



# AGENDA REPORT

**TO:** JOHN A. FLORES  
INTERIM CITY ADMINISTRATOR

**FROM:** Teresa Deloach Reed

**SUBJECT:** Alameda County Local Oil Spill  
Contingency Plan, Memorandum  
Of Understanding and Grant

**DATE:** March 31, 2015

City Administrator  
Approval

Date

3/31/15

**COUNCIL DISTRICT:** City-Wide

## RECOMMENDATION

Staff recommends City Council approval of a Resolution Authorizing The City Administrator Or His Designee To: 1) Enter Into A Memorandum Of Understanding (MOU) With The Alameda County Operational Area To Administer And Maintain The Local Oil Spill Contingency Plan (LOSCP) For The Alameda County Operational Area; And 2) Accept And Appropriate Up To Thirty-Five Thousand Dollars (\$35,000) Annually In Grant Funds For The Next Five Years For A Total Amount Of One Hundred And Seventy Five Thousand Dollars (\$175,000), Through July 1, 2020 Or Whenever Said Amount Of Grant Funds Is Exhausted, Which- Ever Occurs Last, From The California Department Of Fish And Wildlife (CDFW) Office Of Spill Prevention And Response (OSPR).

## OUTCOME

Approval of this resolution will allow the City of Oakland to enter into a Memorandum of Understanding with the Alameda County Operational Area (*Attachment A*). This allows for the provision of services required to administer and maintain the Local Oil Spill Contingency Plan for the Alameda County Operational Area and to accept and appropriate up to thirty-five thousand dollars (\$35,000) annually in grant funds for the next five years, through July 1, 2020.

## EXECUTIVE SUMMARY

The California Department of Fish and Wildlife (CDFW) awards an annual grant to the City of Oakland for the purpose of updating the Alameda County Local Oil Spill Contingency Plan (LOSCP). Approximately 72% of each grant award is used to cover the costs of the scope of services that will be performed by the City of Oakland Emergency Services Division staff.

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The remaining 28% of the grant award is distributed among Alameda County's six other participants (cities of Newark, Berkeley, San Leandro, Alameda and Union City, and the Port of Oakland) based on their eligible staff time.

The CDFW, Office of Spill Prevention and Response grant helps local governments facilitate a rapid response during an oil spill environmental emergency. Its purpose is to protect homes, land, wildlife, air, and water resources by providing support for Local Oil Spill Contingency Planning. Funds will allow the City of Oakland (representing the Alameda County Operational Area and participating agencies) to continue to update and revise the Alameda County Local Oil Spill Contingency Plan with the CDFW Office of Oil Spill Prevention and Response.

### **BACKGROUND/LEGISLATIVE HISTORY**

Since July 1995 the Oakland Fire Department's Emergency Management Services Division (EMSD) has been the lead agency for development and implementation of the Alameda County Local Oil Spill Contingency Plan (LOSCP). In 1996 the Alameda County Fire Chiefs Association approved this designation and subsequently the Oakland Fire Department received a substantial grant from CDFW for local plan development.

Between 2009 and 2014, the Emergency Management Services Division continued to receive grant funding under Resolution No. 82049 C.M.S., to make revisions and updates to the local plan, participate in the development of a Memorandum of Understanding (MOU) between the CDFW, Alameda County Operational Area, the City of Oakland, and participating entities. Additionally, to conduct and participate in meetings, trainings and exercises as determined in the contract agreement and MOU. On September 30, 2014, OSPR approved the updated LOSCP (*Attachment B*).

Most recently, Senate Bill 861 authorized the expansion and provided the additional statutory and regulatory authority, for the prevention, preparedness, and response activities in the new inland areas of responsibility. The bill delineates that all state surface waters at risk of oil spills from any source, including pipelines, production facilities, and the increasing shipments of oil transported by railroads are included in this expansion of statutory and regulatory responsibility.

The OSPR program now covers all state surface waters at risk of oil spills from any source, including pipelines, refineries, production facilities and rail. This expansion provides critical administrative funding for industry preparedness, spill response, and continued coordination with local, state, and federal government along with industry and non-governmental organizations.

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## ANALYSIS

Participation with the California Department of Fish and Wildlife (CDF) Office of Oil Spill Prevention Response (OSPR) includes interaction with the Coast Guard's Area Contingency Planning (ACP) process. This process assists in the update of the Area Contingency Plan and ensures consistency between the Federal, State, and Local Contingency Plans.

City of Oakland responsibilities under the MOU and grant agreement shall include but are not limited to:

- Coordinating with all Alameda County agencies involved in spill response and planning to review and update the LOSCP to ensure compliance with state and federal governmental directives, regulations, and policies;
- Conducting regular meetings of the Alameda County Contingency Planning Group to review the plan and ensure information is current and accurate;
- Drafting proposals for changes to the LOSCP and submitting those proposals to the Alameda County Director of Emergency Services for approval;
- Assisting local agencies involved in spill response planning efforts in completing and submitting documentation required for reimbursement through the OSPR Local Government Grant Program;
- Attending Drills and Exercises as required by the LOSCP and the MOU with OSPR;
- Participation in the contingency planning process of the United States Coast Guard; and
- Distribution of current LOSCP and any future updates to all potential spill response agencies within the Alameda County Operational Area.

The primary objectives for Emergency Medical Services Division's participation in the Federal Area Planning process via the CDFW's local Oil Spill Contingency Plan MOU and grant contract are to:

- Ensure local participation in the unified command during emergency response;
- Continue to foster cooperation in an oil spill emergency between the Coast Guard, CDFW, and the local jurisdictions within Alameda County;
- Facilitate on-going training to the participating Cities and County on how to utilize the emergency response information contained in the local and Area Oil Spill Contingency Plans;
- Identify differences between the Federal Area Contingency Plan (ACP), the City(s), and Special District(s) Local Oil Spill contingency plans (LOSCP) resulting from participation in the ACP update;
- Participate in vital policy and program updates; and

- Provide local government insight to legislation regarding regulations that will guide industry, local, and state government, and the public through aspects of the program like certificates of financial responsibility<sup>1</sup>, contingency plans, and drills and exercises.

## **COORDINATION**

The development of the Alameda County Local Oil Spill Contingency Plan and Memorandum of Agreement included coordination with the following jurisdictions and agencies:

- Alameda County Operational Area
- Alameda County Fire Department
- City of Alameda
- City of Albany
- City of Berkeley
- East Bay Regional Parks
- City of Emeryville
- City of Fremont
- City of Hayward
- City of Newark
- Oakland Fire Department
- Oakland Office of Public Works
- Port of Oakland
- City of San Leandro
- City of San Lorenzo
- City of Union City

The Controller's Bureau and the Office of the City Attorney were consulted in the preparation of this report.

## **COST SUMMARY/IMPLICATIONS**

Approval of this resolution will authorize the acceptance and appropriation of up to thirty-five thousand dollars (\$35,000) annually, in grant funding from the California Department of Fish and Wildlife (CDFW) Office of Spill Prevention and Response (OSPR) for the next five years, through July 1, 2019.

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<sup>1</sup> OSPR issues Certificates of Financial Responsibility (COFR) to facilities, vessels, and pipelines after they have provided an application and proof that they have the financial resources to cover the costs of response for their "worst-case scenario" spill as defined by regulation.

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Grant Funds will be appropriated to Department of Fish and Games (2150), Emergency Management Services Division (EMSD) Homeland Security Organization (20711), Account (46229), Homeland Security/Emergency Management Services Division Program (PS21), and Project to be determined.

Approval of this resolution will have no impact on the general fund.

### **SUSTAINABLE OPPORTUNITIES**

***Economic:*** The Alameda County (Local) Oil Spill Plan (LOSCP) identifies and updates economically sensitive sites in the City of Oakland as well as surrounding communities. As the lead for the plan, Oakland can insure all of its City's economic sites<sup>2</sup> are included in the plan. This provides assurance that these sites will be prioritized for development of protective site strategies, prioritized clean-up response should an oil spill occur impacting these areas. Examples of economically sensitive sites include the Port of Oakland Terminals, the Oakland Estuary, Lake Merritt, and other waterfront restaurants and businesses. The LOSCP also identifies processes for reimbursement for costs and damages.

***Environmental:*** The efforts through the use of the OSPR grant to protect the wetlands and shoreline affords equal access to all residents and provides for a view of nature not commonly seen in an urban environment.

***Social Equity:*** These funds help facilitate a rapid response during an oil spill environmental emergency to protect homes, land, wildlife, air, and water resources by providing support for Local Oil Spill Contingency Planning.

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<sup>2</sup> Strictly economic sensitive sites are designated as the third priority for dedication of oil spill response resources, following human health and safety and environmental sensitive sites. In the LOSCP the economic sites are prioritized based on severity, level of disruption to activities, and long-term vs. short term economic impacts from a spill.

For questions regarding this report, please contact Eileen Ogata, Emergency Management Services Division Office Manager at 510-238-4764.

Respectfully submitted,



Teresa DeLoach Reed  
Fire Chief

Prepared by:  
Cathey Eide  
Acting Emergency Services Manager  
Emergency Management Services Division

Reviewed by:  
Cynthia Perkins  
Chief of Staff  
Oakland Fire Department

*Attachments:*

- A) Memorandum of Agreement with the Alameda County Operational Area
- B) Alameda County Local Spill Contingency Plan Approval Letter

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Public Safety Committee  
February 24, 2015

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

*Amador S. Soto*  
City Attorney

# OAKLAND CITY COUNCIL

2015 APR -1 AM 12:51

RESOLUTION No. \_\_\_\_\_ C.M.S.

**RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR OR HIS DESIGNEE TO: 1) ENTER INTO A MEMORANDUM OF UNDERSTANDING (MOU) WITH THE ALAMEDA COUNTY OPERATIONAL AREA TO ADMINISTER AND MAINTAIN THE LOCAL OIL SPILL CONTINGENCY PLAN (LOSCP) FOR THE ALAMEDA COUNTY OPERATIONAL AREA; AND 2) ACCEPT AND APPROPRIATE UP TO THIRTY-FIVE THOUSAND DOLLARS (\$35,000) ANNUALLY IN GRANT FUNDS FOR THE NEXT FIVE YEARS FOR A TOTAL AMOUNT OF ONE HUNDRED AND SEVENTY FIVE THOUSAND DOLLARS (\$175,000), THROUGH JULY 1, 2020 OR WHENEVER SAID AMOUNT OF GRANT FUNDS IS EXHAUSTED, WHICH-EVER OCCURS LAST, FROM THE CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE (CDFW) OFFICE OF SPILL PREVENTION AND RESPONSE (OSPR)**

**WHEREAS**, the Alameda County Operational Area (“ACOA”) is “[a]n intermediate level of the state emergency services organization, consisting of a county and all political subdivisions within the county area.” See Section 8559(b) of the California Government Code; and

**WHEREAS**, Section 8574.7(b) of the California Government Code requires a State marine response element that specifies the regional and local planning element that shall provide the framework for the involvement of regional and local agencies in the State effort to respond to a marine oil spill; and

**WHEREAS**, for the ACOA, that regional and local planning element is referred to interchangeably as the Alameda County Local Marine Spill Contingency Plan or the Alameda County Local Oil Spill Contingency Plan (“LOSCP”); and

**WHEREAS**, the City of Oakland (“City”) and the County of Alameda (“County”) are participating members of the ACOA; and

**WHEREAS**, since the mid-1990s the City, on behalf of the ACOA has been responsible for administering the LOSCP pursuant to a grant award from the California Department of Fish and Wildlife, Office of Spill Prevention and Response (“OSPR”); and

**WHEREAS**, pursuant to Section 852.60.4(d) of the California Code of Regulations, OSPR is required to enter into a memorandum of understanding with local governments for the purposes of ensuring a unified and coordinated effort between state and local government agencies through appropriate mutual aid in the event of an oil spill incident; and

**WHEREAS**, staff understands that the the County of Alameda, on behalf of the ACOA, intends to enter into a separate memorandum of understanding entitled “Memorandum of Understanding Relating to Spill Incident Command and Management Between the State of California Department of Fish and Wildlife, Office of Spill Prevention and Response and the County of Alameda” (County – OSPR MOU); and

**WHEREAS**, on September 30, 2014, OSPR approved the updated LOSCP; and

**WHEREAS**, the County and City seek to enter into a memorandum of understanding in order for the City to act on behalf of the ACOA to fulfill the ACOA’s responsibilities as outlined in Section V “Spill Response Preparedness” of the LOSCP; now, therefore be it

**RESOLVED:** That the City Administrator or his designee, on behalf of the City of Oakland is authorized to enter into a Memorandum of Agreement with the Alameda County Operational Area allowing for the provision of services required to administer and maintain the Local Oil Spill Contingency Plan (LOSCP) for the Alameda County Operational Area; and be it

**FURTHER RESOLVED:** That the City Administrator or his designee is authorized to accept and appropriate up to thirty-five thousand dollars (\$35,000) annually in grant funds for the next five years for a total amount of one hundred and seventy five thousand dollars (\$175,000), through July 1, 2020 or whenever said amount of grant funds are exhausted, whichever occurs last, from the California Department of Fish and Wildlife (CDFW) Office of Spill Prevention and Response (OSPR); and be it

**FURTHER RESOLVED:** That grant funds will be appropriated to Homeland Security Fund (2150), Emergency Management Services Division (EMSD) Homeland Security Organization (20711), Account (46229), Homeland Security/Emergency Management Services Division Program (PS21), and Project to be determined; and be it

**FURTHER RESOLVED:** That all contracts authorized hereunder shall be approved for form and legality by the Office of the City Attorney and placed on file in the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, 20\_\_\_\_\_

**PASSED BY THE FOLLOWING VOTE:**

AYES - BROOKS, CAMPBELL WASHINGTON, GALLO, GUILLEN, KALB, KAPLAN, REID, and PRESIDENT GIBSON MCELHANEY

NOES-

ABSENT-

ABSTENTION-

ATTEST: \_\_\_\_\_

LaTonda Simmons  
City Clerk and Clerk of the  
Council of the City of Oakland,

California