

Memorandum

To: Chuck Bonham
From: Stefanie Sekich-Quinn, Surfrider Foundation
Sarah Sikich, Heal the Bay
Susan Jordan, California Coastal Protection Network
Re: Oil Tar Incidents: Reporting outside the Active Incident
Command Area
Date: June 19, 2015

Background:

In the days and weeks since the Refugio Oil Spill occurred on May 19th, numerous anecdotal reports of oil and tar deposits in excess of normal seepage (hereinafter referred to as “unusual oil deposits”) have been reported. On May 27th, unusual amounts of oil deposits washed up on South Bay beaches with reports of excessive oil deposits over the next several weeks ranging from Ventura to Orange County.

Understandably, these reports are causing significant concern with the public and area beachgoers in particular.

Several South Bay beaches that were closed as a result of excessive oil deposits on May 27th were opened again on May 30th based on visual assessments that the beaches were back to normal baseline for oil deposits. An Active Incident Command Center that had been opened in the South Bay to respond and clean up was closed with the reopening of the beaches. The following week, unusual amounts of oil began washing ashore in Long Beach on June 3rd. A four-mile stretch of beach was closed until June 5th while authorities cleaned up the unusual oil deposits. Meanwhile, accounts of abnormal deposits along beaches from Ventura to Orange County were also being reported by the public.

On June 11th, NGO Stakeholders sent a letter to members of the Incident Command requesting a stronger response to oil washing ashore in Southern California. The letter referenced beaches where those organizations or their members had witnessed oil of unknown

origin on the beach, including Oxnard, El Matador, Zuma, Malibu Surfrider, Sunset, Santa Monica, Venice, Playa del Rey, Dockweiler, Manhattan Beach, Hermosa Beach, Redondo Beach, Torrance, and Long Beach. Photo evidence was supplied and samples were taken.

The letter specifically asked that reports of excessive oil deposits be fully investigated. Given the labor-intensive nature of both reporting and cleanup, the organizations offered to utilize their extensive volunteer networks to assist.

Since the letter was sent, unusual oil deposits have been reported at Venice Beach, Laguna Beach, and Zuma, Westward, and Will Rogers, etc.

Current Procedures for Collecting Samples of Unusual Oil and Tar Deposits:

When a member of the public experiences unusual tar deposits, and if they are familiar with the recent oil spill and the current reporting process, they can call a number (1-800-424-8802) to report it or file a report online. Those who make a report then receive a follow up call from a DFW staff person to discuss the 'incident.'

In one such recent call, the person reporting the incident expressed concern that these unusual oil deposits could be the result of the Refugio oil spill; the electronic report that was generated did not mention that concern. In the follow up call, the person reporting the incident was actively discouraged from associating the excessive oil deposits with the Refugio Oil Spill and offered a variety of reasons why the reported oil deposits were not related to the Refugio Oil Spill:

- Too soft, too hard, not hard enough based on verbal description
- Offshore seismic events occurring in the time frame of the spill
- Natural seeps
- Fingerprinting is very expensive

As informed by the DFW staff person, only a 'peace officer' can take a sample in order to keep the 'chain of custody' required to officially

investigate whether unusual oil tar balls and patties are related to the Refugio Oil Spill. The person reporting the incident, who had taken a sample, was told it could not be used and might as well be discarded.

Gaps in Reporting, Investigating and Fingerprinting Samples at Affected Beaches:

Despite receiving multiple reports of oil tar deposits that appear to be in excess of normal baseline seepage conditions across a wide range of Southern California, there does not appear to be a robust process in place for investigating these reports. Samples taken by the public that might be used to confirm whether or not these oil deposits are related to the Refugio Oil Spill are actively discouraged.

If there is an official sampling process in place throughout the South Coast or if follow up on public reports (via sampling and archiving) is occurring, this information is not being shared with the public. And if official sampling is not occurring throughout the region, then there is no way to conclusively determine if the oil tar deposits being documented by the public are or are not related to the Refugio Oil Spill. If they are related to the Refugio Oil Spill, failure to include them will lead to an incomplete Natural Resource Damage Assessment (NRDA) and Plains All American Pipeline will not be required to mitigate the full extent of the spill, including its impacts on Marine Protected Areas (MPAs) that stretch from Santa Barbara to Orange County. If they are not related to the spill, a robust sampling effort, whose results were widely shared with the public, could help assuage public concerns.

Recognizing the tremendous staffing response required by the Refugio Oil Spill, NGOs throughout Southern California have offered their assistance. Despite extensive efforts by involved NGOs to assist Incident Command via training volunteers or posting signage at beaches with unusual oil tar deposits, there has been no progress on this front even after many hours of planning and discussion.

Two recent news articles give weight to NGO concerns about whether or not these excessive oil deposits on Southern California beaches are related to the spill. The SB Independent (6/16/15) reported that an

official report created by the Unified Command last week “identified six “neutral to positive” journalists to publish stories about “significant progress” of the cleanup effort.”

([http://www.independent.com/news/2015/jun/16/news-commentary-refugio-officials-target-specific-/](http://www.independent.com/news/2015/jun/16/news-commentary-refugio-officials-target-specific/))

The article went on to state that:

The report warns that the public — without a clear understanding — might think response teams are abandoning certain areas as cleaning efforts wind down. It’s important to “get ahead of these **incorrect concerns**,” the report goes on, and “not leave tarballs or questions on oil fingerprinting as the main topics currently trending media coverage.” (emphasis added)

However, in another news report, a sailor who submitted a claim to Plains after one of his sails was damaged by tar while he was sailing on May 25th off Redondo Beach (100 miles away) was paid \$2,100 for that damage (<http://www.easyreadernews.com/99852/company-behind-santa-barbara-oil-spill-pays-south-bay-claim/>).

“Cole sails every Tuesday and Thursday and is familiar with the natural oil seep off of Redondo Beach.

“I sail through it every Thursday night,” he said. “It’s like the finest vegetable oil you can find.”

The tar that washed up on his boat was “nothing like it,” he said. Instead, it was the “consistency of honey.”

“There’s no way it’s not from the Santa Barbara oil spill,” he said. “I’ve been out here sailing for 35 years and never seen anything like that.”

So on the one hand, it appears that the NGOs concerns regarding the sightings of oil deposits that appear to be in excess of natural seepage are “incorrect concerns,” yet the request by a sailor who submitted a claim for an incident that occurred 100 miles away was taken seriously

and readily paid. It is understandably very confusing to the public to be told by State officials that the unusual oil and tar deposits being found throughout Southern California over the past few weeks are not likely to be related to the Refugio Oil Spill and then to learn through the press that compensation is being paid for at least some damages related to this oil.

Next Steps:

To ensure transparency and address legitimate public concerns we request that Incident Command take the following actions immediately:

1. Provide a detailed written explanation of how Incident Command has sampled and tested excessive oil deposits at these beaches, the status of fingerprinting and what those studies have shown.
2. Provide a detailed written explanation of how Incident Command is handling the reports of excessive tar deposits on Southern California beaches and the number of reports that have been followed up with sampling, archiving and fingerprinting.
3. Provide a detailed response of how state and federal oil response officials are working with local public health officials to evaluate the health and safety of beaches where excessive oil deposits have been reported, and communicate the status of oiled beaches to the public.
4. Institute a robust process that ensures that reported sighting of excessive tar deposits are sampled and archived for future fingerprinting if appropriate.
5. Provide all data points for reports of oil deposits that have been sampled and/or reported within and beyond the active Incident Command Area.
6. Assist NGO community with expediting a volunteer program to collect, quantify, and properly dispose of collected oil deposits.