



CITY OF

NEWPORT BEACH

City Council Staff Report

September 27, 2022
Agenda Item No. 4

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

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TITLE: Resolution No. 2022-63: Acceptance of Oil Spill Response
Equipment Staging Grant Funding from the California Department of
Fish and Wildlife Office of Spill Prevention and Response

ABSTRACT:

The Harbor Department recently applied for and successfully obtained grant funding from the California Department of Fish and Wildlife's Office of Spill Prevention and Response. The funding provided by the grant will be used to supplement the City of Newport Beach's (City's) existing oil spill response equipment, located and pre-positioned at Marina Park, for immediate deployment by the Harbor Department in response to any oil or fuel spills in Newport Harbor.

RECOMMENDATION:

- a) Determine this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because this action will not result in a physical change to the environment, directly or indirectly;
- b) Adopt Resolution No. 2022-63, *A Resolution of the City Council of the City of Newport Beach, California, Accepting Grant Funds from the California Department of Fish and Wildlife, Office of Spill Prevention and Response for Oil Spill Response Equipment Staging*;
- c) Approve Budget Amendment No. 23-019 recognizing \$5,000.00 in grant revenue from the California Department of Fish and Wildlife (10045451-431455) and appropriating \$5,000.00 to Account No. 10045451-881002.

DISCUSSION:

Newport Harbor is one of the largest small-craft recreational harbors on the West Coast, as well as a welcoming port to all boaters who cruise the local waters. The harbor also serves as a home to approximately 1,200 moorings, 1,000 residential piers, a dozen commercial marinas, several yacht clubs, scores of charter vessel operations, and various marine other activities operations. With 23 square miles of ocean waters, and a harbor roughly the size of Central Park, the need to protect local waters and resources, along with the adjacent county and state tidelands and waters, from oil or fuel spills, is highly important.

In November 2017, Public Works Department staff submitted an application to the California Department of Fish and Wildlife's (DFW) Office of Spill Prevention and Response (OSPR) for an Oil Spill Response Equipment Grant. The City was awarded a grant in the amount of \$35,000 in February 2018. The grant monies were expended to procure a standard oil spill response equipment package, including a mobile trailer, decontamination equipment, various booms, and other specialized equipment.

Since then, and as recently as the end of June 2022, Harbor Department staff received initial and refresher training courses, held by the DFW OSPR team on use of the spill response trailer and equipment. The City's latest deployment of supplies and equipment includes the following:

- a. A vessel transiting the harbor on the way to a shipyard had inappropriately sent fuel to an incorrect tank, resulting in overflow through a vent into the harbor. An absorbent boom was used to contain the spill once the vessel was stopped. Absorbent pads were also used to remove leaked diesel fuel from the surface of the water.
- b. A motor vehicle drove off a community pier and into the harbor. Containment boom sections were used to control fluid leaks and absorbent pads were used to remove leaked oil from the surface of the water.

After the June 2022 refresher training course, the Harbor Department submitted a new application to the DFW OSPR to obtain grant funding for the purchase of additional oil spill response equipment. DFW OSPR approved the grant application and has awarded the City with \$5,000 for the additional equipment.

All purchases under this grant shall be made per the City's administrative purchasing procedures and consist of DFW OSPR approved suppliers. There are no matching fund requirements or out of pocket expenditures to the City. Once the equipment is purchased and received, the DFW OSPR will provide a full reimbursement. The equipment shall be owned by the City and may be used without obligation or limitation.

If in need, and in situations in which the equipment is not in use by the City, DFW OSPR and their contractors may access the equipment, and then clean and/or replace after use.

FISCAL IMPACT:

The Budget Amendment increases estimated revenue from the California Department of Fish and Wildlife by \$5,000 and appropriates the grant funds. The revenue will be posted to the Other Government Grants account in the Harbor Department, 10045451-431455, and the purchase will be expensed to the Non-Capital Equipment account in the Harbor Department, 10045451-881002.

ENVIRONMENTAL REVIEW:

Staff recommends the City Council find this action is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

NOTICING:

The agenda item has been noticed according to the Brown Act (72 hours in advance of the meeting at which the City Council considers the item).

ATTACHMENTS:

Attachment A – Oil Spill Response Equipment Grant Application
Attachment B – Oil Spill Response Equipment Staging Grant Agreement
Attachment C – Budget Amendment
Attachment D – Resolution No. 2022-63