



OIL SPILL ADVISORY COMMITTEE

Wyman Briggs, Chair
Kevin Fish
Timothy Hendrix

Timothy Kipp
James McCleave
Gerald Morrison

Joseph Payne
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MEETING MINUTES Tuesday, July 19, 2011

Members Present: Wyman Briggs, Kevin Fish, Timothy Hendrix, Timothy Kipp, James McCleave, Joseph Payne

Dept. Rep.: Barbara Parker

Guests: Seth Barker, Sherrie Edwards, Ginger McMullin

Meeting Commenced at 10:40

1. Administrative Topics – Wyman Briggs

Wyman Briggs reviewed the minutes for the previous meeting. Tim Hendrix had comments regarding the finance subcommittee section. Wyman requested approval of the 04/26/2011 meeting minutes with minor revisions from Tim. Meeting minutes accepted unanimously with minor revisions. Kara Walker will update the minutes, provide them to Tim and Wyman for approval, and then send the revised minutes to the entire committee.

2. Surface Fund Financial Report, Sherrie Edwards MEDEP

(Handouts provided at meeting)

The June numbers were not available at the time of the meeting as fiscal year end data was still being compiled. Fines and cost recoveries will continue to increase revenues for the Surface Fund. There was a professional fee spike in April for the Surface Water Ambient Toxics (SWAT) monitoring program; this program will no longer be funded from the Surface Fund. The largest transfer was to the general fund for \$285,747 in April. A total of 1.9 million was transferred to the general fund from MEDEP's dedicated funds.

Although the MEDEP could not keep the funds from being transferred all together, the full cut from the Surface Fund was originally to be \$100,000 more but MEDEP successfully fought for a lower amount. The large capital expense in May was for three used, flatbed trailers for the storage and quick deployment of the new boom received from BP's Deepwater Horizon incident. These were purchased at a very favorable price. MEDEP sent over 12,000 feet of boom to the Gulf under a Memorandum of Understanding (MOU) with BP. The MOU called for new replacement boom within 2 years. BP honored this MOU and MEDEP received brand new 18-inch and 24-inch boom in July. **Sherrie will have a forecast for the fiscal next year at MOSAC's October meeting.** Discussion ensued regarding the dedicated funds being transferred to the general fund. Finance subcommittee was going to investigate the best approach to thwart something similar from happening again (ex. – letter to the Governor or garnering industry support).

3. Introduction of Patricia Aho, Acting MEDEP Commissioner

Pattie Aho was introduced by Barbara Parker. Pattie provided a sincere thank you to all MOSAC members. She also encouraged open communications with the Commissioner's office regarding recommendations or letters of concern. The committee requested a meeting with the Governor based on lessons learned from the *Cosco Busan* and Deepwater Horizon incidents.

4. Surface Fund Financial Report cont., Sherrie Edwards MEDEP

Sherrie discussed cost recovery. Since Bekka Koroski started cost recovery in 2005, she has recovered \$3.2 million across the MEDEP's three dedicated funds. Several cases totaling in the hundreds of thousands of dollars have been appropriately journaled to the Groundwater Fund when the source was identified as a tank. The Surface Fund cases have a recovery rate of approximately sixty percent. The remaining forty percent fall into a "dead" category when Notices of Violation have been issued to no avail, liens have been looked into and the spiller does not hold property in Maine, eligibility for a tax offset does not apply as the spillers have not agreed that they owe the MEDEP reimbursement, and the Attorney General's office is unwilling to pursue the case as the sums of money are low and there is a low likelihood of success. Sherrie indicated that there is limited staff, resources, and no database for collecting and processing this information. At this time cost recovery is completed manually when there are portions of it that could be easily automated with the correct software. **MOSAC requests that Sherrie provide some recommendations regarding a system that would benefit cost recoveries that the committee could potentially support.** Members discussed penalties, a Natural Resource Damage Assessment matrix, a third party collection option, and the potential for billing for staff time.

5. MEDEP Perspectives – Barbara Parker

Barbara Parker reviewed training, preparedness, and outreach within the Division and the Division's extensive spill prevention efforts. Members discussed the following spill prevention and mitigation strategies for DEP's further consideration:

- Requiring out-of-state transportation companies to contract with local clean-up contractors to facilitate a more timely response
- Sending a one page summary of some of the larger spills and consequences of those spills to “interested” parties
- A public service announcement with the assistance of a public relations firm
- Making sure that oil delivery spill prevention messages go above the driver level to the dispatch level and management

Barbara also discussed the elimination of the Surface Fund payments for the SWAT monitoring program. The MEDEP is also reviewing positions being paid out of the Surface Fund closely. Capital equipment purchases (ex. – two boom reels) have been delayed. MOSAC discussed the lack of fire boom availability, but the cost (approximately \$500 per foot) makes the purchase difficult at this time.

6. GRS Testing Results on the Fore River – Ginger McMullin

(PowerPoint Presentation available to MOSAC members upon request)

Ginger discussed the results of three booming strategy deployments that took place on June 8th and 9th. The first strategy deployed worked very well. The second was not as successful and a third strategy was tested in the afternoon of the 9th, but was also less successful. The first strategy tested will be added to the Geographic Response Plan. A larger request for proposals is currently out and will be reviewed mid-August and hopefully the Scarborough River Geographic Response Strategy (GRS) will be tested this fall. The remainder will be deployed in 2012.

7. Circulation Study Workshop Results – Joe Payne

(PowerPoint Presentation available to MOSAC members upon request)

Casco Bay Estuary Partnership conducted a circulation study workshop on May 18th and 19th. The workshop resulted in a fairly clear roadmap outlining where to go with the first step being improved data for wind models, river gauging, etc. Members noted that results of the workshop need to be prioritized in order to determine and potentially fund (or find funding) for the critical items first.

8. Administrative Topics Discussion Cont. - All

Wyman Briggs provided announcements regarding a full Incident Command System exercise provided by New Hampshire Dept. of Environmental Services (SEP 29th), the next Area Committee meeting (SEP 27th), and the summer 2013 CANUSLANT exercise. Wyman detailed the Area Committee’s focus on GRS prioritization, economic priority areas, education regarding the National Response Framework and National Contingency Plan, VIPs, and volunteer management plans.

Potential agenda items for the next meeting:

- Financial discussion

- Outreach at higher levels (emergency management, commissioner, Governor, Non-Governmental Agencies)
- National Response Team's SMART protocols

Meeting adjourned at 15:00