans with Disabilities Act (ADA) or other applicable laws.

RECOMMENDATION AND RATIONALE

Staff recommends Council adopt the resolution to accept a total of \$50,000 in grant funds for oil spill response equipment and training.

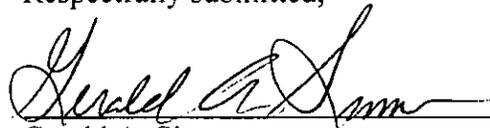
Without the necessary oil spill response equipment, training and collaborative response capabilities our local ecological and economically sensitive sites are at risk of remaining unprotected for an unknown length of time should a spill of a significant impact occur. Staff recommends that the City Council continue to support Oakland's emergency preparedness and response efforts by approving this report and resolution.

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ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the City Council approve the report and resolution authorizing the City Administrator or his designee to accept and appropriate two grants for oil spill response equipment in the amount of \$25,000 each, totaling fifty thousand dollars (\$50,000.00) in grant funding for reimbursement from the California Department of Fish and Game, Office of Oil Spill Prevention and Response to purchase oil spill response equipment including training to provide the City of Oakland the enhanced capability to immediately respond and deal with the immediate needs of an oil spill and protect our ecologically sensitive sites as well as local resources.

Respectfully submitted,



Gerald A. Simon

Interim Fire Chief

Reviewed by:

Renee A. Domingo

Emergency Services Manager

Prepared by:

Cathey Eide, Emergency Planning Coordinator

APPROVED AND FORWARDED TO THE
PUBLIC SAFETY COMMITTEE:



Office of the City Administrator

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ATTACHMENT A

Task 1 – Equipment Purchase

- Purchase equipment per OSPR equipment specifications
- Coordinate delivery of equipment
- Receive/Inventory equipment; invoice and remit for payment
- Receive equipment purchase
- Invoice OSPR for reimbursement of Equipment Purchases

Task 2 – Equipment Delivery & Familiarization/Training

- Ensure key first responders receive training/familiarization with equipment that will entail:
 - 1) Health and safety concerns when deploying equipment on oil spills
 - 2) Equipment familiarization
 - 3) Care, storage and maintenance of the equipment
 - 4) Usage as it pertains to the Local Contingency Plans (LCP), Area Contingency Plan (ACP) and Coast Guard Response Plans including other pertinent strategies
 - 5) Decontamination of personnel and equipment
 - 6) A practical hands-on deployment of the equipment
 - 7) Limitations of the equipment

Task 3 – Equipment Usage

- Furnish the necessary personnel, equipment, material and/or service(s) and perform all necessary actions for or incidental to the deploying of this equipment provided in the grant agreement.
- Notify OSPR when the equipment is used in conjunction with an oil spill response. The Grantee also agrees to notify OSPR if the equipment is relocated to a different staging location within the jurisdiction.

SCHEDULE OF COMPLETION DATES

<u>Tasks</u>	<u>Date</u>
Equipment Order	On or before June 30, 2009
Equipment Delivery and Training	On or before September 30, 2009
Training & Location Report to OSPR	On or before October 31, 2009

Specifications for the Equipment Trailers:

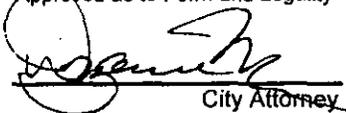
- Approximate size of box = 7' x 16'
- 3 Year Standard Manufactures Warranty
- 5 Year Axle Standard Manufacturers Warranty
- 20 Year Leak Manufactures Warranty

Equipment included in trailers:

- 1000 feet of Fast Water (River) Oil Containment and Standard Oil Response Containment Boom in 100 ft. lengths
- Boom Deflectors
- Anchor Systems
- Boom Tool Box
- Personal Protective Equipment (PPE)
- Decontamination Equipment
- Miscellaneous Equipment;
 - First Aid Kit
 - Fire Extinguishers
 - Material Safety Data Sheet (MSDS) Book
 - Navigation Lights

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Approved as to Form and Legality

City Attorney

**OAKLAND CITY COUNCIL
RESOLUTION No. _____ C.M.S.**

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR OR HIS DESIGNEE TO ACCEPT AND APPROPRIATE TWO GRANTS FOR OIL SPILL RESPONSE EQUIPMENT IN THE AMOUNT OF TWENTY-FIVE THOUSAND DOLLARS \$25,000 EACH, TOTALING FIFTY THOUSAND DOLLARS (\$50,000.00) IN GRANT FUNDING FOR REIMBURSEMENT FROM THE CALIFORNIA DEPARTMENT OF FISH AND GAME, OFFICE OF OIL SPILL PREVENTION AND RESPONSE, TO PURCHASE OIL SPILL RESPONSE EQUIPMENT AND TRAINING TO PROVIDE THE CITY OF OAKLAND THE ENHANCED CAPABILITY TO IMMEDIATELY RESPOND AND DEAL WITH THE IMMEDIATE NEEDS OF AN OIL SPILL AND PROTECT OUR ECOLOGICALLY SENSITIVE SITES AND LOCAL RESOURCES, AND WAIVING THE CITY'S BID AND REQUEST FOR PROPOSAL PROCESSES FOR THE PURCHASE OF SAID EQUIPMENT AND TRAINING

WHEREAS, The State of California Department of Fish and Game (DFG), Office of Oil Spill Prevention and Response (OSPR) has awarded the City of Oakland two (2) equipment and training grants in the amount of \$25,000 each for a total grant of \$50,000 in grant funding to obtain reimbursement for the purchase of oil spill response equipment and training; and

WHEREAS, The City of Oakland has been awarded these grants based upon the threat and magnitude of an oil spill in marine waters with proximity to ecologically sensitive sites; and

WHEREAS, The City of Oakland has first responders that will have the ability to deploy spill response equipment; and

WHEREAS, The City must purchase equipment and training from a pre-identified, state-approved vendor, Global Diving and Salvage as a condition of the grant; and

WHEREAS, Oakland Municipal Code Section 2.04.020 authorizes the City Administrator to purchase equipment up to \$250,000 and services up to \$150,000 without Council review, but Oakland Charter Section 808(a) and Oakland Municipal Code sections 2.04.050.1 and 2.04.051.B requires Council waiver of bidding and request for proposal processes; and

WHEREAS, the City's purchasing fee is estimated at 1% of the purchase amount and there are no other costs or fees associated with the acceptance of this grant; and

WHEREAS, Acceptance of funding for this response equipment and training from the DFG will enhance the local response capability allowing for immediate response to the City of Oakland's and Alameda County's prioritized ecologically and economically sensitive sites; now, therefore, be it

RESOLVED: That the Oakland City Council by adoption of this resolution hereby authorizes the City Administrator or his designee to accept and appropriate two grants for oil spill response equipment in the amount of twenty-five thousand dollars \$25,000 each totaling fifty thousand dollars (\$50,000.00) in total grant funding for reimbursement from the California Department of Fish And Game, Office of Oil Spill Prevention for the purchase oil spill response equipment and training to provide the City of Oakland the enhanced capability to immediately respond and deal with the immediate needs of an oil spill and protect our local resources; and, be it

FURTHER RESOLVED: That the purchasing fees estimated at 1% of the purchase cost will be covered by the grant; and, be it

FURTHER RESOLVED: That the Oakland City Council finds that it is in the City's best interests to waive the City's competitive bid process to procure equipment and training to be purchased with said grant funds, and so waives bidding and request for proposal requirements pursuant to Oakland Municipal Code Sections 2.04.050.I.5 and 2.04.051.B; and

FURTHER RESOLVED: That upon receipt, revenue will be applied to State of California Fund 2159, Org. 20711, Revenue Account 46229 and expenditures will be applied to Fund 2159, Org. 20711, and accounts 51000 and 52919 which include salaries, benefits and supplies; and be it

FURTHER RESOLVED: That the City Attorney's Office will approve the grant agreement as to form and legality and a copy of such will be placed on file in the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, QUAN, REID, AND PRESIDENT BRUNNER

NOES -

ABSENT -

ABSTENTION -

ATTEST:

LATONDA SIMMONS
City Clerk and Clerk of the Council of
the City of Oakland, California