

Summary Notes¹
Pacific States/British Columbia Oil Spill Task Force
Spring 2004 Coordinating Committee Meeting
May 20-21, 2004
Juneau, Alaska

ATTENDING:

Curtis Martin, Hawaii Dept. of Health; Stan Norman, Washington Dept. of Ecology; Bud Leland, California Office of Spill Prevention & Response; Stafford Reid and Randy Alexander, BC Ministry of Water, Land, and Air Protection; Larry Dietrick, Leslie Pearson, and Bill Hutmacher, Alaska Dept. of Environmental Conservation; Mike Zollitsch, Oregon Department of Environmental Quality; and Jean Cameron, Pacific States/BC Oil Spill Task Force

JURISDICTIONAL UPDATES

Washington Department of Ecology; Stan Norman reporting:

PREVENTION:

- The December 30, 2003, Foss tank barge oil spill into Puget Sound created a flurry of legislative activity and resulted in unanimous passage of a bill that will require Ecology to both address pre-booming of oil transfers and expansion of regulated facilities to include tank trucks. This will be an opportunity for Ecology to closely align their oil-handling facility definition with the federal definition used by the Coast Guard, one of the goals of their Memorandum of Agreement (MOA) with the Coast Guard and their Spills Program Strategic Plan.
- The dedicated rescue tug, *Barbara Foss*, completed its fifth season of service at Neah Bay (sixth season for Neah Bay rescue tugs) on May 7, 2004. The tug was on standby in Neah Bay for 236 days this season at a cost of \$1.4 million (\$6000/day for standby versus a going rate of \$1000/hour). 2003-2004 was a relatively "light" year for the tug, with only two assists. New legislation provides funding through 2008.
- All of the protocols required by the Coast Guard District 13/Washington State MOA on Oil Spill Prevention and Response have been signed. Implementation work continues, with emphasis on inspections (oil transfer, vessel, and facility) and information sharing. The MOA is available on Ecology's website (www.ecy.wa.gov/programs/spills/spills.html).
- Administrative Orders have been issued to five facilities that reported they would be unable to meet the June 2004 deadline for inspecting aboveground storage tanks. Agreement was reached with each facility on a revised and accelerated compliance schedule based on the proximity of the tanks to water and the product stored in the tanks.
- Stan noted that security screens on Advance Notices of Entry have complicated DOE's vessel inspection scheduling.

PREPAREDNESS:

- Work continues on the Contingency Plan rulemaking. The cost/benefit analysis is largely completed and draft rule language has been prepared. The rules should be completed by fall of 2004.
- DRILLTRAC, Ecology's Incident Command System (ICS) competency program, is off to a great start. All Spills Program employees are completing training and testing for up to three positions within the ICS structure.

RESPONSE:

- Drug lab clean-ups continued their slight downward trend through the winter.

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

- Ecology is conducting short-term, focused studies on lessons learned from the Foss tank barge spill, specifically how ICS and the response functioned, as well as delays in getting boom deployed to contain the spill and an unexpectedly low oil recovery rate from the water (14%).
- DOE has issued a Notice of Violation to the Army Corps of Engineers citing 15 spills at their dams on the Columbia River system over the past eight years. They are required to improve their response/preparedness systems and report all spills to the state. Mike Zollitsch of Oregon DEQ noted that the Corps has denied DEQ's request for cost-recovery and denied that they're required to report to the states. USCG CAPT Paul Jewell, Captain of the Port for Portland, OR has invited the Corps to meet with the Coast Guard, DOE, and DEQ to discuss oil spill issues.

RESTORATION:

- Waste oil dumping cases are producing millions of dollars worth of restoration projects in Washington, Oregon, and California.

Oregon Department of Environmental Quality; Mike Zollitsch reporting:

- The state has created an Office of Homeland Security. Mike also noted that Oregon's chemical response plan has a specific section for the Umatilla Chemical Weapons Depot.
- Mike noted that the Army Corps of Engineers has not deferred jurisdiction to the states under OPA 90/Clean Water Act, but that they did under CERCLA since the oil that was spilled contained 8 ppm PCBs, which meets the definition of hazardous. He also noted that the Corps is represented on the NW Area Committee and that both Washington and Oregon have trained with the Corps on an annual basis.
- There was an unusual spill incident caused by a fire at a used oil refinery; the water used to fight the fire carried oil into Johnson Creek. Since it was used oil, EPA cost recovery was available under CERCLA rather than under OPA 90. Mike also noted that EPA pulled their response staff based on this interpretation.
- DEQ is reviewing three pipeline contingency plans.
- USCG CAPT Jewell has agreed to review the MOA with Oregon in light of the changing mission of the Coast Guard, although Mike noted that MSO Portland has been responding to as many small spills as ever.

Hawaii Department of Health, Hazards Evaluation and Emergency Response; Curtis Martin reporting:

- There have been no significant oil releases since the last meeting, just small events of less than 40 gallons. However, a fire at a tire recycler on Sand Island did result in a release of approximately 500 gallons of oil. Most went up in smoke, but there was some sheen on water in a ditch leading to the ocean, requiring booming.
- Although the Hawaii Legislature took \$1 million from the Environmental Response Fund (ERF) -which covers the HEER program and all hazardous materials responses - the state is supporting a task force to pursue environmental crimes.
- A bill was passed addressing drug labs, and Curtis noted that it may require State On-Scene Coordinators to use the ERF for drug lab clean up. The state is experiencing an increase in the number of methadone lab responses.
- Curtis reported that none of the bills had passed which were introduced to address cruise ship pollution, so Hawaii will rely on their MOU with the NW Cruise Ship Association to address this issue.

British Columbia Ministry of Water, Land, and Air Protection; Stafford Reid and Randy Alexander reporting:

- Randy Alexander has replaced Heather Taylor, who retired, as Emergency Response Program manager. The program is currently reviewing mandates and staffing needs.
- Stafford noted that the forest fires in BC last year had increased interest in ICS, although the concept of unified command – and the Province's role - remains "poorly understood" at various levels.
- The Emergency Response Program is working to build Incident Management Team capability. They just completed joint Shoreline Cleanup Assessment Team training with industry, Burrard Clean, and Environment Canada.

- The Canadian Coast Guard is being merged into Transport Canada; spill response is likely to go into Fisheries and Oceans while policy and planning go into Transport Canada.
- Although a federal panel recently held hearings on the offshore oil/gas initiative, there is little consensus at the federal level.
- There have been no large spill events in the Province, but this is a mixed blessing, since it encourages complacency and makes it more difficult to maintain the program.
- Stafford is developing a software program that will both provide a risk assessment tool for response officers and collect event data based on the Task Force's data dictionary. BC needs a database to evaluate cause and response. The program also needs a way to quantify risk as a function of public safety, environmental risks, and response capability. The software will also provide an evaluation tool for lessons learned.
- In addition, Stafford has developed a database for registering responders at an incident command post and tracking their assignments, training level, and skills. The program generates an ID card and also includes a post-incident evaluation tool.

Alaska Department of Environmental Conservation; Leslie Pearson and Bill Hutmacher reporting:

- Leslie reported that the total number of spills in 2003 was 33% less than in the previous year; most were minor spills on the North Slope or involving home heating oil. Many involved unregulated sources such as trucks or fishing vessels. DEC is analyzing seven years of data for trends.
- Regarding homeland security issues, most federal grants have gone to local hazmat teams. DEC is working to standardize equipment and training and coordinate between local, state, and federal agencies.
- The Alaska RRT is updating the Unified Plan. Issues being addressed include the use of dispersants and In-Situ Burning. Geographic Response Strategies for Cook Inlet and the Aleutians are being incorporated, as are Places of Refuge guidelines.
- Bill noted that HB 59 has directed DEC to develop interior cleanup standards for drug lab cleanups. DEC will probably use standards already developed in Washington and Oregon rather than "reinvent the wheel."
- The state has received federal grants to upgrade aging communications systems in high-risk areas such as Prince William Sound.
- Since the Alaska Legislature changed the oil spill contingency plan review period from three to five years, DEC staff have been able to spend more time on inspections and drills and have doubled the number of inspections of tankers, railroads, non-tank vessels, tank farms, and pipelines. They've also increased the number of exercises by 50%, using their database to target both activities. DEC conducted an unannounced exercise in February focused on broken ice response. Leslie noted that the regulated industry seem to like having more DEC people in the field, "aware of real operations rather than just plans on paper."
- DEC has developed a checklist of the ten most critical elements to review during inspections. Such lists have been developed for each type of vessel or facility, and are used for inspector training.
- The agency is reviewing their contingency plan regulations for exploration/production facilities, trying to clarify and simplify. One area of change will focus on how response is measured, incorporating more performance standards. The next step will focus on reviews/updates to the department's prevention regulations, and the third phase will focus on the contingency plan process within DEC.
- And the good news is: the Spill Program funding was restored on the last day of the legislative session!

California Office of Spill Prevention and Response; Bud Leland reporting:

- Bud reported that Ryan Broderick has been confirmed by the state Senate as Director of the Dept. of Fish and Game, OSPR's parent agency.
- Revenue for the spills program has been good, but spending has been constrained by state budget cuts overall.
- Regarding the Spill of National Significance (SONS) drill in California in April, please reference pages 7-8 of these summary notes.

- OSPR is tracking LNG proposals for Long Beach and Santa Barbara. A proposal for Humboldt Bay was withdrawn due to public opposition. Bud noted that the Federal Energy Regulatory Commission (FERC) had ruled that it had exclusive jurisdiction over the Long Beach proposal, which did not sit well with state and local authorities, including port authorities.
- Bud reported on the Suisun Marsh spill in late April. A 14" pipeline that carries diesel, gas, and jet fuel from the Bay Area refineries to the Sacramento Valley exploded, carving out a hole in the area. The operators noted the pressure drop but kept trying to restart it, thus forcing more product into the marsh; they failed to report the leak until the next day. Fortunately it was within a diked area and the water level was low, so the oil stayed within a small area where vacuum trucks could remove it. The USCG, OSPR, EPA, and the State Fire Marshall were on scene. Unfortunately, one EPA official estimated the spill volume at 1 million gallons, resulting in a media frenzy that interfered with the response. In the face of a possible shortage of fuel supplies in the Sacramento Valley, the Governor was engaged and interested. Bud explained that it looks like 2000 gallons were actually spilled. Response efforts will continue, since oil remains in the peat moss.
- OSPR has hired a permanent staffer to do statistical analysis and refine OSPR's database.

SPILL PREVENTION PROJECT STATUS AND TOPICS OF CONCERN

- Database Project and 2003 Data
 - Jean reported that the State of Hawaii had officially signed the Task Force Data Agreement on March 3rd.
 - She provided copies of the Data Workgroup's preliminary report (Hawaii's data was still due) and analysis of the 2003 data. The Coordinating Committee complimented Jack Barfield and the project workgroup. After reviewing the information, they recommended minor edits for clarification.
 - Jean advised the Committee that the Data Project Workgroup would like to schedule a meeting this fall to discuss implementation steps for an Access database which could directly receive all data. Right now the data is submitted in Excel format and Jack has to enter and compile it and run queries.
- West Coast Offshore Vessel Traffic Risk Management Project Implementation
 - Jean noted that AIS carriage requirements for vessels would be in place by the end of 2004. AIS is one of several systems which the USCG is integrating for the purpose of "Maritime Domain Awareness." National security is the primary motivator for this focus, but Jean's conversations with the USCG have implied that the data would not be lost and could be useful for tracking compliance with vessel routing schemes.
- Vessel Best Industry Practices (BIPs)
 - Stan reported on his panel discussion on Best Industry Practices at MARAD's Ship Operations Cooperative Program (SOCP) meeting in Houston in March. He noted that most of the SOCP members were good operators who were already employing these practices and were surprised to learn that they were not required by regulations.
 - The Coordinating Committee agreed to Stan's suggestion that we recommend to the USCG that the top BIPs be promoted by Pacific Area Captains of the Port as Standards of Care. We'll propose this as a task in the 2004-2005 Annual Work Plan.
- POSPET
 - Jean reported that she'd worked with Eric Olsson, POSPET chairman, to organize a conference call on May 6th; all participants, including some from BC, were enthusiastic, and there was enough interest to continue the effort.
 - They recommended setting up a "listserve" so members could communicate year-round, and also meeting once each Fall to strategize re: collaborative efforts the following spring.
- Monitor TAPS Conversions
 - The Committee reviewed the updated report from Laura Stratton of Ecology re: the TAPS trade tankers. Stan noted that there may only be 15 ships in the TAPS trade by 2008, and that nearly all would be the new super-redundant design. He also noted that there may only be one operating company by then as well.

- It was noted that the Seabulk tankers primarily run from Cook Inlet to Hawaii and Washington under charter by Tesoro.
- Stan noted that more crude is coming into Washington via the pipeline from Alberta as the ANS supplies dwindle.
- Bud noted that more foreign-flag ULCCs are lightering in California; OSPR is reviewing company vetting policies for these tankers.
- Bud also noted that the tug escort requirements in California do not apply to the double-hull tankers, although the harbor safety committees are reviewing these policies. Stan replied that Washington State is reviewing this issue as well.
- Spill Prevention Topics of Concern
 - Cruise ship operations with regard to spills and other water pollution impacts:
 - Stan noted that Washington State's MOU with the cruise industry had been modeled on Alaska's, and had been signed just 5 days prior to the opening of the cruise season.
 - Bud reported that two bills had been introduced in the California Assembly to regulate cruise ship waste streams. In addition, NOAA had been petitioned to prohibit wastewater discharges into national marine sanctuaries.
 - Jean noted that the summary notes of the Cruise Ship Roundtable sponsored by the Task Force had been posted on the website.
 - She also noted that a bill had been introduced in Congress to set national standards for cruise ship wastewater discharges, and that she had referred legislative staff in Maine to the website and a bill had been passed there as well.
 - Jean also reported that Dr. Kim of EPA had emailed that their report on cruise ship pollution was not yet completed, but she was hopeful that it would be out by the end of the summer.
 - Oil spill prevention research and development:
 - Larry reviewed plans for Alaska's Best Available Technology conference, which will cover well-capping, fast water booming, secondary containment, viscous oil, leak detection, and general source control. Expert panels will use the evaluation criteria set in the BAT regulations to evaluate proposals.
 - Stan noted that Ecology was interested in information and recommendations regarding fast water booming standards, and would be reviewing the mooring standards developed by California State Lands as well as the BMPs developed for Nikiski, Alaska.
 - Jean reported that another NAVSAC member had stated that AWO will be improving its RCP audit program and that the USCG was considering changing the uninspected status of many tugs. Apparently Admiral Gilmore is recommending that uninspected tugs be moved into the inspected regime after extensive lobbying from the AWO to head off OSHA regulations onboard uninspected vessels. The AWO was trying to get this added to the 2004 USCG Reauthorization and is intending that a tug could choose to be inspected by the USCG or comply with the Responsible Carrier Program and be subjected to RCP audits; in the latter case, tug may never actually see a USCG inspector.

SPILL PREPAREDNESS/RESPONSE PROJECT STATUS AND TOPICS OF CONCERN

- Develop Places of Refuge Recommendations
 - Jean reported to the Coordinating Committee that the Project Charter had been signed by the Workgroup Co-Chairs and emailed to the Workgroup last week as well as posted on the website. She provided copies to the group.
 - She noted that the draft Area Plan Annex was being fine-tuned by the subcommittee; she had emailed copies to the Coordinating Committee for their review and comment. Larry Dietrick recommended drafting guidelines regarding how the ICS would apply to a Place of Refuge decision, and Leslie said she'd ask John Bauer to draft something for the subcommittee's review. The Coordinating Committee also recommended that the USCG advise Area Committees to expedite the pre-planning elements of the annex.
 - Jean noted that she'd inquired among the industry members of the Workgroup as to whether they'd be interested in drafting recommendations regarding how preparations for a Place of

Refuge incident could be incorporated into their ISM plans, but they had felt that all necessary shipboard planning was already covered in their contingency plans.

- Jean also reported that an article on the project had been published in the American Salvage Association newsletter, that she was doing a presentation on the project at API's Tanker conference, and that she was working with John Bauer and Larry Iwamoto of ADEC to submit an abstract on the project to the International Oil Spill Conference.
- Contingency Plans for Non-Tank Vessels
 - Jean reported that she had not received a reply from DeFazio's office to her letter regarding the need for federal delegation if the USCG does receive authority to require oil spill contingency plans from non-tank vessels. She also noted that, as far as she was able to discern, the USCG authorization bill with this language was still in conference committee.
- Maintain the IVRP matrix
 - Jean noted that she had updated the Integrated Vessel Response Plan (IVRP) matrix to include both ADEC's and ODEQ's contingency plan revisions. The revised IVRP has been posted on our website, and she has asked that the USCG also post a link on their website.
- OILS 911 Spill Reporting Number
 - Jean reported to the Coordinating Committee that the OILS 911 spill reporting number had been used 109 times from August 2003 through April 2004 (18 in BC, 7 in Washington, 3 in Oregon, and 81 in California). She attributed the larger number for California to the excellent outreach program operated by the California Coastal Commission.
- Spill Preparedness/Response Topics of Concern
 - The Coordinating Committee discussed Scott Schaefer's email regarding the need for the USCG to raise their COFR requirements for non-tank vessels. It was noted that the PI clubs cover cleanup and damages for non-tank vessel spills, but not penalties
 - Regarding hazardous material spill contingency planning, DEC reported that the agency will study the transportation of bulk hazardous materials as part of a statewide area planning effort.
 - Regarding the implementation status of the recommended contingency plan elements, Stan reported that Ecology is trying to cut paper work and will allow references to area plans as part of their contingency plan rule revisions.
 - Bud Leland reported on the 2004 SONS exercise, which OSPR co-hosted. Mike Zollitsch and Jean had also participated in the event. Bud commented that he thought the Regional Incident Command (RIC) had been stood up too soon, since not all the necessary players were there in the beginning. There were some interesting coordination issues with the NRC. Mike noted that the National Incident Command (NIC) was the Principle Federal Official under the new National Response Plan, which gave it some additional authority, but also brought in some FBI involvement. The NIC held one secure conference call with the Secretary of Homeland Security and other cabinet members. The RIC/NIC did slow media releases because they had a media group that needed to coordinate with the media groups in command centers in LA and San Diego. Bud said that the "Lessons Learned" report is due by July; OSPR hopes to have theirs done by June.
 - Stafford Reid reported to the Coordinating Committee on his project to develop a comprehensive signage system for an Incident Command Post. He has created over 200 signage elements: table-top organizational fold-up signs, banners, charts, and labels. The system will be provided on a CD containing the signage files, plus other resource information, such as BC's provincial response plans. The CD package is essentially designed and intended as a resource for his Ministry's Incident Management Teams; however, the CD could have utility for local government and industry in setting up an Incident Command Post for not only spills, but for other emergencies as well. Much of the organizational descriptions came from the US Field Operations Guide, so to revert back to US ICS (e.g. changing "province" to "state") would be quite simple. Stafford agreed to develop a descriptive paragraph that could be posted on the Task Force website as a link to his work.
 - OSRO certifications, mergers, and mutual aid:

- Jean reviewed her 3/2 email re: coop mutual aid and also noted Kevin Gardner's report that APICOM had discussed the compatibility of equipment per our request. Kevin had noted that "it was very clear that the Pacific Northwest, ourselves and Seapro from Alaska are ahead of others in working closely together."
- Jean also reported on her meeting April 22nd with Steve Benze and Judigh Norell of MSRC regarding the status of MSRC's mergers with West Coast coops and Kevin Gardner's observations regarding Burrard Clean's negotiations with MSRC on their transboundary agreement currently in place with Clean Sound.
- NRDA Activities/Initiatives:
 - Jean reported that the JAT group had met in Sacramento that Tuesday and was working on guidelines for drilling NRDA responses as part of other drills and exercises.

COMMUNICATIONS PROJECTS

- Stakeholder Outreach
- Jean noted that Carl Moore and Ted Mar of OSPR are covering API's Spills Advisory Group meeting in DC today.
- Jean reviewed the report she'd emailed to the Coordinating Committee regarding the Navigation Safety Advisory Council's meeting in Galveston, Texas in early March.
- She also noted that the Task Force website continues to be the primary means of stakeholder outreach other than our Annual Meetings, Roundtables, and her participation in exercises and conferences.
- Tracking Federal Policies
- Jean explained that she checks the Federal Register and the Canada Gazette each month, and has forwarded items of interest to the Coordinating Committee, but none lately have warranted Task Force comments.
- Task Force Web Site
- Jean asked the Coordinating Committee if they were satisfied with the search tool and their agency logos which they'd requested at the last meeting; they were.
- She also noted that many of their own agency websites still needed links installed to the Task Force site, and gave them the specifics.
- 2004 Annual Report
- Jean reviewed which jurisdictional reports were still due. The Coordinating Committee agreed that the 2004 cover image would be a salmon in the NW Native American style.
- She discussed distribution with the Committee and they advised her regarding how many copies of the Annual Report they wanted shipped to each agency.
- Legacy Award Nominations
- Jean and the Coordinating Committee reviewed their preliminary recommendations made on the 5/11 conference call and also reviewed their spill data on the TAPS tankers, since the Prince William Sound nomination was specific only to spills in Alaskan waters.
- Jean will send the Committee's recommendations to the Task Force Members the week following this meeting with a June 4th deadline for their decisions. Winners will be notified in June, awards will be ordered, and the news release will be developed in cooperation with the winners, who will indicate their media outlets of choice. The 2004 awards will be presented at the July 20th Annual Meeting.
- 2004 Annual Meeting planning
- Jean recommended that each agency's jurisdictional report be provided in PowerPoint, and noted that her Task Force report and the background for the Legacy Award presentations would be using Powerpoint.
- She noted that one of Larry Lau's recommendations from the 2003 annual meeting had been to develop speaker evaluations, but the Coordinating Committee was not enthusiastic about this concept, since speakers pay their own expenses and receive no remuneration. We will endeavor to be as clear as possible in advance regarding our expectations.
- Jean provided the Coordinating Committee with cost projections and they discussed a co-sponsor for the buffet luncheon. The Committee recommended asking the Prince William Sound RCAC.

- The Coordinating Committee also discussed a theme and agenda, and agreed on “Partners in Prevention” as a theme. We will ask Polar Tankers to give the keynote regarding the new super-redundant tankers being developed for the TAPS trade, and will focus the panel discussion on how tank vessel, tank barge, and non-tank operators manage their companies and operations to maximize spill prevention. We will also ask Joe Angelo of the USCG to discuss international spill prevention efforts, and will ask John Devens of the Prince William Sound RCAC to discuss the group’s role in promoting spill prevention.
- Public comments on 2004-2009 Strategic Plan
- The Coordinating Committee reviewed public comments received on the Task Force’s draft 2004-2009 Strategic Plan, as well as the Task Force’s responses and changes to the draft Plan. Substantive comments had been received from the American Petroleum Institute, the Georgia Strait Alliance, and SeaRiver Maritime; two other persons had emailed general observations.
- After revisions based on these comments, the draft will be submitted to the Task Force Members for their review and comment. Jean will circulate their comments to everyone, and the Task Force members will have time for a final discussion and decisions at the Annual Meeting briefing session.
- 2004-2005 Annual Work Plan
- The Coordinating Committee then reviewed and discussed a list of ongoing and possible new tasks which could be undertaken in the 2004-2005 work year. The Committee agreed to tackle oil transfer spills as a new Spill Prevention project and to focus the 2005 Roundtable on both the prevention and response facets of highway or railroad spills. No major new preparedness/response projects will be undertaken, since the Places of Refuge project is ongoing, but the Coordinating Committee will review current protocols for drill/exercise credits.
- Other
- Jean walked the Coordinating Committee through a memo that listed various recommendations from the US Commission on Ocean Policy’s Preliminary Report. The report is currently being reviewed by all US governors for their comment.
- Budget status and other Administrative issues
- Jean provided the Committee with a YTD report on the 2003-2004 expenses.
- The Coordinating Committee decided not to pay for a booth at the 2005 IOSC, since it’s not on the West Coast, but Stan recommended that Jean look into the cost of a booth at the Prevention First conference in Long Beach in September.
- The Coordinating Committee discussed options for reviewing the Executive Coordinator’s salary level. As contract manager, Stan Norman will lead the review process.
- The Committee reviewed and confirmed their 2004-2005 meeting dates as follows:
 - Summer 2004: July 21, Portland, Oregon
 - Fall 2004: October 20-21 in Lacey, WA (meet with EPA)
 - Winter 2005: January 13-14 in Honolulu, HI (meet with USCG Pacific Area)
 - Spring 2005: April 20-21 in Victoria, BC (meet with Canadian federal officials)
 - Summer 2005: Day after Annual Meeting in Juneau, Alaska; date to be determined