



City of Albany

1000 SAN PABLO AVENUE • ALBANY, CALIFORNIA 94706-2295

March 5, 2008

Susan Muranishi
County Administrator
Alameda County
1221 Oak Street, Suite 555
Oakland, CA 94612

CITY ADMINISTRATOR
PH. (510) 528-5710
FAX (510) 528-5797

CITY ATTORNEY
PH. (510) 528-5858
FAX (510) 528-9190

CITY CLERK
PH. (510) 528-5720
FAX (510) 528-5797

CITY COUNCIL
PH. (510) 528-5720
FAX (510) 528-5797

COMMUNITY DEVELOPMENT & ENVIRONMENTAL RESOURCES

- Building
- Engineering
- Environmental Resources
- Maintenance
- Planning

PH. (510) 528-5760
FAX (510) 524-9359

FINANCE & ADMINISTRATIVE SERVICES

CITY TREASURER
PH. (510) 528-5730
FAX (510) 528-2743

FIRE & EMERGENCY MEDICAL SERVICES

PH. (510) 528-5771
FAX (510) 528-5774

PERSONNEL
PH. (510) 528-5714
FAX (510) 528-5797

POLICE
PH. (510) 525-7300
FAX (510) 525-1360

RECREATION & COMMUNITY SERVICES

1249 Main Avenue
PH. (510) 524-9283
FAX (510) 528-8914

- Friendship Club
- Childcare Program
PH. (510) 559-7220
- Senior Center
PH. (510) 524-9122
FAX (510) 524-8940
- Teen Center
PH. (510) 525-0576

Dear Susan,

Thank you for the opportunity to meet with you and other County staff regarding Albany's concerns on the response to the Cosco Busan Oil Spill in November, 2007. As I said in the meeting, my primary concern is to establish better communications, clearer expectations and improved systems for responding if/when a next oil spill occurs.

Specific areas that we discussed and/or the City has identified include:

- 1) Advocacy for improving federal and state response in an oil spill. Issues include more immediate response and/or resources for:
 - a) Notification to local agencies
 - b) Efforts to contain a spill
 - c) Resources and response to rescue oiled birds and other wildlife
 - d) Oil contamination clean-up in a more timely manner
 - e) Training and coordination for volunteer activities

Furthermore, the contractor for the responsible party should not be in any authority position in Incident Command, and the Incident Command Center should immediately invite the County Office of Emergency Service's (OES) participation, and County OES should apprise affected cities of daily Incident Action Plans.

- 2) Communication. There was a disconnect during the November oil spill between the City and County on each other's activities, priorities, and concerns. We need to have more immediate and clearer communication, and build in a redundancy contingency to ensure that the City knows what the County is doing and the County is aware of the City's concerns. This connection is critical since the County is assigned to represent the City in the Incident Command system.

The City of Albany is dedicated to maintaining its small town ambience, responding to the needs of the community, and providing a safe, healthy environment now and in the future.



PRINTED ON RECYCLED PAPER

- 3) **Expectations.** The City of Albany is very concerned about its environment, including but not limited to the health of birds and other wildlife, water quality, and other aspects of the ecosystem. Our community expects its government agencies to take immediate steps to protect and preserve human, animal, and other environmental health. Of note in the November spill:
- a) City officials and residents were alarmed that there were so many distressed and dead oil-slicked birds washing ashore with what appeared to be very little attention from Incident Command and/or other government agencies. The City of Berkeley's Shorebird Park Nature Center provided excellent support for bird rescue and volunteer training and coordination, but the tasks exceeded their capacity.
 - b) By Thursday p.m. oil had washed ashore but it was not until Sunday afternoon that Incident Command had a clean-up contractor on site. In the meantime, the City did not have official alerts or reliable information about environmental and health hazards associated with leaving the oil in place (beyond the danger to birds) and/or coming in contact with it. Neither did the city receive reliable information on when to expect clean up. Consequently, there was a push to have city staff and/or volunteers fill in the gap and commence clean up, which generated confusion and controversy about training, hazards, threat to health and safety, liability, interference with Incident Command, cost recovery, and disposal.

The City of Albany encourages State, county, city and non-profit organizations to improve response and clarify expectations on rescuing birds and cleaning up oil. The City further encourages State and regional efforts to collaboratively incorporate volunteer training, coordination, and deployment into helping to meet expectations.

Lastly, and crucially, is the challenge of the roles and responsibilities of the City and the County when State and Federal officials in Incident Command fail to meet local and regional expectations as they did in the November oil spill. As government officials, we are trained and expected to follow the Incident Command System and its chain of command for communication and deployment of resources, but we also have responsibilities to the environmental and the public safety of our communities.

- 4) Response resources. City officials have been told that if boom had been placed in such a manner as to channel the oil to a specific spot on Albany beach, the impact on the Albany waterfront would have been reduced. (Chevron received permission from Incident Command to deploy boom between Point Isabel and the Albany Bulb, which provided a fair amount of protection to the Albany mudflats.) The City of Albany wants to work with the County and any other applicable agencies on securing boom, and other related supplies that could be placed for waterfront protection in an oil spill in the Bay. One of our specific suggestions is that since the majority of ships in the Bay are going in and out of the Port of Oakland, that the Port should have a key role in this area.

I would like to thank you and other County officials for your time in working with Albany to improve oil spill response, with particular thanks to Ariu Levi, Captain Tom McCarthy, and Jan McClellan from the Health Agency, Sheriff's Office, and County OES respectively. For their follow up on these issues with Albany staff, they can contact Fire Chief Marc McGinn or Public Works Manager Rich Cunningham.

Sincerely,



Beth Pollard
City Administrator

cc: Dave Kears, Alameda County Health Services Agency
Rich Lucia, Alameda County Undersheriff
Marc McGinn, Fire Chief
Mike McQuiston, Police Chief
Rich Cunningham, Public Works Manager
Dan Stevenson, Maintenance Supervisor

**CITY OF ALBANY
CITY COUNCIL AGENDA
STAFF REPORT**

Agenda Date: 11/19/07

Reviewed by: *BP*

Subject: Oil Spill in San Francisco Bay and onto Albany shoreline

Report By: Beth Pollard, City Administrator

STAFF RECOMMENDATION

1. Confirm the continued existence of a local emergency, pursuant to Resolution #07-69.
2. Receive report on response to spill and clean-up efforts.

REPORT ON RESPONSE TO SPILL AND CLEAN-UP EFFORTS

Background

On November 7, 2007, an oil cargo ship hit the Bay Bridge and released 58,000 gallons of bunker oil into the San Francisco Bay. The initial report was that the spill was 100 gallons, which affected the initiation and scope of response efforts.

By Friday oil had spread to the Albany shoreline and onto the beach, much of the perimeter of the Neck and Bulb, and into the lagoon area adjacent the Albany Plateau, as well as other areas around the Bay. Governor Schwarzenegger proclaimed a State of Emergency on November 9, 2007.

The following summarizes some of the actions taken by and/or at the request/direction of the City, East Bay Regional Parks, and the Incident Command Center headed by the Coast Guard, with the participation of the State Department of Fish & Game and other agencies:

1. An oil boom was placed between Pt. Isabel and the north side of the Albany Bulb to protect the Albany lagoon from further intrusion of oil. The lagoon/mudflats is an area frequently populated by birds, and is a particular area of concern.
2. The Eastshore State Park in Albany and the Albany Bulb were closed to protect people and dogs from exposure to toxic oil on the shore and in the water, and to keep them from scaring away distressed birds covered in oil and compromising rescue efforts. Albany volunteers and Albany information flyers were posted at the Waterfront Trail to advise people about the spill, the hazards, and the closure. Currently, water and shoreline access only is

restricted.

3. A contractor deployed through Incident Command for the responsible party began cleaning up the Albany shoreline on Sunday. The initial effort was the Albany beach. They were not deployed to Albany on Monday, but returned on Tuesday to continue work along the beach frontage. They began work on the Albany Neck and Bulb on November 15.
4. Birds injured or dead due to the oil were rescued in various areas in and near Albany, with volunteers doing most of this work. Officials asked that bird rescue be limited to trained volunteers, with other volunteers assisting with transport and other duties. Councilmembers Wile and Atkinson were involved in this work.
5. Volunteers and some city staff received a 4-hour training (condensed from the previously required 40-hour training) on oil residue clean up on Monday, November 12 by the State Department of Fish & Game. The training was required due to the toxicity of oil and the protective clothing required. A volunteer and City staff team worked on the southern beach frontage in Albany Monday afternoon.
6. The City contracted with an environmental firm, Tetra Tech, to advise Albany on appropriate clean-up approaches and outcomes, in coordination with the City of Berkeley. The City has also enlisted the assistance of two local residents for their familiarity with the birds and the environmental conditions.

DISCUSSION

Some of the issues that arose or are still pending as a result of the spill and the response include:

1. Concerns about the scope and timeliness of the Coast Guard directed response.
2. The role of and training for volunteers in handling birds and shoreline clean-up.
3. Communications, coordination efforts, and assignment of responsibilities and authorities between cities, county, and regional, state, federal agencies, and the private contractor for the responsible party.
4. The final call on what is appropriate and "clean enough" in the spill clean-up.

ANALYSIS

Incident Command and the responsible party have assigned a contractor to clean up the Albany waterfront. The work is being done along the shoreline of the beaches, Neck, and Bulb. The Neck and Bulb are especially critical for the contractor to perform because of the hazards and difficulties of the shoreline rock. The contractor work is currently expected to continue through this week, over the weekend, and into the week of November 19. At that time or shortly thereafter, we anticipate there will be an assessment of the remaining conditions, the extent to which additional cleaning is warranted and/or appropriate, and the methodology that will be used. City staff is concerned that the

Albany waterfront environment be adequately protected in this assessment and follow through, and for that reason retained the services of the environmental engineering firm, Tetra Tech, to advise.

In anticipation of a desire for volunteer clean up efforts in Albany after the departure of the contractor, volunteers, and additional City staff to serve as possible crew leaders, are being trained in oil clean up on Saturday, November 17, from 8 a.m. to Noon, at the West Berkeley Senior Center, 1900 Sixth Street, Berkeley.

There are many other issues and concerns related to the content, coordination, and timeliness of the response that warrant local, regional, state, and federal attention to changes in policies and procedures. It is not the purpose of this report to focus on those matters at this time, but to note they warrant discussion to improve future response to oil spills in the SF Bay.

FINANCIAL IMPACT

The City is tracking its staff time and other costs related to the oil spill and will file a claim for reimbursement.

CONCLUSION

There are many Albany people to thank for helping the local response efforts to protect birds, wildlife, and the Albany waterfront. I hesitate to mention any names in risk of excluding folks, but a few of particular note are:

- Mayor Lieber, for bringing Albany's concerns to the attention of regional officials and his ongoing availability and responsiveness
- Councilmember Joanne Wile, for her non-stop work to rescue birds and keep the City informed
- Public Works Manager Rich Cunningham, the lead City staff person at the Incident Command Center every day since November 8, and round the clock diligence, assisted by Maintenance Supervisor Dan Stevenson
- Community Development Director Ann Chaney, also working continuously since the spill and leading the volunteer work crew
- Others who helped in key ways over the November 10-12 weekend and/or beyond: Judy Lieberman, Penelope Leach, Marc McGinn, Jeff Keary, Marge Atkinson, Francesco Papalia, ALERT team and other volunteers, Jess Cosby, Jay Jorgenson, Jim Boito, Aaron Walker, Vanessa Ferrar, Robin Mariona

Thanks also to the City of Berkeley for including City of Albany staff in its Emergency Operations Center, communications loop, and volunteer coordination throughout the spill response.

Attachments

Resolution #07-69