

Summary Notes¹
Pacific States/British Columbia Oil Spill Task Force
Fall Coordinating Committee Meeting
October 17-18, 2006
Vancouver, British Columbia

ATTENDING 10/17: Leslie Pearson, Alaska Dept. of Environmental Conservation (ADEC); Steve Sawyer, California Office of Spill Prevention & Response (OSPR); Curtis Martin, Hawaii Hazards Evaluation & Emergency Response (HEER); Graham Knox, British Columbia Ministry of Environment; Jon Neel, Washington Department of Ecology; Mike Zollitsch, Oregon Dept. of Environmental Quality (ODEQ) (by phone); and Jean Cameron, Pacific States/BC Oil Spill Task Force.

JURISDICTIONAL UPDATES:

Oregon Department of Environmental Quality (ODEQ); Mike Zollitsch reporting:

- Mike reported that Jeff Christiansen is the new manager for ODEQ's Environmental Cleanup/Emergency Response section; Chuck Donaldson will be retiring as of 2/1/2007. Ed Wilson, who recently retired from the section, is now hired for some specific project work.
- The Department is developing a "legislative concept" for increasing maritime fees by approximately 35% to support the oil spill program. For example, the per/trip fees for a container ship are proposed to increase from \$48 to \$85, and from \$836 to \$1300 for tank ships. Annual fees for facilities and tank farms are proposed to go from \$4500 to \$7000. Mike said that the maritime industry is generally supportive and involved in the discussions.
- Mike also reported that a spill drill is planned for Chevron's pipeline in Eastern Oregon. He explained that Portland is the only full-scale component of the 2007 TOPOFF exercise. The scenario will involve a radiological release, so there won't be much of a role for ODEQ, although they have been helping with ICS training.
- Mike reported that the state's settlement with the owners of the *M/V New Carissa* is being handled by the Oregon Department of State Lands. After legal costs, approximately \$19 million is expected to be available for the removal of the stern section of the ship from the breakwaters off Coos Bay.

British Columbia Ministry of Environment; Graham Knox reporting:

- Graham reported that a consultant hired by the Ministry had submitted an analysis of a number of issues regarding the Ministry's legislative authorities. These issues included NRDA at the provincial level; requiring mandatory contingency plans and setting standards for 3rd party audits of these plans; extending spill cost recovery rights to local governments and third parties (inland spills are not covered by federal funds); and updating provincial regulations consistent with federal regulations governing transport of hazardous materials. He stressed that this is a "work-in-progress" which they will now take forward to a working group and eventually to elected officials.

¹ NOTE: This is a meeting summary and is not intended as a verbatim record of all presentations or comments made during the meeting.

- Graham provided the following update on recent spill incidents:
 - On August 1, 2006 A Canadian National (CN) train carrying pulverized coal derailed and spilled the coal into the Fraser River, the province's largest salmon producer, during the annual salmon migration and First Nation's fishing season.
 - The *M/V André* had spilled bunker fuel in Burrard Inlet on July 4, 2006. The spill volume turned out to be larger than first reported, and the Ministry was not notified promptly by the Canadian Coast Guard. Some birds were oiled, which raised an issue of Provincial vis-à-vis federal authorities. In addition, the wildlife organization hired to rehabilitate the birds was not paid for their efforts because the Responsible Party (RP) refused to cover all of the costs.
 - On August 4, 2006 the *Westwood Annette* spilled approximately 29,000 liters of oil into the Squamish Estuary, which was about to be declared a "Provincial Protected Area." The issue of wildlife care came up again, so the Province issued a Pollution Abatement Order to the RP requiring wildlife care as well as an oily waste management plan and environmental impact assessment. Although the Province's authority over oily waste management is well established, the issue of wildlife care is not, and the RP has argued against the Order based on constitutional grounds.
- Graham also reported on a number of port development proposals for the Northern British Columbia coast, near their boarder with Alaska:
 - A container port is proposed for Prince Rupert; eventually 500,000 to two million containers would come through the port;
 - A pipeline would be built from the oil fields in Alberta to Kitimat; it would carry condensate from Kitimat to the fields, and oil from the fields to Kitimat. This means two kinds of tanker traffic would be serving Kitimat: condensate inbound and crude oil outbound.
 - An LNG terminal is also proposed for Kitimat.
 - Graham further noted that aggregate is also being shipped out from this section of the coast, plus the fact that both ferry and passenger vessel traffic is increasing there. The federal agencies have an environmental impact review process, but it's generally done on a project-specific basis. Stafford Reid is working with other provincial agencies on a vessel traffic study of the northern coast in order to develop a long-term "big-picture" perspective.
 - Graham also noted that the First Nations tribes in that area were working with Burrard Clean Operations, plus several Provincial and federal agencies, to train for emergency response.
- Graham explained that Stafford was working with Paul Ross of Environment Canada on a study of spill risks from railroads, plus an analysis of response authorities and capabilities regarding railroad oil and hazardous material spills.
- He reported that an interagency debrief on the Queen of the North sinking was planned. BC Ferries will not salvage the ship, but plans to possibly lighter remaining oils next spring. Graham discussed the Canadian Coast Guard's continued opposition to Unified Command.²

² This was identified as an issue for the Province and other agencies at the subsequent debrief.

- Graham reported that the Ministry is recruiting new persons for the two Provincial Incident Management Teams from within the Ministry of Environment (anticipating future retirements and promotions) and expanding the number of pre-identified technical specialists.

Washington Department of Ecology; Jon Neel reporting:

- Jon provided the Coordinating Committee with some details regarding Ecology's fine that was issued to Conoco/Phillips for the 2004 Dalco Passage oil spill from the T/V *Polar Texas*. The fine of \$540,000 represents the agency's maximum civil penalties for five separate violations: illegally spilling oil to state waters, strict liability for discharging oil, failure to report the spill, failure to clean up the spill, and failure to follow their spill contingency plan. The state's response costs were covered by the Oil Spill Liability Trust Fund, which will seek reimbursement from Conoco/Phillips. The NRDA claims have not yet been finalized.
- Jon reported that Ecology is using a \$1.5 million legislative appropriation to cache response equipment trailers around the state, and has delivered the first oil spill response supplies to the Port of Seattle, King county, and the Seattle Fire Department. They plan to deliver another 60 response equipment trailers around Puget Sound by June, 2007.
- Ecology's new oil transfer and oil spill contingency plan rules became effective October 26th. Jon explained that there are two sets of oil transfer rules: one for facilities (including trucks and marinas) and one for vessels. As a result of the new contingency plan rules, more response equipment will be required for contingency-plan holders operating on the Columbia River and other areas, with an emphasis on sensitive area protection. The Department also expects more response coverage for the Washington coast. Jon noted that planning standards, which used to be guidelines, were placed in the rule pursuant to a Washington State Supreme Court decision.
- Ecology signed an agreement with Marine Spill Response Cooperative (MSRC) in September which allows them to call MSRC on short notice for response to "orphan" spills. This direct access will allow the state to further its goal of rapid and aggressive spill response actions.
- Ecology also has an agreement with the King County Sheriff's Office to place infrared software on two of their helicopters, which will then be available to spot and track oil spills at night and during storms.
- Jon noted that a habitat restoration plan was announced August 1st to offset damages from the 1991 *Tenyo Maru* oil spill.
- Jon reported that BP has contracted with a research team from George Washington University, Rensselaer Polytechnic Institute, and Virginia Commonwealth University to conduct a study supporting the Environmental Impact Assessment (EIS) for the expansion of the Cherry Point terminal. The study will analyze the effects on oil spill risk resulting from the incremental increase in vessel traffic projected to call at the Cherry Point facility over the next twenty years.
- Jon provided Committee members with a copy of the Washington Oil Spill Advisory Council's (OSAC) report to the Governor and Legislature. The report is available at: <http://www.governor.wa.gov/osac/report/default.htm>. He noted that OSAC recommended increased funding for a year-round tug at Neah Bay as well as creation of a Tug Response

Fund for short-term stand-by tug contracts as needed. OSAC also recommended a more robust program for derelict vessel removal. The OSAC report will be considered by Governor Gregoire in conjunction with a recent report from the Puget Sound Partnership, which focuses on restoration and protection of Puget Sound, Jon said.

Alaska Department of Environmental Conservation (ADEC); Leslie Pearson reporting:

- Leslie noted that Betty Schorr is the new Industry Preparedness Program manager, and Gary Guscia is the new administrator of the state's Response Fund. Betty will replace Bill Hutmacher as Larry Dietrick's other alternate (besides Leslie) to the Coordinating Committee.
- Regarding North Slope pipeline and corrosion issues, Leslie explained that the August pipeline spill on the Slope had led to numerous hearings. (An article on 10/16/06 in the Anchorage Daily News noted that Alaska's congressional delegation asked state regulators why they "had ordered BP to clean sludge out of key pipelines in 2002 but let the company off the hook three months later." The article further explains that "Fredriksson said the 2002 order mainly was about ensuring BP upgraded leak-detection equipment along the transit lines. Initially, it was believed the sludge might interfere with the accuracy of the equipment, but BP later ran a test that proved otherwise and the pigging requirements were dropped, he said. BP did comply with the order, Fredriksson said.")
 - In other related actions, Governor Murkowski has called together a team of experts on the issue called the Artic Pipeline Technology Team, and DEC is hosting two Best Available Technology conferences focused on pipeline issues.³
 - Leslie explained that the low-pressure lines in the North Slope field have been exempt from regulation by the U.S. DOT's Office of Pipeline Safety, and the State's regulations have only covered leak detection up to this point. The state has had an agreement with the operators regarding corrosion management for the flow lines which run from the well heads to the gathering centers, but the transmission lines which carry product from the gathering centers to the TAPS pump stations were not covered by that Agreement. DEC is reviewing their flow line regulations and plans to revisit the issue of oil transmission lines, as well as their leak detection standards. They also plan to review and update their penalty authorities.
- Leslie explained that DEC was disappointed with the recent National Transportation Safety Board report on the *Selendang Ayu*, since the Board did not include any findings of negligence on the part of the crew. She reported that the U.S. Coast Guard had completed a PAWSA for Unimak Pass, which is available - along with an update of Vessel Traffic through the Aleutians - at http://www.dec.state.ak.us/spar/perp/ai_risk/ai_risk.htm. DEC and the USCG District 17 will be meeting with the National Academy of Science Marine Board to request their assistance in developing a comprehensive framework for conducting a Risk Assessment of the Aleutians.⁴

³ Two conferences were held on October 19th and November 13, 2006 in Anchorage, titled the "Maintenance and Intelligent Pigging of Pipelines Conferences." For more information, go to <http://www.shannonwilson.com/pigging/>.

⁴ More information on this project is available at <http://www.uscgalaska.com/go/doc/780/139339/>.

- Regarding Places of Refuge, Leslie reported that the Potential Places of Refuge planning was complete for Kodiak and the PPOR plans for Cook Inlet will be updated.
- She also noted that DEC is working to finalize Alaska's In-Situ Burn guidelines.
- The Legislature revised the funding ratio for the Spill Program. Whereas it had been 2 cents for response and 3 cents for prevention/administration; now the ratio will be one cent and 4 cents, respectively.

California Office of Spill Prevention & Response (OSPR); Steve Sawyer reporting:

- As a new Coordinating Committee member, Steve provided some personal background, noting that he'd been with OSPR "since Day 1" and that he was OSPR's "most mature employee." He supervises OSPR's legal office, Steve explained.
- Regarding new regulations, Steve reported that OSPR has been working to modify their contingency plan regulations for the last five years. They now have a new package which emphasizes shoreline protection. He noted that the Western States Petroleum Association (WSPA) had requested a briefing after the public comment period closed, so the comment period will be reopened.
- OSPR has also recently revised the regulations covering bollard pull testing procedures; the San Francisco and LA/Long Beach Harbor Safety Committees concurred with this revision.
- Regarding legislative initiatives, Steve explained that OSPR was considering a proposal to establish an Inland Pollution Response Fund, since the current response fund is dedicated to marine spills (except spills of less than one barrel, which is another loophole that needs to be addressed).
- Another approach being considered would be to expand OSPR's authority for spill prevention to pipelines; currently OSPR only has authority to respond to pipeline spills that threaten waters of the state, but has no prevention authority; that rests with the California State Fire Marshall's office under federal delegation from the Office of Pipeline Safety. The Fire Marshall's office does have some pigging requirements, but does not require spill contingency plans or oil spill drills.
- Regarding LNG developments in California, Steve explained that OSPR wasn't interested in responding to LNG spills, since there's no response technique comparable to spill response anyway. However, the State Lands Commission - which would like authority to regulate LNG facilities - argues that California's definition of "oil" covers LNG. Steve noted that the only LNG facility likely to be "on land" would be in Long Beach; all other proposals are for offshore unloading facilities.
- He also noted the possibility of a comprehensive "Marine Pollution Prevention" bill being introduced; it would cover sewage, chemicals, and oil.
- Steve explained that OSPR has a new Planholder Drill and Exercise Program unit which will track the drill/exercise requirements in all approved plans and provide drill/exercise oversight and monitoring. Two personnel are assigned to this unit now and OSPR plans to hire sixteen more staff.
- OSPR hopes to eventually have 35 new FTY agency wide to take a number of tasks, including monitoring all fuel transfers from trucks to vessels.

- The cleanup of the cement ship *SS Palo Alto* is complete for a total cost of \$1.5 million, Steve noted.
- Dave Cornejo is the new head of OSPR's Administrative branch.
- New wildlife care facilities at Santa Barbara and Moro Bay have been added to the Wildlife Care Network, Steve reported. OSPR is proposing to increase the Care Network's budget.

Hawaii Department of Health, Curtis Martin reporting:

- Curtis reported that a dive boat had sunk off Maui, but no oil was released.
- He also noted that Chevron had a leak from an overland pipeline on Oahu; the leak was from a small hole, probably caused by erosion. That line cannot be pigged, however, because it's got a steam line inside.
- There were no other incidents or issues to report from Hawaii.

STATUS REVIEW OF SPILL PREVENTION PROJECTS

Database

- Jean provided the Coordinating Committee with a project update, noting that:
 - Jack Barfield of the Washington Department of Ecology is in the process of updating the Data Dictionary based on both the Data Workgroup's decisions over the past few years and on his efforts to upgrade Ecology's database. He will email those proposed revisions to the Data Workgroup by the end of October so they can convene a conference call after Thanksgiving to discuss them. Based on their final decisions, Jack will work with Camille Stevens, the new Workgroup Chair, to develop the reporting template for 2006 data.
 - Jack has sent Camille the data for 2002-2005, and Camille has already done some good analyses: one on spill size, which Jean gave to the Coordinating Committee, and one regarding pipeline spills.
 - The Coordinating Committee then discussed who would host the DNV training in 2007. Both Ecology and OSPR have hosted in the past; since OSPR has the most recent experience, Steve agreed that they would make arrangements with DNV, working with them to manage registrations, and provide the meeting room for 2 days. Steve will also look into telecommuting possibilities. Leslie agreed that ADEC would try to send at least one person and then consider hosting a future training in Alaska for their staff.

Prevent Pipeline Spills

- Jean provided the Committee with two handouts:
 - Camille's summaries for West Coast pipeline spills by cause and state; and
 - A data summary from the Pipeline and Hazardous Material Safety Administration/Office of Pipeline Safety website.
- Jean also reported on the status of responses to her questionnaire regarding pipeline regulations, noting that some agencies, including OSTF member agencies, still had not responded.

- On the topic of Geographic Response Plans for Pipelines, Jean provided copies of the reports received so far, noting that she still needed information from California and Hawaii. The Coordinating Committee concluded that, since GRPs are generally developed by contingency plan holders, they only exist for areas where contingency plan holders operate and not for every sensitive area. In the case of California, this means that inland pipeline operators, which are not under OSPR authority to produce contingency plans, have not developed GRPs. The Coordinating Committee decided that highlighting coverage and gaps should be the focus of this aspect of the project.

West Coast Offshore Vessel Traffic Risk Management (WCOVTRM) Implementation Analysis

- Jean provided an "implementation status table" for the Coordinating Committee and walked them through the work plan and various assignments to investigate the status of each WCOVTRM Project Workgroup recommendation. Committee members provided advice regarding information sources; Leslie Pearson referred Jean to the Ports and Waterways Safety Assessment done for the Aleutians.
- Jean explained that she had worked with Rick Holly of OSPR, the Project Chair, and with Steve Danscuk of the USCG Pacific Area to develop a questionnaire which they sent to the Harbor Safety Committees on the West Coast. The questionnaire deals primarily with various WCOVTRM recommendations, but it also includes one question regarding Best Industry Practices (see below).

Recommended Best Industry Practices (BIPs)

- The WCOVTRM questionnaire for Harbor Safety Committees noted above also asked them whether they had implemented the March 2005 memorandum from USCG CAPT Rob Lorigan recommending incorporation of the vessel BIPs into Harbor Safety Plans as Standards of Care.
- Jean also reported that USCG CAPT Gugg is working with Jason Lewis of the American Waterways Operators (AWO) to convene a AWO/USCG Quality Steering Committee meeting where the BIPs for tugs and tank barges could be discussed.

POSPET

- Jean reported on the POSPET meeting held at the Ecology offices on October 12th. The group reviewed their mission statement and agreed to put an emphasis on opportunities for networking, pooling resources, and feedback that improved members' efficiency.
- Member updates focused on distribution of spill prevention projects, educational activities, and Clean Marina outreach; Jean provided the Coordinating Committee with details.
- She also noted some changes requested On the POSPET web page, which can be accessed at <http://www.oilspilltaskforce.org/pospet.htm>.
- Regarding the "Spills Aren't Slick" Campaign, Jean reported that 2,800 signs, 14,100 decals, and 20,400 brochures were distributed in 2006. She had surveyed POSPET members to determine if more were needed for 2007, but it appears not, since the Washington Department of Ecology did a second printing of 15,000 more decals and 600 more signs. Members will share among themselves as needed. Member reported receiving good comments

on the brochures and decals; the signs also were popular, although not all marinas have places to post them.

- Jean reported that a representative of BOAT/U.S. had joined the meeting by conference call and plans to work with POSPET, especially through their "Stop the Drops" campaign.
- The group had also had a speaker-phone, PowerPoint, and website (www.earth911.org) presentation regarding Earth911, which maintains both a website and call-in referral service for environmental information. California has used this program to provide clean boating information; any state can participate to add their specific information.
- POSPET members were also provided with a briefing about Ecology's new Fuel Transfer Regulations for Class 4 facilities, which are marinas and fuel docks that fuel small commercial vessels.
- POSPET members will meet again on April 9, 2007. Curtis and Leslie agreed to send Jean possible POSPET contacts in their states.

Monitor TAPS Conversions

- The Coordinating Committee reviewed the updated Trans-Alaska Pipeline System (TAPS) report from CAPT Laura Stratton at Ecology, who noted that Alaska Tanker Company's fourth and final super-redundant new build, the ALASKAN LEGEND, went into service on September 2006. She also noted that SeaRiver's double-hulled S/R SIERRA (ex KENAI) joined the TAPS fleet in September 2006. CAPT Stratton further reported that the average age of TAPS Trade tankers rose 1.7 years to 13.3 years since the last update due to the addition of the SIERRA, which was built in 1979. "The good news," she reported, "is that 16 of the 19 tankers now participating in the TAPS Trade are double hulled, three are double bottom, and none are single hull. That's progress!"

Spill Prevention Topics of Concern (only those topics with updates are noted below)

- Cruise ship operations with regard to spills and other water pollution impacts:
 - Alaska citizens approved a ballot measure to charge a \$50/person tax on all cruise ship passengers; part of this funding will cover on board monitoring of compliance with state and federal environmental regulations.
 - There have been some sewage spills reported from cruise ships in Washington, generating concerns regarding their compliance with the voluntary agreement.
 - Curtis reported that there have been no problems with cruise ships in Hawaiian waters.
- Oil spill prevention research and development, including Best Available Technology (BAT) and Best Achievable Protection (BAP):
 - Jean reported that the Prince William Sound RCAC's report on human error in oil spills is available at www.pwsrccac.org/docs/d0028900.pdf.
 - See information on page 4 above regarding the Pipeline Conferences sponsored by DEC.
 - OSPR's Scientific Program has \$300,000 for BAT/BAP projects; Steve will send the Coordinating Committee more information.
 - Leslie reported that MMS plans to sponsor an "Oil in Ice" conference in Alaska in 2007.
- Oil spill risks from sunken vessels:
 - There is a continuing problem with sunken fishing vessels in member jurisdictions; the Coordinating Committee noted that once the USCG removes the oil, the vessels are abandoned

if there's no owner to pay for the salvage. Often the insurer will walk away if the removal costs are greater than the coverage.

- Curtis noted problems in Hawaii with derelict barges as well.

- **Spills from trucks and implementation of state/provincial recommendations:**

- Curtis reported that some trucking companies in Hawaii are joining Clean Islands Council for spill response coverage, and HEER is encouraging them to do so.

- **Salvage capabilities and regulations:**

- Jon explained that WA state pays to keep a stand-by tug at Neah Bay during the winter months, which provides rescue tug coverage for the outer coast at the entrance to the Straits of Juan de Fuca (from Port Angeles to the mouth of the Columbia River). The costs have gone up due to international demand for tugs. Ecology has continued its contract with Foss Maritime to provide coverage until 12/31/06; at that time a new contract with Crowley Maritime will take effect to continue full-time coverage until the FY-07 appropriation has been expended.
- Jean reported that USCG CAPT Gerrity of Sector Portland had presented a paper at the NW RRT/Area Committee meeting on the issue of whether a stand-by tug should be available on the Oregon Coast. She expects that CAPT Gerrity will encourage further discussion on this issue.

- **Liquefied Natural Gas shipping and terminal operations:**

- Jean reported that the USCG must do a navigation suitability analysis as part of FERC's EIS process and also referred the Coordinating Committee to the November 2005 issue of *Proceedings*, which focused on LNG (<http://www.uscg.mil/hq/g-m/nmc/pubs/proceed/newpromagpage2005/fall2005lng/1.htm>),

- **Track the development of "Green Port programs" including waste oil reception facilities:**

- The Coordinating Committee was asked to review Jean's draft list of Green Port criteria and send her comments.
- Jon noted that the shipping industry should help ensure that adequate oily water waste facilities are available in the ports they serve. That is the burden of responsibility for complying with the international and federal requirements is on industry; however, Ecology would like to continue to pursue private/public sector partnerships that would increase access to oil reception facilities.

- **Federal preemption issues:**

- Jon explained that the Ecology Spills Program had received a letter from the USCG legal office indicating that they believe a significant portion of their proposed new transfer rules are preempted. As a result of this advice, Ecology has decided to leave their old bunkering rule in place and only add an advance notice requirement (identical to the federal rule, but web-based) and a pre-booming requirement. The new regulations cover vessel to vessel, truck to vessel, facility to vessel, and vessel to facility transfers. Ecology hopes to work with the USCG through their MOA protocol process to improve the transfer process in Washington.
- The Coordinating Committee discussed the federal district court ruling against Massachusetts's oil spill prevention law. Jon stated that the decision was too broad, going beyond previous case law. All agreed that it should be our goal to pass federal legislation allowing more explicit acknowledgement of state authority, and/or delegation of authority under OPA 90. The Task Force should also campaign for the USCG to adopt tougher federal regulations to address high risk issues in areas of the law where the states are indeed preempted.

STATUS REVIEW OF SPILL PREPAREDNESS/RESPONSE PROJECTS

Promote Remote Sensing Capability

- Judd Muskat of OSPR, who is the lead for this project, sent the following report on 10/6: "The current state of remote sensing technology for spill detection has been recently covered by both Dr. Jan Svejksky at the OSPR/Chevron technology workshop in San Ramon in February, and by Dr. Mervin F. Fingas at The Pacific States - British Columbia Oil Spill Task Force Roundtable 2006 meeting in San Rafael in April.
- Judd also noted that "A specific relatively new product of interest is an oil spill detection system marketed and manufactured by Interocean Systems (developer of the USCG POPEIE buoy), brand name "Slick Sleuth" (<http://www.slicksleuth.com/>). The sensor system is based on fluorescence detection or fluorometry. A fixed sensor array is deployed in the area of interest (a marina, port, environmental sensitive site, etc.). A high energy light beam is emitted and any oil on the water surface including but not limited to: crude, bunker "C", lube oil, jet fuel, etc. will then fluoresce. The fluorescence is detected by the sensor which then sends an automated alarm (audible, telephone, pager etc.)."
- Judd reported that he had recently submitted two research proposals with Dr. Svejksky: "One to MMS to expand on our research in slick thickness mapping using a combination of UV, Color IR and thermal IR, and one to OSPR for the "Development and Evaluation of Remote Sensing and Portable GIS Technologies in a Real-Time Oil Spill Detection and Response System".
- Jean reported that she had not received any recent updates from the Coast Guard regarding their interest in contracting for RADARSAT coverage for the U.S. West coast.
- Jon had noted earlier that Ecology has an agreement with the King County Sheriff's Office to place infrared sensors and software on two of their helicopters, which will then be available to spot and track oil spills at night and during storms. Ecology has paid to train the pilots in aerial observation techniques.
- Leslie noted that BP is using infrared for surveillance on the TAPS pipeline and for leak detection along North Slope pipelines.

Contingency Plans for Non-tank Vessels

- The U.S. Coast Guard has not published any proposed rulemaking on this; we'll continue to monitor this topic.⁵
- Jean reported on Evergreen's "green" ships, container ships with environmental features beyond proposed international standards. These include a double-skinned hull and fuel tanks positioned away from the outer hull, as well as high-capacity oily water separators. Jon noted

⁵ A 10/25/06 U.S. Coast Guard report to the API Spills Advisory Committee stated that "Section 608 of the Coast Guard and Maritime Transportation Act of 2006 clarified the applicability standards for nontank vessels. All nontank vessels that are not assessed under the convention tonnage measurement system will use the regulatory tonnage measurements system for their applicability tonnage. Additionally, U.S. vessels that are not operating on the navigable waters of the United States are not required to comply with this law. The Office of Vessel Activities is completing the rulemaking work plan and drafting the NPRM text. The Coast Guard is anticipating a 2007 release of the NPRM."

that Evergreen had been fined in the past for illegal bypasses of oily water separators, so he was pleased to see that they were making an effort to change practices.

Monitor Places of Refuge Annex

- Jean reported to the Coordinating Committee some of her concerns from observing the SafeSeas exercise, including that the Places of Refuge decision-making was not executed well within the ICS model, and that the RRT Region 9 has the Alaska version of the decision-making guidelines, which add a few additional steps for the resource trustees to confer on the choices. Jean noted that it's OK to have two versions, but thinks that everyone on the West Coast needs to be aware of it.
- Jean had attended a California Places of Refuge planning meeting in Alameda on 10/3 where representatives from every CA Area Committee met to review how the guidelines work and to discuss their process for Potential Places of Refuge (PPOR) planning.
- She had proposed then that the Task Force sponsor a workshop where representatives from ADEC - with experience in both the PPOR planning and with incorporating the decision-making into ICS - could brief not only the CA representatives, but also folks from District 14 and the NW Area Committee; a date of February 6th had been chosen. The Coordinating Committee approved her recommendation that the Task Force fund travel expenses for John Bauer and Larry Iwamoto from ADEC to speak at the workshop. Jean will also invite USCG CDR Drew Tucci to present a Places of Refuge Job Aid he's developing at USCG Office of Incident Management and Preparedness.

Maintain the IVRP matrix

- Jean noted that she will need to post regulatory changes from Ecology and OSPR to the IVRP as well as to the contingency plan matrix.

Maintain OILS 911 Spill Reporting Number

- Regarding OILS 911, Jean reported that from 7/1/2006 through 9/30/06, 41 calls had been made on the system.
- Jean also explained that several POSPET members had questioned the number of calls reported for Washington. She explained that she uses the call data supplied by AT&T on each monthly bill, but also reviewed the breakdowns by jurisdiction received in separate AT&T reports and noted that they were inconsistent with the bills. She spent over an hour on the phone with AT&T trying to determine how they arrive at the usage data they report, but couldn't find anyone at the company who understood the system. She wrote a letter to AT&T in August, but has not received a reply; she will follow-up.

Update Mutual Aid Agreements

- Jean reviewed the key differences between the 1993 and 1997 Mutual Aid agreements signed by member agencies, and noted that both are available on our web site.
- Coordinating Committee members confirmed that their contacts were correct for the 1993 agreement.

- Jean advised them that they would spend time at their January meeting planning a "drill" of the agreement, per the current Annual Work Plan, and recommended that the drill include access to California's Oiled Wildlife Care Network.
- Jean also advised them of USCG CDR Vic Blalack's comment that any state mutual aid to offshore locations would have to go through the USCG, and could become a funding issue with potential impacts to the USCG budget.
- It was noted that sending response staff on mutual aid missions is a good training opportunity for them.

Clarify states' roles and authorities

- After reviewing the Annual Work Plan Steps for this Task, the Coordinating Committee discussed the Federal Register Notice of July 27, which stated that "Based on lessons learned during Hurricane Katrina, DHS reviewed recommendations applicable to the execution of the National Response Plan (NRP) and worked with the White House Homeland Security Council (HSC) to identify and amend select sections of the NRP. A Notice of Change, which was limited in scope to those actions requiring immediate clarification or modification in order to ensure future effective and coordinated Federal responses, was subsequently developed. A full scale review of the NRP will commence at a later date. The Notice of Change to the NRP became effective on May 25, 2006. This Notice informs the public of the release and availability of the National Response Plan Notice of Change. The Notice of Change is available on the Department of Homeland Security's Web site at <http://www.dhs.gov/nationalresponseplan>." Jean also noted that the Notice stated that "DHS intends to initiate a comprehensive stakeholder review of the NRP in the fall of 2006 which may result in additional modifications." Jean had emailed USCG CAPT Steve Hanewich at the Office of Response requesting more details on this comprehensive review.
- Jean had asked the Coordinating Committee to send her a list of their concerns regarding States' roles during an Incident of National Significance; Mike Zollitsch had done so, so the rest of the Coordinating Committee used his input as a starting point to brainstorm the following list of concerns:
 - The NRP needs to clarify what the Principal Federal Official (PFO) does; do they simply coordinate between layers of government or are they decision makers?
 - What is the role of the Federal Coordination Officer?
 - Will there be regional Homeland Security Offices and will we have a chance to network/work with, drill and exercise with the PFO and their staff in our local area?
 - How are State Executives integrated into the decision-making?
 - States used to have the lead in natural disasters - has this changed?
 - In an oil spill response, the federal agencies have 51% of the vote in Unified Command; how does that work during an Incident of National Significance?
 - How has the national response system been adapted to Lessons Learned from the Katrina/Rita responses?
 - How would the U.S./Canada and U.S./Mexico transboundary response agreements handle an Incident of National Significance?
 - What are the implications for states of Stafford Act funding vis-à-vis the Oil Spill Liability Trust Fund?

- What state and federal mechanisms are in place to facilitate interstate and international mutual aid?
- Jean will set up a conference call with contacts from the Gulf of Mexico states to discuss these issues and strategies to resolve them.

Preparedness/Response Topics of Concern (only those TOCs with updates are noted below)

- Oil spill drill programs:
 - Leslie noted that Alaska has changed their Contingency plan review cycle from 3 to 5 years, so their planholders have a longer period in which to schedule their drills.
 - Jean shared a notice of a "major unannounced drill" to be held by MMS in the Santa Barbara area. She also noted some discussion of a large NOAA drill for the Olympic National Marine Sanctuary, although the date and year were as yet uncertain. She also noted that she'd requested information from USCG Office of Response regarding the 2007 SONS date.⁶
- Financial responsibility requirements, state and federal:
 - In September, Jean had requested information from the Administrator of the National Pollution Fund Center (NPFC) regarding the status of our petition in the light of the statutory increases mandated in the Delaware Pollution Act of 2006, and whether any recent legislation had raised the Limits of Liability for oil handling facilities. Dereck Capizzi, Chief of the NPFC Legal Division had replied and explained that "The Delaware River Protection Act of 2006 (the Act) amended and increased liability limits under the Oil Pollution Act of 1990 (OPA) for vessel spills, and should be responsive to your petition. The August 18, 2006 Federal Register notice gives notice that liability limits have been increased and explains the changes and the effective dates of those changes. Because the increases were enacted by statute there is no further requirement for regulations to make the increases effective and responsible parties are liable to those new limits as applicable. However, as explained in the notice, the change in limits will result in changes in regulations requiring vessel owners and operators to establish financial responsibility in order to operate in places subject to United States jurisdiction. Efforts to revise existing regulations have begun."
 - Mr. Capizzi further explained that "The increases to limits for the most part were approximately 50%, which roughly corresponds to the consumer price index increases since OPA was enacted. Increases to liability limits for single hull tank vessels (approximately 150%) far exceeded consumer price index increases," and that "We are not aware of any recent legislation addressing OPA liability limits for facilities of any kind. Limits for onshore facilities in particular (\$350M) appear to be adequate, in that we are not aware of any instance where the costs of an oil spill at an onshore facility exceeded \$350M."
 - The Coordinating Committee advised Jean to respond to the NPFC and reiterate the Task Force's request that the limits for onshore facilities also be raised by the CPI.
- Implementation status of recommended contingency plan elements:
 - Jon noted that the elements were reviewed by Ecology in their update of their regulations, but "not necessarily used."
- Natural Resource Damage Assessment (NRDA) initiatives and activities, including NRDA assessments and collections:

⁶ Information has since been received indicating that the 2007 SONS will be June 19-21 in multiple venues on the New Madrid fault: Memphis, Louisville, St. Louis, and Chicago, with the focus on oil and hazmat spills triggered by a major earthquake. A tabletop exercise will follow on June 25-28 at the same locations.

- Jean reported on the 9/14 Joint Assessment Team (JAT) meeting, which she'd "attended by phone. She noted that the draft restoration plan for the *Luckenbach* included projects in Mexico, Alaska, and British Columbia to benefit migratory seabirds. Over 51,000 birds were estimated to have died from oil released by the *Luckenbach* from 1990 to 2003. The *Luckenbach* claims will go to the NPFC, as will the *New Carissa* NRDA claims since there is no RP for the *Luckenbach*, and the *New Carissa* costs exceeded the RP's Limit of Liability. She also reported that Roger Helm of the U.S. Fish & Wildlife Service is now Chief of their Division of Environmental Quality office.
- Leslie noted that Alaska trustees are considering adopting a NRDA "schedule" like that used in Washington State for small spills.
- Applied response technologies:
 - Mike Ammann had reported at the JAT meeting that Chevron is working with MMS and Alaska Clean Seas on fate and effect and transport models for dispersed oil as well as on tracking oil under ice.
 - Jean reported that the NW Area Committee is developing a dispersant plan on the California model.
- Coordination of inter-jurisdictional wildlife care:
 - Jean reported that the NW Wildlife Plan is due by March 2007.
 - Jon reported that wildlife care protocols have been developed in the Washington Fish and Wildlife regulations. Ecology's contingency planning regulations require a wildlife plan, but set no performance standards that would match probable spill sizes with the amount of personnel and equipment that would be needed to ensure fully effective wildlife care during major oil spills
- Impacts of Avian Influenza on oiled bird rescue/rehabilitation and worker safety:
 - Greg Massey from the Oiled Wildlife Care Network had reported at the JAT meeting that they're sampling birds at the rehab facilities for Avian flu.

ADMINISTRATIVE & COMMUNICATIONS ISSUES

The Clean Pacific Conference

- The Committee reviewed the list of nominees for the planning committee and discussed a possible theme, topics, and the idea of sharing booths in the exhibit area.

Stakeholder Outreach

- Jean reported that she'd participated in the NOAA Safe Seas Drill in August, attended the NW Area Committee/RRT meeting in September, and attended a California Area Planning meeting October 3rd focused on Places of Refuge planning. She also met w/USCG CAPT Bill Uberti, Commander San Francisco, while she was on that trip.
- Jean advised the Coordinating Committee that she would miss both API's Spills Advisory Group meeting and the Navigational Safety Advisory Council meetings since they had been rescheduled and conflicted with her upcoming vacation.

Track Federal Policies

- The Committee noted two Federal Register notices Jean had recently forwarded to them:
 1. A Pipeline and Hazardous Material Safety Administration Notice of Proposed Rulemaking published 9/6/06 regarding Protecting Unusually Sensitive Areas; Leslie noted that ADEC plans to comment and she'll copy the other Committee members on those comments.

2. A U.S. Coast Guard "notice of interpretation" published 10/13/06 regarding the use of marine casualty reports in the claims process by the National Pollution Funds Center.

Maintain the Task Force Web Site

- Jean reported that she's posted an Event Calendar as requested by the Coordinating Committee in July. In addition, the link to *Clean Pacific* was moved to the home page.
- Since the July meeting, she has also posted the 2006-2007 Annual Work Plan, Summary Notes of the 2006 Annual Meeting, the 2006 Annual Report, and photos and information on the 2006 Legacy Awards, as well as updated links, icons, and information on Coordinating Committee members.
- Jean explained that she sends notices to an extensive email list when new material is posted on the website, and that she's had good feedback on it. One user stated "When I went to the web site I was once again impressed with the amount of current information and ease of accessing it. Your site is one of my "favorite" favorites!"
- She reminded the Coordinating Committee that they need to maintain links to the Task Force site on their websites and to let her know if their agency web addresses change.

Outreach to other states/provinces

- The Committee agreed to the following strategies for this Task:
 - Step 1: Maintain the Gulf of Mexico Points of Contact as follows: They receive the Daily News Clippings and Jean copies them on emails of interest. She noted that they couldn't call in for this meeting due to the conflict with Clean Gulf, but she will try to get them on line for the January and April meetings.
 - Step 2: Identify other POCs as follows: Jean asked the Committee members to send her contact information for East Coast states and provinces. She will then send emails to them with a proposal for information sharing and will make follow-up calls. She also asked the Committee members to make follow up calls if they knew any of these peers.

Communications among Member Agencies

- The Cougar Ace incident was a good example of interagency communications, in that ADEC kept the BC, Washington, and Oregon contacts advised when the vessel was towed to Portland for repairs.

Media Training

- Jean provided a handout summarizing key points from a media training session which she had attended, and discussed possible applications for the Task Force.

Vacation Coverage

- The Coordinating Committee agreed that Jean would advise callers to contact the Coordinating Committee member in their jurisdiction if they had pressing Task Force business during her vacation October 23 to November 16.

**Pacific States/British Columbia Oil Spill Task Force Coordinating Committee
Meeting with the British Columbia Marine Spill Coordination Committee
October 18, 2006**

ATTENDING 10/18: Leslie Pearson, Alaska Dept. of Environmental Conservation (ADEC); Steve Sawyer, California Office of Spill Prevention & Response (OSPR); Curtis Martin, Hawaii Hazards Evaluation & Emergency Response (HEER); Graham Knox, British Columbia Ministry of Environment; Jon Neel, Washington Department of Ecology; Fred Beech, Environment Canada; Bill DuTrizac and CAPT Khushru Irani, Transport Canada; Jamie Toxopeus, Canadian Coast Guard; Craig Dougans, Burrard Clean Operations; and Jean Cameron, Pacific States/BC Oil Spill Task Force.

DISCUSSION:

Each representative provided an update on his/her agency's initiatives/issues; since the updates from Task Force member agencies and the Task Force itself are covered above, the notes below focus on the updates from Canadian federal agencies and Burrard Clean Operations:

- Mike Nassichuk, Director Environmental Protection Operations for Environment Canada, which hosted the meeting at their offices, noted the three recent spill events in British Columbia (the sinking of the *Queen of the North* and oil spills from the *M/V André* and the *Westwood Annette*) and welcomed the participants, encouraging cooperation on spill prevention and response.
- Fred Beech explained that Environment Canada (EC) has a wide range of environmental protection responsibilities, especially with regard to migratory fish and birds. During a spill response, EC co-chairs the Regional Environmental Emergencies Team (REET) with the Province. Membership on the REET is often a function of what's affected by a spill, but generally includes wildlife agencies, First Nations, and the Province.
- Fred also explained that EC is the lead agency for the First Nations. EC and the Coast Guard train First Nations in spill response each year, and the Coast Guard often places caches of response equipment with the tribes.
- The federal agencies exercise their partnerships often, Fred noted, and work with both Washington and Alaska on marine and inland Transboundary Exercises. He noted that Conoco Phillips is planning an exercise in Rosario Strait in April of 2007⁷.
- Jean noted that the Restoration Plan for the *Luckenbach* had included projects in the Queen Charlottes to mitigate for impacts on migratory birds. Fred noted the importance of including Canadian experts in such planning since the U.S. and Canada are "joint administrators and regulators of the international resource."
- Bill DuTrizac explained that Transport Canada (TC) focuses on spill prevention since they inspect oil handling facilities. He explained that there are 180 oil handling facilities on the British Columbia coast, many of which are small. All are required to have spill contingency plans and must be inspected annually. (TC requires contingency plans from facilities and

⁷ The first planning session was held in December, 2006, with another planned for January 19, 2007.

SOPEPs from tank vessels 150 GT or larger and other vessels 400 GT or larger). TC also inspects Response Organizations, which must be recertified every three years.

- Regarding development proposals at Kitimat, Bill explained that condensate, which is a byproduct of LNG production, is being imported there and shipped by rail to Alberta, where it would be used in the process of diluting heavy crude oil for shipment by pipeline. Condensate tankers began arriving in April of 2006 and 180,000 to 1.2 million tons may eventually come through Kitimat each year. Burrard Clean will upgrade its response equipment in Kitimat once threshold volumes are reached and the port is designated by Transport Canada.
- There is also a proposal for an LNG terminal at Kitimat. TC is reviewing the oil terminal proposal and the environmental assessment for a pipeline from Kitimat to Alberta is underway. If approved, construction would begin in 2008-2009 and the terminal and pipeline would be operational by 2010. The review process, called TERMPOL, will include review and comment by the Province as well as other federal agencies, pilotage authorities, and local tribes.
- It was noted that there are a total of seven pipeline proposals in British Columbia now.
- TC also operates pollution-spotting aircraft, Bill noted. They will be installing SLAR and infrared capabilities and operate 7 days each week. There are two RADARSAT runs a week on the West Coast, so the aircraft can follow-up on any sightings of oil slicks.
- CAPT Khushru Irani explained that TC has 17 vessel inspectors in Vancouver to handle both port state vessel inspections and flag state vessel certifications; they also have branch offices which cover Prince Rupert, Nanaimo, and Victoria. In addition, his office conducts accident and spill investigations and provides guidance on Places of Refuge issues. He noted that TC has proposed new pollution prevention regulations pursuant to revisions to the Canada Shipping Act (CSA) which should be effective by 2007 (go to www.tc.gc.ca for more information). The proposed regulations are coordinated with IMO standards and cover oil, sewage, garbage, and air discharges from vessels.
- TC has a Memorandum of Understanding with Environment Canada, CAPT Irani noted, covering cooperative training and investigations of oil pollution from vessels. For instance, EC labs are used to fingerprint oil during illegal dumping investigations.
- Jamie Toxopeus explained that the Canadian Coast Guard (CCG) is responsible for responding to marine spills of oil and hazardous materials. There are 15 persons assigned to response for the Pacific Region, but all CCG personnel are trained in spill response. In 2003 the CCG was given "Special Operating Agency" status within the Department of Fisheries and Oceans. The Pacific Region CCG operates 25 vessels, including ice breakers, buoy tenders, and SAR vessels.
- The CCG is the Canadian Lead Agency for ship source spills and mystery spills in the marine environment and will assume one of two roles during a spill response. When the Responsible Party takes responsibility and either does the clean up or hires contractors, CCG will monitor and ensure that an appropriate response is conducted. If the RP is unknown, unable, or unwilling to mount a response CCG will assume the role of On Scene Commander and manage and/or do the clean up.

- Mr. Toxopeus stated that the CCG, for legal reasons, does not participate in a UC as the Lead Agency role is not a shared responsibility under Canadian legislation. However CCG will make every effort to achieve consensus from all stakeholders when managing a marine pollution incidents. The Province co-chairs the REET with EC and identifies and provides the CCG with a prioritized list of environmental issues
- It was noted that, for transboundary events, the origin of the spill dictates who will serve as the commander - the U.S. FOSC or the Canadian OSC. A command post will be set up on both sides of the border, with liaisons at each. The RP will be on hand at the primary command post.
- In Canada the polluter is strictly liable for clean up costs and the CCG will attempt to recover their costs directly from the polluter. However, if this presents problems, CCG will submit their claim to the Ship Source Oil Pollution Fund (SOPF) who, in turn may pursue the polluter more diligently or approach the international funds. The SOPF was established through a bulk cargo fee in the '70's but is now self-sustaining through interest but the fee could be re-introduced if the Fund was depleted by large claims. There is approximately \$350 million in the Fund at this time. The Province, any Agency or person, can submit a claim for damages or clean up costs to the Fund. Each claim will be subject to a test of 'reasonableness' as defined in ITOPF's Handbook. However, contractors, such as BCO cannot as they have been contracted to the polluter or CCG and as such they must negotiate with the party that they are contracted to.
- Criminal offences for polluting fall under the jurisdiction of Agencies other than CCG, such as TC, EC and DFO. In the Canadian paradigm, all vessels (>400T or >150T for tank vessels) must carry a Ship's Oil Pollution Prevention Emergency Plan (SOPEP) and under the criminal code must activate that plan if the ship pollutes (like the U.S. Certificate of Financial Responsibility ?? [the SOPEP is to ensure a response, not to pay for it. Their costs are limited by the ship's limit of liability]).
- Burrard Clean Operations could work on either side since they have a Mutual Aid Agreement with MSRC and SEAPRO. It was noted that the CCG is compiling agreements with various response specialists, such as divers, salvors etc.
- Craig Dougans provided some background on Burrard Clean Operations (BCO), explaining that it began as a response coop for Vancouver Harbor's four refineries and one pipeline. The Canada Shipping Act passed in the early 1990s required industry to take responsibility for spill response, and established the concept of regional Response Organizations (ROs). BCO was certified for Western Canada in 1995. Now every tank vessel 150 GT or larger and every other vessel 400 GT or larger must have a contract with a certified RO when in Canadian waters. BCO now has more than 1800 members who pay both a membership fee and a bulk transfer fee. BCO is a non-profit, so any profits are rolled over to the following year's income and can offset fees.
- BCO's primary focus is marine spills since they're certified for marine waters and ships. They have more than \$30 million in response equipment placed along British Columbia's coast, including 22 vessels/barges (including 3 dedicated skimming vessels), and 12 staff persons. They also have subcontractors and a program to train and use local fishermen during a response. They do provide coverage for 3 inland ferries and work with other environmental

contractors to cover inland spills and shoreline cleanup. Craig provided a handout listing BCO's recent activities including responses, training, exercises, steps taken in response to proposed development on the North Coast, work on integrating BCO staff with the RP's response team, a workshop for ships' agents, their First Nations Initiative, and the new CSA regulations.

- Craig noted that waste management is the RP's responsibility by law, and they must contract for its disposal. BCO would like to see contracts and permits in place in advance, which could be re-bid annually.
- Craig also pointed out that British Columbia needs a Dispersants Plan. The Canada Shipping Act only sets removal standards for mechanical recovery (BCO is certified to respond to a 10,000 ton spill). Fred noted that Environment Canada has the authority to approve chemical use, but the decision is made on a case-by-case basis. They did approve use of a shoreline cleaner recently, with DFO approval. Each Coordinating Committee member explained their jurisdiction's policies, from case-by-case to pre-approval for designated waters. It was also noted that the pending U.S. Coast Guard response regulations will require a dispersant capability for pre-approval zones. The importance of training and drilling dispersant use was also noted.
- Craig recommended that the Oil Spill Task Force focus more attention on regional wildlife rescue and rehabilitation capabilities.
- Jean noted the following opportunities for transboundary cooperation/collaboration:
 - The Clean Pacific conference in Seattle 9/13-9/14/07;
 - Transboundary drills focused on dispersant and wildlife issues;
 - NRDA cooperation regarding migratory species;
 - Access to TC's pollution spotting aircraft during response operations; and
 - Consideration of Washington's experience with the Neah Bay rescue tug if Canadian authorities consider placing a stand-by tug in Northern British Columbia based on the proposed expansion of vessel traffic there.