



FLORIDA COMMISSION ON OIL SPILL RESPONSE COORDINATION

INAUGURAL MEETING

*Fort
Walton
Beach, FL*

August 22,
2012



WELCOME, INTRODUCTIONS, AND OPENING REMARKS



CREATION OF THE COMMISSION

- Section 496 of Chapter 2011-142 of the Laws of Florida creates the **Commission on Oil Spill Response Coordination**
- The law directs the Board of Trustees of the Internal Improvement Trust Fund to appoint Commission members



COMMISSION MEMBERS

- Commission consists of:
 - A representative of the office of each Board member (Board of Trustees of the Internal Improvement Trust Fund)
 - A representative of each state agency that directly and materially responded to the Deepwater Horizon disaster
 - The chair of the board of county commissioners from each of the following counties:
 - Bay, Escambia, Franklin, Gulf, Okaloosa, Santa Rosa, Walton, and Wakulla Counties
 - Governor selects chair from appointees



MEMBERS OF THE COMMISSION

Name	Title	Agency/Entity
Dave Parisot	BOCC Vice Chairman	Okaloosa County Board of County Commissioners
George Gainer (Chair)	BOCC Chairman	Bay County Board of County Commissioners
Grover Robinson	BOCC District IV Commissioner	Escambia County Board of County Commissioners
Joseph "Smokey" Parrish	BOCC District IV Commissioner	Franklin County Board of County Commissioners
Bill Williams	BOCC District III Commissioner	Gulf County Board of County Commissioners
Lane Lynchard	BOCC District V Commissioner	Santa Rosa County Board of County Commissioners
Alan Brock	Wakulla County BOCC Chairman	Wakulla County Board of County Commissioners
Bill Imfeld	BOCC District III Commissioner-elect	Walton County Board of County Commissioners
Jennifer Fitzwater	Chief of Staff (FL DEP)	Executive Office of the Governor
Russell Kent	Special Counsel for Litigation	Florida Office of the Attorney General
Tami Torres	Deputy Chief Financial Officer	Florida Department of Financial Services
Leslie Palmer	Director, Division of Aquaculture	Florida Department of Agriculture and Consumer Services
Richard Knudsen	Florida Scientific Support Coordinator	Florida Fish and Wildlife Conservation Commission
Dr. Kendra Goff	State Toxicologist	Florida Department of Health
Danny Kilcollins	Planning Manager	Florida Division of Emergency Management
Tom Beck	Director, Division of Community Development	Florida Department of Economic Opportunity
Gwen Keenan	Director, Office of Emergency Response	Florida Department of Environmental Protection

COMMISSION CHARGE

- The Commission is required to prepare a report that identifies potential changes to state and federal laws and regulations which will improve response capabilities and processes, and protect Florida's people and resources.
- The Board of Trustees must deliver the report by January 1, 2013 to:
 - The Governor
 - The President of the Senate
 - The Speaker of the House of Representatives
 - The Secretary of the Department of Environmental Protection
 - The Executive Director of the Department of Economic Opportunity



COMMISSION'S FINAL REPORT

The Commission's Final Report must address the following:

1. Identify changes to **state and federal laws and regulations** which will:
 - Improve oversight and monitoring of offshore drilling activities,
 - Increase response capabilities to offshore oil spills, and
 - Improve protections for the public and occupational health and safety, and the environment & natural resources
2. Evaluate the merits of the establishment of a federal **Gulf-wide disaster fund**.
3. Evaluate the need for unified and uniform **advocacy process for damage claims**.
4. Evaluate the need for changes to **interstate coordination agreements** in order to reduce the potential for damage claims and lawsuits.
5. Address any other related issues as determined by the Commission.

SUPPORTING REPORTS

To assist the Commission in developing their Final Report, five supporting reports will be prepared on the following topics:

1

Analysis of current state and federal laws addressing oil spill planning and response. Summary of applicable statutes, identifying strengths/weaknesses and noting how – and by which agency – laws are implemented.

2

Summary of lessons learned from the Deepwater Horizon (DWH) incident. Problems encountered, suggestions for improvements in federal/state laws, identification of best practices, recommendations, lessons learned.

3

Analysis of the effectiveness of the use of the Incident Command System in the DWH incident. Summary of how the Incident Command System functioned during DWH, with recommendations for improvement.

4

A study of the National Response Framework and National Contingency Plan during a major oil spill incident. Tetra Tech will compare and contrast the two approaches, and identify practicable recommendations to align the processes.

5

Analysis of the adequacy of existing funding mechanisms for large oil spills. Study of funding mechanisms for addressing large spills, including those in other states; implementation procedures, improvement recommendations

OPERATING PROCESS AND STRUCTURE

Role of the Commission Chair

Agency & Contractor Roles

Decision Making

Meeting Frequency, Format, Place

Internal & External Communications



ROLES

- **Commission Chair**
 - Represents Commission to outside parties
 - Provides comment to members of the news media
 - Coordinates meeting planning and logistics with contractor
 - Coordinates meeting with Tetra Tech facilitator
- **Commissioners**
 - Identify key research resources (personnel, reports, etc.)
 - Provide input for and review of supporting reports
 - Review, revise, and approve recommendations for the Final Report
- **Florida DEP**
 - Contractor management and contract financial reporting
- **Tetra Tech (Contractor)**
 - Conduct research, produce reports, coordinate & facilitate meetings

DECISION MAKING

- Commission's charge is to produce the Final Report
- Topics ID'd by legislation will be researched by Tetra Tech
- Members of the Commission will:
 - Identify key information sources (people & documents)
 - Discuss research reports and findings
 - Review proposed/draft recommendations
 - Approve final recommendations for Final Report
- Decisions made as follows:
 - Minor decisions – meeting topics, conference calls, meeting invitees, presenters at meetings, draft recommendations, etc. to be made by consensus (“decisions we can live with”)
 - Major decisions – recommendations for the Final Report will be made by formal action (motion, second, vote)

MEETING FREQUENCY, FORMAT, & LOCATION



- Meetings will be held every 3-4 weeks
- Suggested meeting day – Wednesday/Friday
 - No other county meetings that day
- Meetings will focus on the issues in the legislation
 - These issues are the focus of the research and reports
 - Commissioners can explore other topics related to these issues
 - We can schedule conference calls & webinars as necessary
- Meeting locations are up to the Commission
 - Is Fort Walton Beach a convenient location?
 - No designated funding for hotel conference facilities

COMMISSION MEETINGS

- Up to six in-person meetings between August and December 7, 2012
 - Meeting length: 1 to 1.5 days
 - Some meetings may be scheduled as conference calls or web conferences
- Topic-based meetings
 - By final report task topics
 - Issue-specific or other subcommittee meetings scheduled as needed



Meeting	Date	Focus
1	August 22 Wednesday	Overview of Commission charge from the Legislature, schedule, review process, and initial overview of the research report topics
2	September 12 Wednesday	Report #1: State and federal laws Report #2: DWH lessons learned
3	October 3 Wednesday	Report #3: Incident Command System Report #4: Response Framework/Plan
4	October 29 Monday	Report #5: Funding mechanisms Review of draft recommendations
5	November 30 Friday	Review of draft Final Report Decision on final recommendations
6	December 7 Friday	Review of Final Report Adoption of Final Report Forward report to Governor, others



INTERNAL & EXTERNAL COMMUNICATION

- Commission Chair will coordinate communication with the news media and other outside parties
- Tetra Tech will produce agendas, meeting materials, summaries, etc. and circulate to the Commissioners
 - Sharepoint Site & Email
- Commissioners will communicate with their local/state constituents, seek their input, and provide to the group
- Florida DEP will handle communication related to the Tetra Tech contract (e.g., contract terms, etc.)
- Keep each other in the loop, so we are all familiar with what sort of communication is occurring!

SUPPORTING REPORTS



Report #1 - Analysis of current state and federal laws addressing oil spill planning and response. Summary of applicable statutes, identifying strengths/weaknesses and noting how – and by which agency – laws are implemented.



Report #2 - Summary of lessons learned from the Deepwater Horizon (DWH) incident. Problems encountered, suggestions for improvements in federal/state laws, identification of best practices, recommendations, lessons learned.



Report #3 - Analysis of the effectiveness of the use of the Incident Command System in the DWH incident. Summary of how the Incident Command System functioned during DWH, with recommendations for improvement.



Report #4 - A study of the National Response Framework and National Contingency Plan during a major oil spill incident. Tetra Tech will compare and contrast the two approaches, and identify practicable recommendations to align the processes.



Report #5 - Analysis of the adequacy of existing funding mechanisms for large oil spills. Study of funding mechanisms for addressing large spills, including those in other states; implementation procedures, improvement recommendations.

REPORT #1



Report #1 - Analysis of current state and federal laws addressing oil spill planning and response. Summary of applicable statutes, identifying strengths/weaknesses and noting how – and by which agency – laws are implemented.

REPORT #1 – OVERVIEW, GOALS, & EXPECTATIONS



Overview

Current State & Federal Laws

Applicable Statutes

- Strengths & weaknesses
- Under which agency are laws implemented

Goals

Detailed analysis of current State & Federal Laws related to oil spill response

Thorough investigation of applicable statutes' strengths & weaknesses

Expectations

TBD

TBD

REPORT #1 – CONTENT & DATA

Report Outline (DRAFT) - Overview

- Executive Summary
- Federal Laws, Regulations and Agency Responsibilities
- State Laws, Regulations and Agency Responsibilities – Gulf Coast States Impacted by Deepwater Horizon
- Local Government Roles and Responsibilities – *Florida*
- Analysis of Existing Federal and State Laws and Regulations
- Recommendations

REPORT #1 – OUTLINE

Report Outline (DRAFT) - Details

■ Federal Laws, Regulations and Agency Responsibilities

■ Laws and Regulations

- Oil Pollution Act of 1990 (OPA)
- Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA)
- Clean Water Act of 1972 (CWA)
- Outer Continental Shelf Lands Act
- Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States Act of 2012 (RESTORE Act)

■ Agencies

- Coast Guard
- Environmental Protection Agency
- Department of Agriculture
- Department of Commerce
- Department of Defense
- Department of the Interior
- Department of Justice
- Department of Transportation
- Office of Management and Budget
- Council on Environmental Quality
- Office of Science and Technology Policy
- Domestic Policy Council
- Federal Emergency Management Agency

REPORT #1 – OUTLINE (CONTINUED)

Report Outline (DRAFT) - Details

■ State Laws, Regulations and Agency Responsibilities

■ Laws and Regulations - Florida

- State Emergency Management Act – Chapter 252, Florida Statutes (F.S.)
- Pollution Discharge Prevention and Control Act – Chapter 376, F.S.
 - Executive Order of the Governor – Emergency Declaration
 - Designation of State Coordinating Officer
 - Designation of lead state agency
 - Waiver/deviation from certain statutes, rules, ordinances or orders as necessary pursuant to s. 120.54(4), F.S.

■ Agencies - Florida

- Office of the Governor
- Florida Legislature
- Department of Environmental Protection
- Division of Emergency Management
- Fish & Wildlife Conservation Commission
- Department of Transportation
- National Guard

REPORT #1 – OUTLINE (CONTINUED)

Report Outline (DRAFT) - Details

- **Local Government Roles and Responsibilities**
 - **Affected Counties – Florida Panhandle**
 - Escambia
 - Santa Rosa
 - Okaloosa
 - Walton
 - Bay
 - Gulf
 - Franklin
 - Wakulla

- **Analysis of Existing Laws and Regulations**
 - **Strengths and Weaknesses**

REPORT #1 – FACILITATED DISCUSSION

1. Identify Key Issues of Concern
2. Brainstorming Session & Initial Recommendations
3. Potential Subcommittee or Stakeholder Meetings

REPORT #2



Report #2 - Summary of lessons learned from the Deepwater Horizon (DWH) incident. Problems encountered, suggestions for improvements in federal/state laws, identification of best practices, recommendations, lessons learned.

REPORT #2 – OVERVIEW, GOALS, & EXPECTATIONS



Overview

Deepwater Horizon lessons learned

Review Federal & State laws

Goals

Detailed description of lessons learned and related sources and ramifications of those lessons

Thorough analysis of problems previously encountered within State or Federal laws

Expectations

TBD

TBD

REPORT #2 – CONTENT & DATA

Report Outline (DRAFT) - Overview

- Executive Summary
- Introduction
- Published Reports (Federal, State, Local, Industry)
- Interviews
- News Media Coverage
- Conclusions

REPORT #2 – OUTLINE

■ Published Reports

■ Federal

- Deepwater: The Gulf Oil Disaster and the Future of Offshore Drilling – Report to the President
- Lessons Learned from the Deepwater Horizon Response – NIOSH – DHHS – CDC
- BP Deepwater Horizon Oil Spill – Incident Specific Preparedness Review (ISPR) – USCG
- On Scene Coordinator Report – Deepwater Oil Spill – Submitted to the National Response Team – September 2011 – USCG
- Deepwater Horizon Oil Spill: Highlighted Actions and Issues, CRS Report for Congress R41407
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■ State

- Florida House of Representatives Workgroups 1-6
- DWH After Action Report/Improvement Plan, Florida Department of Emergency Management
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■ Local

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■ Industry (Responsible Party, Directly Impacted and Indirectly Impacted Parties, Response Contractors)

- Deepwater Containment and Response: Harnessing Capabilities and Lessons Learned
- Deepwater Horizon Accident Investigation Report
- Progress Report on Industry Recommendations to Improve Oil Spill Preparedness and Response – Joint Industry Oil Spill Preparedness and Response (JITF)
- The Deepwater Horizon Oil Spill and the Gulf of Mexico Fishing Industry – Congressional Research Service (CRS)
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REPORT #2 – OUTLINE (CONTINUED)

■ Interviews

- Federal Agencies
- State Agencies
- Local Agencies
 - Counties
 - Cities
- Industry
 - Responsible Party
 - Fishermen
 - Tourism Development Agencies
 - Indirectly Impacted Parties

■ News Media Coverage

- Information Exchange
- Online and Social Media
- DWH Media Coverage Results

■ Conclusion

- Lessons Learned Matrix
 - Communication
 - Authorizations
 - Process
 - Monitoring

REPORT #2 – FACILITATED DISCUSSION

1. Identify Key Issues of Concern
2. Brainstorming Session & Initial Recommendations
3. Potential Subcommittee or Stakeholder Meetings



REPORT #3



Report #3 - Analysis of the effectiveness of the use of the Incident Command System in the DWH incident. Summary of how the Incident Command System functioned during DWH, with recommendations for improvement.

REPORT #3 – OVERVIEW, GOALS, & EXPECTATIONS



Overview

Analyze effectiveness of the use of the Incident Command System

Develop recommendations for improvement

Goals

Describe purpose of the Incident Command System

Describe the organization structure both figuratively and literally

Detailed description of Florida's and local jurisdictions' roles

Expectations

TBD

TBD

REPORT #3 – CONTENT & DATA

Report Outline (DRAFT) - Overview

- Executive Summary
- Introduction
- Descriptions: National Incident Management System (NIMS), the Incident Command System (ICS), Unified Command, Florida Comprehensive Emergency Management Plan (CEMP), etc.
- Use of Incident Command System during DWH incident
- Effectiveness of Incident Command System during DWH incident
- Recommendations

REPORT #3 – OUTLINE

- Description of the National Incident Management System (NIMS), the Incident Command System (ICS), Unified Command, and Florida Comprehensive Emergency Management Plan (CEMP)
 - History
 - Purpose
 - Typical ICS organizational chart
 - Information functions – role of the Joint Information Center
 - Key elements: operations, planning, logistics, finance/administration
 - Differences between natural disaster and responsible party incidents

REPORT #3 – OUTLINE (CONTINUED)

- Use of Incident Command System during DWH incident
 - Initial Implementation
 - Organizational Chart – Key agencies involved
 - Unified Area Command structure and function
 - Role of the National Incident Command
 - Joint Incident Command role: private sector vs public sector coordination (updates, data sharing, monitoring / mapping, etc.)
 - Operation during the DWH event
 - Current Status of Implementation Plan

REPORT #3 – OUTLINE (CONTINUED)

- Effectiveness of Incident Command System during DWH incident
 - Incident Action Plan Briefing Paper – 6.4.10
 - Scalability and span-of-control issues
 - Communication among federal, state, and local entities
 - Sharing of information, data, and monitoring results

REPORT #3 – OUTLINE (CONTINUED)

- Recommendations for improvement to Incident Command System for future events
 - Comparisons and contrasts between natural event response and responses to oil spills
 - Need for pre-event orientation and training (coordination, drills, etc)
 - Approaches for scaling and/or adjusting for large events
 - Flexibility and “bottom-up” options for engaging local response resources

REPORT #3 – FACILITATED DISCUSSION

1. Identify Key Issues of Concern
2. Brainstorming Session & Initial Recommendations
3. Potential Subcommittee or Stakeholder Meetings



REPORT #4



Report #4 - A study of the National Response Framework and National Contingency Plan during a major oil spill incident. Compare and contrast the two approaches, and identify practicable recommendations to align the processes.

REPORT #4 – OVERVIEW, GOALS, & EXPECTATIONS



Overview

Review National Response Framework and National Contingency Plan

Make practicable recommendations to align the response processes

Goals

Overview steps and processes of the two response plans and how they were applied in Florida

Analyze the two response plans for redundancy of response actions and responsibilities

Expectations

TBD

TBD

REPORT #4 – CONTENT & DATA

- Report Outline
 - Executive Summary
 - Introduction and Purpose Statement
 - Primary Elements of the National Response Framework (NRF)
 - Overview of the National Contingency Plan (NCP)
 - Comparison of the NRF and NCP in Response to Maritime Oil Spills
 - Deepwater Horizon Response
 - Recommendations for Florida Oil Spill Response

- Identify lessons learned through case study analysis

REPORT #4 – CONTENT & DATA

- National Response Framework (2008)
 - Homeland Security Presidential Directive-5
 - National policy for unified response at all levels
 - Basis for preparedness in planning for Stafford Act disasters
 - Not an operational plan
 - Does not address an oil spill as an initiating event
 - States control how and when federal assistance is provided
 - “Bottom-up” approach
 - Incorporates the NCP by reference
 - Emergency Support Function #10 (Oil and Hazardous Material Response)

REPORT #4 – CONTENT & DATA

- National Contingency Plan (1994)
 - Oil Pollution Act of 1990
 - Establishes federal government oil spill response framework
 - Operational plan
 - Federal government directs all response efforts
 - “Top down” approach
 - USCG leads response for oil spills in the coastal zone
 - Responsible party
 - States have less control over the federal response
 - Area Contingency Plan implementation

REPORT #4 – CONTENT & DATA

National Response Framework	National Contingency Plan
Policy	Regulatory
Principle Federal Official (DHS)	National Incident Commander (USCG)
No responsible party	Responsible party
“Bottom up” approach	“Top down” approach
State and local government lead	Federal government and RP lead

- Federal government controlled DWH response activities
 - Spill of National Significance
 - Impact to multiple state and local jurisdictions
 - Lack of response resources to cover Gulf coast

REPORT #4 – FACILITATED DISCUSSION

1. Identify Key Areas of Redundancy
2. Brainstorming Session & Initial Recommendations
3. Potential Subcommittee or Stakeholder Meetings

REPORTS: SCHEDULE & PROCESS

- Tetra Tech will produce 5 draft reports
 - Drafts will be distributed with agendas ~ 10 days before meetings
- Commissioners will review & discuss the 5 reports
 - Input and recommendations will be collected by Tetra Tech
- Tetra Tech will incorporate input into updated drafts
 - These drafts will provide input into the Final Report
- A draft Final Report will be produced in late November
 - Commissioners will review draft at November meeting
- Updated Final Report will be ready in early December
 - Final report will be acted upon by Commission at the last meeting

DISCUSSION OF KEY ISSUES AND RECOMMENDATIONS



NEXT STEPS

- Future plans & topics of discussion
- Who are the key resource people we should be interviewing?
- Next meeting & action items



QUESTIONS OR COMMENTS?

- Public comment forms are available at the registration table.
- You can submit comments by email to **floilspillcommission@tetrattech.com**



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