

# Oil Spill Task Force

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Alaska British Columbia California Hawaii Oregon Washington

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August 10, 2010

U.S. Coast Guard, Docket Management Facility (M-30)  
U.S. Department of Transportation  
West Building Ground Floor, Room W12-140  
1200 New Jersey Avenue, SE.  
Washington, DC 20590-0001

EPA, EPA Docket Center (EPA/DC)  
Docket ID No. EPA-HQ-OPA-2010-0559  
Mail Code 2822T  
1200 Pennsylvania Avenue, NW.  
Washington, DC 20460

**Regarding USCG-2010-0592 and EPA-HQ-OPA-2010-0559:**

***Temporary Suspension of Certain Oil Spill Response Time Requirements To Support Deepwater Horizon Oil Spill of National Significance (SONS) Response; Emergency Temporary Interim Rule***

To Whom It May Concern:

These comments are submitted on behalf of the U.S. member agencies of the Pacific States/British Columbia Oil Spill Task Force, which include the Alaska Department of Environmental Conservation, the Washington Department of Ecology, the Oregon Department of Environmental Quality, the Office of Spill Prevention and Response of the California Department of Fish and Game, and the Hawaii Department of Health. Our comments address the addition of Sec.154.T150 to Title 33, Part 154; the addition of Sec. 155.T150 to Title 33, Part 155; and the addition of Sec. 112.22 to Title 40, Part 112.

These comments focus on the following concerns which our member agencies have with efforts by the U.S. Coast Guard (USCG) and the U.S. Environmental Protection Agency (EPA) to identify and deploy to the Gulf of Mexico oil spill response equipment on the West Coast in excess of their Average Most Probable Discharge (AMPD) and Small Discharge planning standards through adoption of this emergency interim rule:

1. The AMPD and Small Discharge standards, as applied to the West Coast, provide inadequate response coverage;
2. Contingency plan holders should be included in any discussions regarding the movement of response assets to the Gulf, or to any future Spills of National Significance;
3. The West Coast has a unique handicap in aiding a Gulf of Mexico or East Coast oil spill, since response vessels that must travel through the Panama Canal could take at least 20 days - perhaps more, depending on the departure or destination point on the West Coast – to return if needed for a spill response here; and
4. Instead of this blanket approach nationwide, the USCG and EPA should develop regional strategies to ensure that sufficient capacity remains in each region to provide mutual aid between Districts and Sectors there, before moving large amounts of response equipment out of a region.

The member agencies of the Task Force have eagerly assisted with the Deepwater Horizon oil spill response, approving deployment of a great deal of response equipment from their states to the Gulf. However, they also have legal mandates and public trust responsibilities to ensure that adequate response capacity is maintained, should it be needed for a spill response in their own jurisdictions. Each agency worked with the regulated industry contingency plan holders, as well as

with response contractors, to meet their legal obligations while also attempting to provide as much assistance as possible to the response efforts underway in the Gulf of Mexico.

Our member agencies do not feel that the AMPD and “small discharge” planning levels provide adequate protection. The federal AMPD planning volume is set at 50 barrels. For vessels, AMPD capability is required only at transfer locations and not during vessel transits, and many West Coast states have long vessel transit routes to reach transfer locations that could be left with no coverage (e.g., the San Francisco Bay & Sacramento River Delta in California; the Columbia River in Washington and Oregon; Puget Sound in Washington; plus Prince William Sound and Cook Inlet in Alaska).

As far as facilities are concerned, larger facilities typically meet AMPD and “small discharge” planning levels through use of their own on-site equipment and do not rely on Oil Spill Response Organizations (OSROs). Our members are concerned that - in the absence of mutual aid agreements between companies - there could be delays and a reluctance to deploy resources away from the home facility, should a large spill occur. Neither can we be assured that states will be left with the equipment capability necessary to respond in all operating environments. Planning for a 50-barrel spill that does not include all operating areas within a Sector presents an unacceptable level of risk to both companies and communities.

Our member agencies are further concerned that this rule was adopted without sufficient input from the contingency plan holders themselves. The plan holders are keenly aware that an insufficient response to a spill on the West Coast would be unacceptable to the regulators, the public, the media, and most especially to their own management.

We are further concerned that equipment movement decisions are being made without a regional perspective. If response capacity in each state falls to minimum levels, not only would each state not be prepared for a large spill event, but any extra equipment necessary to lend mutual aid elsewhere on the West Coast according to our Mutual Aid Agreements would also be gone. This problem was been further compounded by the national transfer of U.S. Navy skimming equipment to assist with the Deepwater Horizon response. If all private sector equipment in excess of AMPD had been moved to the Gulf as well as the U.S. Navy equipment, our safety net would have been lost.

This is important because the West Coast has a unique handicap with regard to skimming vessels that must sail to the Gulf of Mexico through the Panama Canal – i.e., that it will take a very long time for these vessels to return if needed here. For example, it is estimated that skimming vessels from California would take 20 days to reach the Gulf through the Panama Canal – nearly 3 weeks. It has also been estimated that large skimming vessels from the Pacific NW or Hawaii would need a total of four weeks to reach the Gulf – or to return.

We recommend that the U.S. Coast Guard direct the National Strike Force Coordination Center as well as Area and District Commanders to coordinate region-wide efforts to identify sufficient “buffer” response capacity to provide mutual aid between regions of the country for future SONS events.

Thanking you for your consideration of these comments on behalf of the member agencies of the Pacific States/BC Oil Spill Task Force, I remain,

Sincerely yours,

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