

**Summary Notes<sup>1</sup>**  
**Pacific States/BC Oil Spill Task Force**  
**Coordinating Committee Meeting**  
**April 20-21, 2005**  
**Victoria, BC**

**I. ATTENDING:**

Curtis Martin, Hawaii Dept. of Health; Stan Norman and Jon Neel, Washington Dept. of Ecology; Lisa Curtis, California Office of Spill Prevention & Response; Stafford Reid, BC Ministry of Water, Land, and Air Protection; Larry Dietrick, Alaska Dept. of Environmental Conservation; and Jean Cameron, Pacific States/BC Oil Spill Task Force

**II. JURISDICTIONAL UPDATES:**

Hawaii Dept. of Health, Curtis Martin reporting:

- Curtis reported that the Hawaii Legislature was still in session, and that multiple cruise ship bills had been introduced. Bills had also been introduced which would impact the Environmental Response Fund, including one which would put SOSCs in charge of meth lab cleanups.
- HEER currently provides technical assistance to law enforcement in dealing with meth labs, and references the cleanup standards developed in other states.
- HEER is constructing additional mobile wildlife care units which can be sent to any island in the Hawaiian chain impacted by an oil spill.
- A new trailer has been purchased for the ADDS pack.
- Curtis noted that the cement which was removed from the *Cape Flattery* when she grounded on a reef outside Honolulu Harbor is now being used to repair that reef. He also reported that a grounded fishing vessel had been removed from a reef without any oil release.
- A Tesoro pipeline spill at the Barbers Point pier was caused by corrosion; the spill reached water through a storm drain.

Washington Dept. of Ecology, Stan Norman and Jon Neel reporting:

- Regarding the tank barge *Millicoma*:
  - On March 19, 2005, at approximately 8:30 PM, a Foss tug was towing the empty tank barge *Millicoma* in tandem with a loaded wood chip barge across the Columbia River bar in rough sea conditions. The *Millicoma* belongs to Sause Brothers of Coos Bay, Oregon. The steel tow cable to the *Millicoma* broke, allowing it to sail off into the night by itself.
  - The towing company was unable to locate the barge until the next morning when it was found hard aground in a rocky cove adjacent to North Head Lighthouse near Cape Disappointment at the southwestern tip of Washington. Although the tank barge did not have any cargo on board, it was carrying approximately 5000 gallons of diesel for its onboard generators and 800 gallons of hydraulic oil for its winches and cranes.
  - The barge owner and the towing company immediately hired salvage and response contractors and established a unified command with the US Coast Guard (USCG) and Ecology at a fire station in Seaview, Washington.
  - All elements of the salvage effort were in place by the morning of March 23 and the barge was successfully re-floated at high tide. The barge was towed to Astoria for inspection and was subsequently declared a total loss. No oil was spilled and there were no injuries in this remarkable salvage effort. Stan provided the link to Ecology's web site for the incident: <http://www.ecy.wa.gov/programs/spills/incidents/MILLICOMA/MILLICOMAbase.htm>
- Regarding the legislative session, Stan and Jon noted that most of the activity for the Spills Program this session had centered on citizen oversight and a strong push to create a citizen oversight group

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

similar to the Regional Citizens Advisory Councils in Alaska. Ecology has taken a neutral position, but they noted several concerns, such as:

- How will the group be funded and how will funding this group affect Ecology's ability to fund implementation of the Oil Spill Early Action Task Force recommendations that came out of the Dalco Passage Spill? There is a \$2 million budget to implement those recommendations.
  - What will this group's relationship with existing advisory groups and harbor safety committees look like?
  - Would the money spent on this additional layer of oversight be better spent on "on-the-water" spill prevention, preparedness, and response measures such as vessel and facility inspectors, the Neah Bay rescue tug, additional unannounced drills, and advanced spill monitoring equipment?
- Stan and Jon also provided a handout titled "Ecology Spills Program Involvement in Oil Dumping Cases," which stated that:

"Analysis of oil spill samples taken from a Columbia River oil spill in March 2001 identified a specific ship, the EVER GROUP, as the source of the oil, but there was no obvious path overboard. A subsequent April 2001 boarding of the ship by a joint team of USCG, EPA, and Ecology personnel in Portland, Oregon did not reveal the path of oil to water from the ship.

"In the course of inspecting another Evergreen Marine Corp. ship, the EVER GIVEN, in May 2001, two Ecology vessel inspectors, Dodge Kenyon and Valerie Scott (Scott is no longer with Ecology), discovered signs of black oil at an overboard discharge where it should not be present. They then found a pipe that fit between two flanges that showed signs of tampering. By bolting the pipe between the two flanges the oil/water separator (OWS) was bypassed, and oil sludge and oily waste could be pumped overboard without having to operate the OWS. An "OWS" is an international requirement for ships of this size. It is designed to separate waste oil from water and prevent oil from being discharged into the ocean. Their find was reported to federal authorities, who began an investigation.

"Federal authorities then sent out a nation-wide alert and USCG inspectors began looking for similar signs of oil dumping on other Evergreen Marine ships. While Evergreen Marine settled with Washington State in November 2003 for the Columbia River oil spill without Evergreen admitting any liability (\$10,079 NRDA, \$62,111 Cost Reimbursement, \$58,750 Civil Penalty), Ecology personnel were asked to continue their work with the USCG, EPA and USDOJ on the case. Eventually, Ecology spill prevention personnel Jeff Fishel, Guy Grayson, Gary Lee, Mike Lynch, Deborah Stroshine, and John Thornton would all have roles in the case.

"The Evergreen Marine case kicked-off what became an on-going effort to identify ships engaged in the illegal discharge of oil waste into the oceans. Dodge Kenyon, Valerie Scott, and John Thornton were in the vanguard of that effort. Evergreen case aside, ten oil dumping cases handled to date by US Attorneys in Washington and Oregon alone, with assistance from Ecology have resulted in over \$10M in corporate fines. Over \$2M of those fines have come back to local waters in the form of funds for environmental restoration.

"Kenyon and Scott were asked to share their experience and made presentations to US environmental crimes investigators in several jurisdictions. Kenyon continues to share his experience with national and international audiences. Thornton organized a seminar, first presented in May 2003, for state and federal inspectors to share the experience gained from previous cases.

"This Ecology team recognized early the potential for the practice of oil dumping from ships to be more than an isolated occurrence. The prosecution of such crimes in ports around the world validates their recognition. This small team in a state agency helped push the issue before the international body that oversees shipping. The successful prosecutions to which they have

provided assistance are now grist for international maritime legal and insurance publications that espouse 'don't let this happen to you'—impacting shipping practices worldwide and preventing tons of oil from entering the world's oceans.

“Oil dumping cases in many ways exemplify what "Prevention" is about (e.g. why this work is similar to Ecology's day-in day-out oil spill prevention work).

- Both involve examining operations in detail.
- Such examinations require expertise (we have that expertise and it is sought out).
- Such examinations require a systems approach (why A leads to B which leads to C).
- Such examinations look at human and organizational factors (What are the drivers for the problems? Why dump oil?).
- Such examinations take sustained long-term effort (diligence).
- Results may not accrue immediately.
- The benefits accrue both locally and remotely (prevention travels with the ship to other ports and with the crew members to other ships).
- We get the most out of our efforts when we work cooperatively with other agencies (leverage resources with USDOJ and USCG and USEPA).

“Ecology vessel inspectors continue to be called upon to assist federal agencies in oil dumping cases, and a number of such cases remain open.”

- Jon noted that the final spill volume estimate for the Dalco spill was 4700 gallons.

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

- Lisa provided a handout covering the following state legislative initiatives of interest:
  - **SB 403:** This bill would require the OSPR Administrator to adopt regulations governing tug escorts for vessels carrying anhydrous ammonia, ammonium nitrate, and any other hazardous materials deemed by the Administrator to pose a risk to public health or the environment if released into state waters or the atmosphere as a result of a vessel collision, a vessel running aground, or a terrorist or other criminal act. The bill would require the Administrator to impose a fee upon the owner or operator of the vessel sufficient to cover the Administrator's costs of implementing these new regulations.  
**Background:** Under current law, the OSPR Administrator is required to promulgate regulations governing tug escorts for tank ships and tank barges carrying *oil* which are entering, leaving, or navigating in the harbors of the state. The Administrator must be guided by the recommendations of the relevant Harbor Safety Committee when promulgating these regulations. Last year a similar bill was introduced (SB 1480) which would have required tug escorts for vessels carrying *any* “dangerous chemical cargo”. The San Francisco Harbor Safety Committee recommended against the bill, after review by a subcommittee formed to evaluate this legislation. SB 1480 was vetoed by Governor Schwarzenegger citing concerns that it would duplicate existing authorities, was inconsistent with advice from the experts on the State's harbor safety committees, and noting there are neither ship design issues nor a pattern of problems suggesting these vessels need tug escorts.  
**Current Status:** The Subcommittee of the San Francisco Harbor Safety Committee was again convened to study this new bill and has not yet made a recommendation. The Department does not yet have an approved position on the bill.
  - **AB 752:** This bill will continue to allow the Administrator the authority to establish a lower standard of financial responsibility, based on oil capacity, for specified non-tank vessels, instead of requiring those vessels to comply with the statutory requirement to demonstrate the ability to pay at least \$300 million to cover the costs from an oil spill.  
**Background:** Under current law, non-tank vessels over 300 gross tons are required to have a contingency plan and Certificate of Financial Responsibility (COFR), which demonstrates the ability to pay for an oil spill. Non-tank vessels are defined as vessels of 300 gross tons or

greater which carry oil as fuel, but not as cargo. The initial legislation that established requirements for non-tank vessels (SB 1644, Chapter 964, Statutes of 1998) did not make the distinction between “large” non-tank vessel (such as a container ship which may carry over a million gallons of oil as fuel), and “smaller” non-tank vessels (such as research vessels which generally carry less than 6,000 barrels of oil as fuel). There are also a number of smaller non-tank vessels (such as construction barges) which carry less than 250 barrels of oil as fuel. Initially all non-tank vessels were required to demonstrate financial responsibility of \$300 million. This caused significant hardship for these smaller non-tank vessels, and was not justified by the risk and potential damage from a spill from these vessels. Subsequent legislation remedied this by allowing that “. . .the Administrator may establish a lower standard of financial responsibility for a non-tank vessel that has a carrying capacity of 6,500 barrels of oil or less, or for a non-tank vessel that is owned and operated by California or a federal agency and has a carrying capacity of 7,500 barrels of oil or less. The standard shall be based upon the quantity of oil that can be carried by the non-tank vessel and the risk of an oil spill into marine waters. The Administrator shall not set a standard that is less than the expected cleanup costs and damages from an oil spill into marine waters.” A sunset provision was added so that the Administrator would revisit this language to see if the lower financial responsibility allowance provided adequate relief to the targeted non-tank vessel industry, while still providing adequate financial coverage in the event of an oil spill. Since the lower financial responsibility amounts became effective in regulation in September 2001, OSPR and the Administrator are confident that the reduced financial responsibility levels have met the statutory intent. SB 752 would remove the sunset clause and extend indefinitely the authority of the Administrator to establish a lower standard of financial responsibility for the specified non-tank vessels.

**Current Status:** OSPR does not anticipate any opposition to this bill (there is no known opposition on file). The bill passed out of the Assembly Natural Resources on April 12 (Ayes 10, Noes 0). The Department does not yet have an approved position on the bill.

- **SB 771:** This bill would prohibit an oceangoing ship, as defined, from conducting onboard incineration while operating within 3 miles of the California coast. This bill would also regulate the release of graywater, sewage, sewage sludge, oily bilgewater, hazardous waste, or other waste by oceangoing ships, as defined, into the marine waters of the state and marine sanctuaries. The State Water Resources Control Board is the agency identified with implementing this bill, although OSPR is monitoring this bill for potential impacts.
- Lisa provided a handout providing the following details on regulations that had recently been updated, or were in the process of being updated. The current approved language for the updated regulations, along with all regulations promulgated by OSPR, can be found at OSPR’s website: [www.dfg.ca.gov/ospr/organizational/msb/regulations/regulations.htm](http://www.dfg.ca.gov/ospr/organizational/msb/regulations/regulations.htm)
- **Revised Tank Vessel Escort Regulations for Los Angeles/Long Beach Harbor:** The regulation amendments for tank vessel escorts for the Los Angeles/Long Beach Harbor were needed to implement work hour, manning and training requirements for tug escort crews performing the required escort and assist operations. These changes enhance safety for the individuals involved in tug escorting, and improve the efficiency of tug escort operations. These amendments were approved by the Office of Administrative Law (OAL) and became effective on October 27, 2004. The specific changes include the following:
  - Reference to federal requirements in regard to hours of work for tug escort crews has been added. Further, “working hours” and “hours of rest” are clarified to facilitate compliance with the requirements. Long hours on duty can lead to fatigue which impairs judgment and quick response actions. These amendments are necessary to reduce the chance of fatigue-induced human error during an escort operation.

- The number, make-up and level of readiness of the escort tug crewmembers have been specified. This is necessary to ensure that during an escort transit there would be a sufficient number of line-handling crew to respond in an emergency, while still providing crew to operate the vessel and monitor the engine room.
  - Language has been added to require specific elements in a training and education program for both tug masters and crew. Specifying the types and frequency of the required training is necessary to assure that the tug escort crews can fulfill their role safely and effectively. Comparable training required by the U.S. Coast Guard can be used to satisfy specific training elements. Language has also been added to specify how companies can demonstrate compliance with the required training elements
  - The Administrator is granted authority to review the equipment and crew on an escort tug at any time, to assure compliance with the manning, work hour and training requirement
- **Revised Tank Vessel Escort Regulations for Port Hueneme Harbor:** The proposed regulatory amendments to the Port Hueneme Tank Vessel Escort regulations would make non-regulatory clarifying changes, delete old date references, and make changes to provide consistency with the administrative civil actions of the other tug escort requirements in California. OAL approved the amendments and they went into effect on January 20, 2005.
  - **Revised Regulations for Harbor Safety Committees and Harbor Safety Plans:** The proposed regulatory amendments implement the provisions of SB 1742 (Chapter 796, Statutes of 2004), which outline generic harbor safety committee positions throughout the state and allow for additional harbor-specific positions to be identified in regulation. These harbor-specific positions were developed in consultation with the applicable harbor safety committees already established. OAL approved the amendments and they went into effect on February 9, 2005.
  - **Revised Escort Tug Regulations for San Diego Harbor:** The proposed regulatory amendments to the Escort Tug Regulations for San Diego Harbor would make non-regulatory clarifying changes, delete old date references, reiterate compliance with the International Convention of Standards of Training, Certification, and Watchkeeping for Seafarers (STCW) requirements in territorial waters, and allow a building certificate to be used to document the tug vessel's bollard pull. OAL approved the amendments and they will go into effect on April 29, 2005.
  - **Revised Non-tank Vessel Contingency Plans Regulations (non-substantive):** The proposed regulatory amendments implement the provisions of SB 1742 (Chapter 796, Statutes of 2004) which, among other things, removed reference to allowing "...evidence of a contract with The Pacific Merchant Shipping Association, a nonprofit corporation, or other nonprofit maritime association, to provide a statewide oil spill response plan..." The Non-tank Vessel Contingency Plan regulations were amended to remove references to "non-profit maritime associations" and "Maritime Association Response Plan" (MARPs, which is the statewide oil spill response plan that was offered by the Pacific Merchant Shipping Association). The changes were approved by OAL and went into effect on March 30, 2005.
  - **Revised Tank Vessel Escort Program for Los Angeles/Long Beach Harbor:** The proposed regulatory amendments would allow up to a one-year extension, for showing of good cause, to the date of the recertification of the tug's bollard pull. The only location in the Los Angeles/Long Beach area that allows the bollard pull test to be conducted closed at the end of March 2005. A one year extension should be adequate to give the tug industry enough time to deal with the practical difficulties of complying with the requirement for a bollard-pull re-test, including finding a new site to conduct the test. OAL is currently reviewing the amendments. Approval is anticipated by the end of April.

- Lisa also provided updates on recent California spills, as follows:

Spill	Date	Location & Other Info	Gallons
Kinder Morgan/Donner Pass	4/1/05	Kinder Morgan pipeline leaked gasoline under snow, near Donner Ski Ranch; wildlife impact unknown as of 4/12/05	unknown

Pacific Pipelines/Pyramid Lake	3/23/05	Angeles National Forest, Posey Canyon; crude oil transmission line broke in landslide At least 9 birds killed	126,000
Kinder Morgan/ Oakland Estuary	2/4/05	Port of Oakland, Berth 70; pipeline in port leaked jet-A fuel into storm drains. 16 oiled birds, mostly coots collected; 2 died	500
Ventura Oiled Seabirds Incident	1/11/05	Over 1,528 seabirds oiled – mostly western/Clark’s grebes, several loons, brown pelicans, eared grebes, surf scoters, and Brandt’s & Pelagic cormorants - between Santa Barbara & Venice. At Least 1,272 died. Two CA sea lions oiled (& lived). Oil source unknown; perhaps runoff during flooding or natural seeps	unknown
Palo Alto/ Seacliff State Beach	9/11/04	Oiled cormorants, unknown source; found near old cement ship grounded at beach in 1929. At Least 20 cormorants killed, recently	unknown

- Lisa reported that Carl had been confirmed by the Senate as OSPR Administrator. She also reported that a third version of a state reorganization plan has proposed that OSPR be moved into a Department of Natural Resources. It is also proposed that all pipeline regulatory authority be combined under one agency.
- OSPR is hosting an On-Scene Coordinator’s workshop on May 26<sup>th</sup>; the expected outcome is improved state/federal coordination during spill responses.

BC Ministry of Water, Land, and Air Protection, Stafford Reid reporting:

- Stafford reported that the environmental program had recently undergone another review, and that Duncon Ferguson is now Manager of the Flood Hazard and Emergencies program.
- He also reported that IBRRC is working with Burrard Clean Operations to improve oiled wildlife rescue capabilities in the Province.
- Stafford has been training Incident Management Teams throughout the Province.
- He also noted that there is talk of a pipeline being built to bring oil from Canada’s oil sands in Alberta to Prince Rupert for export to China.

Alaska Dept. of Environmental Conservation, Larry Dietrick reporting:

- Regarding the *Selendang Ayu* grounding, Larry reported that DEC and the USCG had cooperated on incident websites, although each maintained their own. He noted that DEC kept local issues, such as the status of fisheries, at the forefront on their site. Crab fisheries worth \$50 million were able to open. There were also concerns because tar balls had been spotted in the area where fish processors were operating, because these processing ships pump seawater through their haul tanks to keep the fish alive. The Pollock fishery is worth \$500 million. The State used 8 extra seafood inspectors, and also hired fishermen to monitor tarballs by towing nets through the affected areas. Total response costs at this point are around \$30 million; the RP is paying costs on a monthly basis.
- Larry also noted that there have been several spills associated with pipeline corrosion on the North Slope.
- The only bill in the Alaska Legislature of interest to the Spills Program is one clarifying that gas facilities do not need spill contingency plans.
- DEC is developing spill prevention regulations for facilities; defining transfer piping and small tanks are some of the issues being addressed.
- A report from their Best Available Technology conference is posted on their website at <http://www.dec.state.ak.us/spar/ipp/batpage.htm>
- DEC will be reviewing the response plan for Prince William Sound in 2009; in the meantime, they’re working with the USCG to review current tug escort requirements for double hull tankers. Their evaluation will consider the Glosten study done in Washington.
- The Tactics Manual Workgroup is restarting with a statewide focus and strong industry participation. The section for the North Slope has been completed, although Larry expects it will be expanded. The goal is to tie contingency plans to the Tactics Manuals.

- Guidelines are being developed for dispersant usage in Prince William Sound.
- Kurt Fredriksson has been confirmed as DEC Commissioner.
- BP's new double hull tanker, operated by Alaska Tanker Company, made a recent stop in Juneau and provided tours for officials and legislators.
- Larry noted that the Murkowski Administration is concerned about federal domination over states pursuant to the new Oceans Plan; they see it as a governance issue.

Oregon Department of Environmental Quality; written report submitted by Mike Zollitsch:

- The Department is partnering with EPA to bring a Fast Water Boom course to the Western Region on May 24th-26th. Either the Willamette River near Salem or the McKenzie River (Eugene) will be used for this effort. The Eugene Water and Electric Board has been working with the EPA on an inland GRP for the McKenzie River so it might provide an opportunity to test some of the strategies in the plan.
- The Department will co-host the spring Area Committee/RRT meeting in Bend on June 1<sup>st</sup> and 2<sup>nd</sup> with MSO Portland. The facilitated discussion will focus on the first operational period after the emergency phase is completed. The Deschutes River GRP is the first inland GRP to be completed in the state. It can be found at: <http://www.rt10nwac.com/files/grp/deschutes/00-01732-48%20Lower%20Deschutes%20River%20GRP%202010-29-04.pdf>
- The Umatilla/CSEPP annual exercise is scheduled for May 10<sup>th</sup>. DEQ will be training hazardous waste personnel located in Umatilla as SOSC-Representatives for this event.
- Oregon had the usual variety of spills over the last quarter; here are a few examples:
  - A UPRR freight train derailed 29 cars traveling east/downhill at the rail stop of Kamelia 4 miles east of Meecham. Most cars were grain, lumber and empties. Also involved were 4 cars of molten sulfur and one car of anhydrous ammonia. Also of issue are the fuel tanks and refrigeration units on some cars. One ruptured releasing an estimated 300 gallons between the tracks.
  - Mystery spill at Gresham Golf course: A significant amount of oil was discovered in a stream running through the golf course. Several ducks were oiled and there was at least one fatality. Samples of the oil were sent for analysis but the Department was not able to link them to a source.
  - Tank barge Millicom: Washington Department of Ecology provided most of the supervision on this project. We did approve several documents and approved moving the barge to Astoria for stabilization and then to Portland for scrapping.

### **III. SPILL PREVENTION PROJECTS AND TOPICS OF CONCERN**

Database Project

- Jean noted that the regional spill data for the first half of 2004 had been forwarded to the Coordinating Committee on Jan. 24<sup>th</sup>; the final 2004 submissions were due to Jack Barfield by 4/15. The Database workgroup is planning a May 4<sup>th</sup> conference call to review the results. Jack will send Jean the complete 2004 data in graph form, with analysis, for the Annual Report.
- Regarding the DNV investigator training event, Jean reported that a course announcement was posted on our website, and she had also sent a notice to both the USCG and Transport Canada. Course registration is now full; all registrants are from member agencies.
- Jean noted that she had signed the agreement with DNV on behalf of the Task Force, per the Coordinating Committee's approval. She also noted that Megan Walton of OSPR had done an outstanding job of organizing the event, which OSPR will host May 10-12<sup>th</sup>.

Prevent Oil Transfer Spills

- Regarding the final Oil Transfer Regulations Table, which is now posted on the Task Force website, Jean reported that BlueWater, Inc. had offered to post a link on their website.
- Stan noted that the comparison table had been very useful to Ecology's effort to develop transfer regulations. The workgroup plans to focus on fixed facilities in May, vessels in July, and trucks in

August, he said. Ecology hasn't decided yet whether to tie the transfer regulations to their contingency plan requirements.

- Ecology plans to hire a consultant to survey California State Lands and OSPR regarding over-water transfers, e.g., what's covered, costs, and coordination with federal regulations.
- DEC may be interested in changing booming requirements in Prince William Sound, Larry noted, but not in Cook Inlet.
- The Coordinating Committee confirmed that there was nothing more for the Task Force to do on this project for now, but they will track Ecology's regulatory initiative.

#### Recommended Best Industry Practices (BIPs)

- Jean reported that CAPT Lorigan, Chief of Marine Safety for the USCG Pacific Area, had told her by phone that he'd sent a letter to the MSOs per the Task Force request to forward the vessel BIPS to Harbor Safety Committees, but she had not yet seen a copy of his letter.
- Jean will work with the new PAC Area Chief of Marine Safety next fall to convene discussion with AWO, and will also forward the BIPS to the Canadian Council of Marine Carriers, the BC Chamber of Shipping, and the Port of Vancouver for their consideration as voluntary practices.

#### POSPET

- Jean noted that POSPET met on April 1<sup>st</sup>, hosted by Ecology in Lacey, WA. Members from Washington and Oregon attended, and Vivian Matuk from the CA Coastal Commission participated by speaker phone. No one from BC was able to attend this time.
- POSPET members shared information on their outreach activities and copies of their educational materials. They brainstormed possible target audiences, and discussed the Spills Aren't Slick campaign materials; Mary Ellen Voss is coordinating design and order; Rob Hughes has offered to do the printing, depending on costs and approval by his agency.
- Eric Olsson, the POSPET chair, plans to draft an article on POSPET and small spill prevention issues for a trade magazine.
- The group will meet again in October.

#### Monitor TAPS Conversions

- Jean provided copies of the TAPS report as updated by Laura Stratton of Ecology on 4/14 (TAPS reports are available at <http://www.ecy.wa.gov/programs/spills/prevention/bap/TAPS%20Trade%20Tanker%20Report.pdf>)
- Laura reports that changes since the December, 2004 report include:
  - The ATC tanker MARINE COLUMBIA has been decommissioned and is scheduled for scrapping;
  - The double hull ATC tanker ALASKA EXPLORER is now participating in the TAPS trade;
  - The double hull tanker POLAR ADVENTURE is now participating in the TAPS trade; and
  - The average age of TAPS trade tankers has dropped from 18.3 years to 16.8 years.
- Stan remarked that ATC has reduced its staff and number of ships. He also commented that SeaRiver has not yet committed to the cost of building redundant system double hulls for the TAPS trade.

#### Spill Prevention Topics of Concern

- *Cruise ship issues and legislation :*
  - Jean reported that she'd sent several emails to Elizabeth Kim of EPA to check on the status of EPA's report on cruise ship pollution issues, but had received no reply. She also noted that she'd forwarded a reply from Jack Geck of OSPR regarding the status of California's cruise ship legislation to the Coordinating Committee.
  - Stan reported that there are approximately 200 cruise ship sailings/year from Seattle, and that Ecology's vessel inspectors include cruise ships in their inspections.
- *Oil spill prevention research and development:*

- Jean reviewed her report from the March API Spills Advisory Group meeting regarding oil spill R&D, and provided Coordinating Committee members with copies of a report on the Texas General Land Office's Dispersant Spill of Opportunity Demonstration Project.
- Larry reported that the USCG plans to put an AIS system at Unimak Pass to evaluate vessel traffic volume and patterns as part of a risk assessment for the Aleutians.
- *Pipeline spill prevention:*
  - It was noted that the US Office of Pipeline Safety needs more inspectors.
  - Larry explained that AK regulations require leak detection if flow is reduced by 0.5%, as well as gate valves on either side of water crossings.
- *Oil spill risks from sunken vessels:*
  - Jean reported that this will be the theme of the General Session issue paper at the International Oil Spill Conference. She also passed around a copy of the fall 2004 *Marine Technology Society Journal*, which focused on spill risks from sunken vessels.
- *Waste oil dumping:*
  - Stan noted that there are several pending cases besides the Evergreen case, and that one issue that's come up in conjunction with the prosecutions is how to care for "crews in custody" as witnesses.
- *Salvage capabilities and regulations:*
  - Jean reported that the USCG's Area Contingency Plan response guides, including the salvage and lightering guide, are pending from the Office of Response.
  - She also advised the Coordinating Committee that OSPR is planning to co-sponsor a Salvage training course, given by the American Salvage Association, with the Pacific Strike Team. There should be 20 slots. It's a 4 day course; cost is estimated to be \$1200/person. No dates have been set yet, but OSPR will keep us advised.
- *Liquefied Natural Gas shipping and terminal operations:*
  - Stan reported that a proposal had been submitted for an LNG terminal in Grey's Harbor.
  - Proposals have also been submitted for a number of sites in Oregon, BC, and California.
- *The West Coast Offshore Vessel Traffic Risk Management Project:*
  - Jean reported that she's asked the USCG Pacific Area to maintain data on vessel tracks as part of their Maritime Domain Awareness initiative. CAPT Lorigan has forwarded that request, and reported that the USCG is tracking thousands of vessels, many of which are within 12-25 nm of shore, but the data doesn't identify the vessel type, so it's not yet possible to discern compliance with the recommended offshore routes.

#### **IV. SPILL PREPAREDNESS/RESPONSE PROJECTS AND TOPICS OF CONCERN**

##### Develop Places of Refuge Recommendations

- Jean reported that CAPT Lorigan of USCG Pacific Area had sent the Places of Refuge (POR) Area Plan annex to all Pacific Area Committees with a recommendation that they implement it as soon as possible. He had also copied the USCG Office of Response and the Atlantic/Gulf area. Jean reminded the Coordinating Committee members to monitor and encourage action by their Area Committees.
- She also noted that all Task Force Members except British Columbia had signed the Resolution endorsing the POR annex. Stafford stated that he has sent it up to his Deputy Minister for his signature.
- Jean reported that she had made presentations on the POR Annex to the MEXUS Joint Response Team and the National Harbor Safety Conference; she's also scheduled to do presentations at the CANUSLANT exercise in June and the American Salvage Association Conference in November. John Bauer of ADEC will present a paper on the POR Annex at the International Oil Spill Conference.
- Jean referred the Coordinating Committee to her API SAG meeting report for information on the USCG Office of Response activities on Places of Refuge.

##### Review Drill/Exercise Protocols

- Jean reported that Frank Holmes of WSPA had expressed some dismay regarding the Task Force's position on Drill/Exercise credits, and had asked whether industry support for agency travel to

exercises would make the process easier. She'd explained that the agencies cannot accept funding from regulated industry, and that staff time would still be a concern in any event. And she'd pointed out that each agency was willing to consider credit on a case-by-case basis, even though they would no longer apply the generic 1995 credit protocols. She'd invited him to send her a written statement outlining WSPA's concerns, but had not received anything yet.

#### Roundtable on spills from trucking

- The March 24<sup>th</sup> Roundtable on Spills from Trucks had been very successful in terms of providing a variety of perspectives (state, federal, insurance companies, and trucking companies), interesting case studies, and good dialogue, as well as good attendance.
- The Coordinating Committee discussed recommendations for actions by states, based on the Roundtable, and approved a list of actions which will be posted on our website with the final summary notes from the Roundtable.
- Jean noted that she had not been able to find any state or federal agency, nor industry association, which maintained data on the volumes of petroleum product moving on our highways. Larry noted that Alaska is conducting a "Commodity Flow Study" which may be useful.
- Curtis noted that the Clean Islands Council provides training in Hawaii on tank truck lightering; Stafford noted that Burrard Clean also does that in BC, and trains tow truck operators to avoid spills as well.

#### Contingency Plans for Non-tank Vessels

- Curtis noted that many non-tank vessel operators are signing up with OSROs for coverage in Hawaii, following the passage of HR 2443 authorizing the USCG to require oil spill contingency plans for non-tank vessels.
- Concern was expressed that the spill response cooperatives in Oregon and Washington would no longer be able to provide a one-plan review process for those two states.
- Stan and Jon noted that the Washington State Maritime Cooperative and Burrard Clean Operations in BC have agreements providing coverage for non-tank vessels transiting through the US and Canadian waters of the Straits of Juan de Fuca.; the USCG regulations need to address such transboundary situations.
- Regarding the Incident Management Team (IMT) concept in Alaska's regulations, it was noted that Ecology doesn't certify IMTs as they do OSROs. Oregon has a provision for qualifying IMTs in their contingency plan regulations. OSPR puts its emphasis on the QIs.
- Larry noted that DEC has completed a comparative analysis of its non-tank regulations with the USCG NVIC for Non-tank Vessels; he'll send copies to the Coordinating Committee. He noted his concern that USCG response standards are unattainable.
- The Coordinating Committee expressed concern that the USCG Office of Response had not consulted adequately with states, as required by HR 2443. They feel that the USCG should delegate plan review to the states.

#### Maintain the IVRP matrix and OILS 911 Spill Reporting Number

- Jean reported that no updates had been required for the Integrated Vessel Response Plan (IVRP) matrix during the preceding quarter.
- OILS 911 usage year-to-date (July 2004 through March 2005) was 307 calls, including 121 in BC, 14 in Washington, 9 in Oregon, and 163 in California.

#### Spill Preparedness and Response Topics of Concern

- *Drill programs:*
  - Stan and Jon reported that Ecology conducted five unannounced facility drills statewide on the same day. The drills required a response to the 6-hour standard.
- *OSRO certifications, mergers, mutual aid, and response capabilities:*
  - The Clean Sound Coop/MSRC merger was effective April 1<sup>st</sup>. Ecology is negotiating a retainer with MSRC.
- *NRDA initiatives and activities:*

- Curtis expressed concern that the US Fish & Wildlife Service may see NRDA activities and settlements as a funding opportunity.
- Stafford noted that Canada has no federal NRDA policy, although the Province of BC has “creative sentencing for natural resource damages.” He wondered whether the US could seek NRDA settlements from Canadian RPs.
- *Applied response technologies:*
  - Jean noted the pending release of the National Academy of Sciences’ Dispersants Study.
  - Jon and Stan reported that Washington’s Ecological Risk Assessment process was not yet completed.
- *EPA & ballast water:*
  - Jean reminded the Coordinating Committee of the 3/31 court decision that the US EPA must require permits for dumping of ballast water containing non-native species.

## V. OTHER DISCUSSION TOPICS

### Applications of OSTF Mutual Aid agreements

- The Coordinating Committee reviewed mutual aid during the *Selendang Ayu*, noting that one person from OSPR was sent to Alaska per the 1993 Task Force Agreement, and others from both California and Washington volunteered. The National Response Corporation had asked to move equipment from Washington to Alaska, but Ecology denied the request since it was not made through ADEC, and the release would have reduced Washington’s capacity below their 12 hour minimum.
- The Coordinating Committee also reviewed a note from Carlton Moore explaining that, when the 1996 Agreement was exercised during the SONS drill in April 2004, California had requested release of equipment in the Columbia River, but Washington had to backfill with equipment from Port Angeles before they could approve the request.
- Lisa Curtis noted that, during the late 1990’s, as an interim measure, the State of Washington was allowed to access the sea otter care and rehabilitation facilities in Santa Cruz, CA in its oil spill response plan as a potential means for providing care for oiled animals until such time as facilities could be developed there. Recently it has become clear that transporting normal healthy sea otters by air is somewhat risky as their lungs may not withstand depressurization associated with altitudes above 5000 feet. The USFWS has implemented guidelines compliance which would make aerial transport of sea otters more cumbersome and expensive, although possibly safer. It is well known that oiled sea otters may suffer significant lung damage as a result of inhaled volatiles and that this resulted in respiratory pathology and death in many sea otters oiled in Alaska in 1989. Vehicular transport from Washington to Santa Cruz California takes at least 14-15 hours without time spent checking animal health and comfort, replenishing ice, etc. For these reasons transporting oiled sea otters to California as a means of dealing with an oil spill in Washington seems infeasible and likely to result in excessive animal suffering and mortality. Noting that the 2005 Washington Sea Otter Recovery plan still cites access to California facilities as a primary location for oiled sea otter care after stabilization in Washington, she asked that Stan and Jon coordinate with the Washington Fish & Wildlife to remove that section from their plan.

### USCG lawsuit against Massachusetts

- Jean reminded the Coordinating Committee that she’d emailed them a copy of USCG filing on March 8<sup>th</sup>, and then provided copies of the State of Massachusetts’s response.
- Noting that the Coalition for Buzzards’ Bay was encouraging member jurisdictions to file amicus briefs, the Coordinating Committee members advised that the Massachusetts Attorney General’s office should be in touch with their state Attorney Generals. They also noted that other states are more likely to intervene in appeals of the initial decision, if they perceive any loss of authority resulting from that ruling.

### Escort tug studies and regulatory changes

- Jon Neel noted that the State of Washington has had escort tug regulations for single hull tankers since 1975. Ecology recently contracted with Glosten and others to conduct a tug escort study. He

noted that WSPA, People for Puget Sound, and other stakeholders participated on the steering committee for the study. He also explained that Conoco/Philips had asked that the question of whether escorts should be required of double hull tankers with redundant steering and propulsion systems be addressed in the study. The study concluded that such tankers offered a level of safety equivalent to a single hull tanker with a tug escort, but the study didn't address "human factors" and no decision will be made regarding any changes to the current regulations until Ecology has time for a thorough review of the report. Ecology plans to reconvene the steering committee and work to factor in both economic and human error issues. No regulatory change would be made that reduced overall safety and environmental protection levels, Jon said. For more information, go to <http://www.ecy.wa.gov/programs/spills/hottopics/tug/tugstudystuff/tugstudy.htm>

- The Coordinating Committee noted that Puget Sound and Prince William Sound are the only harbors where tug escorts are required by OPA 90, although the federalism statement in the law allows states to establish additional requirements for unique state waters. California took the lead in establishing tug escort requirements for single hull tankers in their ports because OPA 90 had not. Lisa noted that California can exempt double hulls based on findings and recommendations by their Harbor Safety Committees.
- Larry noted that Alaska plans to work with the US Coast Guard and TAPS shippers on a study involving field trials and exercises in Prince William Sound over the next two years. Existing tug escort regulations will remain in place in the meantime.

#### Definition of "navigable waters"

- Jean explained that API and other industry groups had sued EPA in 2004 over the definition of "navigable waters" as part of their suit over the new Spill Prevention, Control, and Countermeasure regulations. She further noted that HR 1356 had been introduced in March and would make any body of water in the US subject to the Clean Water Act and thus expand the number of spills subject to the statute. As of March 17, the bill had been referred to the House Committee on Transportation and Infrastructure, she reported.

#### The Oil Spill Liability Trust Fund and non-tank vessel COFRs

- The Coordinating Committee discussed draft statements regarding the inadequacy of federal COFR requirements for non-tank vessels and the need to beef up the US Oil Spill Liability Trust Fund. They generally agreed that the cap on the US Oil Spill Liability Trust Fund should be raised to \$3 billion, and should be adjusted annually as needed to reflect inflation in the US economy.
- They also considered recommending that \$0.5 billion of the fund be designated for investments in oil spill prevention measures. If such a Prevention Fund were established, they noted that the USCG should create an advisory committee to provide recommendations regarding appropriate spill prevention investments.
- The Coordinating Committee also agreed that all non-tank vessel owner/operators submitting oil spill contingency plans to the US Coast Guard should pay a fee per vessel when a plan is first submitted as well as every five years thereafter when the contingency plan is renewed, and that 25% of these fees should be used to cover the US Coast Guard's plan review costs and 75% should be contributed to the Oil Spill Liability Trust Fund.
- Jean noted that ADM Collins had indicated at the National Harbor Safety Committee Conference that the US Coast Guard has authority to increase non-tank vessel COFR requirements by regulation. The Coordinating Committee thought that the Task Force should consider filing a petition for rulemaking on this.

#### ICS training/materials

- Lisa Curtis will provide the Coordinating Committee with copies of the NIMS Instructor information as well as information on the USCG's Implementation Plan for training in NIMS and the new National Response Plan.
- Jean reminded the Coordinating Committee to forward copies of their ICS training materials to Stafford per his 4/6 request.

## **VI. COMMUNICATIONS PROJECTS**

### Tracking Federal Policies

- Jean reported that she had attended the US Coast Guard's public hearing in Oakland, CA on Feb. 2<sup>nd</sup> regarding their proposal on Inspection of Towing Vessels, and had filed comments on March 18<sup>th</sup>. These comments had been posted on our website.
- She continues to review notices posted in the US Federal Register and the Canadian Gazette at least monthly, and to send information regarding notices of interest to the Coordinating Committee as either information or action items.

### Stakeholder outreach

- Jean met with USCG VADM Harvey Johnson on Feb. 1<sup>st</sup> and briefed him on the Task Force. Carl Moore and Lisa Curtis were also participating; we requested that Pacific Area track vessel compliance with the voluntary recommended vessel transit distances offshore.
- Jean provided a presentation to the MEXUS Joint Response Team on Feb. 18<sup>th</sup> regarding the Task Force and the Places of Refuge Annex.
- She attended the API Spills Advisory Group meeting March 10<sup>th</sup>, again with Carl Moore and Lisa Curtis. Her report on the meeting was sent to the Coordinating Committee on 3/18.
- The Trucking Roundtable on March 24<sup>th</sup> provided outreach opportunities for a "new" stakeholder constituency, i.e., truck operators and regulators.
- The April 1<sup>st</sup> POSPET meeting provided a good liaison with agencies and nonprofits working on preventing small spills.
- Jean did a presentation on the Task Force and the Places of Refuge project to the National Harbor Safety Conference in Long Beach on April 18<sup>th</sup>.
- Upcoming presentations and outreach opportunities include the International Oil Spill Conference in Miami 5/16-5/20, and the CANUSLANT oil spill exercise in Maine 6/13-6/16.

### Maintain Web Site

- Announcements have been posted regarding the 2005 Legacy Award, the DNV Investigator Training course, the Truck Spills Roundtable, and the Annual Meeting. Notes of Coordinating Committee meetings, our USCG comments, the Drill/Exercise credit statement, the Transfer Regulations table, and updates on Task Force Members have also been posted.

### Meet with Federal Officials

- Just as the Coordinating Committee met with representatives of EPA in October and the US Coast Guard in January, they will be meeting with Canadian officials at the end of this meeting (see notes below).

### 2005 Annual Report

- Jean reviewed the production timeline and the guidelines for the agency reports.
- Noting that Oregon would not be paying for printing this year, she reported that she had only received one estimate so far, and it had been a general estimate based on the prior format. She would be getting more proposals as the final product is developed.

### 2004 Annual Meeting planning

- The Coordinating Committee reviewed meeting logistics, including notices on the web and emails to key stakeholders, the deadline for hotel reservations (due to Anchorage demands, it's very early, so

Jean will hold a block of rooms for speakers and award winners on her account), and a co-sponsor for the buffet luncheon.

- They also reviewed schedules and draft agendas for the Executive Session and the Coordinating Committee meeting. The Coordinating Committee directed Jean to invite USCG CAPT Paul Gugg, the new Chief of Marine Safety for the Pacific Area, and CAPT Steve Hanewich, the new Chief of the Office of Response, to the July 28th Coordinating Committee meeting.
- They also discussed the status of our invitation to a keynote speaker, and possible panels and presentations. They agreed to focus on transferable Alaska initiatives and non-tank vessel oil spill issues as illustrated by the *Selendang Ayu* event.

#### Review 2005 Legacy Awards nominations

- The Coordinating Committee reviewed and discussed the nine nominations and agreed to a conference call date to review final recommendations to the Task Force Members in May.

#### 2005-2006 Annual Work Plan Tasks

- After reviewing the steps and timeline for producing an Annual Work Plan, the Coordinating Committee discussed a draft list of ongoing and possible new projects.
- Jean will compile their recommendations into a draft work plan for further review; a final draft will go to the Task Force Members in June for their review and adoption at the Annual Meeting.

### **VII. ADMINISTRATIVE ISSUES**

- Stan Norman and Jon Neel explained the transfer of contract management at Ecology for the 2005-2007 Executive Coordinator contract. They reviewed the status of the interagency agreements in support of the contract as well as the proposed budget.
- The Coordinating Committee agreed to the following meeting dates & locations for the 2005-2006 work year:
  - 10/12-10/13 in Oregon; EPA representatives will be invited to meet with the Coordinating Committee;
  - 1/11-1/12 in Hawaii; US Coast Guard representatives will be invited to meet with the Coordinating Committee;
  - 4/12-4/13 in California; and
  - The day after the Annual Meeting (date to be determined in January), in California.

### **VI. MEETING WITH THE BC MARINE SPILL COORDINATION COMMITTEE**

- The Coordinating Committee met with CAPT John Yeung and CAPT Khushru Irani of Transport Canada, Don Rodden of the Canadian Coast Guard, Kevin Gardner of Burrard Clean, Margaret Wright of the Department of Fisheries and Oceans, and Fred Beech of Environment Canada. Duncan Ferguson, Manager of the Flood Hazard and Emergencies program for the BC Ministry of Environment, also joined the meeting.
- The US Coordinating Committee members briefly described their oil spill programs, and Jean reviewed Task Force programs and initiatives. Members of the BC Marine Spill Coordination Committee then provided updates from their agencies/organizations as follows:
  - Don Rodden explained that the Canadian Coast Guard (CCG) had been designated by the Government of Canada as a "Special Operating Agency" as of April 1<sup>st</sup>, meaning that it now has more management and financial flexibility, while remaining a part of DFO.
    - In addition to its mandates of marine safety and environmental response, CCG will continue to support DFO's mandate of scientific research, conservation, and protection of sustainable fisheries.
    - \$276 million (CN) has been budgeted for acquisition of new vessels over the next five years. Three of these will be stationed on the West Coast, including one science vessel and two fast patrol vessels.

- Security is becoming a greater focus for the CCG. With the new vessels patrols will extend in Canadian waters from the inland waters to approximately 120 nm offshore. The CCG will continue to maintain the responsibility for 50% of Canada's capacity of pollution response equipment for initial response and as a safety net for industry's capability. During a marine pollution incident the CCG will continue to monitor the polluter's response or manage if the RP is unknown, unwilling or unable.
- CAPT Yeung and CAPT Irani further explained that a 12/12/2003 "Order in Council" had transferred CCG responsibilities for the Office of Boating Safety, Navigable Waters Protection, and the regulatory elements of Environmental Response to Transport Canada (TC). The responsibility for response remains with CCG.
  - An MOU covering this transfer of duties has been developed, but was unsigned as of this meeting. The draft MOU states that TC is the lead regulatory/governance agency for ship source oil spills and the overall response regime, as well as the overall review of national response capacity and port State control inspections.
  - Their duties will include Oil Handling Facility (OHF) plans and inspections, certification and inspection of Response Organizations (ROs), monitoring of RO exercises and training, the national aerial surveillance program, and development of new regulations pursuant to the Canada Shipping Act of 2001.
- Regarding aerial surveillance, RADARSAT is now operative on the West Coast of Canada.
- Transport Canada continues the process of identifying potential Places of Refuge for vessels that may become disabled close to shore.
- CSA 2001 requires rewriting of both the Response Organization (RO) and the Oil Handling Facility (OHF) regulations. Draft RO regulations are under development and expected to be in effect in late 2006. Changes in the drafts include requirements for more information on Wildlife Rehabilitation in spill response plans, more prescription training and exercising requirements for both ROs and OHFs, more standardized dedicated port equipment, an annual 150 ton exercise requirement, and allowing OHF plans to be submitted electronically as well as in hard copy. Also, very small Level 1 OHFs will still be required to have contingency plans, but will not need to be members of a RO.
- Kevin Gardner of Burrard Clean Operations (BCO), the certified RO for the West Coast of Canada, noted that BCO has 20 vessels, including small skiffs and storage barges. BCO has implemented a Resource Management System to track personnel training as well as response resources, Kevin reported. Nothing in the new CSA 2001 regulations addresses alternative response capabilities, but Kevin noted that BCO has some fire-boom and some dispersants.
- Duncan Ferguson of the BC Ministry of Water, Land, and Air Protection explained that Stafford and other Headquarters staff now report through him to a different program director. He also explained that the Provincial Emergency Program (PEP) provides logistical support for major response events. MWLAP and PEP coordinate through an interagency council.
- Margaret Wright of DFO explained that DFO supports pollution response by providing scientific information, assisting in the collection of evidence, and coordinating the rescue and rehabilitation of oiled wildlife and marine mammals. DFO participates in emergency planning and coordinated response.
- Fred Beech noted that the Marine Spill Coordination Committee (MSCC) was formed in 1989, as was the PS/BC Oil Spill Task Force. Over the years since, the budgets and programs of all its member agencies have been reduced, so it's become more challenging to convene. He explained to the Coordinating Committee that he coordinates the Regional Environmental Emergencies Team (REET) - which has a similar function to the US Regional Response Team - and wants to rebuild its capacity. Fred also noted that

Environment Canada would train and exercise persons in the capture and care of oiled wildlife, although BCO is required to maintain the equipment.

- Jean updated the MSCC regarding the status of Places of Refuge effort in the US Pacific states, and CAPT Yeung reported that his office had begun mapping potential places of refuge in BC and would be consulting with other government departments and then key stakeholders over the next few months. PEP, BCO, WLAP, and various industry and port groups are included in TC's list of stakeholders for this consultation. CAPT Yeung also explained that Transport Canada is developing national POR Guidelines, which will also be available for stakeholder consultation.
- Although the Joint US/Canadian Response Plan has been signed, the protocols do not directly deal with Places of Refuge issues, and may need to be updated.
- Regarding transboundary response issues, Kevin Gardner reported that BCO has negotiated a transboundary mutual aid agreement with MSRC, which took over Clean Sound, and has also conducted cross-border exercises with the Washington State Maritime Cooperative. He also has a mutual aid arrangement with SEAPRO in SE Alaska. He further noted that BCO exercises transboundary response and mutual aid protocols regularly. The CANUSDIX exercise will be in Prince Rupert in September, and the CANUSPAC exercise will be in late October, and will be an offshore exercise. It was noted that the CANUSDIX annex to the JRP has a transboundary plan for wildlife, but this still needs to be replicated in the CANUSPAC annex.
- Stafford asked for a summary of what funding is available for response in Canada, and what happens when/if that funding is exhausted. Don Rodden and CAPT Yeung explained that Canada is a signatory to the International Convention on Oil Pollution Preparedness, Response and Co-operation, 1990 (OPRC) and therefore can request assistance from other countries signatory to the OPRC, in the form of, subject to their capabilities and the availability of relevant resources, provision of advisory services, technical support and equipment for the purpose of responding to an oil pollution incident. Also, it should be noted that in March 2001 a Diplomatic Conference of the IMO adopted the International Convention on Civil Liability for Bunker Oil Pollution Damage, 2001 which will require ships of greater than 1000 gross tonnage to maintain insurance or other financial security to cover the liability for pollution damage equal to their limits of liability. However, this Convention does not presently have enough signatories to enter into force. When an oil pollution incident happens in Canada, the polluter is liable for the pollution damage. The Canadian domestic compensation fund, the Ship-source Oil Pollution Fund (SOPF), is liable to pay claims for oil pollution damage or anticipated damage at any place in Canada, or in Canadian waters including the EEZ caused by the discharge of oil from any type of ship. Additionally, as signatory to the 1992 Civil Liability Convention (CLC) and the 1992 International Oil Pollution Compensation Fund, oil pollution damage caused by spills from oil tankers may be compensated.