

Summary Notes¹
Pacific States/BC Oil Spill Task Force
Coordinating Committee Meeting
October 12-13, 2005
Portland, OR

ATTENDING:

Curtis Martin, Hawaii Department of Health; Jon Neel, Washington Department of Ecology; Lisa Curtis, California Office of Spill Prevention & Response; Stafford Reid, British Columbia Ministry of Environment (by phone); Larry Iwamoto, Alaska Department of Environmental Conservation; Mike Zollitsch, Oregon Department of Environmental Quality; and Jean Cameron, Pacific States/BC Oil Spill Task Force

JURISDICTIONAL UPDATES:

Oregon Department of Environmental Quality (DEQ), Mike Zollitsch reporting:

- Mike Zollitsch reported that DEQ's Emergency Response Program is undertaking a major revision of its Emergency Operations Plan. All Standard Operating Guidance is being reviewed and revised, and job aids will be developed for critical field operations. The plan will be formatted in a style similar to the NW Area Contingency Plan and NIMS. The Plan will address all hazards, including Weapons of Mass Destruction (WMD), biohazards, and natural disasters. Jack Wylie is the point of contact for this effort.
- DEQ has contracted with Ecology & Environment to train key personnel and conduct a series of exercises once the Plan is revised. The Plan relies on other DEQ departments and other agencies to fill out the response team, so they will also be trained.
- Thanks to a Department of Homeland Security grant of \$100,000, DEQ has received its new command trailer and is fitting it for satellite and local wireless communications. The trailer will serve an IT function if the DEQ headquarters goes down. Clean Rivers Coop will store the trailer and provide the tractor to move it.
- Mike noted that the maritime industry and pilots are setting up a wireless network for the Columbia River.
- DEQ participated in and is completing its evaluation of the Incident Command for a full scale terrorist attack drill at the Capital Mall in Marion County.

Alaska Department of Environmental Conservation (DEC), Larry Iwamoto reporting:

- Regarding the *M/V Selendang Ayu* Incident, Larry reported that cleanup efforts have shut down for the season, effective September 29, 2005. Spring activity is to commence on/about May 15, 2006 (there are 26 shoreline segments remaining to achieve end points). The After-Action Report workgroup, including DEC, Gallagher, the US Coast Guard (USCG), and other federal and state agencies met October 3rd and decided on an overall approach to developing the report; the first draft is anticipated by mid-December. DEC also anticipates working with the vessel owner on salvage and removal plans over the winter.
- DEC has compiled ten years of Spill Data (7/1/95 – 6/30/05) for analysis. Larry presented the Coordinating Committee with charts showing the number of spills from regulated versus unregulated entities over that period. The number of spills from regulated entities had remained fairly steady below 1,000 in any one year. The number of spills from unregulated entities ranged from 1,000/year to more than 2,000/year, and total volumes were generally higher than for the regulated entities. Overall, unregulated entities represented 81% of the total number of spills over the 10 years and 74% of the total volume. DEC is currently targeting their prevention measures at home heating oil tanks and fishing vessels, Larry noted.

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

- Looking at the statewide spill trends by month, DEC noted general increases in the number of spills between December and May each year. Trends by region varied. Although the North Slope trends matched (and probably drive) the statewide trends, the Cook Inlet Subarea shows a decrease from November to February, with higher spill counts from March to October. In the Prince William Sound Subarea, spill numbers increase from April to July, then drop off during the winter months.
- The statewide Hazmat Commodity Flow Study was completed in June, Larry reported. The study is available at <http://www.dec.state.ak.us/spar/perp/index.htm>. The study was based on a survey of transporters and breaks down the volumes by air, highway, marine, major pipelines, and railroads. Route information is available on the website. By class, the largest volume of hazardous material transported was flammable liquids, at 30%, followed by gases at 29% and corrosives at 26%.
- Regarding DEC's regulatory initiatives, Larry shared a Discussion Paper on proposals to regulate gathering and flow lines, primarily on the North Slope and in Cook Inlet. Over the last 13 years, there have been approximately 400 spills on the North Slope from these lines, and 25 spills in Cook Inlet, with the total spill volume estimated at 500,000 gallons. This initiative is part of a multi-year project to comprehensively review and update the prevention and contingency plan regulations. The Discussion Paper is the second iteration of the proposal made available for public comment. It is noted in the Discussion Paper that federal regulation excludes gathering lines in rural areas as well as gathering lines <6" in diameter, and that "the arrangement of gathering and flow lines in Alaska appears to be unique in the US...nowhere is the expansiveness of the North Slope facilities mirrored in the lower 48." The complete Discussion Paper can be found at: www.dec.state.ak.us/spar/ipp/cpr.htm.
- Regarding other DEC Projects, Larry referred us to the DEC website at <http://www.dec.state.ak.us/spar/perp/index.htm>, but also noted that work on the Spill Tactics for Alaska Responders (STAR) Manual is on-going, as is the development of GRSs and Potential Places of Refuge for the Kodiak Subarea. The PWS Potential Places of Refuge (PPOR) assessment was completed in March 2005. The next PPOR assessment will be done for the Aleutians.
- The study on Vessel Traffic in the Aleutians Subarea was completed in April of this year; it was based on West Coast departure data and radar reports. The USCG expects to conduct a Risk Assessment (RA) for the Aleutians; D17 is working with Pacific Area and Headquarters to secure funding for the RA, which most likely will be conducted early in 2006. DEC has also submitted a budget proposal to the State Legislature to acquire funding to support the risk assessment for the Aleutians.
- Larry also reported that a WMD exercise held in Alaska in mid-August had included oil spill response elements. He further noted that a large SeaRiver Exxon drill, with a focus on dispersant use, was cancelled in light of SeaRiver Exxon's need to respond to the Gulf of Mexico hurricanes.

British Columbia Ministry of Environment, Stafford Reid reporting:

- Stafford reported that Ministry Incident Management Teams had participated in the CANUSDIX exercise in Prince Rupert in September. This scenario included a shoreline response, which is the primary interest of the Province. He noted the need to test volunteer shoreline cleanup workforce involvement and management, which has great potential to be politically contentious. He explained that the shoreline cleanup standard for Response Organizations is only kilometer/day.
- There's no national standard for wildlife rescue, which can also be very political. Stafford feels that wildlife rescue operations should be included in both ICS as a "Wildlife Branch" and in the Incident Action Plan, but not as an arms-length government or NGO responsibility as is the current practice in British Columbia. He also explained that the CANUSDIX Wildlife Plan focuses on coordination of permitting for transboundary wildlife rescue, not on ICS roles. British Columbia has hired Focus Wildlife to make oiled wildlife rescue and rehab more operational and place it into ICS. He expects that temporary facilities will have to be set up during a response, and expects Focus Wildlife to develop criteria in order to locate facilities. The project is a joint project of the Ministry, Burrard Clean, and Environment Canada.

- Stafford reported that Transport Canada has identified various Potential Places of Refuge on the British Columbia coast, but so far only from a vessel access and moorage perspective. They still need to collect information on possible environmental impacts. He reminded the Coordinating Committee that he had already incorporated the Places of Refuge Annex into British Columbia's Contingency Plan.
- He reported that there had been several railroad spills in Alberta and British Columbia recently, including one of sodium hydroxide. The Province's 17 response officers are being trained in ICS, as are its two Incident Management Teams (IMTs), so the British Columbia event was a good opportunity to test that training and engagement of the IMTs.

California Office of Spill Prevention & Response, Lisa Curtis reporting:

- Lisa reported that Carlton Moore had retired and she is now serving as Acting Administrator for OSPR. She noted that the Department of Fish & Game is facing a \$14 million deficit and is cutting FTEs. DFG has borrowed from OSPR's Response Fund to the extent that it's dropped below the 95% threshold that should trigger the per/bbl fee. WSPA and BP are pushing for repayment to the fund. Lisa expects this to be a major topic of discussion at the 10/25 Technical Advisory Committee meeting. She explained that the state audit conducted last year was on OSPR's administrative fund; there may be a move now to audit the Response Trust Fund.
- Fortunately, there have been no significant spills in California to report.
- Lisa provided a handout explaining that the first biennial Clean California Conference was held in Long Beach September 13-14. The theme "Ready, Set, Respond" included speakers from Europe, the US, California, and industry and offered a combination of learning, discussion, networking, and socializing. More than 125 persons attended.
- She further noted that OSPR is considering expanding the next conference to include the entire West Coast, and calling it "Clean Pacific," modeled after the "Clean Gulf" conference held on the Gulf of Mexico each year. Chris Clump of OSPR has been in touch with the Trade Fair Group which organizes Clean Gulf. Please see further discussion of this concept on page 13 below.
- Lisa reported that OSPR wants to streamline their non-tank vessel regulations and also allow for electronic submittal of contingency plans. She also explained that draft amendments to the contingency plan regulations focused on shoreline protection requirements were available for public comment this summer; staff are now compiling and reviewing those comments.
- Ultra Large Crude Carriers (ULCCs) from Singapore are expected to call on LA/LB in 2007, operated by Pacific Energy Partners. The LA/LB Harbor Safety Committee will review the adequacy of the existing tug escort requirements for tankers of this size.
- OSPR is adding a communications trailer to its response equipment.
- The status of a cooperative arrangement with the USCG to acquire the last ADDS pack for dispersant operations is still uncertain; Lisa has heard of some oil industry interest in bidding for it as well.
- She reported that WSPA and the San Francisco Bar Pilots support the use of OSPR funding to operate and maintain the PORTS (real-time information system for currents, water levels, salinity) system there.
- OSPR is waiting for a response from EPA on their draft MOU. They also need to update the MOU with the Coast Guard.
- OSPR is considering a formal request to the California Fire Marshall's office to exercise their authority to inspect pipelines in the state.
- It was also noted that Governor Schwarzenegger has signed SB 7111, which imposes standards on oceangoing ships that are stricter than both international conventions and federal laws. These standards apply to incineration and the release of graywater, sewage, sewage sludge, oily bilge water, hazardous wastes, or any other wastes. Electronic or written reports on waste disposal activities are required to be submitted to the State Lands Commission.
- Lisa reviewed the following Legislative Concepts with the Coordinating Committee:
 1. F&G Code Amendments-Several Fish & Game Code provisions should be revised as they relate to pollution. These concern funding, incident command designation, cleanup orders and cease and desist orders, cost recovery, penalties, habitat injury, fully protected species, and a court audit.

2. Use California Used Oil Recycling Fund for the Inland Oil Pollution Program- Prior to the formation of the Department of Fish & Game's Inland Pollution Program, the Department traditionally incorporated initial inland oil spill and hazardous material response into the general duties of its Game Wardens. Given the increasing quantity, complexity, and frequency of oil and hazardous materials spills combined with the potential for wide-spread and long-term damage, experience showed the need for additional Department personnel fully dedicated to the prevention and response of all spill types. This need was partially fulfilled with the formation of the Department's Inland Pollution Program, housed within the Office of Spill Prevention and Response, creating a response group that focused primarily on non-marine spill response issues. As the State's principal trustee for natural resources that may be affected by oil or hazardous materials spills, the Inland Pollution Program was initially designed to be the Department's lead representative for the response and investigation of pollution incidents impacting inland waterways. With the surge in inland pollution incidents, the need for a dedicated funding source for this program is increasingly evident. The Fish and Wildlife Pollution Account, AKA budget Fund 207, is reported to be in jeopardy of being fully expended down to a zero balance. Although the Fund's primary statutory purpose is for pollution cleanup and damage restoration, there is no dedicated mechanism to replenish Fund expenditures. Paradoxically, the Fund can only be accessed if a responsible party cannot or will not pay for cleanup, yet the Department is required to try to recover Fund expenditures from the very responsible party who could not afford to pay in the first place. Essentially, when Fund 207 is used to pay for cleanup activities, it most likely will not be fully reimbursed – thus creating a negative cash flow.
3. Clean Up: Government Code/Lempert-Keene-Seastrand Oil Spill Prevention & Response Act - Provisions of the Lempert-Keene-Seastrand Oil Spill Prevention & Response Act ("LKS"; Gov. C. §8670.1 *et seq.*) need clarification for proper implementation of the mandates and purpose of LKS. Proper implementation of LKS either cannot be performed without statutory clarification, and/or cleanup is needed to avoid future problems or challenges.
4. Administrative Enforcement of Pollution Violations -The Department has clear authority to impose administrative penalties for traditional hunting and fishing "take" violations. But, the Department's authority to impose administrative penalties for pollution violations is not clear. By comparison, administrative penalties can be imposed for marine oil spills under OSPR's authority. (Lempert-Keene-Seastrand Oil Spill Prevention and Response Act; Gov. C. 8670.67-.68.1). Some cases are not prosecuted by local district attorneys for various reasons, e.g. work load, political influences, etc., and yet the cases are not large enough for the Department to incur the expense of the Attorney General's office. Moreover, in a recent case involving a large pipeline spill the Deputy Attorney General assigned to the case failed to adequately argue for, or recover, adequate penalties and natural resource damages for the Department despite what the Department felt should be sought. This proposal would clearly give the Department authority to administratively enforce pollution cases not otherwise enforced by a local prosecutor or the Attorney General.

Washington Department of Ecology, Jon Neel reporting:

- Jon reported that an energy bill in the US House of Representatives had been amended to delete provisions that would have struck down the "Magnuson Amendment." That amendment to the Marine Mammal Protection Act prohibits federal agencies from approving refinery expansions that would significantly expand throughput for out-of-state consumption.
- He also noted that Governor Gregoire is supporting an initiative focused on the environmental health of Puget Sound; Ecology is working to make sure that its oil spill work will contribute to that effort..
- In terms of regulatory streamlining, he reported that the Governor's office is stressing the importance of putting regulations into everyday language ("plain talk" initiative) understandable to the layperson. There is also a major initiative emphasizing the importance of incorporating performance and accountability measures into government programs.
- Noting that it was one year since the Dalco Passage spill in Puget Sound, Jon explained that one outcome of that event was creation of the Oil Spill Advisory Council, which will meet on October 21st. He explained that the Governor appointed the Council members to include industry, shellfish

growers, marine labor, local and tribal government representatives, and advocacy groups. Mike Cooper, the Council Chair, has been a state legislator who worked on oil spill policy issues. He is a fireman and has a good understanding of emergency response issues. Ecology is not a formal member of the Council, but Dale Jensen and Elin Storey will serve as Ecology's liaisons.

- Jon noted that Paul O'Brien has replaced Stan Norman as Prevention Section Manager.
- Development of the fuel transfer regulations has been moved to the Spill Prevention Section. A report to the Washington Legislature regarding the regulatory project can be found at <http://www.ecy.wa.gov/biblio/0508005.html>. Jon noted that Ecology is recommending funding for eight FTEs for the program: one for policy, two for spill response, and five to conduct oil transfer inspections. The final regulations will probably require streamlined response planning with emphasis on notifications, plus pre-booming and other measures where appropriate. Adoption of the final regulations is expected by the end of June, 2006.
- Jon also noted that the Ecology Spills Program is revising its entire Contingency Plan rule package, including response standards. In addition, they're seeking funding to restructure their data system.

Hawaii Department of Health, Curtis Martin reporting:

- Curtis reported that a 15 bbl release had occurred in late September from a Chevron vessel at the Barber's Point mooring. All of the oil came ashore, most of it onto several industrial park beaches. The power plant intakes were closed. Both the refinery and the vessel cooperated to expedite the response. Curtis explained that no dispersants were used because the spill occurred in inshore waters, plus it was heavy oil that hung a little below the surface.
- HEER has been involved in several PREP exercises lately, including drills by Tesoro and the airport. The Chevron refinery and power plants are up next.
- Curtis noted that Governor Lingle had written Hawaii's congressional delegation requesting that the final USCG response capability/dispersant regulations preserve the state's MOA with the USCG regarding the ADDS pack. They also want helicopters to be allowed for the Tier 2 response instead of fixed wing aircraft.

SPILL PREVENTION PROJECTS

Database Project

- Jean reported to the Committee that Jack Barfield, Chair of the Data Project Workgroup, has requested that individual agencies send him their data for the first half of 2005 by 10/19.
- If received on time, Jack will process the submissions and produce a draft analysis with graphics by Nov 9th.
- The Workgroup will then have a conference call in Mid-November to review the results.

Pipeline Spill Prevention

- Jean reviewed the task goal statement, noting that the Coordinating Committee serves as the project work group for now.
- Per Step 1, the Coordinating Committee reviewed the 1998-1999 Pipeline Project report, noting that the project had focused on spill prevention only and not on preparedness and response as this one will do. Moreover, its focus was on identifying gaps and overlaps in regulations, so the final recommendations of the Project Workgroup emphasized ways that state and federal regulators could best address those gaps and redundancies. The 1998-1999 Pipeline Project focused on crude oil transmission lines, refined product transportation lines, and oil field gathering lines.
- Step 2 of the current task calls for a report on state/provincial and federal regulations, training requirements, and voluntary programs governing pipeline spill prevention, preparedness, and response. It also calls for us to review definitions of pipeline types so that the regulatory analysis is accurate.
- The Coordinating Committee discussed what types of pipelines are found in their jurisdictions, as follows:
 - California: Crude and refined product transmission lines, plus oil field gathering lines were noted in the 1999 report; Lisa will check on other types.

- Alaska: Crude transmission lines, plus gathering and flow lines, which are defined separately. Proposed regulations would also define facility piping.
- Oregon: Refined transmission lines, and lines on storage tank facilities.
- Hawaii: Both crude and product are piped ashore from the offshore mooring, and the islands also have transmission lines. Curtis noted that each county (island) has its own fire code covering pipelines and ASTs. HEER oversees an industry Pipeline Safety Committee.
- Washington: Both crude and product transmission lines. There are also transfer lines at the refineries to bring oil ashore from delivering tankers.
- British Columbia: Crude oil transmission lines
- The Coordinating Committee is also interested in including pump stations on pipelines as well as facility pipelines that connect with storage tanks.
- As a first step, Jean will draft a matrix comparing definitions for these pipeline types. The second step will be to collect regulatory information once definitions are confirmed.
- The Coordinating Committee members will take responsibility to identify the status of GRPs for the pipelines in their jurisdictions.

Recommended Best Industry Practices

- Jean noted that she'd made several requests for a copy of USCG PACAREA letter forwarding the Best Industry Practices (BIPS) to West Coast Harbor Safety Committees; once she's received it, she'll also forward the recommendation to the Alaska RCACs, since they function as Harbor Safety Committees.
- Jean also reported that she's written to the British Columbia Chamber of Shipping, the Port of Vancouver, and the Council of Marine Carriers (CMC) in British Columbia regarding the BIPs. She reported that Phill Nelson at CMC said that he saw no problem, since the Transport Canada standards are tough. Jean asked him to send a formal reply in writing.
- Jean also noted that she's kept Laura Stratton, project lead, briefed on her efforts.
- Jon Neel commented that the Task Force should review the status and effectiveness of these voluntary efforts at some point, and determine whether state or federal regulatory initiatives are needed to ensure safety.

Pacific Oil Spill Prevention Education Team (POSPET)

- Jean reviewed the POSPET meeting held the previous day in Lacey, WA at Ecology's building, explaining that attendees represented Oregon and Washington, with POSPET members from British Columbia and California participating by speaker phone. Washington SeaGrant, Ecology, the Oregon Marine Board, the Puget Soundkeeper Alliance, WA Department of Natural Resources, the Pacific Shellfish Institute, Oregon DEQ, the CA Coastal Commission, Georgia Strait Alliance, and the USCG Auxiliary were represented.
- Most of the meeting was spent sharing information on educational outreach activities and comparing notes on lessons learned. The group also discussed Clean Marina programs and Best Management Practices. John Boettner of the Washington Department of Natural Resources gave a PowerPoint presentation on their Derelict Vessel Removal Program.
- Jean noted that Mary Ellen Voss of Ecology and Rob Hughes of OSPR were honored with Certificates of Appreciation for their hard work on designing, printing, and shipping the updated *Spills Aren't Slick* signs and decals, which are being distributed by the POSPET member groups.
- Jean reminded Curtis and Larry that she's requested names and contact information for persons in both Alaska and Hawaii who are doing spill prevention outreach to recreational boaters and marinas.

Update on TAPS Conversions

- Laura Stratton of Ecology has updated the TAPS tanker report, so Jean distributed copies and noted Laura's comments as follows:
 "Since the last report, two more tankers have been retired: the OVERSEAS NEW YORK which is currently en route to Singapore for scrapping, and the SEARIVER HINCHINBROOK, which OPA 90'd out on 10/1/05. Since the last report, the average age of the TAPS tankers has dropped

from 16.2 years to 14.7 years. Pretty good! AND, only one single hull tanker, the SEARIVER LONG BEACH, remains among the 17 tankers currently participating in the TAPS trade.”

Spill Prevention Topics of Concern

- Regarding cruise ship operations, Curtis reported that the NW CruiseShip Association is still honoring their MOA with the State of Hawaii, in spite of recent legislation.
- The Coordinating Committee agreed to review the status of their efforts to implement the state/provincial recommendations to prevent and improve response to truck spills at their winter meeting.
- Regarding waste oil dumping, Jon noted that Ecology has a vacant vessel inspection position.
- Regarding vessel salvage, the Coordinating Committee noted an increase in the number of derelict vessels requiring removal. They also commented that the US Coast Guard is more willing to remove entire vessels, not just the oil or hazardous materials on board, now that the Oil Spill Liability Trust Fund has been refunded. Jon recommended that the Task Force contact the USCG Pacific Area regarding the importance of this; Jean noted that the Coordinating Committee will have a chance to meet with them in January.
- Regarding LNG:
 - Lisa noted that there are now five LNG terminal proposals in California. OSPR has a standing interest in marine facilities and vessels, and participates on an Interagency LNG Permitting Work Group chaired by the CA Energy Commission. From a navigation safety perspective, the proposal for a Deep Water Port LNG project in the Santa Barbara Channel is of great concern to OSPR. Jack Geck remains their primary POC for LNG.
 - Mike reported that two LNG terminals are proposed in Oregon: one in Astoria and one further up the Columbia River near Cathlamet, WA. Mike explained that the Oregon facilities will need permits from the state Department of Energy and will be required to submit contingency plans for the facilities (LNG meets the definition of petroleum in bulk), plus vessel c-plans for the LNG tankers, which will be treated as non-tank vessels.
 - Stafford reported that an LNG terminal has been proposed for Prince Rupert, as well as a terminal for a pipeline carrying crude oil from Alberta, assuming that the oil sands extraction project there begins producing on a large scale. If the project moves forward the pipeline would transport 4,000 tons of crude/day to Prince Rupert and imported condensate back from Prince Rupert to Alberta, since condensate is an ingredient in the extraction process. Either or both projects would result in a significant increase in the number of ships transiting to and from Prince Rupert.
- Regarding tug escort requirements, Jon noted that Ecology staff completed a study last December with the help of The Glosten Associates. That report is available from the Ecology website. The study will likely be re-commenced late in 2006. Larry commented that the USCG's risk assessment for Prince William Sound may be preempted by the need for a risk assessment in the Aleutians. He also reported that the Cook Inlet RCAC may request tug escort regulations for Cook Inlet.
- Regarding the US Ocean Plan, Jean reported that the new Cabinet-level Committee on the Maritime Transportation System (CMTS) was created pursuant to the Oceans Plan. The CMTS Coordinating Board has a chairmanship that rotates among Coast Guard, MARAD, NOAA, and USACOE because these agencies have the most interest in the nation's waterways. The Executive Secretariat is the CMTS permanent staff, with one career employee from each involved agency. As the CMTS identifies issues of concerns, Integrated Action Teams will be created under the Executive Secretariat to explore these issues.

SPILL PREPAREDNESS/RESPONSE PROJECTS

Contingency Plans for Non-tank Vessels

- Lisa Curtis provided a comparison of the Non-tank Vessel NVIC with OSPR's non-tank vessel contingency plan regulations.
- Mike noted that the Marine Fire & Safety Association is working to convert their umbrella plan to a core plan that could be added to a vessel's SOPEP to meet USCG standards.

- Reviewing the Annual Work Plan Task on Non-tank Vessels, the Coordinating Committee agreed that their meeting with USCG Captains Gugg and Hanewich in Anchorage in July had satisfied our interest to ensure that the USCG “consider any applicable state-mandated response plan” per HR 2443.
- Jean pointed out CAPT Hanewich’s comments during his presentation at the Annual Meeting that the Integrated Vessel Response Plan could be extended to non-tank vessels. The Coordinating Committee would still prefer outright delegation of contingency planning requirements to the states, but understood that a decision to support a “one-plan” approach for non-tank vessels would at least reduce industry’s burden.
- The Coordinating Committee reviewed the background memo regarding current Limits of Liability and exposures to the Oil Spill Liability Trust Fund (the Fund). They approved sending a petition to the US Coast Guard requesting that the Limits of Liability for non-tank vessels be raised to the levels required to match increases in the Consumer Price Index since 1990. They also agreed that the request should also cover all tank vessels, tank barges, and appropriate facilities.
- Jean explained that this would address and highlight the problem, but would not completely solve it. It will take new legislation to increase the Limits of Liability to the level necessary to completely reduce exposure to the Fund (see page 19 of the *USCG Report on Oil Spill Liability Trust Fund and the Adequacy of OPA Liability Limits*, available at www.uscg.mil/hq/npfc).

Roundtable on Expanding Response Options

- The Coordinating Committee reviewed the task, which is to “examine technology available to improve early response actions and to expand recovery of spilled oil to 24 hour/day operations. Evaluate implications for personnel needs and training.”
- Jon Neel stated that the key is to find a way to track the extent and location of the spill 24 hours/day during the early phases of a spill before it hits the beaches. If we can only use skimmers and other response equipment for 8-12hours/day, we’re not getting maximum efficiency out of the equipment. Moreover, the longer oil is in the environment, the less able we are to remove it and prevent additional impacts. Quicker response and more removal should reduce overall costs. The bottom line is that we should determine if the existing resources can be put to more effective use with a relatively small investment in operating procedures and extra personnel during the first couple of days of an incident.
- However, 24 hr/day use would require 2-3 shifts of workers, so there are also implications for personnel costs and training needs. Jon wondered if more fishing vessel operators could be trained to fill this gap.
- The Coordinating Committee suggested that possible speakers might include a representative from APICOM, Steve Ricks (who would be local), Jon Neel (who could speak to the importance of the issue) or Dave Byers of Ecology (who recently attended a conference in Norway on response technologies). CDR Lloyd of the Pacific Strike Team, representatives from Environment Canada and NOAA’s Scientific Support Coordinators were also mentioned. David Sawicki of BP was suggested as a possible industry representative, since he’d served on Washington’s Early Action Task Force. Jean was also encouraged to ask Kim Beasley and Chris Klump for possible suggestions.
- Technologies to explore would include the use of infrared, radar satellites, and other remote sensing devices. Interface with response vessels should also be explored.
- The Coordinating Committee agreed to host the Roundtable on April 11th, the day before their spring 2006 quarterly meeting in the Bay Area.

Places of Refuge Annex

- Jean inquired as to the status of the Annex in each West Coast Area Committee, but not much information was available. She noted that the Task Force could broker technical assistance from John Bauer or Larry Iwamoto at DEC if other jurisdictions would be interested, since they were

involved in the Prince William Sound PPOR project and since John was also involved in the Task Force project.

- She reported that she has asked USCG PAC to review status, but needs to follow up with them.
- Jean also reported that she would be meeting with British Columbia's new Deputy Minister, Chris Trumpy on 11/17 to brief him on both the Task Force and the Places of Refuge project and product. CAPT John Yeung of Transport Canada has been asked to join the briefing.
- The Coordinating Committee agreed to postpone final action on the Places of Refuge Resolution until Jean meets with Chris Trumpy 11/17. If it looks like there would be further delays in British Columbia's consent, we will post it on our web site with the signatures of the US members only.

IVRP matrix/ Mutual Aid contact updates

- Jean noted that she was updating the contact information in the 1993 Mutual Aid Plan.
- The Coordinating Committee agreed that there was no need to replicate that information in the 1996 Mutual Aid Agreement because that would involve direct contacts between Coordinating Committee or Task Force Members anyway.

OILS 911 Spill Reporting Number

- Jean reported that OILS-911 Usage from July through September of 2005 was 17 calls in British Columbia, 4 in Washington, none in Oregon, and 53 in California, for a total of 74 YTD.

Spill Preparedness/Response Topics of Concern

- Regarding drill programs, all Committee members agreed that their agencies recognized the importance of coordinating drill schedules with their response personnel and following-through on lessons learned.
- Regarding the implementation status of recommended contingency plan elements, Committee members agreed to review this at their January meeting,
- On the topic of NRDA, Jon noted that Washington's Compensation Table, which is primarily used for small spills, needs to be updated to reflect current costs. Jean reported that the Joint Assessment Team - or JAT - (industry and agencies working together to expedite NRDA activities on the West Coast) was planning a meeting in Davis, CA on October 26. She also reported that the JAT was finalizing "Recommendations for Conducting Cooperative Natural Resource Damage Assessments."
- Regarding Applied response technologies, Larry Iwamoto reported that Alaska's In Situ Burn Guidelines are nearly finished, although DOI has requested some additional changes.
- On the topic of Coordination of inter-jurisdictional wildlife care, Jean asked whether Washington's Wildlife Plan had been amended to remove references to transporting oiled sea otters to California. Oiled sea otters cannot be flown or transported far without incurring additional risks to their health, as Lisa had explained at the April meeting.
- Regarding the Lessons-learned process, Jean reported that she'd invited Elin Storey to this meeting to describe the processes at Ecology and NW Area Committee, but Elin had a conflict with this date. Elin agreed to provide a discussion memo for the January meeting. Jean informed the Coordinating Committee that Ecology posts *Lessons Learned* on their website.

ADMINISTRATIVE & COMMUNICATIONS ISSUES

Expansion of Task Force Membership

- The Coordinating Committee reviewed the Task Description in the Annual Work Plan and focused on Step 1. Jean had previously sent them a table addressing the need to "Identify the services and communication options provided by the Task Force, consider possible membership or participation options, including appropriate financial contributions, and consider the costs and benefits to both new and current members" as required in that step. This was discussed.
- The Coordinating Committee also discussed the question of what type of agencies and/or jurisdictions might be invited to join, and in what capacity. While there was discussion of inviting the Mexican Navy to join, ultimately the Coordinating Committee members agreed that they did not want to expand membership beyond the current West Coast core. Moreover, the Mexican Navy is an

international Federal entity as opposed to a State level agency. The Coordinating Committee felt that direct coordination between the US Coast Guard and the Mexican Navy would be more appropriate.

- Although there was interest in expanding our capacity for information sharing and possibly leveraging our impact on federal policy by working with other states/provinces more closely, the Committee's overall intent is to approach outreach in a cautious manner that will not compromise the existing Memorandum of Cooperation or working relationships.
- They also agreed that the Oil Spill Task Force is a good model of regional cooperation and that we should promote the concept with other states/provinces. We should also ask our Task Force Members to urge their Governor or Premier to promote the model with their peers.
- The Committee authorized Jean to meet with representatives from the Gulf of Mexico states while attending Clean Gulf in November. Jean agreed to send them a draft proposal for review prior to that meeting.

Stakeholder Outreach

- Jean reported that since the Annual Meeting in July she had given a presentation on the Task Force and the Places of Refuge project to O'Briens OPA 90 Seminar in Seattle late in August, and had attended the USCG Navigation Safety Advisory Council (NAVSAC) meeting in early September in Washington, DC. She noted that she'd been appointed as Vice-Chair of NAVSAC.
- Upcoming outreach will include attending the API Spills Advisory Group meeting on 10/20 and the Clean Gulf Conference 11/9-11/10. Coordinating Committee members marked the Clean Gulf agenda to indicate particular topics of interest.

Track Federal Policies

- Jean reported that the Task Force had submitted comments on the USCG's Non-tank Vessel NVIC on 8/22.

Task Force Web Site

- Jean reported that she had posted the April & July Coordinating Committee meeting summary notes as well as the summary notes of the Annual Meeting, information on the 2005 Legacy Award winners, the 2005-2006 Annual Work Plan, and the 2005 Annual Report.

Annual Report costs/publication

- Based on the fact that the Task Force is now covering all printing costs of the Annual Report (Oregon did it as an in-kind contribution until this year), and the fact that the 2005 Annual Report was expensive to print, the Coordinating Committee advised Jean to explore the option of providing the Annual Report on a disk in the future. It is already made available on our website.
- Since there was also enthusiasm for the printed version, Jon Neel offered to see if it could be printed by the Department of Ecology.

Budget report

- Jean provided the Coordinating Committee with a first quarter financial report indicating that a total of \$26,211.58 had been spent from July through September, with a balance of \$77,288.42 remaining through June 2006.

Confirm January date/location

- The winter quarterly meeting dates were confirmed for January 11-12. Curtis will host the meeting at the Clean Islands Council in Honolulu.
- The Coordinating Committee confirmed that they would like to meet with the USCG Pacific Area marine safety officers as they usually do at this meeting.

Other

- Stafford had noted that he appreciates the maritime expertise at the Washington Department of Ecology. With that in mind, the following Ecology staff were recommended to the Coordinating Committee as Points of Contact:
 - Laura Stratton for tankers: 360-407-7485
 - Norm Davis for tugs/towing: 206-389-2438
 - CAPT Guy Grayson for non-tank vessels: 360-407-6761
- The Coordinating Committee also agreed that they would review Jean's annual cover letter to the Governors and Premier (when she sends the Annual Report and Annual Work Plan). They asked her to give them a deadline for comments and then to proceed if they had not replied.
- The Coordinating Committee also agreed to give an Outstanding Service award to Carlton Moore, who recently retired as the Task Force Member from California. Carl also served on the Coordinating Committee for many years. Jean will proceed to order the award and Lisa will consider an opportunity when it could be presented.
- As noted above, Lisa Curtis had reported that OSPR is proposing that the Pacific States/British Columbia Oil Spill Task Force sponsor a "Clean Pacific" conference in 2007, modeled after the "Clean Gulf" conference held on the Gulf of Mexico each year. The Coordinating Committee authorized Jean to join Chris Clump of OSPR and meet with a representative of the Trade Fair Group which organizes Clean Gulf while she's in Galveston in November. They can then discuss a more detailed proposal at their January meeting.

MEETING WITH EPA OFFICIALS

The Task Force Coordinating Committee met with Beth Sheldrake of Region 10 and Mark Calhoun of Region 9 (by speaker phone) on the morning of October 13th. Discussion topics included:

- EPA's role in Hurricanes Katrina and Rita:
 - EPA deployed 1,000 personnel from all regions, plus contractors, to the response. Half to a third of all Region 10 (R10) personnel are allowed to cascade out to other responses at any one time. Regions 10, 9, and 8 train together and provide backup for each other as needed, Beth and Mark explained.
 - Mark noted that Region 9 has 16 OSCs, plus fifty persons in the regional response support corps; 6-7 of their OSCs went to the Gulf response and 16 of the response corps were deployed. With this response as a priority, less time was spent on drills or meetings.
 - Beth noted that the anthrax scare of 2001 and the loss of the Columbia Shuttle had both required coordination of EPA personnel from multiple regions, and led EPA to more fully embrace ICS. EPA regions have become less autonomous and more "interchangeable" over the past few years, emphasizing consistent applications of ICS and Incident Management Teams combining personnel from several regions. EPA co-staffed the command units in Mobile and New Orleans with the USCG and joined Louisiana DEQ and the USCG in Unified Commands for the oil and hazmat responses. No area command was used because FEMA takes a state-specific approach.
 - FEMA was in charge overall, and assigned tasks to EPA. It was noted that, with so many EPA mission areas involved, their work didn't fit neatly into one UC for the entire response.
 - The Hurricane response was declared an Incident of National Significance, which activated the National Response Plan and the use of a Principal Federal Official (PFO). FEMA established a Joint Field Office in each affected state. Beth and Mark noted that the National Response Plan and Stafford Act authorities are broader than those in the National Contingency Plan.
 - They also explained that FEMA is authorized by the Stafford Act, which also provides for response funding. EPA and the USCG usually use the Oil Spill Liability Trust Fund (OSLTF) for oil spill responses, but Stafford Act funding was used in this case. Normally this requires a state match, but the President waived that requirement initially; that waiver expires 10/27/06. The President could extend it, or the OSLTF or CERCLA could be used, although the mixtures of oil and hazmat could blur those lines as well (see below). Otherwise, if a state cannot make the match, the Stafford Fund is not used.

- A discussion followed regarding how federal, state and local governments should interface. Larry noted that state disaster/emergency response entities coordinate and support local governments in Alaska. If neither oil nor hazmat releases are involved, the state's role as a coordinating agency (and not as a lead agency) could lead to similar problems as noted in the Katrina response. Decision-makers should be involved, not just response coordinators. The State should consider taking more a leadership and command role, and not just a coordination role. Acknowledging that roles, responsibilities, and expectations need to be clarified, Mark noted that the California Office of Emergency Services has led an analysis of agency authorities and capabilities for large-scale disasters.
- The definition of "navigable waters":
 - Jean asked for an update on the definition of "navigable waters," noting that a 2004 API lawsuit against EPA declared that EPA had "failed to provide adequate justification for its definition of navigable waters" subject to regulation.
 - Beth and Mark explained that navigable waters also includes inland water ways, and all tributaries and shorelines. Currently there are cases pending before Supreme Court on these issues and decisions are expected this year. At present, as long as EPA can show a demonstrable surface water pathway to some navigable or interstate water they are fairly comfortable taking cases. Otherwise, they need to develop specific information to show a hydrologic connection.
- EPA inspections of Army Corps of Engineer dams on Columbia River
 - R10 staff inspected the dams in late 2004, Beth reported. She noted that Ecology is working with the operators to improve their systems and EPA is providing compliance assistance.
 - It was noted that no other Army Corps of Engineers (ACE) project in the US objects to state spill reporting requirements.
 - Beth noted that the NW RRT has asked the ACE to re-evaluate its level of participation.
- EPA/PHMSA relationship in pipeline spill prevention
 - Beth and Mark explained that EPA regulates production field gathering lines, and can require corrective actions after spills, pursuant to cleanup orders. They have also instituted new inspection routines pursuant to spill settlements with pipeline operators.
- Reimbursement for state response costs: when EPA is not present? Limits? OPA v/v CERCLA?
 - The USCG requires that CERCLA be used if there is any hazmat in the oil. EPA bases its fund decision on whether the response is to oil or to hazmat. There is a "petroleum exclusion" in the Superfund Act, and CERCLA doesn't allow for state reimbursements.
 - The OSLTF Center has issued draft guidance, Beth noted. A sample of the spilled product is required as soon as possible, and if the decision regarding which fund is to be used should change during the response, the first fund will be reimbursed.
 - The OSLTF allows EPA to set spending limits and authorize work. State actions require pre-authorization in order to be reimbursable. Initial requests from states can range from \$50,000 to \$250,000.
- Authority to respond to sunken vessels in inland waters
 - Mark asked the Coordinating Committee members if their states had authority to respond to sunken vessels in inland waters.
 - Jon Neel replied that the WA DNR has a fund for removal of derelict vessels, plus the state's oil spill response fund can be used for spill response.
 - Lisa explained that there are different authorities in California, depending on whether it's marine or inland waters.

- In Oregon, DEQ has authority to remove the oil and hazardous materials and the Marine Board can respond to local requests for vessel removal.
- EPA spill response exercises
 - Beth advised the Coordinating Committee that R10 will be doing a PREP exercise in 2007. They're also trying to coordinate with the states on unannounced drills. They're looking for a part-time drill/exercise coordinator, she noted.
 - Mark explained that R9 is trying to schedule drills as part of the Area Plan process. They try to do 16 unannounced drills each year. A warning is sent to all facilities in a specific area and then a few are chosen. EPA would like to see improved OSRO performance and facilities doing more exercises on their own initiative.
 - Mark noted that they do coordinate with HEER in Hawaii, where there is a PREP exercise coming up. Lisa commented that OSPR would like to improve coordination of drills/exercises with EPA in California.
- State participation in EPA OSC training
 - Mark reported that no OSC training is currently planned for R9; the regular fall training was cancelled due to the Hurricane response, but it may be rescheduled for February/March to include Lessons Learned from the Gulf. Curtis indicated that he would be interested in participating.
 - R10's fall training was also cancelled; they expect to go ahead with their spring training event.
 - EPA's National OSC training generally allows one attendee from each state.
 - EPA's Freshwater Spills Symposium will be held in Portland next year, in late April or early May. Oregon and Washington are working with EPA on the design committee for the event. There are no exhibitors at these symposiums; the audience is generally representatives from state and federal agencies, consultants, and contractors; the presentations are generally technical.
- Status of the SPCC rule/planning
 - OMB is reviewing a guidance manual for SPCC inspectors.
 - All legal challenges have been settled except that relating to navigable waters (see above).
 - EPA requested additional public comment on a few sections of the rule in October, 2004. The US Departments of Transportation and Energy are both submitting comments. A new rulemaking may follow.
 - In the meantime, the compliance deadline for the new rules has been extended to August of 2006 and the old rules are still in place.
- SPCC inspection rates
 - 75-80 SPCC inspections are conducted each year in R9 and 30-40 in R10 SPCC inspections are not delegated to states, and the regulated facilities may vary from those regulated by the states.
 - Curtis noted that his staff is encouraged to go along on the inspections.
 - Facilities are generally targeted for inspection based on their spill history and the geographic area.
 - If a facility has a spill larger than 1,000 gallons, or has 2 spills in a year, they are required to submit their SPCC plans to both EPA and the state.
 - Mike noted that Oregon law requires facilities dealing with hazardous materials to have an SPCC plan.
- EPA/state MOAs re: oil spills
 - Alaska has a Memorandum of Agreement (MOA) with R10 that's working well.

- OSPR has drafted a MOA based on the Alaska model and sent it to R9; Lisa noted that they're waiting for a response.
- Spill Data Management
 - EPA has a new database (WEB EOC) for tracking daily spill data. The National Response Center (NRC) downloads the data, so spill volumes are adjusted as reported.
 - Mark asked about the states' spill reporting systems and whether EPA could access them.
 - Curtis explained that Hawaii's reporting thresholds are the same as EPA's, but there may be spills reported to OES which aren't reported to the NRC. Lisa explained that OSPR is revising their database system.
 - Beth noted that R10 works with their state counterparts to incorporate their data fields.
 - Mark also reported that R9 is focusing on source and causal trends as well as information on what went right or wrong in near-miss events, and then communicating this information to industry.
 - Jean explained how the Task Force database works and encouraged EPA to send personnel to the investigator training events sponsored by the Task Force every other year.
- Response organizational structure
 - Beth and Mark explained that EPA's national Office of Emergency Management is under the Office of Solid Waste and Emergency Response, and includes response and enforcement authorities.
 - In R9, Dan Mier is in charge of all regional response; Jim Hanson manages the enforcement section and Pete Guria manages the response section.
 - In R10, Chris Field is in charge of regional response; Carl Kitz is the oil program lead, and Beth is in charge of planning. There are 25 emergency response personnel in R10.

OPTIONAL BRIEFING AT ALASKA TANKER COMPANY, BEAVERTON, OREGON

Attending: Jon Neel, Washington Department of Ecology; Larry Iwamoto, Alaska Department of Environmental Conservation; Mike Zollitsch, Oregon Department of Environmental Quality; Jean Cameron, Pacific States/BC Oil Spill Task Force; Anil Mathur, ATC President and CEO; ATC staff: Karen Hays, Art Balfe, Bill Gould, Bruce Benn, Jack Thibault, and Bob Wenz

Alaska Tanker Company (ATC) staff gave a presentation covering the following information:

- ATC was created in 1999 by BP Shipping Company, USA, (25%), Keystone Shipping Company (37.5%) and OSG Ship Management (37.5%). BP pays charter hire that covers all ATC operating expenses. Keystone and OSG, as well as ATC employees and the ships are rewarded based on a Performance Contract. Safety and Environmental performance counts for more than 50% of the reward. Third-party contractors are included in the safety statistics.
- ATC is ISO 9001, ISO 14001, and ABS SQE certified. The company has also received the ECOPRO award from the State of Washington, the Benkert Award from the US Coast Guard, and two Legacy Awards from the Pacific States/British Columbia Oil Spill Task Force.
- ATC operates seven tankers, including 2 of 4 new 185,000 dwt double-hull, super-redundant tankers. The last of these will be delivered in September 2006; total cost will be \$1 billion.
- ATC has 26 shoreside personnel. Seagoing personnel include 70 deck officers, 60 engine officers, and approximately 225 unlicensed crew represented by the Seafarer's International Union (SIU). ATC has an agreement with SIU to maintain a dedicated ATC pool of personnel who meet ATC medical, fitness, training, and performance requirements. Use of this pool has improved ATC's crew retention rate to 94% in 2004, and has been a key factor in ATC's safety and environmental success.
- ATC is committed to a "Quality Safety Management System" (QSMS), and provides training conferences - for both officers and crews - covering management and process topics as well as skills training. Crews help train each other. Anil noted that they did an incident analysis of an actual event

at the last training conference and the teams were very engaged in the learning process. Crews also have access to the QSMS training through on-board computers.

- Each ATC ship does an end-of-month report that includes one Y-tree analysis of an incident that month. This no-fault near-miss reporting process has changed the crews' approach from "CYA" to "FYI." Crews appreciate seeing that problems are being addressed. ATC officers and crews also perform 30 minute safety reviews on every job every day. They've learned that a job hazard analysis done before a job actually saves time overall.
- Lost time injuries were 0 in 2004, compared with 11 in 2000. Total recordable injuries were 11 in 2004 and 33 in 2000. Gallons spilled to sea were .006 in 2004 versus 968 in 2000. The costs of claims in 2004 were 21% of those in 2000 and total operating expenses were 79% of the 2000 costs.
- Asked if the TAPS trade tankers will eventually be under one management, Anil explained that such a merger could reduce the total number of tankers. If such a step were ever taken, the decision would be made by Conoco/Phillips, BP, Exxon, and the ATC Owners and Stakeholders, not ATC. He also noted that BP's refineries on the West Coast are likely to continue use of ANS crude due to their process capacity.