

Per California Code of Regulations, title 2, section 548.5, the following information will be posted to CalHR's Career Executive Assignment Action Proposals website for 30 calendar days when departments propose new CEA concepts or major revisions to existing CEA concepts. Presence of the department-submitted CEA Action Proposal information on CalHR's website does not indicate CalHR support for the proposal.

A. GENERAL INFORMATION

1. Date

05/31/2016

2. Department

California State Lands Commission

3. Organizational Placement (Division/Branch/Office Name)

Marine Environmental Protection Division

4. CEA Position Title

Assistant Division Chief, Marine Environmental Protection Division

5. Summary of proposed position description and how it relates to the program's mission or purpose. (2-3 sentences)

As stewards of California's waterways, the Marine Environmental Protection Division operates in support of the public trust by working with the environmental community, marine industry, academia, and other governmental entities to prevent pollution. The proposed CEA position is responsible for ensuring that: all regulations are current; monitoring inspection and enforcement are consistent with statute; regulatory authority exists to implement statute; the application of all policies in both Southern and Northern California are consistently applied; and metrics collected are thoroughly analyzed and form the basis of program improvements. The proposed CEA will develop and implement the Systems Safety Audit Program which will be designed to carry out systems safety audits that identify systemic risks based on actively conducted risk assessments. The establishment of this Program will change the way the Operations Branch conducts business.

6. Reports to: (Class Title/Level)

Division Chief, Marine Environmental Protection Division

7. Relationship with Department Director (Select one)

- Member of department's Executive Management Team, and has frequent contact with director on a wide range of department-wide issues.
- Not a member of department's Executive Management Team but has frequent contact with the Executive Management Team on policy issues.

(Explain): The Assistant Division Chief, CEA has frequent contact with the Executive Office to ensure that the Division's mission critical issues are consistent with the Department's Strategic Plan.

8. Organizational Level (Select one)

- 1st
- 2nd
- 3rd
- 4th
- 5th (mega departments only - 17,001+ allocated positions)

B. SUMMARY OF REQUEST

9. What are the duties and responsibilities of the CEA position? Be specific and provide examples.

The Assistant Division Chief, CEA plans, organizes, and directs MEPD's Operations, Planning, and Engineering Sections and manages and coordinates program activities with federal, state, and local jurisdictions as well as with private industry. The CEA ensures that: all regulations are current; pursuant to Public Resources Code (PRC) Section 8750, the Lempert-Keene-Seastrand Act provides for best available technology for the Division's programs; monitoring, inspection and enforcement are consistent with statute; regulatory authority exists to implement statute; the implementation and application of policies at both Southern and Northern California Field Offices are consistent; and metrics collected are thoroughly analyzed and form the basis of program improvements.

The CEA: develops and implements policies, such as the Systems Safety Audit Program and improvements to service delivery to the regulated community; revises existing policies and procedures, such as Marine Oil Terminal Engineering and Maintenance Standards (MOTEMS) and Spill Prevention and Monitoring; provides policy advice to the Division Chief and the Executive Office in strategic planning and policy development; formulates goals and objectives; develops regulations and internal processes; and consults with upper management on laws, rules, and regulations, as well as the most complex technical aspects of the Operations, Planning, and Engineering programs, such as the progress and effectiveness of the Division's Spill Prevention and Monitoring Program.

The CEA is responsible for developing and implementing the Systems Safety Audit Program policies. The policy will include: (1) roles, responsibilities, and relationships that interface between production and operation, program oversight as well as procedural framework and procedures for operations; (2) risk assessment and controls consisting of hazard identification, risk exposures, causal analysis and system operation; (3) safety assurance which will incorporate management reviews to assure safety goals; and (4) safety promotion to develop conformance in reporting incidents and promoting group communication. The CEA will create a Systems Safety Audit Team which will conduct safety audits and produce a comprehensive report that will be used to: review and evaluate current regulations, operations manuals, and leasing policies; monitor terminal operations; uncover systemic risks; and provide data for evaluating public health and safety as well as environmental effects.

The CEA is responsible for developing and implementing several targeted outcomes associated with specified Strategic Plan Action Items: (1) Review existing safety standards and regulations for continued relevance and use of the public rulemaking processes to amend or adopt new regulations to enforce lease compliance and promote environmental protection and public health and safety; (2) Ensure oil spill pollution prevention programs attain best achievable protection through both the use of best achievable technology and those manpower levels, training procedures, and operational methods; and (3) Improve inspection and safety audit programs, through risk-based prioritization models.

Administrative responsibilities include: resolving issues between the MEPD branches; preparing budget change proposals (BCP); acting as MEPD's point of contact on inter- and intra- agency working groups; redirecting resources within MEPD; and participating in the development and review of MEPD's processes, rules, and regulations.

Personnel responsibilities include: resolving various personnel issues; coordinating hiring, and facilitating workforce and succession planning; developing and implementing training programs to ensure that Operations, Planning, and Engineering staff are properly trained.

The CEA initiates and participates in seminars, conferences, studies, lectures, and meetings with academia, industry, government, and the regulated community and acts as the Division Chief in the Chief's absence.

B. SUMMARY OF REQUEST (continued)

10. How critical is the program's mission or purpose to the department's mission as a whole? Include a description of the degree to which the program is critical to the department's mission.

- Program is directly related to department's primary mission and is critical to achieving the department's goals.
- Program is indirectly related to department's primary mission.
- Program plays a supporting role in achieving department's mission (i.e., budget, personnel, other admin functions).

Description: The California State Lands Commission's (CSLC) mission is to provide the people of California with effective stewardship of the lands, waterways, and resources entrusted to its care through preservation, restoration, enhancement, responsible economic development, and the promotion of public access.

The Marine Environmental Protection Division (MEPD) develops comprehensive regulations to meet the best achievable protection standards of the Lempert-Keene-Seastrand Oil Spill Prevention and Response Act of 1990. MEPD operates in support of the public trust as professionals work with the environmental community, the marine industry, academia and other governmental entities to prevent pollution and provide the best achievable protection of public health and safety and the environment.

The proposed CEA is responsible for implementing the targeted outcomes tied to three of the Key Action items in the Department's Strategic Plan: (1) review existing safety standards and regulations for continued relevance to enforce lease compliance and promote environmental protection and public health and safety; (2) ensure oil spill pollution prevention programs attain best achievable protection through the use of best achievable technology and those manpower levels, training procedures, and operational methods that provide the greatest degree of protection achievable; and (3) improve inspection and safety audit programs through risk-based prioritization models.

B. SUMMARY OF REQUEST (continued)

11. Describe what has changed that makes this request necessary. Explain how the change justifies the current request. Be specific and provide examples.

New Program:

The Assistant Chief, Marine Facilities Inspection and Management Division's responsibilities have evolved over time. For example, it has been determined that most oil spills: Exxon Valdez, American Trader, and Deepwater Horizon occurred as a result of human error. As a result, the proposed CEA will develop and implement a Systems Safety Audit Program to look at the totality of the inspection data collection program. Central to the System Safety Audit Program will be the conduct of system safety audits which will: look at how inspections are conducted; determine if employees have the appropriate equipment; know how to use complex equipment; and identify risks associated with human factors. This will provide a basis for determining the adequacy of the various risk control measures associated with each marine oil terminal operator. The information derived from the audits will be used to review existing regulations, manuals, policies, and evaluate effects on public health and safety as well as the environment.

Additionally, the Department's Strategic Plan was adopted in December 2015. With its adoption, the proposed CEA has responsibility for at least three targeted outcomes: (1) establish a Systems Safety Audit Team to identify systemic risks at marine terminals based on risk assessments; (2) review and update the Pipeline Integrity Inspection Program to ensure best achievable protection by Commission lessees; (3) develop a systematic approach to audit, inspect and monitor activities relying on both a quantitative model and qualitative performance and risk-related data.

Reorganization

Effective May 3, 2016, the Marine Facilities Division, renamed the Division to Marine Environmental Protection Division, reorganized to include the establishment of two Assistant Division Chiefs. The Environmental Program Manager I (Managerial), who manages the Marine Invasive Species Program (MISP) has been elevated to an Assistant Division Chief. The rationale for this elevation is two-fold: (1) over the past 15 years, the number of MISP staff has more than tripled from six to 19 and MISP funding has more than doubled, constituting a third of the Marine Environmental Protection Division's budget; (2) serving as an Assistant Division Chief will afford the EPM I the opportunity to advocate for marine invasive species issues and provide perspective and scientific expertise at Senior Staff Meetings. This advocacy, perspective, and expertise will have a significant influence on the Executive Officer and the Commission, who are charged with the responsibility of protecting our State's resources. Additionally, amidst the increasing challenges of protecting our State's resources and growing concerns worldwide regarding marine invasive species, the stature of the MISP has increased within the Commission, the regulated community, nationally and internationally since its inception in 2001.

The proposed Assistant Division Chief, CEA will manage the Operations, Planning, and Engineering Branches and develop and implement the new System Safety Audit Program.

Given the growth of the MISP, the Division has been challenged with efficiently allocating staffing and budgetary resources creating a need for tighter coordination and management of these resources between the MISP and Operations Branches. Having two Assistant Division Chiefs will help ensure that both programs are adequately staffed commensurate with available funding.

Under-Classification

When the Assistant Chief, Marine Facilities Inspection and Management Division classification was created in 1990, there were no feeder classes. In lieu of other feeder classes that did not exist at the time, the Associate Mineral Resources Engineer classification was chosen as the feeder group to examine for the Assistant Chief class. The problem is that the Associate Mineral Resources Engineer class is compensated at \$10,490, while the Assistant Chief, Marine Facilities Inspection and Management Division classification is compensated at only \$8,048. No one has chosen to take a major pay cut to become the Assistant Chief. Several of the Assistant Division Chief's subordinate engineering and scientific classes are paid from 28% to 37% higher than the Assistant Chief, Marine Facilities Inspection and Management Division. The current Assistant Chief, Marine Facilities Inspection and Management Division vacant position is under-classed.

To remedy the recruitment and retention problem, on August 19, 2015, the California State Lands Commission (CSLC) sent a board item to CalHR requesting to revise the Assistant Chief, Marine Facilities Inspection and Management Division classification specification. Central to the rationale for revising the classification specification was the fact that CSLC has had significant difficulty in administering the Assistant Chief, Marine Facilities Inspection and Management Division examination and filling the position due to major increases in the salary structure of the engineering classifications.

On March 4, 2016, CalHR informed CSLC that our request to revise the Assistant Chief, Marine Facilities Inspection and Management Division classification specification had been denied due to the fact that our request was inconsistent with CalHR's mandate to streamline and consolidate the classification system.

The assignment of the Assistant Division Chief to the CEA band is the best solution to this problem as it supports CalHR's mandate to streamline and consolidate the classification system and resolves the Department's examining, selection, and pay issues.

C. ROLE IN POLICY INFLUENCE

12. Provide 3-5 specific examples of policy areas over which the CEA position will be the principle policy maker. Each example should cite a policy that would have an identifiable impact. Include a description of the statewide impact of the assigned program.

The Assistant Division Chief, CEA develops, revises and/or implements the following policies:

Systems Safety Audit Program Policies

Following several catastrophic oil spills, e.g., Exxon Valdez and Deepwater Horizon, it was determined that the resulting spills and environmental and health consequences were caused by a failure of safety management systems. The Department of Finance's audit completed in December 2012 concluded that, "a more robust process safety management review should take the operating process, hardware, and human element interactions into consideration to better identify risks that could lead to spills". As a result of this recommendation, the CSLC will develop and implement policies that will go far beyond current inspection of terminals as physical entities and review of oil terminal records. Policies will be developed incorporating systems safety audits that will identify systemic risks based on actively conducted risk assessments. These audits will provide a basis for determining the adequacy of the variety of risk control measures that each marine oil terminal operator uses.

Improvements to service delivery to the regulated community

Three Key Actions of the Strategic Plan address the integration of technology to introduce new services based on public stakeholder and constituent demand: (1) Automate manual business processes for interactive public interface to improve efficiency and accuracy with web-based electronic solutions; (2) Create, deliver, and manage a centralized, curated geospatial information library for internal and public use, inclusive of electronic catalogs and intuitive web mapping applications to visually engage the public; and (3) Enhance right-sized governance and process (testing, change control, incident management and communications) to balance the speed of introducing new services with managing risks.

The CEA revises existing policies and procedures critical to the daily operations of MEPD's programs. Existing policies include: Spill Prevention and Monitoring and Marine Oil Terminal Engineering and Maintenance Standards (MOTEMS).

Spill Prevention and Monitoring Program:

The CEA has responsibility for statewide oversight of 7400 oil transfers at marine terminals and the conduct of extensive annual inspections at each marine terminal to evaluate facility integrity and maintenance of the transfer systems and spill prevention improvements. As part of this responsibility, the CEA revises policies to address newly identified problems with oil transfers discovered as a result of on-site inspections. An example of a newly identified problem may involve developing emergency responses to the physical security of an oil terminal.

Marine Oil Terminal Engineering and Maintenance Standards (MOTEMS):

On an as needed basis, the CEA develops regulations and internal processes governing oil spill prevention and response associated with marine terminals. Examples of newly adopted regulations are: updated risk and hazard analyses, changes to oil terminal design; and the management of change when physical changes made to marine oil terminals significantly impact operations.

C. ROLE IN POLICY INFLUENCE (continued)

13. What is the CEA position's scope and nature of decision-making authority?

The Assistant Division Chief, CEA position's scope will focus on all aspects involving the statewide Operations, Planning and Engineering Branches. On a daily basis, the Assistant Division Chief is the first line of authority and decision-making over the Operations, Planning, and Engineering Branches. The CEA's daily decisions not only impact Operations, Planning, and Engineering Branch employees, but also other CSLC employees, specified state, local, and federal governmental agencies, the marine industry, and the regulated community. The CEA's decision are in concert with CSLC's mission and Strategic Plan.

The Assistant Division Chief, CEA has the authority to advise, develop, revise, and implement statewide policies pertaining to the Marine Environmental Protection Division's (MEPD) Regulatory Program. The CEA's decisions impact the CSLC's ability to implement the Lempert-Keene-Seastrand Oil Spill Prevention and Response Act.

The CEA is at the third organizational level and routinely interfaces with senior staff in the various CSLC Divisions and the Executive Office. The Assistant Division Chief is the primary, direct contact with marine terminal operators and coordinates the MEPD programs with other CSLC Divisions and the Department of Fish and Wildlife's Office of Spill Prevention and Response.

The CEA represents the CSLC at high level meetings, as needed, and may act in the Division Chief's absence.

The CEA has authority to make commitments pursuant to the level of authority granted by the Chief, Marine Environmental Protection Division.

14. Will the CEA position be developing and implementing new policy, or interpreting and implementing existing policy? How?

The CEA position will develop and implement the new Systems Safety Audit Program policies and procedures from scratch.

The CEA revises existing policies and regulations as needed based on the compilation and analyses of inspection data and feedback from other governmental agencies, the marine industry, and the public.