

Summary Notes
Pacific States/British Columbia Oil Spill Task Force
Winter Coordinating Committee Conference Calls
January 12 & 13, 2011

JANUARY 12, 2011 Conference Calls

PARTICIPANTS

Gary Folley and Betty Schorr, Alaska Department of Environmental Conservation; Curtis Martin, Hawaii Department of Health; Graham Knox, British Columbia Ministry of Environment; Mike Zollitsch, Oregon Department of Environmental Quality; Jon Neel, Washington Department of Ecology; Scott Schaefer, California Office of Spill Prevention and Response; Phil Wieczynski, Florida Department of Environmental Protection; and Jean Cameron, Pacific States/British Columbia Oil Spill Task Force

JURISDICTIONAL UPDATES

Hawaii Department of Health (HDOH); Curtis Martin reporting:

Incidents

- The only incidents in Hawaii over the past quarter were groundings of small recreational vessels; the fuel was removed successfully in each case.

Legislation

- Curtis expects ongoing budget concerns for the state to impact his program, but the budgets are not final yet.

California Department of Fish and Game, Office of Spill Prevention and Response (OSPR); Scott Schaefer reporting:

Budget and Administration

- Scott noted that Jerry Brown is the California's "new/old" Governor, since he was just re-elected to a 3rd term. His emphasis for the first few months is dealing with a state deficit of over \$20 billion.
- Steve Edinger retired as OSPR's Administrator effective 12/1/10 and Scott is now serving as Acting Administrator. Julie Yamamoto is serving as Acting Deputy Administrator and Steve Sawyer is Acting Assistant Deputy Administrator. OSPR's Administrator position must be appointed by the Governor and approved by the Senate; the Deputy Administrator position must be appointed by the Governor. These steps will probably occur after Governor Brown appoints the new Director of Fish and Game.
- Regarding OSPR's budget, all supervisors and managers – and employees with unions having signed contracts - must take one furlough day each month. All other employees, including Department of Fish and Game Wardens, Environmental Scientists and Oil Spill Prevention Specialists are required to take 3 furlough days each month until new bargaining unit agreements are reached. The days are no longer designated, so offices are open all month now. OSPR's budget for 7/1/11 has been cut by \$4.5 million, but Scott expects \$2.6 million of that to be "refunded" since the State "borrowed" it from OSPR last year. In addition, approximately \$200,000 is available from the Trust Fund. OSPR is also proposing to increase the biennial nontank vessel fee through rulemaking. Scott explained that any cuts to OSPR's budget will be passed along to State Lands and the Coastal Commission in the funding OSPR provides to certain aspects of their programs.
- Scott noted that Gary Gregory has retired as Chief of the Marine Facilities Division at the State Lands Commission; Kevin Mercier is now serving as Acting Chief.
- All out-of-state travel must still be approved by the Governor's Office.

Operations

- More than 60 OSPR staff persons worked at the Deepwater Horizon response at one time or another, Scott reported. There are two OSPR staff persons there now, assisting with the SCAT operations out of Mobile, AL.

- Scott noted that ships coming into Port Hueneme must provide 24 hour notice of their arrival to their contracted OSRO (NRCES). OSPR has conducted unannounced drills on 16 vessels and found that 6 were not in compliance with the contingency planning regulations.
- OSPR field personal are now monitoring bunkering operations in San Francisco Bay. A workshop on pre-booming regulations is scheduled for January 27th. Issues to be discussed include pre-booming for all transfers if the currents are less than 1.5 knots, how to determine when it's safe and effective to pre-boom, having skimmers on stand-by, or requiring an employee of the bunkering company to monitor the transfer and report to the PIC if any problem or release occurs.

Legislation

- A bill may be introduced to increase the state's per/bbl funding fee for OSPR's program; a determination must be made as to whether the fee is a tax or not. If it is, a 2/3 vote is required in the Assembly; otherwise, it can be approved by a simple majority.
- Legislation may be required to address the fact that COFRs submitted to the state are required every two-years, but insurance coverage is only for one year at a time.
- Legislation may be introduced to require that worst-case spill planning for offshore platforms be changed from a seven-day period to 30 days (Scott noted that most offshore oil wells in California have negative pressure, but not all; some could release oil into the ocean if a well blow-out occurred).

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

Legislation

- DEQ is analyzing current bills to determine if any bills are related to emergency response or volunteer issues for the 2011 session.
- DEQ is finalizing a report to the Legislature addressing impacts from cruise vessels discharges to state waters.

Rules

- Rulemaking is continuing on enforcement due to SB 105 (passed in 2009) which increases the maximum penalties for violations of environmental laws. It increases most spill related fines from \$10,000 to \$25,000 and any person who intentionally or negligently causes or permits the discharge of oil or hazardous material into the waters of the state or intentionally or negligently fails to clean up a spill or release of oil or hazardous material into the waters of the State as required by ORS 466.645 shall incur a civil penalty not to exceed the amount of \$100,000 for each violation. Previously the maximum was \$20,000. At this time DEQ is putting together an advisory committee to consider both an expedited enforcement option (field ticket) as well as environmental enhancement projects.
- Mike reported that the Environmental Quality Commission passed rules on December 9, 2010 which will align the Oil Spill Prevention Fees with those in the Oregon Revised Statutes.

Preparedness

- DEQ and EPA conducted four Government Initiated Unannounced Exercises this last quarter. The limited exercises were successful and well-received by the facilities selected to participate.
- DEQ also participated in four table-top exercises and one deployment exercise over the past quarter.
- Mike noted that ODEQ is considering adopting small spill NRDA rules and is evaluating similar programs in Washington and Florida State.
- DEQ helped organize a facilitated discussion/exercise with federal, state, local and private responders to examine response roles and responsibilities due to the increased truck and rail activity associated with the lock closures on the Columbia River from December through March.
- Mike also noted that NOAA's Pacific NW fleet is moving to Newport, which may result in bunkering operations there. At this time there are no response contractors serving Newport, so bunkering companies would be required to have response plans and develop the OSRO contracts.

Response

- Mike reported eighteen commercial truck incidents where over one barrel of oil was spilled for a total of approximately 1,800 gallons.
- There were also two tank truck incidents. One lost approximately 2,000 gallons which impacted wetlands and tribal interests; the other was reported as empty.
- Oregon also had one public vessel spill and one fishing vessel spill.
- Two heating oil tanks released oil; one spill reached the Rogue River and Gold Beach Harbor.

Budget

- There are no changes on the budget front, although everyone is very cautious entering a new legislative session, since the State faces serious budget shortages.
- Mike noted that the State is evaluating the balances in various accounts and may move some of those balances into the General Fund. The Oil Spill Control Fund, which is supported by spill penalties, is at approximately \$100,000 and is designated for Natural Resource Damage Restoration. The Oil Spill Prevention fund also is carrying a balance at this time.

Washington Department of Ecology, Jon Neel reporting:

Legislation

- The Washington Legislature convened this past Monday; Washington is facing a \$5.7 billion deficit. With cuts a certainty, everyone is watching out for their favorite interests. The Democratic Party has a slim majority in both the House and Senate and it takes a 2/3 vote to pass a tax increase, Jon explained.
- Governor Gregoire has proposed consolidating a number of agencies, with the result that a few smaller agencies may be merged with the Department of Ecology. The Department of Fish and Wildlife may be merged with other agencies like State Lands.
- Jon noted that the Governor's proposed budget would transfer funding from the State Toxics Account to the Spills program to address a potential deficit there.
- An oil spill bill was dropped in the House on 1/11; it would require tank vessel contingency plans to include planning for Vessels of Opportunity and volunteer management, as well as Best Available Technology (BAT) for response. BAT should address 24/7 response operations, including operating in the dark and during inclement weather. BAT should also address booms and equipment capable of operating in 3 knot currents and 5' seas. (Scott Schaefer noted that production of the "ocean buster" boom is tied up until 2012.) Tank vessels and barges would be required to update their contingency plans every 4 years to incorporate the latest BAT. The bill would also increase Washington's NRDA table to a range of \$3 to \$300/gallon and would increase penalties for failures to have a contingency plan.
- Another bill that is being considered would address umbrella plans on the Columbia and in Puget Sound; it would require compliance with state oil spill laws that are not currently specific to coops and non-profits.
- Another legislative proposal would establish an oil transfer fee (in addition to the current per/barrel fee) to support the oil spill program.

Preparedness

- The program is developing a report on the Rescue Tug stationed at Neah Bay. Jon noted that the tug recently provided assistance to a private vessel.
- Ecology is working with the Marine Fire and Safety Association, which has an "umbrella" contingency plan covering vessels on the Columbia River to address the fact that they have no 24/7 access to an incident commander. There are other concerns as well.

British Columbia Ministry of Environment (MOE), Graham Knox reporting:

Legislation

- Graham reported that the British Columbia Premier, Gordon Campbell, announced his resignation this past fall, so all the Ministry's legislative proposals are currently on hold. Campbell's Liberal Party will choose a new leader in February, but this may also trigger a new election.

Administration

- British Columbia's ministries were restructured in 2010 and some natural resource functions were moved out of MOE, leaving it smaller. This also meant that some of the technical specialists assigned to the Emergency Response Incident Management Teams are now in other agencies, so Graham will clarify his program's access to these specialists.
- The Emergency Program will be hiring a fulltime Emergency Response Office for interior British Columbia.

Preparedness

- Graham reported that the Provincial/Federal Marine Agency group met a few months ago and now plans to meet every six months; members include the Canadian Coast Guard, Environment Canada, Transport Canada, and MOE.
- MOE has been working with industry, NGOs, Transport Canada and the Canadian Coast Guard on oiled wildlife planning and have developed a Field Operations Guide which they're asking the Canadian Wildlife Service and the Department of Fisheries and Oceans to review and approve.
- His staff will meet with various interior First Nations over the coming months to discuss spill notification and engagement with First Nations, including access to Incident Command.
- Graham attended the CANUSPAC Joint Response Team meeting in Bellingham; MOE has been invited to help plan both the CANUSPAC and CANUSDIX exercises in 2011.
- MOE's Incident Management Team training in December focused on oily wastes and shoreline workforce management.

Incidents

- Graham reported on one train derailment that resulted in green dye spilling into a salmon stream, but there were no toxic impacts.
- A current "incident" involves a vessel en-route to Vancouver which has two barrels of uranium concentrate spilled into the ship's hold. The vessel will be met offshore for inspection by Transport Canada, a representative of the owners and Canada's nuclear regulatory agency. It will be accompanied by an escort tug through the Strait of Juan de Fuca on its way to the Port of Vancouver for repacking and any necessary cleanup. Uranium concentrate is low risk and is not reactive, explosive or flammable; the only risk to humans would be from inhalation. Graham explained that Transport Canada is the lead agency for this incident; the Province is represented on the team addressing this issue.

ALASKA Department of Environmental Conservation (DEC), Gary Folley and Betty Schorr reporting:

Administration

- Sean Parnell was re-elected as Governor. Larry Hartig will continue as DEC's Commissioner and Larry Dietrick as the Spills Division Manager. Gary explained that he has replaced Bob Matteson as Manager for the Prevention and Emergency Response Program (PERP).

Incidents

- DEC has been dealing with two significant spill events:
 - One is at a Pump Station 1/Booster Pump building on the North Slope, where there's a leak at the rate of 1.8 gallons/minute. Because ice could start to build up in the TAPS line if there's a long shutdown during cold weather, a decision was made to restart the line and provide containment for the leak inside the building until a by-pass line is completed.
 - The second event was in December, when the bulker *M/V Golden Seas* lost their turbocharger north of Adak. They were making way slowly, but bad weather started to push them towards the Atka

Islands, a wildlife refuge, where response logistics would have been even tougher than those associated with the *Selendang Ayu* response. The weather moderated somewhat and a large tug under contract to Shell Oil was deployed from Dutch Harbor. It had 18,000 HP and could serve as a tug, supply vessel, or icebreaker. One of the Emergency Towing Vessel packages from Dutch Harbor was used to connect the tug with the *Golden Seas*; the system worked well even though the connection had to be made at night in rough seas. The *Golden Seas* was towed to Dutch Harbor for repairs and then continued on its journey. Gary noted that tugs in Dutch Harbor are generally only 3,000 HP.

- o For more information on DEC's active responses, see http://dec.alaska.gov/spar/perp/response/sr_active.htm.

Prevention/Preparedness

- Regarding DEC risk assessments underway, Gary explained that the Oil and Gas Infrastructure Risk Assessment reports were released in December; see <http://dec.alaska.gov/spar/ipp/ara/index.htm>.
- The Aleutian Islands Risk Assessment is funded by settlements from the Selendang Ayu incident and is managed by DEC in partnership with the U.S. Coast Guard. The final report from Phase I, which will identify risk reduction options, is due in the summer of 2011. These may include a stand-by rescue tug, vessel monitoring, improved response capacity, and area plans. The final step in the project will involve ranking the various risk reduction options based on costs, benefits, efficacy, and ease of implementation.
- Gary noted that the Alaska RRT will meet February 23-24 and is expected to focus on dispersant issues.

Florida Department of Environmental Protection (DEP), Phil Wieczynski reporting:

- Phil reported that Florida also has a new Governor, Rick Scott. His focus is on expanding private sector jobs and reducing government spending. Agency mergers are in the works, but it is unclear at this time how the Bureau of Emergency Response will be affected.
- The new Secretary for the Florida Department of Environmental Protection, Herschel Vinyard, is very interested in the Deepwater Horizon response and related issues. Florida is ramping up NRDA activities and DEP personnel continue to support the response from Florida.
- One branch of the response is operating in Pensacola where three groups continue to recover small residual oil/sand "balls" or other oiled material buried in the sand, by hand or mechanically. Recovery rates have been dropping steadily but still average 3,000 to 5,000 pounds per day of heavily weathered oil. Seven Florida counties had some oiling; the heaviest impacts were in the western end of the Panhandle area. The primary response hopes to finish before tourism season.
- There is no longer any actionable oil offshore and no "lurking" plume of oil under the surface.
- Phil noted the following "Active Acronyms":
 - o STRs: Shoreline Treatment Recommendations (by SCAT Teams);
 - o SIR: Site Inspection Reports;
 - o M&M: Monitoring and Maintenance; and
 - o OSAT: Operational Science Advisory Team.
- DEP holds a weekly command calls with BP and the Coast Guard as well as a weekly call with County agencies. He noted that many counties want to see OPA 90 amended to mirror the Stafford Act and give local governments a stronger role in an oil spill response. We may try to drive this more towards a discussion such as - "What is the proper role for Local Government under an OPA response, especially one with a large area of operations."
- Phil closed by noting that DEP hosted the largest ever Clean Gulf Conference in October of 2010 in Tampa with over 2,500 attendees showing a lot of interest following the Deepwater Horizon event.

COORDINATING COMMITTEE "Briefings"

Charlie Costanzo, AWO Pacific Region

- Mr. Costanzo was recently hired as Regional Vice President for the Pacific Region of the American Waterways Operators (AWO). He explained to the Coordinating Committee that he previously worked as an environmental law attorney in New York City.
- AWO has 350 tug and barge industry members nationwide, primarily in the Gulf of Mexico and Mississippi River regions. AWO has 40 member companies in the Pacific Region, including Alaska and Hawaii. Pacific Region member companies engage in a wide range of operations, from river to ocean towing.
- Charlie explained that all AWO member companies must meet the requirements of the Responsible Carrier Program (RCP). Another AWO safety initiative is their partnership with the U.S. Coast Guard (USCG), which functions at both the national and regional levels. AWO/USCG initiatives have included work on crew endurance (which addresses fatigue issues) and current collaboration with the USCG on development of the towing vessel inspection regulations. See http://www.americanwaterways.com/commitment_safety/index.html.
- Although AWO operators are required to comply with the RCP, they are anticipating new regulations that will subject tugboats, towboats, and barges to Coast Guard inspections. The inspection regulations will likely incorporate many of the RCP standards and will contain technology, safety management and record-keeping requirements.
- Charlie noted that towing has the lowest air quality impacts of all transportation modes.
- Gary Folley asked whether AWO could assist the Aleutian Island Risk Assessment project and help determine costs and availability information for a stand-by tug; Charlie said he and Jennifer Carpenter, AWO's Senior VP could help and noted that he has worked on the Neah Bay Rescue Tug Coalition process.
- In response to a question, Charlie explained that his outreach to West Coast legislatures on behalf of the Pacific Region AWO is coordinated with the national AWO office. He also works with the Pacific Merchant Shipping Association, the Pacific NW Waterways Association and the Council of Marine Carriers in British Columbia.

Steve Benz, the Marine Spill Response Corporation (MSRC) regarding Deepwater Horizon

- Mr. Benz apologized for having to cancel his presentation at our 2010 Annual Meeting in October, but explained that MSRC was addressing its members' need for enhanced response capacity to meet new Bureau of Ocean Energy Management, Regulation and Enforcement (BOEMRE) requirements. He was taking advantage of this conference call, therefore, to brief the Coordinating Committee on his observations based on the Deepwater Horizon response.
- By way of background, Steve explained that MSRC had mobilized their C130 for dispersant applications one hour after the spill was reported. They continued on-water response through October. MSRC's response to the Deepwater Horizon spill was seven times greater than their total activity for the last 20 years. 92% of all MSRC employees were cascaded to the Deepwater Horizon response, thus gaining valuable experience. Included were 88% of their California personnel and 97% of the MSRC personnel from the Pacific NW region. At the peak of the response MSRC had deployed 4,000 contractors, 900 boats, more than 250 skimmers and 1.8 million feet of boom. Twelve (12) of MSRC's *Responder* class vessels were deployed to the Gulf (including all of the Gulf and East Coast *Responders*, plus two from California). In addition, they had 59 other marine assets and 80% of the aerial dispersant applications were done by MSRC.
- Steve then reviewed some several management topics as follows:
 - There should be more transparency for the public and media regarding why certain response tactics are chosen. He explained that dispersants, mechanical and in-situ burning (ISB) compete for the heaviest, freshest oil. Since the primary goal was to keep oil from impacting shorelines and dispersants were considered most effective, dispersants and ISB were usually chosen to deal with the freshest oil, leaving the response vessels and skimmers to "chase" weathered oil and sheens, thus reducing their recovery rates.
 - Multiple ICPs may compete for response resources and OSROs can get caught in the middle. Steve recommended that the Task Force jurisdictions consider this problem and give it attention in pre-planning and drilling. Scott Schaefer noted that the Area Command should resolve this problem, but agreed that it needs to be addressed.

- People are the key resource! They need to be taken care of, encouraged, protected, fed and rested. Steve also advised against too much rotation in/out of the response action, since continuity can be lost.
- Hiring local responders versus out-of-state contractors became a major distraction from more important issues. Because of the political pressure to provide jobs for local people, MSRC had trained contractors that they couldn't use. Those contractors then complained to the media and decision-makers had to spend their time explaining this. This issue should be addressed in Area Contingency Plans, Steve noted.
- Resource continuity in non-spill regions needs more discussion. How much response equipment can be moved out of an area to provide mutual aid? He noted that politics was driving more cascading of equipment whether it was really needed or not. He thought that the USCG did a good job of tracking equipment, but thought their decision to lower the response standard to AMPD to allow more cascading was naive, since that standard doesn't satisfy the liability concerns of either plan holders or the states.
- Next, Steve discussed the following operational topics:
 - It's important to keep response vessels in the oil; aerial spotting is crucial to this goal, but it was a struggle to get access and air space congestion was a concern. There were dispersant aircraft as well as aircraft carrying media and officials in the airspace over the spill area. He noted that this improved as the response progressed, but advised the Coordinating Committee to consider simulating air traffic control for a spill response. Scott noted that it was not very efficient to have helos reporting on oil locations through shoreside operations, so eventually they reported directly to the control vessels.
 - Spill response systems - defined as a high quality skimmer on a high quality vessel, with work boats supporting enhanced skimming for encounter rate, and importantly, with enough storage tankage to support the operation for a decent time - are what were most effective on the response. VOSS (Vessels of Opportunity Skimming Systems) only performed marginally on DWH due to lack of storage, lack of trained crews to work in unison with other work boats, and due to lack of mechanical reliability. They worked better nearshore than offshore and were better for boom tending than skimming.
 - Quality counts and mechanical reliability is critical. Maintenance is necessary, so time and resources need to be allocated for repairs and tune-ups.
- The Coordinating Committee asked Steve about the response equipment accumulated by BP in the Gulf; he explained that he's working with BP's Response Group to determine what happens to the excess equipment.

STATUS OF PACIFIC STATES/BC OIL SPILL TASK FORCE SPILL PREVENTION PROJECTS

Database Project

- Jean reported that Camille Stephens of ADEC, the Workgroup Chair, has compiled the 1st half 2010 data; the Data Workgroup has a conference call scheduled for January 19 to review the data and graphics.
- Data for the 2nd half of 2010 is due to Camille by March 1st.

2008 WCOVTRM Recommendations

- Jean reported that no actions were taken on this project over the past quarter. She plans to contact Steve Danscuk at USCG Pacific Area again regarding the need for vessel transit monitoring to determine observance of the recommended transit distances offshore.

Pipeline Regulations Table

- John Kervel - an intern working for Graham at the British Columbia MOE - is collecting information on pipeline regulations for British Columbia and Canada.

Best Industry Practices (BIPs)

- Jean is working with Charlie Costanzo on AWO's response regarding tank barge BIPs. He plans to discuss these at the AWO/USCG Regional Quality Steering Committee meeting next month, so Jean noted that she'll invite Chip Boothe of Ecology to join that discussion.

POSPET

- Jean reported that the POSPET group needs *Spills Aren't Slick* materials for the 2011 outreach season. Based on her projected costs for the remaining 6 months of the Task Force fiscal year, she recommended that the Task Force spend up to \$3300 in order to assist with printing brochures, decals, signs and pump tags that were requested by POSPET members in Oregon and California. The Coordinating Committee approved. Jean also noted that Mary Ellen Voss was seeking approval within the Department of Ecology to print the *Spills Aren't Slick* materials requested by Washington members.
- Jean noted that POSPET should discuss Section 705, *Prevention of Small Oil Spills*, of the U.S. Coast Guard Authorization Act of 2010 at their spring meeting.
- Gary Foley assigned Scot Tiernan to represent ADEC on POSPET.

Double Hull status of tank vessels

- Jean has advised Charlie Costanzo of AWO that we would like their tank barge data again this year. She has also advised John Veentjer at MISNA that the Task Force would like the 2010 tank vessel data for West Coast ports.

Prevention Topics of Concern (only Topics of Concern with updates are included below):

- Cruise ship operations with regard to spills and other water pollution impacts
 - Mike Zollitsch noted that cruise ships stop in Astoria, OR 12 to 15 times/year on relocation cruises. He further explained that they are not allowed to discharge any wastes in state water.
- Oil spill risks from sunken vessels
 - Jean noted that U.S. Coast Guard's report at the API Spills Advisory Group (SAG) meeting in October indicated that the Wreck Oil Removal Project (WORP) Interagency Agreement (IAA), which was signed by the USCG and NOAA in 2009, is in full effect.
- Waste oil dumping by deep draft commercial ships
 - Jon Neel noted that there have been no recent cases of waste oil dumping in Washington waters and opined that the vessel operators "are smarter now."
- Vessel and Facility Oil Transfer regulations
 - See OSPR's report (page 2 above) regarding the upcoming Workshop on bunkering operations.
- Salvage capabilities and regulations (refers to emergency stabilization, firefighting, and lightering)

- o Jean reminded the Coordinating Committee that the Salvage and Marine Firefighting updates to tank vessel response plans are due to the USCG by 2/22/11.
- Liquefied Natural Gas shipping and terminal operations
 - o Graham reported that the Kitimat terminal proposal is proceeding and would be served by an existing pipeline.
- Tug escort requirements
 - o Jon reported that the British Columbia pilots are requiring tug escorts for laden tankers transiting out of Vancouver.
- Green Ports
 - o The West Coast Governors Agreement's draft plan on Sustainable Coastal communities includes a focus on green ports.
 - o Jon noted that Ecology is working with the Port of Seattle to install wastewater treatment equipment to serve fishing vessels.
- Vessel traffic trends and risk assessments or studies
 - o See ADEC's report on page 5 above regarding Alaska's Oil and Gas Infrastructure Risk Assessment and the Aleutian Island Risk Assessment. Gary Folley noted that the Cook Inlet Risk Assessment is being initiated as well.
 - o Scott noted that vessels transiting off the California coast are still avoiding the Santa Barbara Channel in order to avoid California's air emission requirements. He explained that the USCG is conducting a Ports and Waterways Assessment on this change in traffic patterns, while the LA/LB Vessel Traffic Service is covering the area and offering more advice to vessels regarding other traffic in the area.

JANUARY 13th CONFERENCE CALLS

STATUS OF PACIFIC STATES/BC OIL SPILL TASK FORCE PREPAREDNESS/RESPONSE PROJECTS

The U.S. /CN Transboundary Spill Project

- Jean reported that the Public comment draft of the Project Report had been posted on our website and notices sent out on December 7th. The comment deadline is January 21st; email reminders were sent again on 1/3.
- She noted that Graham is on the Project Steering Committee (the five Subcommittee Chairs), but encouraged the other Coordinating Committee members to review the draft and send her their comments.
- Jean is reviewing the document for edits, typos and consistency between the Discussions and Summary Observations in each topic paper. She's also adding some new information such as material from the 2010 Report of the Canadian Commissioner of the Environment to the House of Commons.
- She will be working with the Steering Committee and Workgroup to set up a final meeting in March; the purpose will be for them to review the public comments and adopt the final report and recommendations.
- Ecology and MOE are helping plan a CANUSPAC drill in June of 2011. Jean will contact Elin Storey regarding the relevant recommendations from the Project report.

Increase U.S. Limits of Liability

- Jean is tracking congressional actions following the Deepwater Horizon response which might affect liability limits.

Track changes to the Incident Command System

- We will also track any proposals to amend OPA 90 or change how ICS is used for spill response as a result of the Deepwater Horizon spill.
- Graham noted that the Canadian Coast Guard had conducted an internal review and anticipates making some changes. They've hired more staff at Headquarters and established a separate Emergency Response Division. They're also considering whether to move to ICS, he noted, since Public Safety Canada has adopted ICS and is encouraging other Canadian agencies to do so as well.
- Scott reported that OSPR is training local government response managers at the Intermediate Incident Manager level. This will be a 4-day class in late April or early May.

Update the IVRP and Expand to Nontank Vessels

- No actions needed at this time.

OILS 911

- Jean reported that 199 calls were made on the 1-800-OILS-911 system from July through December of 2010; the breakdown is as follows: BC: 4; WA: 80; OR: 9; CA: 106.

Consider Mutual Aid Issues

- Jean noted that the Annual Work Plan calls for the Coordinating Committee to review both the 1993 and 1996 Mutual Aid Agreements “with the goal of defining and implementing a regional response capability for a Spill of National Significance. Each member jurisdiction is to review their resident, “non-cascadable” equipment requirements in the 1996 Agreement and determine – in collaboration with key stakeholders and federal agencies in their jurisdictions – whether any changes are needed. We hope to bring draft changes to the Task Force Members after the April Coordinating Committee meeting, in preparation for their adoption of a revised Agreement at their 2011 Annual Meeting in August.
- Jean pointed out that the 1996 Agreement includes a commitment to “maintain relative equivalency” and “assure effective reciprocity.” She also reviewed the Purpose Statement, i.e., “to set specified conditions whereby certain contingency plan holders may be allowed to meet temporarily reduced response standards in order that their response equipment may be available for mutual aid....and [to] assure that most of the spill response equipment on the West Coast will be available to respond rapidly in the event of a major spill.”
- Each Coordinating Committee member then provided an update on their reviews, as follows:
 - Graham reported that MOE has reviewed their policy in the 1996 Agreement and sees no need for changes.
 - Curtis reported that HDOH has reviewed their policy in the 1996 Agreement and sees no need for changes.
 - Mike reported that ODEQ has reviewed their policy and sees no need for changes. He noted that the Coast Guard is willing to go to lower levels, but that the response coops are not willing to drop even to the DEQ levels.
 - Jon reported that Ecology is still in the process of reviewing their policy.
 - Gary Folley explained that ADEC’s response standards are marine-centric and don’t include the North Slope. Alaska already has regulations covering the transfer of equipment between planholders and would need statutory authority to change those standards.
 - Scott reported that OSPR is still in the process of reviewing their policy.
- Jean then made the following recommendations based on her review of the Policy and Procedure statements in the 1996 Agreement:
 - In the second paragraph under 2.1, Task Force Policy Statement, change “out of the region” to “out of the jurisdiction” (i.e., state or province);
 - Under 2.2.2, Notification, add language regarding the need for OSROs to notify their plan holders if asked to move equipment for mutual aid;
 - Under 3.1, Mutual Aid Recommendations, change the section on Transboundary spills to reference the U.S./CN Transboundary project report;
 - In Appendix A, *Mutual Aid Flow Chart*, add “Agency Approving C-Plans” to the lower box on the left; and
 - Drop Appendix B, *U.S./Canada Transboundary Response to Oil Spills* (now covered by the Project Report, as noted above).
 - The Coordinating Committee approved these edits and asked her to draft a reference to Spills of National Significance and out-of-region requests that would trigger further discussion. They also requested a statement regarding member agency’ roles in “backfilling” for each other.
- Jean advised the Coordinating Committee to review Appendix C, *Prevention and Response Preparedness Measures*, for discussion at their April meeting.

Maintain an Oil Spill R&D Workgroup

- The R&D Workgroup held a conference call on December 14th, led by Judd Muskat of OSPR, the Workgroup Chair. Jean reported that the Workgroup has reviewed the draft summary notes from the call, so she can now finalize and post them on the website next week. She'll copy the Coordinating Committee then.
- There was considerable discussion on the call regarding the need for uniform GIS standards so that software can be more easily integrated; Amy Merten of NOAA agreed to provide leadership for this and Judd plans to include a GIS session during the OSPR/Chevron Oil Spill Response Technology Workshop in February.
- Judd and Jean have recruited new members for the Oil Spill R&D Workgroup from the Louisiana Oil Spill Coordinator's Office, the U.S. Navy, the Texas General Land Office and the Florida Fish and Wildlife Conservation Commission.

Preparedness/Response Topics of Concern (only those Topics of Concern with updates are included below):

- Volunteer planning and management
 - Jean referred the Committee to the USCG Report to API SAG (10/10) regarding ongoing work by the NRT Volunteer Subcommittee to develop a technical assistance document with volunteer management guidelines.
 - Scott noted that California's Area Plan is referring to non-wildlife volunteers as "affiliated" rather than "convergent."
 - Jon reported that Washington is hoping to develop a volunteer management program that plan holders could join.
- Oil spill drill programs
 - Jean referred the Committee to the USCG Report to API SAG (10/10) regarding Government Initiated Unannounced Exercises, which states "The Coast Guard is drafting a Commandant Instruction to supplement the multi-agency approved National Preparedness for Response Exercise Program (NPREP) Guidelines Section 2 "Guiding Principles". The draft COMDTINST is expected to enter the concurrent clearance process fall/winter 2011. There is a published article in the fall 2009 edition of the Coast Guard Proceedings magazine that also discusses this topic. The article is on Page 93 and can be found at www.uscg.mil/proceedings."
- Applied response technologies and regulations
 - Jean noted that she plans to submit the Task Force comments on the NRT/RRT Dispersant Guidelines initiative on Friday and encouraged the Coordinating Committee members to let her know ASAP if they have any further edits.
 - She also reminded them that the CAPS Dispersant updates to tank vessel response plans are due to the USCG by 2/22/11.
 - Curtis reported that MSRC in Hawaii is investing in fireboom. Clean Islands Council is working with Hawaii's resorts to acquire beach-cleaning machines like those used in the Gulf.
 - Scott stated that California is also considering beach-cleaning machines and noted that they can work 24/7 if needed.
- Oil Spill research and development, including BAT and BAP
 - OSPR is partnering with Chevron to host an Oil Spill Response Technology Workshop February 15-17, 2011 in San Ramon, CA. One day will be focused on dispersants and the remaining two days will focus on a variety of spill response technical issues, including SCAT software.
- Standards for Incident Management Teams
 - Scott reported that OSPR is still working on this; Gary Folley noted that Alaska's nontank vessel regulations set IMT requirements regarding the number of persons and their availability.
- Natural Resource Damage Assessment (NRDA) initiatives, issues, and activities, including NRDA assessments and collections (Notes of JAT meeting 10/10)
 - Jean reviewed her notes from the October 2010 Joint Assessment Team meeting.
- Coordination of inter-jurisdictional wildlife care
 - Scott noted that funding concerns continue for California's Oiled Wildlife Care Network; it's a very popular program, but interest rates are so low that interest on the oil spill fund is falling short of what's needed.
 - Jon reported that the Washington Department of Fish and Wildlife is conducting 8-hour Hazwoper training for oiled wildlife care volunteers in Sequim and Everett.
 - It was noted that rescue and rehabilitation standards are generally lower for lightly oiled non-migratory, invasive species.

- Development of remote sensing capabilities, application of RADARSAT, and implementation of 24-hour response operations where it would be safe and effective
 - This topic will be covered at the OSPR/Chevron Oil Spill Response Technology Workshop.
- Preparedness/Response Lessons Learned
 - Jon reported that Ecology has changed their Lessons Learned process. Whereas it was previously led by the Response Section, the Preparedness Section is now leading the process.
 - Scott noted that attorneys' for California's planholders feel that lessons learned from internal debriefs are privileged information and want the regulation that requires RPs to share these with OSPR to be withdrawn.
 - Gary noted the value of the Emergency Towing Package during the *Golden Seas* response, explaining that the 750' freighter was towed 300-400 miles to Dutch Harbor. DEC plans to prestage these packages along the Alaska Coastline, and USCG D17 is willing to assist with air deployment. He also noted that any vessel could tow another one with this package, not just tugs. (See <http://dec.alaska.gov/spar/perp/aiets/home.htm>)
- Contingency plan regulations and preparedness/response issues re: nontank vessels
 - Jean reported that the USCG's Final rule for nontank vessels is due in February 2011.
- Planning for Potential Places of Refuge and applications of POR decision-making guidelines
 - Gary noted that the Potential Places of Refuge identified in the Aleutians was reviewed during the response to the *Golden Seas*.
 - Mike reported that the NW Area Committee has not done planning for Potential Places of Refuge.
- Status of the Oil Spill Liability Trust Fund
 - Jean advised the Coordinating Committee that the National Pollution Fund Center has filed no reports since their *Annual Report FY04-08*, which provided projections for fund levels through FY 2014.
 - She also noted that the USCG report to the API SAG stated that, as of 10/12/10, the OSLF balance was \$1.5 billion. It further stated that "While some large claims are pending, the balance is expected to continue to rise."

JANUARY 11th REPORT FROM THE NATIONAL COMMISSION ON THE DEEPWATER HORIZON SPILL

- The Coordinating Committee discussed the following list of recommendations from Chapter 9 ("Develop options for guarding against and mitigating the impact of oil spills associated with offshore drilling") of the Commission Report (Jean highlighted recommendations that are broader than offshore drilling in yellow and those that may be transferable to other areas of regulation in blue).

Page & Recommendation #	Summary
250	Notes the 7 areas covered by the recommendations; also refers to Chapter 10 (Future of Offshore Drilling & Arctic Drilling)
252-253/A1-A3	Recommendations specific to offshore drilling, including prevention standards and international consultation
256/A4-A5	DOI should create a new agency to regulate offshore drilling
261-262/B1	DOI should enhance NEPA review of offshore drilling permits
263/B2	DOI should enhance interagency consultation
264/B3	Congress should require industry to fund regulating agencies
266-267/C1	DOI should enhance risk analysis and planning for spill response
267-268/C2	EPA & USCG should establish plans & procedures for a SONS response
268-269/C3	EPA & USCG should enhance state and local role in planning and adopt RCAC for Gulf
270/C4	Increase funding for oil spill response R&D, including private sector incentives; revise EDR standards and allow open-water testing
271/C5	EPA should update dispersant testing protocols and modify pre-approval policies
272/D1	NRT should develop and maintain source control expertise
273/D2	Offshore drilling operators should provide source control plans with permit applications
274/D3	NRT should develop and maintain flow rate/spill volume expertise
275/D4	DOI should develop requirements for blow-out preventers
276/E1	FOSC should allow access to response zone for research and long-term monitoring

277/E2	Ensure that NRDA restoration is transparent
278/E3	NCP should address human health impacts during a SONS
279/E4	Restore consumer confidence in Gulf seafood
280/E5	Dedicate 80% of all Clean Water Act penalties to Gulf restoration
280/E6	Build organizational capacity to restore the Gulf
282/E7	Fed agencies and trustees should balance economic and environmental interests in the Gulf
284/F1	Congress should increase the liability cap and financial responsibility requirements for offshore facilities

Page & Recommendation #	Summary
286/F2	Congress should increase the limit on per-incident payments by the OSLTF & increase the Fund
286/F3	DOI should enhance risk auditing of all offshore drilling participants, not just permittee
287/F4	DOJ should audit the Gulf Claims Facility after all claims are paid with regard to Lessons Learned
289/G1	Increase and maintain Congressional awareness of offshore drilling
290/G2	Congress should provide way for offshore drilling industry to fund regulators (like B3)

- Discussing the response generally, it was noted that the National Incident Command should not handle Public Affairs, which should be done by the Unified Area Command instead. Incident Management Teams should handle the response and let the Command Management Team handle the “big picture.”
- There was concern that the National Contingency Plan is too centered on the roles of federal agencies and fails to recognize state and local roles as outlined in Area Contingency Plans. One participant thought that the NCP should provide a “co-chair” role for states on the National Response Team (NRT). Others agreed that states should have an avenue for input to the NRT.
- The Coordinating Committee agreed that key policy themes for the Pacific States/British Columbia Oil Spill Task Force going forward include:
 - Continued state access to planning through the Area Contingency Planning process;
 - Continued state access to decision-making during a response through Unified Command and the Incident Command System;
 - Coordinating industry contingency planning with Area Plans in order to ensure that sufficient response equipment is available for both offshore and nearshore response to a Worst Case Discharge; and
 - Ensuring that each coastal region - including our Pacific Coast area - has adequate response capacity for mutual aid at the regional level.

STATUS OF PACIFIC STATES/BC OIL SPILL TASK FORCE COMMUNICATIONS PROJECTS AND ADMINISTRATIVE TASKS

2010 Annual Meeting Evaluations

- Jean led the Coordinating Committee in a review of feedback from participants at our 2010 Annual Meeting, which was generally positive. Ranking each session on a scale of 1(low) to 5 (high), the average for “useful information” was 4.11 and the average for “interesting presentations” was 4.09. Their ranking of panel sessions was consistent with that of the Coordinating Committee at their October meeting.
- Most program recommendations for our 2011 Annual Meeting were to continue a focus on lessons learned from the Deepwater Horizon response.

2011 Annual Meeting

- Gary Folley reported that Larry Hartig, Alaska’s Task Force Member, would be available to host the meeting during the week of August 22-26th. Jean will work with DEC to confirm a final date and notify all Task Force Members.
- ADEC plans to host the meeting in Anchorage; Jean will work with ADEC staff as they secure a location.
- Larry Dietrick offered to arrange field trips for Coordinating Committee and Task Force Members either before or after the meeting, depending on interest. Possible options might be the North Slope, Valdez, or Drift River. Any travel costs would be covered by participating individuals.

Conduct Stakeholder Outreach

- Jean noted that, even though the International Oil Spill Conference (IOSC) in May would be in Portland, she does not recommend paying for and staffing a Task Force booth, since it's expensive and staffing among member agencies might be a challenge considering all the travel restrictions. The Coordinating Committee agreed.

The Task Force Web Site

- Jean is waiting for bios and photos for new Task Force Members Scott Schaefer and Gary Gill; she will add Gary Folley's information to the Coordinating Committee list then.
- She will also revise the Deepwater Horizon statement on the web as well as post the Coordinating Committee's 10/10 meeting notes and the R&D Workgroup conference call notes.

Track and comment on Federal Policy initiatives

- Our comments on the NRT dispersant guidelines initiative have been our primary effort lately.

Maintain the Legacy Awards Program

- Our next request for nominations will occur next fall in preparation for the May 2012 Clean Pacific Conference.

Maintain Partnerships with Federal Officials

- Jean has advised Steve Danscuk at USCG Pacific Area that the Coordinating Committee would like to hold the annual meeting with the USCG pursuant to our MOU on 5/27, following the IOSC. Mike will reserve a meeting room at DEQ in Portland.
- Graham will arrange for the Coordinating Committee to meet with Canadian federal officials following our quarterly meeting in April.

Expand Outreach to other Coastal States/Provinces

- Jean explained that Phil Wieczynski had advised holding a conference call with coastal states and provinces to debrief the Gulf Coast State participants after release of the USCG's Deepwater Horizon Incident Specific Preparedness Report. The Coordinating Committee agreed.

Improve Communications between Member Agencies

- Jean requested that member agencies copy her on any oil spill responses press releases.

Administrative topics:

- Jean reviewed the YTD Fiscal reports with the Coordinating Committee.
- Jon Neel led a discussion on extending Jean's contract to 2012. Each member agency agreed and indicated that they would be able to renew their interagency support agreements for another two years at the current levels. However, Graham advised the Coordinating Committee that, with the current level of political uncertainty in British Columbia, there was a remote possibility that their funding could be withdrawn or reduced.
- Jon will send letters with draft agreements within the next six weeks (by March 1st).
- The Coordinating Committee asked Jean to send them a proposal regarding how she would transfer the Executive Coordinator job responsibilities to a new hire by June 30th, 2012.

2011 Annual Report Timeline

- Jean noted that the Jurisdictional reports for the Task Force's 2011 Annual Report - with photos – are due to her NO LATER THAN May 2nd.

Confirm April 13-14, 2011 Meeting Dates in British Columbia

- Curtis has a conflict with these dates because of a large NPREP drill in Hawaii that week, so the Coordinating Committee agreed to meet April 27-28th. Graham informed them that MOE will host the meeting in Vancouver, since that will facilitate our meeting with federal agency representatives. Jean will work with Graham to develop an agenda.
- The Coordinating Committee also agreed to adjust the June Conference Call dates due to a conflict with a CANUSPAC drill. The calls were rescheduled for June 14th and 16th.