



Marine Spill Response Corporation®
California Region

November 20, 2007

The Honorable Loni Hancock
Chairperson, Assembly Natural Resources Committee
California Legislature
1020 N Street, Ste. 164
Sacramento, California 95814

Re: Hearing on November 15, 2007 Re: Oil Spill
in the San Francisco Bay

Dear Ms. Hancock:

Thank you for the opportunity to speak at Thursday's hearing.

As requested at the hearing, I am following up with written comments. These comments include points from my presentation last Thursday, as well as additional information that you may find relevant.

1. MSRC was first contacted by the vessel at approximately 9:17 am, or about 50 minutes after the spill occurred. MSRC immediately began mobilizing resources. Our first vessel was underway in approximately 23 minutes, and on-scene in approximately 33 minutes.
2. We believe, based on the information initially provided to us (including the report that this was only a 10 barrel spill and that the source of the spill had been controlled) that MSRC over-responded in the number of vessels it mobilized. For more specifics regarding the MSRC resources mobilized in the early hours, please see Attachment 1.
3. MSRC, along with several other contractors, provided resources in response to this spill. MSRC resources were provided at the request of the shipowner and under the direction of its spill management team. Fog and other conditions appear to have limited their recognition that this was a larger spill.
4. We maintain a significant capability in the Bay Area. In fact, we have over 30 dedicated response personnel (responders, response supervisors, and vessel crew) plus other supervisory staff in the Bay area -- the largest single contingent of MSRC in any one location in the US. At no time in the response was MSRC impacted by a shortage of response personnel. We also have trained and dedicated contractors in the area, and they were available for immediate action for the recent spill. For additional background information regarding MSRC and its response capabilities, please see Attachment 2.

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5. We supplement these local resources (which as noted above are significant) when large incidents occur, similar to the way a fire department would call in additional fire houses in the event of a large fire. We call this support "cascading" and it involves bringing in personnel and equipment from other areas. In the case of this response, and out of an abundance of caution given the sensitivities of the Bay Area, we began planning for cascading very shortly after we began mobilization. When more information became available regarding the size of the response, we began implementing our cascading plan.

6. We believe strongly in the benefits of the cascading system. All outstanding emergency response systems rely on a strong cascading process – whether local fire departments that call on other precincts and communities to help for the five alarm fire, to the wild fires of Southern California that occurred earlier this year. All good systems need to balance the size of the local operations with the cascading system. Ours has been proven many times. Criticism of cascading, as occurred from a few MSRC employees that were cascaded in from our Long Beach site, is unfounded and factually incorrect, and is an attempt to use this unfortunate spill incident to impact collective bargaining negotiations between MSRC and the union representing the Long Beach responders.

7. As a California OSPR representative stated at your hearing, MSRC fully met the requirements of the regulations and the expectations of OSPR. As has been noted elsewhere, MSRC is fully approved by OSPR, which has the most rigorous requirements of any of the states where MSRC conducts operations, and has successfully passed unannounced drills conducted by OSPR (MSRC participates, on average, in 3 or 4 unannounced drills per year, either directly or in support of its customers). The same is also true of Coast Guard regulations and expectations, which MSRC also met.

8. To the extent that the issue becomes whether current regulations are appropriate and adequate, we must respectfully defer to State and federal officials.

Thank you again for the opportunity to speak at your hearing.

Sincerely,



Stephen D. Ricks
VP – Regulatory Affairs

Attachments: Att. 1 (MSRC Resources Mobilized in Early Hours)
Att. 2 (MSRC and its Capabilities)

Attachment 1

MSRC Resources Mobilized In Early Hours

Out of an abundance of caution, and based on our experience, we elected on our own to mobilize significantly more resources than one would typically do for a spill of such small reported size (10 barrels or 420 gallons). I would highlight the following as indicative of the high level of resources we mobilized from the time of our notification

(a) Within 23 minutes one of our skimming vessels was in transit to the scene, and was at the site of the discharge in 33 minutes. This vessel has a skimming capacity of 8750 gallons per hour (this “effective daily recovery capacity” or “EDRC” is calculated based on a formula set forth in federal regulations, which the State has also adopted). (b) Within 2 hours we had 3700 feet of boom on scene via 4 specialized boom boats. (c) Within 3 hours we had another 27,000 gallons per hour of skimming capacity and another 3700 feet of boom on scene. (d) All told on day one we had over 45,000 gallons per hour of skimming capacity and 17,300 feet of boom on scene from our various sites throughout the Bay Area for a reported 420 gallon spill. I would also add that visibility was poor during this time frame due to fog. In fact, helicopter oversight, which is typical for a spill and which helps direct response activities, was delayed due to fog and safety conditions. At approximately 3 hours and 45 minutes after our notification, we received information from the Responsible Party's spill manager that they now believed the discharge was in fact more than the initially reported 420 gallons. Subsequently many additional resources were mobilized from our sites throughout the Bay Area and by cascaded assets. We can make available more detail regarding the equipment and vessels deployed and regarding the accumulated total of our resources deployed throughout the spill. We believe, and are quite proud of the decisions we made internally to mount a significant amount of resources without the benefit of information other than a reported 420 gallon spill that was said to have been secured.

Attachment 2

MSRC and its Response Capabilities

MSRC is a non-profit spill response company. It was formed in 1990. It has the largest inventory of response assets in the United States with over 400 dedicated personnel and vessel crews, and also has an extensive network of trained contractors to supplement operation. We have served the public by responding to over 500 spills since our creation, including several in California. We also played a major role in the Katrina/Rita hurricane responses and received strong accolades for our role in those responses and our ability to cascade personnel from throughout the US to assist the Gulf area under very demanding circumstances. While our funding largely comes from oil and shipping companies engaged in petroleum production, refining and transportation, we make our services available to others including the State of California and the Coast Guard (we have standing contracts with both).