

Ventura County Grand Jury 2015 - 2016



Final Report

Ventura County Crude Oil Pipelines

April 12, 2016

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Ventura County Crude Oil Pipelines

Summary

The recent oil spill on Refugio Beach in Santa Barbara County raises the obvious questions: Could this happen in Ventura County? What are the safeguards, checks and balances, and processes that are at work in the arena of crude oil pipeline safety? Are they working effectively to protect Ventura County (County) residents, the environment, and institutions from harm? What information is available to the County to help prepare for, or better yet, avoid a crude oil spill?

The State of California (State) is the third largest oil producer in the United States. Ventura County is the third largest oil-producing county in the State, with hundreds of miles of crude oil pipelines of various sizes and types.

The 2015-2016 Ventura County Grand Jury (Grand Jury) identified the multiple government agencies at the Federal, State, and County levels sharing responsibility for the crude oil pipeline permits, as well as the oversight of pipeline construction, maintenance, testing, repair, operations, and deactivation. These responsibilities vary by pipeline location and function.

Authority for crude oil pipelines regulation is spread among multiple government entities at multiple levels. The Federal government has ultimate responsibility for setting minimum standards for crude oil pipelines, but it can and has delegated permitting and operational oversight to the State of California.

The County's responsibility over oil pipelines has two components:

- The permitting function for a significant portion, but not all, of the pipelines in its unincorporated areas
- First responder in the event of a spill

The Grand Jury found that no single government entity has a complete grasp of critical information such as test history, test validity, and risks associated with the total pipeline array in the County. That information does exist but is spread among multiple government entities. The information is available to the County if it chooses to access it. However, the Grand Jury found that the County does not have a thorough understanding of the state of the total crude oil pipeline array within the County.

The Grand Jury recommends that the Board of Supervisors require the development of an annual report which summarizes the state of the crude oil pipelines within the County. This report should identify those pipelines with risks discovered during testing, as well as the risks associated with pipelines that have not been tested/verified by a third party or observer as required by the governing regulations. It should also identify those pipelines not in compliance with the conditions imposed by the Conditional Use Permits and summarize the spill events and their causes since the last report.

Background

The Refugio oil spill in Santa Barbara County in May 2015 was a serious event with widespread adverse environmental impact in Ventura and surrounding counties. The impact included tar balls spread across the beaches, beach closings, and hundreds of dead and oil-soaked animals.

Multiple investigations underway are focused on determining cause and assessing accountability. While these investigations are appropriate, the spill raises the question of how such an event might be avoided in the future. State laws were recently modified with such an objective in mind. The Grand Jury initiated an investigation to understand the oversight and management processes of crude oil pipelines, as well as how risk-related information is communicated throughout the County.

Methodology

A web search was conducted of official web sites of Federal, State and County agencies that are involved in the regulation of oil pipelines. Sites that contained relevant information regarding crude oil pipeline permits, construction, inspection, and testing were reviewed. Face-to-face interviews, telephone interviews, and electronic communications were conducted with officials at the Federal, State and County levels. Newspaper articles and other publications available on the web were reviewed.

This investigation focused only on crude oil pipelines. It excluded oil wells and oil recovery/storage facilities, as well as infrastructure for recovery and transmission of natural gas.

Facts

Overview Facts

FA-01. Crude oil pipelines link many facilities in California. (Ref. 01, Att-01, Att-02)

FA-02. Crude oil pipelines are classified as:

- Gathering lines that link assets within an oil field or nearby storage facilities or custody transfer facilities
- Intrastate transmission lines that originate and terminate within a single state, and connect oil fields to refineries, storage facilities, terminals, and other assets within that state
- Interstate transmission lines that transport crude oil between assets located in different states
- Offshore lines that transport crude oil between platforms and wells off shore to assets on shore

Each type of pipeline is regulated by different entities and may be managed by multiple authorities for the permitting process. The permitting process applies to new lines as well as modification and repair of existing lines. The County has authority only over the permitting process. Its permitting authority is restricted to unincorporated areas of the County. It has no permitting authority over highway and railroad rights-of-way, seaward of the mean high tide line, or within incorporated cities. The County has no authority to regulate crude oil pipelines. (Ref-01, Ref-02, Ref-03, Ref-04, Ref-05, Ref-06, Ref-07, Ref-08, Ref-09, Ref-10, Ref-11, Ref-12, Ref-13, Ref-14, Ref-15, Ref-16, Att-04, Att-05)

- FA-03.** The Office of Emergency Services (OES) within the Ventura County Sheriff’s Office (VCSO) is responsible for establishing, maintaining, and coordinating the County’s response capability for major events such as earthquakes, large fires, chemical spills, and other incidents endangering life and property within the County. Specific responders within the County are called up as needed, on an incident-by-incident basis. (Ref-17)
- FA-04.** The State recently enacted three new laws increasing the pipeline oversight and crude oil spill response capabilities of the various entities within the State. (Ref-18, Ref-19, Ref-20, Ref-21)
- FA-05.** The County has several hundred miles of intrastate pipelines and hundreds of miles of gathering pipelines. The County has no interstate pipelines. There are 135 active Conditional Use Permits (CUP) for gas and oil activities within the County. (Ref-01, Ref-03, Att-01, Att-02)
- FA-06.** The County is the State’s third largest oil producer. It has 34 active oil fields (including 2 offshore) and 40 active operators. During calendar year 2013, Ventura County produced 8.9 million barrels of crude oil. (Ref-01)
- FA-07.** The website of the Ventura County Resource Management Agency (RMA) includes a description of the County oil infrastructure in the coastal zone: “There are two offshore pipelines and landfall sites on the North Coast. These are the Dos Cuadros Pipeline that transports OCS [Outer Continental Shelf] oil and gas to the Rincon facility. The landfall site is just north of the Seacliff Community in the Rincon area. The other offshore pipeline is the Carpinteria OCS Pipeline with a landfall site about 0.25 miles northwest of the community of La Conchita.” (Ref-04)
- FA-08.** Additional key elements of the County’s pipeline coastal zone infrastructure described in the website are “...six onshore pipelines. Five of these are “private carriers” while the sixth is a “common carrier” and subject to the regulation by the PUC. The “common carrier” is a pipeline that connects the La Conchita oil and gas processing facility with the Rincon oil and gas processing facility.” (Ref-04)
- FA-09.** Near Refugio State Beach in Santa Barbara County, a two-foot diameter interstate crude oil pipeline ruptured on May 19, 2015. Santa Barbara County has a mechanism, the System Safety and Reliability Review Committee, to maintain insight into the status of all crude oil pipelines in

Santa Barbara County EXCEPT the pipeline that ruptured. As an interstate pipeline, it was excluded from Santa Barbara County insight through a law suit by the (then) pipeline owner. It is estimated that the current pipeline owner, Plains All American, will bear costs in damages, remediation, and fines totaling between \$100 and \$257 million. There are multiple investigations currently underway examining aspects of the rupture. (Ref-22, Ref-23, Ref-24, Ref 25)

FA-10. The effects of the pipeline rupture impacted beaches in Santa Barbara, Ventura, and Los Angeles counties for months following the rupture. Other impacts included hundreds of oiled and dead animals. (Ref-22)

Facts Describing Governance Responsibilities

FA-11. All pipelines are required to conform to a set of minimum standards set by the Office of Pipeline Safety (OPS), a division of the Pipeline and Hazardous Material Safety Administration (PHMSA) within the United States Department of Transportation (DOT). "The federal government establishes minimum pipeline safety standards under the U.S. Code of Federal Regulations (CFR), Title 49 'Transportation,' Parts 190 - 199. The OPS has overall regulatory responsibility for hazardous liquid and gas pipelines under its jurisdiction in the United States." (Ref-06)

FA-12. The PHMSA may delegate its responsibility for oversight to State entities. It provides funds to mitigate the costs to the State of bearing those responsibilities. As stated in the PHMSA website, "Pipeline safety base grants are authorized by Title 49 of the United States Code (49 U.S.C.) Chapter 601 §60107 – State Pipeline Safety Grants. To qualify for federal grant funds a state agency must participate in the pipeline safety program either under certification in accordance with 49 U.S.C. §60105 or under an agreement in accordance with §60106. The scope of the grant is to support up to 80 percent of the cost of personnel, equipment and activities reasonably required to carry out inspection and enforcement activities of intrastate pipeline facilities under a certification or agreement with the Secretary of Transportation or to act as an agent of the Secretary with respect to intrastate pipeline facilities. The activities covered are those specifically for the inspection of natural gas or hazardous liquid pipeline facilities to ensure compliance and enforcement as necessary of applicable chapters of Title 49 of the U. S. Code of Federal Regulations (CFR). The states inspect approximately 90 percent of the pipeline infrastructure under federal safety authority." (Ref-07)

FA-13. The PHMSA has delegated its operational safety oversight authority for intrastate transmission pipelines to California's Office of the State Fire Marshal (OSFM). This delegation is renewable annually. The State does not have responsibility for interstate pipelines. The OSFM established a Division of Pipeline Safety (DPS) to manage the regulation of the crude oil pipelines. The DPS is also responsible for oversight/regulation of crude oil pipelines in railroad and highway rights-of-way. According to the OSFM website, "In

1981, the California Legislature established the Hazardous Liquid Pipeline Safety Act with the intent that the OSFM shall exercise exclusive safety regulatory and enforcement authority over intrastate hazardous liquid pipelines. The OSFM currently regulates the safety of approximately 4,500 miles of intrastate hazardous liquid transportation pipelines.” (Ref-08, Ref-09)

FA-14. The United States Department of Interior (DOI) has the authority over all mineral resource activity between 3 and 200 miles offshore, a zone called the Outer Continental Shelf (OCS). Prior to the Deepwater Horizon oil spill in the Gulf of Mexico on April 20, 2010, the Department of Interior’s Mineral Management Service (MMS) was responsible for both regulating and encouraging development of oil resources. As a direct result of the Deepwater Horizon event, the MMS was reorganized into three different entities with the intent of removing conflict of interest within the regulating organization. The three new organizations are:

- The Bureau of Ocean Energy Management – responsible for resource evaluation, planning, and leases in the OCS
- The Bureau of Safety and Environmental Enforcement (BSEE) – responsible for safety, response, and removal preparedness
- The Bureau of Natural Resources Revenue – responsible for royalty and revenue collection, distribution, auditing, and compliance investigation

(Ref-10)

FA-15. The RMA website states, “State tide and submerged lands include the area from mean high tide seaward to the three-mile boundary with the Federal OCS. Development of oil and gas resources on existing leases in this area is subject to the regulatory authority of the California State Lands Commission (SLC).” Tidal and submerged lands are part of the coastal zone. (Ref-04, Ref-11) (Att-03, Att-04)

FA-16. The RMA website further states, “The California Coastal Commission (CCC) is another agency involved in the review of development on State Tidal and Submerged Lands. This review is accomplished in accordance with the requirements of the California Coastal Act, which establishes stringent standards of environmental protection.” The Coastal Zone also includes a strip of land inward from the mean high tide line. (Ref-04, Ref-11) (Att-03)

FA-17. The California Department of Transportation (Caltrans) has permitting authority for crude oil pipelines that intersect with, cross and/or run longitudinally along State highway rights-of-way. (Ref-12)

FA-18. The State of California Department of Conservation (DOC), Division of Oil, Gas and Geophysical Resources (DOGGR) has oversight and regulatory authority over gathering crude oil pipelines that connect facilities within a field to nearby storage facilities or to intrastate and interstate pipelines. (Ref-01, Ref-13)

- FA-19.** Crude oil pipelines are permitted/authorized on railroad rights-of-way by the owners of those rights-of-way. They are regulated by the OSFM/DPS. (Ref-14)
- FA-20.** One of the primary ways in which California pipeline safety standards exceed the minimum federal standards is testing for pipeline integrity. Federal regulations mandate that a pipeline system be hydrostatically tested before initial operation begins and periodically thereafter. California laws mandate that each pipeline system be tested by an independent third-party certified by the OSFM. In these hydrostatic tests, the hazardous liquid is removed from the pipe and replaced with water. The pipe is then pressurized to 125% of the maximum pipeline operating pressure and held for eight hours. Testing results are submitted to the OSFM for review and approval. Tests are randomly witnessed by OSFM engineers. In certain cases, OSFM has approved the use of internal inspection tools, "smart pigs", in lieu of hydrostatic testing. In these cases, the test results are also submitted to the OSFM for review and approval. (Ref-15)
- FA-21.** On October 8, 2015, Governor Brown signed the following bills into law:
- SB 295 which substantially increases the crude oil pipeline responsibilities of the OSFM and increases the frequency of pipeline testing
 - AB 864 which requires pipelines in environmentally sensitive areas to be equipped with leak detectors and automatic shutoff valves
 - SB 414 which "...seeks to speed response to spills by enlisting commercial fisherman and other local boat operators to help contain leaks in their area."
- (Ref-18, Ref-19, Ref-20, Ref-21)
- FA-22.** The County has the authority to issue permits for pipelines within unincorporated areas of the County. This authority includes inland and coastal areas to the mean high tide line. This permitting authority defines the terms and conditions which must be met by the entity seeking to install, modify, or repair a pipeline and must be consistent with the California Environmental Quality Act (CEQA). This function is carried out by the Planning Division of the Ventura County Resource Management Agency which issues conditional use permits (CUPs). The County authority does not extend to highway and railroad rights-of-way nor to incorporated cities in the County. (Ref-01, Ref-04, Ref-16)
- FA-23.** The County Plan and Non-Coastal Zoning Ordinances set forth the regulations for pipelines and facilities. (Ref-04, Ref-16)
- FA-24.** The County has initial primary responsibility in the event of a crude oil pipeline spill. The OES has developed an Emergency Response Center, multiagency communications infrastructure, and emergency response plans to allow the County to respond to disasters. In addition to the OES, the primary entities involved are the public safety first responders such as

the Ventura County Sheriff’s Office, local fire departments, and the Environmental Health Division of the RMA. Other entities, including State and Federal, respond as needed. The County conducts drills periodically to test its capability to respond to disasters. (Ref-17)

FA-25. The pipeline owners have the responsibility to obtain permits for designing, building, operating, maintaining, repairing, upgrading, and shutting down/deactivating the pipelines following the regulatory and permit conditions. The pipeline owners’ role includes (but is not limited to):

- Adhering to all conditions established in CUPs
- Adhering to all applicable Federal, State, and County regulations regarding gathering and transmission oil pipelines, including California Government Code 5.5 (The Elder California Pipeline Safety Act)
- Notifying State and local agencies three days in advance of a scheduled pipeline test
- Hiring independent entities to test the pipelines
- Submitting the test results to the appropriate government regulatory entity

(Ref-09)

FA-26. Based on recent events and recognizing the complexity of the regulatory structure, the Mayor of Los Angeles will hire an industry expert to serve as the city’s petroleum administrator to act “...as both an expert and a skilled coordinator.” (Ref-26)

Findings

FI-01. No single government entity has complete regulatory oversight into the condition of the crude oil pipeline array within the County. The following Federal and State agencies have (collectively) the responsibility and authority to provide oversight of crude oil pipelines within the County and within areas where a spill will impact the County. Each agency has its own particular domain of authority and responsibility. Those regulatory agencies and their areas of responsibility are:

- United States Department of Interior, Bureau of Safety and Environment Enforcement – regulates and monitors pipelines from three miles seaward of the mean high tide line to 200 miles at sea
- United State Department of Transportation, Petroleum and Hazardous Materials Safety Administration, Office of Pipeline Safety - sets minimum safety standards for all crude oil pipelines and may delegate its regulatory authority to State entities as negotiated with those entities
- California Office of the State Fire Marshal - has accepted the responsibility to regulate and monitor intrastate crude oil transmission pipelines

- California Department of Conservation, Division of Oil, Gas, and Geothermal Resources – regulates and monitors gathering pipelines.

Many entities are involved with the crude oil pipeline permitting process. The following is a partial list of those with permitting authority in areas in or near the County:

- California State Lands Commission - issues permits for tidal and submerged lands (from the mean high tide line to three miles out to sea)
- California Coastal Commission - issues permits for California Coastal Zone
- California Department of Transportation, Bureau of Design - issues permits for crude oil pipelines intruding into highway rights-of-way
- County - issues conditional use permits for new pipelines, revisions of existing pipelines in coastal and non-coastal zones, and for surveillance of abandoned pipelines in non-coastal zones of unincorporated areas of the County

(FA-01, FA-02, FA-04, FA-08, FA-11, FA-12, FA-13, FA-14, FA-15, FA-16, FA-17, FA-18, FA-19, FA-20, FA-22, FA-23, FA-25, FA-26)

FI-02. The County does not have a thorough understanding of the state of the total crude oil pipeline array within the County. This would include knowing the validity of testing, the condition and age of the pipelines, the degree of conformance to the regulations/laws/standards, and the risks assessed by regulatory authorities. (FA-09, FA-11, FA-13, FA-14, FA-15, FA-16, FA-17, FA-18, FA-19, FA-20, FA-21, FA-22, FA-23, Att-05)

FI-03. The County’s emphasis (other than the permitting process) is on rapid and appropriate response to emergencies, including pipeline failures. The County has a capable infrastructure for responding to a crude oil pipeline spill. That infrastructure is augmented by Federal, State, and private entities as driven by the severity and/or location of the spill. Failures of these pipelines could directly impact County residents, first responders, and the environment. (FA-03, FA-04, FA-09, FA-10, FA-21, FA-24)

Recommendations

R-01. The Grand Jury recommends that the Board of Supervisors require the production of an annual report summarizing the state of the crude oil pipelines within the County. This report will be a valuable asset to all entities potentially impacted by a spill. The County entities that are major stakeholders in the event of a pipeline spill, such as the Resource Management Agency/Environmental Health Division, the Sheriff’s Department, the Office of Emergency Services, and the County Fire Department, should be involved in the generation of the report.

The report shall, at the least, characterize the inventory of crude oil pipelines in the County, including:

- identifying current ownership and operators including contact information
- highlighting pipelines with outdated tests
- identifying pipelines with tests not independently verified
- identifying pipelines that do not conform to current regulations
- identifying pipelines deemed by regulators to have spill/anomaly risks

It shall also describe the spill events in the County since the previous report. These summary reports can be based on the reports/records available from the multiple regulatory entities identified in Finding 1. This would remove the need for the County to make its own assessments or do independent analysis and thereby minimize cost.

(FI-01, FI-02, FI-03)

Responses

Responses required from:

Board of Supervisors, County of Ventura (FI-01, FI-02, FI-03) (R-01)

References

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Attachments

- Att-01.** National Pipeline Mapping System Map of Ventura County

- Att-02.** California State Fire Marshal Crude Oil Pipeline Map
- Att-03.** Ventura County Coastal Zone Map
- Att-04.** Illustration of Coastal and Seaward Zones
- Att-05.** Crude Oil Pipeline Responsibilities/Roles in Ventura County

Glossary

<u>TERM</u>	<u>DEFINITION</u>
BOS	Board of Supervisors, Ventura County
BSEE	Bureau of Safety and Environment Enforcement, an entity of the United States Department of Interior
Caltrans	California Department of Transportation
CCC	California Coastal Commission
CEQA	California Environmental Quality Act
CFR	Code of Federal Regulations
Common Carrier	A pipeline whose owners/operators accept, convey, and transport oil delivered to the pipeline without regard to its source
County	County of Ventura
CUP	Conditional Use Permit
Custody transfer facility	The infrastructure element (valve, fitting, pump, etc.) that represents the interface between one entity’s responsibility and a second entity’s responsibility
Deepwater Horizon	British Petroleum oil platform in the Gulf of Mexico which exploded and caused a major oil spill on April 20, 2010
DOGGR	Division of Oil, Gas, and Geothermal Resources, an entity of the California Department of Conservation
DOI	Department of The Interior, an entity of the United States Government
DOT	Department of Transportation, an entity of the United States Government
DPS	Division of Pipeline Safety, an entity of the California Office of the State Fire Marshall
EHD	Environmental Health Division, an entity of the Ventura County Resource Management Agency
Federal	Refers to the United States Government
Governance	All processes of governing
Grand Jury	2015-2016 Ventura County Grand Jury

Mean high tide line	The line on a chart or a map which represents the intersection of the land with the water surface at the level of mean high water
MMS	Mineral Management Service, an entity of the Department of Interior
OCS	Outer Continental Shelf
OES	Office of Emergency Services, an entity of the Ventura County Sheriff’s Office
OPS	Office of Pipeline Safety, an entity of the Department of Transportation
OSFM	Office of the State Fire Marshall, an entity of the State of California
PHSMA	Pipeline and Hazardous Material Safety Administration, an entity of the Department of Transportation
Private carrier	A pipeline built and operated by a company to convey and transport oil from its own source
PD	Planning Division, an entity of the Ventura County Government
RMA	Resource Management Agency, an entity of the Ventura County Government
SLC	State Lands Commission, an entity of the California State Government
Smart pig	An inspection device that records information about the internal conditions of a pipeline as it is propelled through a pipeline. It is used to detect and measure corrosion and metal loss internally and externally on the pipe wall.
State	State of California
Test validity	Current and accepted
VCSO	Ventura County Sheriff’s Office

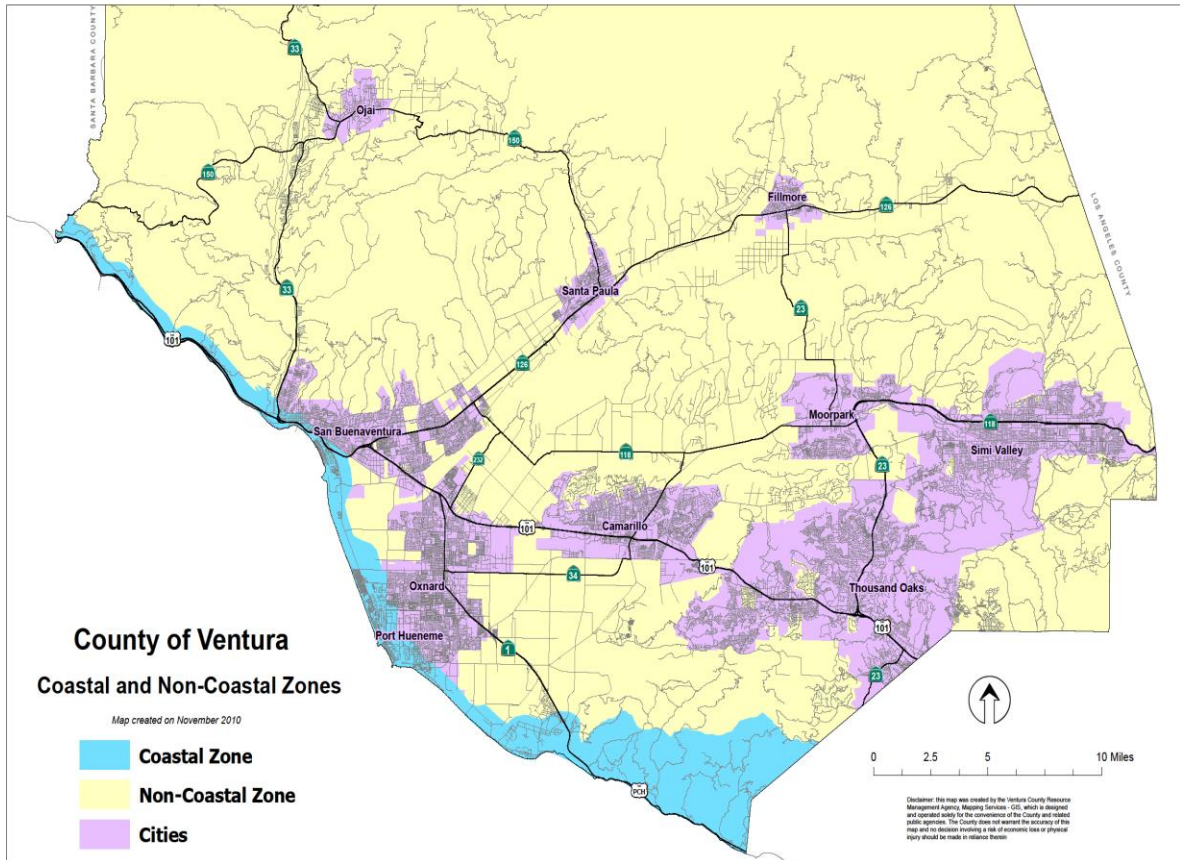
Attachment 01
National Pipeline Mapping System Map of Ventura County



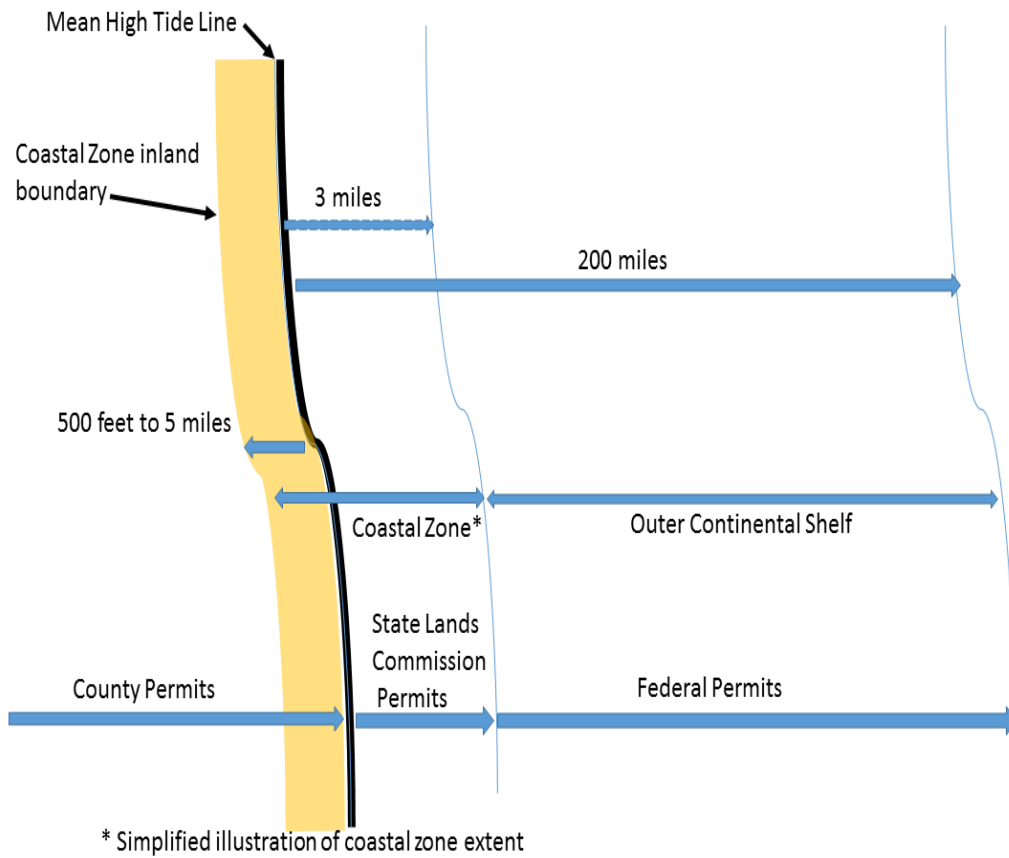
Attachment 02
California State Fire Marshall Crude Oil Pipeline Map



Attachment 03
Ventura County Coastal Zone Map



Attachment 04
Illustration of Coastal and Seaward Zones



Attachment 05

Crude Oil Pipeline Responsibilities/Roles in Ventura County

Crude Oil Pipeline Responsibility/Roles Relevant to Ventura County, California

Pipeline Domain	VC Incorp. City	VC Unincorp. County	Gathering Lines (6) Cal Dept of Conserv. DOGGR	Intra state Trans. Lines Cal. Office of St. Fire Marshall/PSD	Inter State Trans. Lines US Dept of Trans. PSD OPS	Railroad Right of Way Railroad Company	State Hwy Right of Way Calif Dept. of Trans. Div. of Design	Coastal Zone (5) Calif Coastal Commsn.	State Tide, Subm. Lands (5b) Calif. State Lands Commission	Outer Cont. Shelf (5a) US Dept of Interior (BSEE)	All Domains Pipeline Owner	All Domains Certif 3rd party	All Domains Indep. Tester
Crude Oil Pipeline Related Activity	City Permitting Author.	Ventura County RMA/PSD	Calif Dept of Conserv. DOGGR	Calif. Office of St. Fire Marshall/PSD	US Dept of Trans. PSD OPS	Railroad Company	Calif Dept. of Trans. Div. of Design	Calif Coastal Commsn.	Calif. State Lands Commission	US Dept of Interior (BSEE)	Pipeline Owner	Certif 3rd party	Indep. Tester
Developing minimum standards	X	X	X	X	X	X	X		X	X			
Augmenting minimum standards for local needs											X		
Applying for permits	X	X	X	X	(Note 1)	X	X	Apprv'l	X	X	X		
Issuing permits for new lines	X	X	X	X	(Note 1)	X	X	Apprv'l	X	X			
Issuing permits for repair/modification	X	X	X	X	(Note 1)	X	X		X	X	X		
Operating											X		
Maintaining											X		
Contracting for testing											X		
Testing											X (Note 7)		X
Reporting test results to pipeline owner											X		X
Reporting test results to oversight authority											X		
Validating testing/ results	X	X	X	X	X					X		X	
Test analysis/ Trend analysis	X	X (Note 3)	X	X	X					X	X		
Maintaining test report records	X	X	X	X	X					X	X		
Deactivating											X		
Responding to spill event		X	X	X	X					X	X		
Paying for spill event costs/ fines											X		

. Not true for Calif since 2011.

Note 1- OPS usually delegates to State entities through a Memorandum of Understanding, on a state by state basis

Note 2- Spill response participants driven by nature and location. Often involves many local, state, federal agencies.

Note 3- Done on a resource available basis

Note 4- Pipeline owner flags issues to applicable oversight authority

Note 5- Coastal Zone generally from some distance inland (see attachment 3) to 3 miles at sea from Mean High Tide (MHT) line.

Note 5a- Outer Continental Shelf extends seaward from 3 mi from MHT to 200 miles from MHT.

Note 5b- State tide and submerged lands extend seaward from the Mean High Tide Line to 3 miles from the MHT line

Note 6- Gathering lines are those crude oil lines connecting elements internal to an oil field

Note 7- For gathering lines testing may be done by pipeline owner. An independent test entity is not required

DOGGR California Department of Conservation/ Division of Oil, Gas and Geothermal Resources

PSD California Office of Fire Marshall/ Pipeline Safety Division

DOT/ OPS Department of Transportation/ Pipeline & Hazardous Materials Safety Administration/ Office of Pipeline Safety

RMA/PSD Ventura County Resource Management Agency/Planning Division

BSEE Department of the Interior/Bureau of Safety and Environmental Enforcement

