

Summary Notes¹
Pacific States/British Columbia Oil Spill Task Force
Fall 2004 Coordinating Committee Meeting
October 20-21, 2004
Lacey, Washington

I. ATTENDING:

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

II. JURISDICTIONAL UPDATES

Washington Department of Ecology; Stan Norman reporting:

PREVENTION

- *Dam Inspections:* Following a series of well-publicized spills from hydroelectric dams on the Columbia River, EPA has taken an interest in holding its sister Federal agency, the Army Corps of Engineers, accountable for oil spill prevention activities at these huge and complex facilities. Recognizing the expertise that we have been developing during our ongoing work with the Corps on dam oil spill issues, EPA invited Spills Program facility engineers to go along on the first of these SPCC inspections. The presence of Ecology experts has proven to be so beneficial that EPA will normally not inspect a dam without an Ecology inspector along. So far, the Dalles, Bonneville, and McNary dams have been inspected. While dam inspecting was not an activity that the Spills Program had planned for, the potential returns on this investment are very significant in terms of spill prevention and facility knowledge.

- *Towing Companies Finally Come On Board:* More than three years after being offered the opportunity to demonstrate exceptional levels of safety and environmental stewardship, two oil barge towing companies have finally broken out of the pack and forged ahead in pursuit of the Exceptional Compliance Program (ECOPRO) award for tank vessel operators. This voluntary program was established in 2000 following the US Supreme Court decision that went against the State in the Intertanko case. The safety and stewardship standards embodied in the ECOPRO program are some of the most stringent in the world. Only four tanker companies have been able to achieve ECOPRO status. If Island Tug and Barge of Vancouver BC and Marine Transport of Long Beach CA are able to demonstrate on paper, and on their vessels, that they measure up, they will be the first tank barge towing companies to receive the award.

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

- *Rescue Tug:* The dedicated rescue tug, *Lauren Foss*, started the seventh season for Neah Bay rescue tugs on September 15, 2004. The tug program is funded by the state through 2008.
- *Cruise Ships:* The cruising season in Seattle went very well under the terms of the new MOU. There were no known releases of any kind. One advanced waste water treatment system was inspected and sampled, passing with "flying colors." There were no releases reported.

PREPAREDNESS

- *Contingency Planning:* Work continues on the Contingency Plan rulemaking. The cost/benefit analysis is largely completed and draft rule language has been prepared. Finalization of the rules has been postponed until the new administration takes office.
- *Training Event:* The entire Spills Program participated in a training event in September that included field demonstrations and a table top drill to evaluate ICS competency levels of staff members. A recreational boat operator even cooperated by sinking his boat right next to where we were staying, thus providing staff with an opportunity to conduct on-the-job-training on salvage and spill response. Stan felt that the ICS training effort for Ecology's staff had really paid off when they had to respond to the mystery spill in Tacoma.

RESPONSE

- *Drug Labs:* Drug lab clean-ups continued their slight downward trend in Washington.
- *Oil Spills:* there were a number of facility spills in August and September; fortunately nearly all were to containment, but there were some groundwater impact concerns. (At the time of this meeting, Ecology and the US Coast Guard were responding to the mystery spill at Dalco Passage in Tacoma.)

Oregon Department of Environmental Quality; Mike Zollitsch reporting:

- The Department of Environmental Quality is preparing budgets for the coming biennium, including a 10% cut package for general funds. For the Oil Spill Prevention program, DEQ has seen a 30% decline in revenue from vessel fees. For the response program, they have cut back from four state on-scene coordinators to three.
- The Department has exercised the Emergency Response and Recovery Plan in response to possible environmental effects from the current activity at Mt. St. Helens. Primarily a communication plan has been developed and monitoring scenarios have been developed. The Department is looking to develop additional Standard Operating Procedures for implementation of the plan, including responding to incidents related to the chemical demilitarization activities at the Umatilla Army Depot.
- The Department is working with the Health Division to develop an Incident Management Assist Team.

- The Department continues to work with Washington Department of Ecology with regard to releases of oil and hazardous materials at US Army Corps of Engineer facilities. ODEQ is particularly concerned about recovery of response costs from the Corps.
- The Deschutes River GRP is the first inland GRP to be completed in the state. It can be found at: <http://www.rnt10nwac.com/files/grp/deschutes/00-01732-48%20Lower%20Deschutes%20River%20GRP%2010-29-04.pdf>
- In addition to the groundings of the FV *The Boss* and FV *Andrea Marie*, another fishing vessel sank approximately 43 miles west of Astoria. Fishing vessels and tank trucks continue to pose problems for the state. There were four spills from tank trucks in the last fifteen months.
- DEQ is planning to use a mobile communications trailer as its alternative operations center.
- The Spill Cleanup Program anticipates legislation in the 2005 Session that would update references to federal plans.
- A Columbia River facility will be named to act as the RP for a NPREP drill in 2006.
- Mike plans to review the ODEQ MOA with the USCG and noted that, due to transfers, many of the MSO staff are currently inexperienced with oil spill response.

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

- Stafford is trying to get the Province's Incident Management Team more involved through basic training and exercises. He sent team members to the CANUS DIX exercise in September.
- He is still trying to get an In-Situ burning policy approved in BC, but the Air Quality division in MWLAP is resistant.
- Environment Canada is developing a Shoreline Cleanup Team information management system.

The Alaska Department of Environmental Conservation; Leslie Pearson reporting:

- Leslie reported that Ernesta Ballard had resigned to work for the Weyerhaeuser Company. Kurt Fredriksson is Acting Commissioner.
- ADEC just led a Crises Management Training session with Cabinet and sub-cabinet level officials. The event highlighted the need for improved "lateral" communications.
- Conoco/Phillips let an NPREP drill in Prince William Sound in August that involved 200 people. It proved to be too large to really focus on specific issues. One aspect of the drill was to test the transition from SERVS, which provides response for the first 72 hours, to

Conoco/Phillips' response and management team. The After-Action report on the drill will be posted on the exercise's website at: <http://www.akrrt.org/pwsareaex04>.

- The 2006 CANUSDIX exercise will focus on testing communications.
- Noting that the Dispersant Use Guidelines for Prince William Sound establish a pre-approval zone in the tanker lane, Leslie explained that ADEC wants to clarify the state's role in the decision-making process for this area. The other Coordinating Committee members commented that Unified Command is the decision-making forum for pre-approval areas in their states.
- A study was done this past summer to model drift in Prince William Sound; the drift buoys went exactly opposite of the trajectories developed by NOAA.
- ADEC is working on Phase II of the Alaska Tactics Manual. Phase one involved evaluation of copyright issues and all other manuals. This manual may be ready to "roll out" by the 2005 Annual Meeting.
- ADEC is working with EPA on a study of the flow of hazardous commodities into and through the state. All transportation modes - rail, air, water, and roads - will be covered. The report is due by early 2005.
- The Spills Program plans to introduce a bill in the 2005 session that would provide funding for the non-tank vessel plan reviews.
- ADEC will be updating its MOU with US Coast Guard District 17.

The Hawaii Department of Health; Curtis Martin reporting:

- The Hazards Evaluation and Emergency Response (HEER) section dealt with two responses on Hilo. One was a fire on a naphtha barge; fortunately there was no release to the environment. Curtis noted that a greater volume of naphtha is being used by power plants in Hawaii. Toxic vapors are the primary concern and could present a risk to cruise ships. HEER did a naphtha exercise with Tesoro.
- The other spill was 15 bbls of #6 oil from a rusted transfer pipeline on a power plant pier. A transfer from a barge was underway at the time.
- HEER has been involved in numerous exercises; these have involved Cheron, Tesoro, Conoco/Phillips, and various power plants.
- Curtis noted that Conoco/Phillips is pulling out of Hawaii and will sell their terminal there.

- The state will be reviewing their MOU with the NW Cruise Ship Association; no major changes are expected. There were some minor wastewater discharges during the season.
- Curtis expects that a bill will be introduced in the 2005 session to build a Wildlife Care Center at North Kona. Funding for the project is uncertain.

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

- Scott Schaefer has been assigned to the US Coast Guard reserves for another year. Besides serving as his alternate on the Coordinating Committee and as the Assistant Deputy Administrator, Bud now serves as OSPR's Response Coordinator as well.
- The California Assembly adjourned Sept. 30th and will reconvene in November. A number of bills of interest to OSPR were sent to Governor Schwarzenegger for either a signature or a veto. One required that a specific individual be appointed to the LA/LB Harbor Safety Committee (HSC); the governor has vetoed that bill.
- SB 1480 would have required tug escorts for bulk carriers of hazardous materials. The San Francisco Harbor Safety Committee (HSC) has already reviewed this and decided that it's not a good idea (see p.6). WSPA has said that none of the oil money can be used to administer this program. The target cargoes have been narrowed down to two types: anhydrous ammonia and ammonium nitrate, plus gas ships. The Governor has vetoed the bill.
- AB 1408 would require the State Fire Marshall's office to survey and assess all pipelines in the state by 2006 and adds the word "immediate" to the spill reporting requirements. This was signed into law, as was SB 1742, which allows the HSCs to have as many members as they want, allows for alternates, and allows the OSPR administrator to remove a member if necessary. It also includes general clean-up language and moves the line defining marine and inland spills.
- Bud also noted that two cruise ship bills were passed. These mandated that the State Water Resources Control Board apply to the Federal government for permission to prohibit the discharge of sewage, as defined, within state waters, and required that any discharge must be reported to the state within 24 hours. The bills direct the state to seek similar authority as that which was granted through federal law to the state of Alaska.
- The California Performance Review Commission includes thousands of recommendations for reorganizing the state's government; these are now undergoing public comment. The Administration's 2005 budget will probably reflect many of the recommended changes, although some will require legislative authority. Many changes may be largely semantic, such as changing "agencies" to "departments" and others to "divisions." There may also be rearrangements in this process; for instance, the Commission recommended that OSPR be moved out of Fish and Game and into a new Department of Environmental Protection. That could leave OSPR without their wardens, since all law enforcement would be merged into the

state Department of Public Safety. This would be problematic since the wardens currently serve as OSPR's SOSCs and Fish & Game has trustee status. The Commission has also proposed that State Lands be subsumed into other agencies, with the Marine Facilities Division going into OSPR. The proposed changes would also eliminate Oil Spill Technical Advisory Committee and the San Francisco Board of Pilot Commissioners.

- Bud noted that California's inland response fund, which is funded by penalty monies, is depleted. He explained that OSPR has the lead on inland spills if they reach water; otherwise the local hazmat teams do response for both oil and hazmat. It is envisioned that six inland "pollution coordinators" will be assigned directly to OSPR, which is negotiating for funding from the waste oil recycling fund.
- Two incidents were ongoing in California at the time of this meeting: a spill of turbine oil at the Golden Gate Petroleum Company was affecting marsh lands, and an overturned chlorine tank car from a railroad accident was resting on a petroleum pipeline.
- Bud explained that there is an ongoing backup of vessels trying to get into LA/LB; some are being diverted to other west coast ports. The backup is due in part to labor shortages and in part to the large volume of material being shipped into the US for Christmas.
- Bud also noted that an audit of OSPR by the Department of Finance, which was required when the per-barrel fee was increased, has completed the fact-finding phase.

III. STATUS REVIEW OF SPILL PREVENTION PROJECTS

Database Project

- Jack Barfield, who chairs the Database project and works in the Spill Prevention section at Ecology, briefed the Coordinating Committee on the status of the project. He explained that the Workgroup now understands the limits of the data collection project, and that we're unable to go any deeper on causes due to investigation limits in some member agencies.
- He also explained that it's time to design an Access database that member agencies can use to directly download their data, and that the Database Project Workgroup needs input from the Coordinating Committee regarding what they want covered so that the database design can address it. Jean advised the Coordinating Committee regarding past guidance and the topics covered in the new Strategic Plan. They agreed to collect information on "activity during spill," beginning with the 2004 data. The 2005 data will also address "regulated" vessels and facilities versus "unregulated" (meaning unregulated by state agencies). We'll also distinguish between tank and non-tank vessels.
- Jack noted that the new database - with a consistent set of data - will help us analyze trends over time, especially as we collect data for multiple years. He cited ADEC's data trend analysis as a model.
- OSPR will host the 2005 Investigator Training course. Hawaii will send one person and Washington four; ADEC and OSPR will determine how many they will send. Bud Leland will be the lead on this.

Preventing Oil Transfer Spills

- Jack presented draft graphs showing the transfer spill data for 1999-2003, explaining that the Alaska data needed further clarification. He also explained that each Data Workgroup member had "manually scrubbed" the information in the process of gathering it, so the quality was good.
- The Coordinating Committee agreed that they were only interested in transfer spills to water.
- The activities covered included non-fuel oil transfers (such as lube or hydraulic oils), internal transfers, fueling, cargo operations, ballasting/de-ballasting, and "other." The graphs also covered quantities spilled by oil type, source, and cause.
- Jack will refine the data and send the final graphs to the Coordinating Committee as soon as possible.
- The Coordinating Committee also discussed the fields recommended by Stan for a comparison of federal and state oil transfer regulations. Bud explained that OSPR covers fuel transfers and State Lands covers cargo transfers in California.

Recommended Best Industry Practices

- Jean and Stan requested that the Coordinating Committee amend the Annual Work Plan to show "Spring 2005" as the target date for Step 1 of this project. The Coordinating Committee approved the change.

Pacific Oil Spill Prevention Education Team (POSPET)

- Jean briefed the Coordinating Committee on the POSPET meeting on October 19th. She noted that 12 persons had attended and shared information about their outreach programs to recreational boaters and marinas.
- POSPET members had expressed concerns regarding the Coast Guard's reduced interest in responding to small oil spills. They also liked the "listserve" and agreed to recruit more members, especially industry representatives.
- They had asked Jean to compile a matrix of recommended practices for marinas and to set up a POSPET page on the Task Force website. Ecology and OSPR representatives agreed to collaborate on the design and publication of new "Spills Aren't Slick" stickers, pamphlets, and brochures.

Update on TAPS Conversions

- Laura Stratton from Ecology's Spill Prevention section briefed the Coordinating Committee with the latest update on the TAPS trade tankers. She noted that there are 25 tankers in the TAPS trade now, operated by four companies. Production decreases have meant that fewer ships are needed.
- She reported that the ATC double bottom tanker *Denali* has been laid up since May of 2004 and is expected to be laid up indefinitely; its OPA 90 retirement date is 10/26/06. Laura also noted that steel has been cut for the *Alaskan Navigator* with delivery expected in 2005; it is the second of four new double hulls being built for ATC. ATC will replace all of its older ships with double hulls.

- The *Polar Texas* is expected to have its last docking on 11/4/04 at US Oil in Tacoma; its OPA 90 retirement date is 11/19/04.
- The fourth Polar double hull, the *Polar Adventure*, will enter the TAPS trade in either December or January.
- Seariver's *Galena Bay* has been moved to the Gulf Coast and is now in the gasoline trade; her OPA 90 retirement date is 2012.
- Coordinating Committee members noted that SeaRiver and NASSCO have not agreed as to who owns the plans for their proposed double-hull, super-redundant design.
- The updated TAPS report is available at:
<http://www.ecy.wa.gov/programs/spills/prevention/bap/TAPS%20Trade%20Tanker%20Report.pdf>

Spill Prevention Topics of Concern

- Regarding **cruise ship operations**, see the OSPR report above regarding the new California legislation. Also see reports above from HEER and Ecology regarding their MOUs and the 2004 cruise season.
- Regarding **oil spill prevention research and development**:
 - Leslie will send the Coordinating Committee information on the NOAA/UNH R&D Workshop held last November at the University of New Hampshire.
 - Bud will check on the activities of OSPR's Scientific program.
 - Stafford noted that he's pushing Environment Canada to develop guidelines for oily waste management.
- Stan noted that Washington's **tug escort** study compares the super-redundant tanker design with a standard tanker design. He noted that the state's tug-escort requirements are not tied to the double hull design like US Federal regulations. The study is due January 1st. Bud noted that California's tug escort regulations are waived for a super-redundant design, not just a double hull.
- Regarding **pipeline spill prevention**, Jean reported that [HR 5163](#) had passed the House of Representatives, and would create the Pipeline and Hazardous materials Safety Administration with "safety as the highest priority." RSPA would be transferred into this new administration.
- Regarding **oil spill risks from sunken vessels**:
 - Curtis noted that Hawaii has a response plan for catastrophic releases from the USN *Arizona*; the plan focuses on response and cleanup on the surface and would not entail any disturbance of the vessel, which is a memorial and gravesite.
 - Stafford also noted that there was an old US Navy vessel sunk off Vancouver and two sunken chlorine tanks in Georgia Strait.
- Regarding the issue of **waste oil dumping**, Stan reported that a dozen cases are under investigation, including one Polar tanker. He commented that the size of the whistle-blower awards had apparently prompted several reports of illegal bypasses.
- Regarding **salvage capabilities and regulations**, Jean provided the Coordinating Committee with a memo that summarized West Coast salvage strategies, our comments on the USCG draft regulations, and recent developments. The memo also highlighted a strategy which

she'd discussed with Carl Moore, the California Task Force Member. The strategy focused on tracking the USCG regulations, interface with the American Salvage Association, and the possibility of a resolution on salvage to be adopted by the Members at the 2005 Annual Meeting. She and Carl would be meeting with CAPT Saboe the following week, and she will report back to the Coordinating Committee following that meeting.

- Regarding **Liquefied Natural Gas shipping and terminal operations**, Jean provided the Coordinating Committee with copies of "West Coast LNG Projects," a handout provided by the California Energy Commission at the Prevention First Conference.
- Two other topics of interest were discussed:
 1. **Intertanko & AWO v/v Mass**: at the Coordinating Committee's request, Jean had made contact with Massachusetts Dept. of Environmental Protection (DEP) employees regarding the specific objections of the US Coast Guard, AWO, and Intertanko to the MASS legislation, but they were not yet aware of the specifics and noted that they'd worked with the USCG in drafting the bill. Stan reviewed the bill language and told the Committee that he expects the objections to focus on state authority to board vessels, implementation of a VTS fee system, alcohol and drug testing, recommended routes, crewing requirements, and tug escorts.
 2. The **tug/barge inspection programs** as set forth in Section 415 of HR 2443, the 2004 USCG Authorization Act, were discussed. The Coordinating Committee advised Jean to check with Joe Angelo at the USCG regarding the specifics of this program.

IV. STATUS REVIEW OF SPILL PREPAREDNESS/RESPONSE PROJECTS

Places of Refuge Area Plan Annex

- Jean summarized the changes made to the draft Places of Refuge Area Plan annex as a result of a review by Area Committees and Captains of the Port in the Pacific Area.
- She reported that the Public Comment draft was currently posted on the Task Force website, with a comment deadline of November 1st. She was in the process of setting a date in early December for the Places of Refuge Workgroup to meet and review the final draft from the Subcommittee, which would incorporate public comment as appropriate.
- Following approval by the Project Workgroup, Jean will forward the final to the Task Force Members with a cover report and an endorsement for their signatures.
- Coordinating Committee members recommended that the Workgroup encourage state and federal agencies to include Places of Refuge scenarios in their spill response exercises.
- Jean also reported that she was authoring an IOSC paper on this project with John Bauer and Larry Iwamoto of ADEC.

Review of the Drill/Exercise Agreement

- According to the 2004-2005 Annual Work Plan, the Coordinating Committee was charged by the Members to review the 1995 Drill and Exercise credit agreement and decide whether the protocols needed to be updated. They were then to make necessary adjustments in collaboration with interested stakeholders and recommend a new agreement to the Members by the 2005 Annual Meeting, if necessary.

- As the existing agreement and protocols were discussed, Coordinating Committee members from Alaska, Washington, and California clearly felt that it was no longer a workable agreement.
- For example, the protocols require that a plan holder or response organization invite the agency from which they are seeking credit to attend and observe the drill. This would involve out-of-state travel, and would thus be expensive and difficult to get approved. In addition, it would divert staff persons who are already struggling to keep up with the work load associated with drills and exercises.
- In lieu of actual observation of the drill, the protocols allow for an evaluation to be completed by the drilling agency or an "independent third party," (although that term is not defined in the agreement), or as a last resort, a self-evaluation using approved forms may be submitted. It was pointed out that each member agency has a very specific checklist - or is in the process of developing one - and the Coordinating Committee did not believe that one generic checklist would do the job.
- In addition, many of the Task Force member agencies are emphasizing unannounced drills, which preclude advance arrangements for review/credit. Moreover, the issues involved in deployment drills - which they consider very important - vary greatly from one location to another.
- Oregon has been willing to accept ratings and detailed reports from Ecology and OSPR.
- Hawaii is not a signatory to the Agreement, since it does not have contingency planning or OSRO certification requirements. Neither does the Province of British Columbia, and only the Canadian Coast Guard can certify Burrard Clean.
- The Coordinating Committee members agreed that the nature of drills and exercises - and the expectations of their agencies' roles - have changed in the nine years since the Agreement was signed, and therefore the Agreement is no longer feasible. However, they will still encourage plan holders and OSROs to approach them on a case-by-case basis on the issue of credit for drills and exercises in other jurisdictions.
- Jean will draft a recommendation to the Task Force Members on this matter and submit it to the Coordinating Committee for their review/comment.

Roundtable on spills from trucking

- Jean called the Coordinating Committee's attention to the "Spills Due to Vehicles" graph in the 2003 data, noting that the total from that source for the region was over 150,000 gallons. Tank trucks accounted for 45% of that volume. Commercial truck spills for the second half of the year represented 11% of the total but were part of the "Other" category (18%) for the first half of the year.
- The Coordinating Committee would like to learn how much product and what type of product is being carried by tank trucks in the region. They'd also like trucking industry representatives to describe what the industry is doing to prevent, prepare for, and respond to spills, and how much of that action is required by law and how much is voluntary. What training is required of drivers, if any? Finally, they'd like to understand what agencies, both federal and state, have jurisdiction over these matters. For instance, they assume that the US Department of Transportation has primary regulatory authority, but in the case of tank

trucks transferring to a vessel, these are considered mobile facilities and are regulated by the US Coast Guard.

- The Coordinating Committee recommended that a Roundtable also include case studies from each member jurisdiction regarding their worst truck spill incidents; each case study should include information on the response costs and natural resource damages.
- Jean and Coordinating Committee will track down contacts with US DOT and trucking industry associations to participate in the "Spills from Trucking" Roundtable. Mike and Bud both agreed to consider possible locations in their states for a March event. Jean will initiate a conference call on this project before the January meeting.

IVRP matrix & OILS 911

- Jean noted that she had made no changes to Integrated Vessel Response Plan (IVRP) guidelines since there were no regulatory changes among member agencies which needed to be shown.
- Jean reported OILS 911 usage in July through September was: BC = 64; WA = 6; OR = 8; CA = 42.

USCG Contingency Plans for Non-tank Vessels

- Jean noted that she and Carl Moore of OSPR would be meeting with CAPT Saboe the following week, and asked the Coordinating Committee what recommendations they wished to make to the USCG based on their experience regulating non-tank vessels.
- They uniformly agreed that the US federal COFR requirements for non-tank vessels are too low. Mike pointed out that the *New Carissa* response cost twice the federal COFR amount.
- They recommended that the USCG consider the streamlined plan format endorsed by the Task Force in 2003, and that Incident Management Teams be considered as a requirement.
- Jean was also advised to review both funding and contingency plan mechanisms (i.e., umbrella plans versus individual vessel plans) used by the states. It is also crucial that contingency plans provide for response coverage beyond the first 24 hours, the Committee noted.

Spill Preparedness and Response Topics of Concern

- Regarding **COFR requirements**, the Committee members responded to questions posed by OSPR regarding how agencies define "damages" and how they verify insurance coverage.
 - Bill Hutmacher of ADEC had already sent a comprehensive email reply to these questions on behalf of Alaska.
 - Jeff Fishel (sitting in for Stan) noted that Washington has "piggy-backed" on California's COFR requirements, raising their limits to the same amounts. Stan also explained that Washington law exempts vessels covered by P&I clubs from COFR requirements, and that the 17 P&I clubs who participate in the Lloyd's market cover 99% of the world's tonnage. Small fleet operators use standard insurance companies, and are required to provide letters from these companies stating that they meet the requirements. He further stated that the types of damages covered are specified in Washington law.

- Mike explained that both response costs and NRDA are defined as damages in Oregon.
- Leslie noted that fishing vessels have a different COFR limit than other vessels in Alaska.
- Bud explained that OSPR does a daily review of all incoming vessels to confirm that their COFRS are on file.
- Regarding **OSRO issues**:
 - Mike reported that several NRC employees in Oregon had recently gone to work for US Environmental Services (USES), which is moving response equipment into Portland. He noted that they are using a barrel skimmer with a 90% recovery rate. NRC has brought in staff from Cowlitz Clean Sweep and Washington State.
 - Noting that both Oregon and Washington have contracts with NRC, Stan pointed out that USES will need to be certified by Ecology in order to operate in Washington. Mike noted that USES is a Stars contractor with MSRC in the Gulf of Mexico.
 - Bud reported that MSRC and NRC are by far the two largest OSROs operating in California, since MSRC has merged with Clean Bay and Clean Coastal Waters. MSRC has moved some response equipment to San Diego, he noted. He also reported that OSPR is involving OSROs in evaluating both the Sensitive Site Strategies and the Shoreline Protection Strategies in area plans.
- Regarding **NRDA initiatives and activities**,
 - Mike explained that the *New Carissa* lawsuits involving the US government and the vessel owner/operator had been settled. The responsible party agreed to pay \$10.5 million and the US agreed to return \$4 million of that amount. The \$6.5 million balance will cover NRDA restoration (\$4 million) and a penalty of \$2.5 million.
 - Jean reported that the Joint Assessment Team had met on August 25th and reviewed their participation in the SONS drill.
- Jean reviewed other sections of the **2004 USCG Reauthorization Act**, including those dealing with noxious liquid substances, a study on detecting loss of oil from cargo tanks, a study on alternatives to double hulls, hours of crew service and inspection of towing vessels, and a report on implementation of OPA 90.
- Jean reviewed the mandatory **ballast water exchange** regulations published as a final rule July 28th, noting that the rule does not apply to any coastwise trade and specifically exempts crude oil tankers in coastwise trade.
- The group discussed the **2004 SONS** After Action Report, noting that a number of cross-border issues had been raised such as waste disposal, movement of response resources, funding, and wildlife care. Although these were specific to the US/Mexico border, Jean had forwarded the information to the Canadian Coast Guard as an FYI. The Committee also reviewed the RIC/NIC issues in the Report, as well as those involving salvage, Places of Refuge, and the need for a more unified financial tracking system.

V. ADMINISTRATIVE & COMMUNICATIONS PROJECTS AND ISSUES

Policy re: external funding for Annual Meeting luncheons

- Jean noted that the Task Force members had raised this issue in July and asked the Coordinating Committee to address it. After discussion, the Coordinating Committee agreed that seeking funding for half of the cost of the Annual Meeting luncheons does not compromise member agencies, since our own half of the cost more than covers our participation.

Draft format for Annual Report

- The Coordinating Committee agreed to the proposed list of topics for the jurisdictional reports in each Annual Report, amending the number of major incidents to be covered from ten to five. Jean will send this list with instructions regarding photos when the reports are due next spring.

The Executive Coordinator's Activity Report

- Jean referred the Coordinating Committee to her Prevention First trip report and also noted that she'd observed the MSRC drill on the Columbia River on September 28th and staffed the POSPET meeting 10/19.
- She reminded the Coordinating Committee that she'd be traveling to DC the following week for the American Petroleum Institute's Spills Advisory Group meeting and would join Carl Moore in meeting with CAPT Joe Saboe of the USCG Office of Response the following day.

Budget status

- Jean provided the Coordinating Committee with a first quarter financial report and noted that the budget for the IOSC and Prevention First booths had not been used in either case, and would be available for other expenses as needed.
- She reported that her daily news searches sometimes encountered outlets that required paid subscriptions, although she had yet to find any that looked necessary. The Coordinating Committee advised her to coordinate with Stan if she feels that it's necessary to pay for an online subscription.
- They also discussed whether to print brochures describing the Task Force to be used as handouts at the International Oil Spill Conference (IOSC). They decided that Jean should put the new website address on her business cards and provide those to the IOSC attendees from member agencies as handouts.

Task Force Website

- Jean provided a report on site activity for the 4th quarter of 2003 through the 3rd quarter of 2004; 22, 269 "server requests" had been received in 2003 (the site was launched in November, 2003) and 166, 381 so far in 2004.
- The Coordinating Committee requested that the statistics regarding web usage be put into the 2005 Annual Report with the website address.

Winter meeting logistics

- The Committee confirmed January 13-14th for the Winter meeting; the Hawaii Health Division will host the meeting in Honolulu. Curtis Martin will confirm hotel and meeting site arrangements.
- They agreed to invite the USCG Pacific Area Marine Safety Officers to meet with them at the January meeting, as well as Steven Benz of MSRC.

2005 Annual Meeting

- The Coordinating Committee agreed that the half-day briefing session for Task Force Members prior to the Annual Meeting is useful and should be maintained.
- Jean will work with the Task Force Members to set a 2005 Annual Meeting date as soon as possible.

Contractor performance evaluation

- Stan will compile the Executive Coordinator's performance review and send it out. Ecology can extend the current contract for another two years. Stan will coordinate with the other member agencies regarding new agreements in support of the extended contract.

Miscellaneous handouts and FYI items

- Jean passed around copies of the EPA Region III conference announcement regarding emergency preparedness, information on the California Maritime Academy's Marine Spill Management Simulator, and the USCG's Summer 2004 issue of *Proceedings*, which focused on the Marine Safety Center.
- She also reviewed her 9/29 memo on the Oceans Commission's final report. The memo summarizes the Commission's recommendations to states and the US Coast Guard.

VI. MEETING WITH EPA OFFICIALS

On October 21st, Bob Mandel of EPA Region 9 (Hawaii, California, Nevada, Guam, and Samoa) met with the Coordinating Committee. Carl Kitz of EPA Region 10 (Alaska, Washington, Idaho, and Oregon) participated by speaker phone. The discussion covered the following topics:

Inland Spill Coordination

- Bob and Carl explained that Area Contingency Plans define the "inland" boundaries. Waters influenced by tides and the adjoining shoreline are generally the responsibility of the USCG. EPA generally has responsibility for all other waters and adjoining shoreline. The NCP requires Area Contingency Plans to define Areas of Responsibility between EPA and the USCG, and the RRT can provide guidance in determining the lead agency if the ACP is unclear. The NCP also states that the FOSC shall be from the jurisdiction where the majority of the impacts from the spill have or will occur. Jurisdictional boundaries for Oregon and Washington may be found at: http://www.rrt10nwac.com/boundary_maps.htm
- Curtis Martin noted that USCG is the primary federal OSC in Hawaii.
- Jurisdictional responsibility between EPA and the USCG for hazardous substance spills mirrors that for oil spills; the Coast Guard is responsible coastal waters and adjoining

shoreline and EPA is responsible for everything else. The USCG Marine Safety Offices, however, have limited capabilities for hazardous substances response so they may call upon the USCG Strike Team for assistance or defer to local or state response agencies/authorities. EPA may also provide assistance to the USCG. EPA is responsible for all long-term hazardous substance cleanups, regardless of location (i.e., inland and coastal zone).

- Mike Zollitsch asked whether EPA could provide scientific support, such as modeling, as NOAA does for marine spills. Bob and Carl responded that EPA's Scientific Support Coordinators (SSCs) are generally located within EPA's Environmental Response Team. EPA's ERT has people and equipment located in several places around the country and most recently opened a facility in Las Vegas. Areas of expertise include, but are not limited to modeling, radiation, trace gas monitoring, sampling of all media, risk assessment, health and safety, and field analytical techniques. For more information on EPA's ERT, see <http://www.ert.org/>. In addition to EPA's ERT, EPA FOSCs also have immediate access to a technical support (START) contractor who have a wide variety of capabilities, including modeling.
- Bob pointed out that EPA has an Environmental Response Team for the western regions; it operates out of Las Vegas and can provide lab equipment and personnel to do atmospheric gas and radiation analysis.

State participation in OSC training

- Carl noted that both Oregon and Washington responders have trained with EPA.
- Bob explained that state responders can attend the inland oil spill classes which EPA sponsors eight to ten times annually. These are nationwide events focused on tactical training. DOWCAR Environmental Management, Inc. also provides an inland waters spill response course (www.dowcareenvironmental.com) which OSPR uses.
- Information on EPA training is available at www.TRAINEX.org and www.EPAOSC.org. Canadians are welcome to participate. No tuition is charged public agency students.
- Carl noted that the EPA has a national readiness training each November and holds a spot for each state to send a representative. Bob also said that EPA would be happy to work with a state to set up a particular course of interest.

Reimbursement procedures for state expenses

- EPA's FOSC can get access to the Oil Spill Liability Trust Fund any time there is a discharge or a threat of a discharge of oil to Waters of the United States or the adjoining shoreline. EPA can fund state, local, or other federal responders to these discharges through the use of a Pollution Removal Funding Authorization. All reimbursable work must be consistent with the approved scope of work and all expenses must be documented. The Coordinating Committee members were familiar with the process.
- States can file claims after expenses are incurred, but there are no guarantees that these will be reimbursed. Another option would be for the Governor of a State to request direct access to the OSTLF. All criteria for use of the fund apply (i.e., discharge or threat of a discharge of oil to Waters of the US), but when a state is granted direct access to the

OSTLF, they do not need to have signed PRFA for each spill or the concurrence of the FOSC on expenditures.

- If hazardous materials are mixed with oil, and the oil cannot be separated, the Fund will apply. If it can be separated, then the rest of the cleanup must be covered by CERCLA. The Corps of Engineers spill on the Columbia River at the Dalles Dam used oil funding because it was determined that the hazardous substances were so minimal as to not impact the response. A separate federal fund exists for response to hazardous substances and thus when oil and hazardous substances are mixed, response funding may be complicated. The USCG National Pollution Funds Center (NPFC) who manages the oil fund has agreed to defer to the best professional judgment regarding which fund (or combination of funds) should be used for a particular response. If it is later determined that the "wrong" fund was used, changes can be made to the accounting. NPFC is currently working on guidance to help clarify this issue."

The status of the SPCC rule/planning

- Carl and Bob explained that the settlement between EPA and API means that a facility which had an approved SPCC plan before the new regulation was published could maintain that plan until 2006, thus postponing the more restrictive regulations. A new facility must comply with the new regulations.
- On 8/11/04 EPA published a final rule that extended the compliance deadline for the new SPCC regulations to August 18, 2006.

SPCC inspection rates

- Carl explained that EPA R10 does 80 inspections each year, and has started an expedited enforcement program that allows a facility found to be out of compliance with its plan 30 days to come into compliance and pay a lower fine. He noted that the compliance rates are high with this plan.
- Region 9 has a 65% compliance rate. A checklist is used for the inspection. Often an inspection will be triggered by a spill, since it indicates a failure of the spill prevention strategies.
- EPA inspection personnel send an advance notice to all facilities in a targeted industrial area, but will not actually inspect every facility. R10 has an FOSC accompany inspectors, but this is not done in R9.
- Smaller companies and retailers are generally more likely to be out of compliance.
- EPA cannot subcontract inspections, although they may use contractors to provide support services for an inspection.
- Bob and Carl agreed that state inspectors could be invited to accompany EPA inspectors. This is only appropriate if the State inspectors have their own authority to enter facilities for the purpose of inspection.

EPA inspections of Army Corp of Engineer dams

- Carl reported that EPA has done five inspections of the Columbia River dams this year and plans to do inspections of the dams on the Snake River. A number of problems have been identified, including the need for oil/water separator equipment.
- The Corps claims to have a sovereign immunity exemption under the Clean Water Act, and is thereby not subject to state authority. Their spills should be reported to the National Response Center, which would then notify the states.
- Curtis noted that the US Navy is the primary federal entity in Hawaii, and the state requires them to report any spill.

EPA's role re: tank truck spills

- Trucks are regulated by the US Department of Transportation.
- EPA is most likely to be the FOSC responding to a truck spill, although in R9, most response to highway spills is local. Region 10 conducts a number of tanker truck responses each year, but they tend to be the larger spills where several thousand gallons or more are released.
- Curtis explained that the Clean Islands Coop handles most tank truck spills in Hawaii, often using towing companies to "lighter" the cargo.
- Most truck spills of concern are those that impact waterways, and many highways tend to run along rivers and streams, especially in mountainous areas.
- Saddle tanks on large commercial trucks hold about 100 gallons of diesel.

EPA's role re: used oil spills - is it OPA or CERCLA?

- Used or recycled oil can be covered under OPA, but waste oils can include hazardous materials and thus trigger CERCLA. FOSCS will be instructed in new guidance to sample as soon as possible to help determine which fund is more appropriate, but this is not intended to impact the response.

EPA/state MOAs re: oil spills

- Leslie Pearson reported that ADEC has a MOA with R10, which was signed in 1996. She agreed to send a copy to the other Coordinating Committee members.
- Mike noted that Region 10 meets with ODEQ on a quarterly basis and their communication is good.

States' role in EPA area planning

- Region 10 has two area plans, one in Alaska and one for the Northwest (Oregon, Washington, and Idaho). States are equal partners in the planning process. Region 9 is developing area plans for the inland areas.

EPA's oil spill prevention initiatives

- The expedited compliance program described above serves as EPA's primary spill prevention initiative.

EPA/RSPA relationship in pipeline spill prevention

- There is no working relationship between EPA and RSPA, and it was noted that RSPA has very few resources. EPA does work actively with the Office of Pipeline Safety on corrective actions.
- Bob noted that there are two large pipeline companies operating in the US: Kinder-Morgan in the west and Colonial Pipeline in the east. In addition, Conoco/Philips operates the Yellowstone pipeline, and Olympic Pipeline operates in Washington and Oregon.

EPA spill response exercises

- Bob and Carl noted that EPA would be interested in doing an inland NPREP drill and referred the Committee to Beth Sheldrake at R10 and Bill Robinson at R9. Carl noted that R10 is planning a PREP exercise in Alaska in 2005.
- Some regions have begun doing unannounced drills at large facilities; R9 has conducted 14 to 20 unannounced drills on Federal Response Plan (FRP) facilities (facilities that store more than 10 million gallons of product near waterways) per year. As with the inspection program, they give advance warning to all facilities in an area and advise them of the elements of an adequate response. Drills are then conducted on a few of these facilities during normal business hours. EPA provides a written scenario based on the FRP, monitors the notification process and boom deployment, and provides both a verbal debrief and a written report. They've only had one facility subject to enforcement action based on the drills. Once drilled, a facility doesn't need to drill again for three years.

Response organizational structure

- EPA FOSCs are committed to Unified Command and ICS as set out in the National Oil and Hazardous Substances Plan.
- A mystery/orphan spill would challenge EPA's staff and resources, but contractors could help, as would other regions and the USCG Strike Team.

EPA participation if the California OSPR hosts an FOSC/SOSC "summit" later this fall

- Bud noted that OSPR would like to organize a meeting of SOSCs and FOSCs for California. Bob Mandel explained that there are two EPA FOSCs in the Los Angeles area, one in Carson City, and fourteen in the Bay area.