

Summary Notes¹
Pacific States/British Columbia Oil Spill Task Force
Summer 2007 Coordinating Committee Meeting
June 29, 2007
California Fish & Game Office
Monterey, CA

ATTENDING: Steve Sawyer, California Office of Spill Prevention & Response (OSPR); Curtis Martin, Hawaii Hazards Evaluation & Emergency Response (HEER); Graham Knox, British Columbia Ministry of Environment; Jon Neel, Washington Department of Ecology (DOE); Mike Zollitsch, Oregon Department of Environmental Quality (ODEQ); and Jean Cameron, Pacific States/BC Oil Spill Task Force. Betty Schorr, Alaska Department of Environmental Conservation (ADEC), participated by phone. Phil Wieczynski of the Florida Department of Environmental Protection joined the meeting by phone during the Jurisdictional Updates.

JURISDICTIONAL UPDATES:

Alaska Department of Environmental Conservation (ADEC); Betty Schorr reporting:

- Betty reported that British Petroleum conducted a spill exercise in Prince William Sound, Alaska using the worst case scenario described in the State required Oil Discharge and Contingency Plan. The scenario involved a fully laden tanker carrying 1,300,349 barrels (54,614,658 gallons) of Alaska North Slope crude oil leaving Prince William Sound at Hinchinbrook Entrance. The vessel experiences a catastrophic accident, running aground in the vicinity of Zaikof Point on Montague Island. After the grounding, the Master of the tanker reports 300,000 bbls (12,600,000 gallons) spilled from the vessel and oil was expected to continue to leak at the rate of about 165,000 barrels (7,260,000 gallons) per day. For drill purposes, April 30 was the first day of the incident but the drill itself took place in Valdez on Day 3 of the incident (May 2).
- She also reported that the Aleutians Emergency Towing Project is planning to conduct an exercise on July 31st. More information is available on the project website at: <http://www.dec.state.ak.us/spar/perp/aiets/home.htm>.

Hawaii Department of Health, Curtis Martin reporting:

- Curtis noted that two spill incidents had occurred since the last Coordinating Committee meeting. One was a diesel release from a storage tank on the Navy base; the leak has been contained underground.
- The other incident involved concern that a few Hawaiian stilts (an endangered species) had accessed holding ponds at the Chevron refinery, but no one was able to capture the birds in order to determine whether they had been oiled. (For more information on the Hawaiian stilt, see <http://www.fws.gov/pacificislands/wesa/aeo.html>.)

British Columbia Ministry of Environment; Graham Knox reporting:

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

- The Ministry conducted an inland spill response exercise in late May; the exercise included industry participants and other federal and provincial agencies.
- The Canadian Coast Guard conducted a debrief meeting on the sinking of the Queen of the North. About a half-litre of oil is leaking each day, however British Columbia Ferries fears that any attempt to lighten the vessel could result in a catastrophic release and possibly increased environmental damage. The First Nations near the sinking are concerned over impacts to their resources. The Canadian Coast Guard (CCG) in consultation with other government stakeholders agreed that long-term monitoring of the sunken vessel would be needed.
- Graham noted that there has been some progress regarding CCG views on ICS, and that they have acknowledged that this is an issue of concern for the Province, First Nations, and local government, who all use ICS. He also noted that the role of the REET will be refocused based on discussions with CCG and EC.
- A draft Provincial Oiled Wildlife Plan is being circulated for comment, and a workshop is being planned which will include Provincial and federal agencies as well as Burrard Clean Operations and other stakeholders.
- Graham reported that the Ministry is developing a new training plan for their Incident Management Teams and Technical Specialists. A 3 day joint training session is being planned for November 2007.
- Ministry of Environment response staff participated in the Conoco/Phillips drill in Washington state in late April.
- Regarding public debate over the issue of tankers in British Columbia's western waters, Graham explained that their Tanker Exclusion Zone is voluntary. The only "ban" is on offshore exploration and drilling. That ban could only be lifted by the federal government, he explained. Although the British Columbia government supports lifting the ban for economic development, 80% of British Columbia's residents are opposed, he noted.

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

- Mike reported that Senate Bill 105 had passed; it increases fees for vessels, including three categories of tank barges (less than 25,000 bbls, 25,000 to 100,000 bbls, and more than 100,000 bbls). Dredges are also covered. The higher fees are expected to provide approximately \$750,000 for the oil spill program during the 2007-2009 biennium. DEQ will submit a report to the Legislature on the fees collected as well as the activities supported by the fees.
- The Oregon Legislature also decided to define LNG as oil, putting all LNG tankers and new facilities under DEQ's authority to require spill contingency plans.
- The 2007 Legislature also assigned one new FTE to DEQ to track compliance with, and enforce, Oregon's ballast water regulations. He also noted that the same bill included language which would require any shipbreaking activities in Oregon to be done in drydock, not over the water.
- Mike noted that the Emergency Response program continues to work with other state, local, and federal agencies to prepare for the TOPOFF exercise in October. A large "set" is being constructed at the Portland International Raceway, he explained.
- He also noted that the GRP for the Tillamook Bay area is to be updated this summer.

California Office of Spill Prevention & Response (OSPR); Steve Sawyer reporting:

- Steve noted that OSPR had worked with Fish and Game staff to try and move the grey whales out of the Delta, where their health was obviously deteriorating from long exposure to fresh water. They finally swam back to the ocean after three weeks, he reported.
- OSPR sponsored a two-day meeting with the Western States Petroleum Association which other state and local agencies attended as well as environmental group representatives. It was a chance to put all issues of concern on the table. Working Groups have been convened to address the following goals:
 1. Developing a schedule for drills/exercises which facilitates more agency participation;
 2. Develop a system to categorize Spill Management Teams by what size spill they're qualified to address (OSPR plans to utilize the Alaska model);
 3. Propose a way to fund OSPR responses to inland spills; and
 4. Develop a program to provide grants to municipal harbors and marinas to cache spill response equipment (on the Washington model), particularly for economically sensitive sites.
- These Working Groups will submit recommendations by certain dates.

Washington Department of Ecology; Jon Neel reporting:

- Jon explained that Paul O'Brien, the Prevention Section Manager, will be leaving Ecology to work at Environment International. USCG Captain (retired) Chip Boothe is serving as the acting section manager. The position will be permanently filled in about three months.
- The Washington Legislature assigned additional FTEs to the Spills Program, Jon explained, but while funding was provided, there was not a proportional increase in revenue to support the appropriations for these positions. Program staff will continue to work with the Legislature and stakeholders to address this long-term funding issue.
 - Jon also reiterated that the Legislature had increased the maximum assessment values in NRDA from \$50 to \$100. The state's damage assessment compensation table rule will now have to be updated to reflect the Legislative authority.
 - The legislation also increased the state oil spill penalties to \$100,000 per day for negligence discharge of oil, and up to \$500,000 per day for intentional or reckless discharges.
 - They also added biofuels to the statutory definition of oil.
 - The Legislature provided \$300,000 to the Oil Spill Advisory Council to fund various studies.
 - Ecology contracted at the \$5,000 level with the Makah Tribe to support their coordination with the NW Indian Fisheries Commission, Area Committee, and support preparations for the Oil Spill Summit with Governor Gregoire and Coast Guard RADM Houck.
- Jon reported that the cleanup of the *SS Catala* will be wrapping up this summer. It was still uncertain to what extent the state will be able to recover its cleanup costs from the federal Oil Spill Liability Trust Fund.

- Jon provided the Committee with a couple of bar charts showing recent trends in oil spills in Washington. One showed a significant decline in major oil spills (10,000 gallons or more). The other showed a slight increase in the number of marine spills, but a definite decline in the volume spilled. The increase in the number of spills is at least in part attributable to better spill reporting.
- Ecology has completed its program to provide trailers of spill equipment to local governments and tribes; a total of 90 equipment caches have been stocked and roughly 1,000 persons trained in the equipment's usage and in personal safety. The local municipalities now own and are now responsible to maintain the stockpiles.
- Jon explained that the June 26th "Summit" between Governor Gregoire and Rear Admiral Houck, Commander, Thirteenth Coast Guard District had formally changed the way that the State and the USCG do business. They adopted a Strategic Plan and twelve operational protocols with performance measures. Moreover, everything will be maintained on a website so it will be "transparent" and available to the public. In addition, the public may comment continuously on the Strategic Plan through the website. Ecology and the USCG will meet on a quarterly basis to review implementation of the Plan, and it's hoped that the new agreements will institutionalize these commitments to ensure they will not be lost with personnel changes at either the Coast Guard or the State.
- Jon also noted that Ecology has an agreement with the Washington State Patrol to conduct aerial observations to detect oil spills while flying security missions over the U.S. Navy.

Florida Department of Environmental Protection, Phil Wiczynski reporting:

- Most of the recent spills in Florida have been inland spills involving tank trucks, Phil reported.
- Florida is in the grip of a long drought, so wildfires have been the recent focus for state fire personnel, who at the highest activity were responding to over 300 wildfires covering almost 200,000 acres.
- Phil has been busy planning for Clean Gulf 2007, which will be in Tampa, FLA on November 15-16; for more information, go to <http://www.cleangulf.org/>. EPA will co-locate their hazmat conference for State Emergency Response Commissions and Local Emergency Planning Committees as a fifth program track, so this will increase local participation.
- Phil noted that DEP was meeting with five USCG sectors and two districts to review their MOUs, exercises, etc. DEP field offices meet regularly with the USCG Sectors, but it has been over 7 years since a statewide coordination meeting has been held.

STATUS REVIEW OF SPILL PREVENTION PROJECTS

Database Project

- Jean reviewed the 2006 Data report and the report on 2002-2006 trends, as prepared by Camille Stevens of ADEC, the Data Workgroup Chair. Regarding the 2006 data, Jean noted that:
 - More crude was spilled than in past years, due primarily to the North Slope spill; 2006 was 50% crude, 50% non-crude.
 - Regarding non-crude spills, we recorded 300,000 gallons more than 2005; this may be due to the land spills now being reported by California, she noted.

- Diesel was the primary non-crude product spilled;
 - Primary sources were facilities, vehicles, and pipelines. Among facilities, commercial/industrial continues to be the primary source. Among vehicles, trucks are the primary source;
 - Combined, Equipment Failure and Human Error accounted for 90% of the causes, and 31% of the Human Error events were due to inattention;
- Camille Stevens noted that "Collecting specific cause data continues to be a challenge for some states. Most Human Error spills were classified as *Other* (39%). "
- She also notes on page 8 that neither Oregon nor Alaska collect "Activity" data. We hope to address that as you all bring your databases into line with the new Data Dictionary.
- Regarding crude oil spilled, the sources were primarily pipelines and facilities. Causes were 81% equipment failure, of which 79% was structural failure (the north slope spills)
- Regarding the 2002-2006 Five Year Trends:
 - We've included 3,776 spills in our Task Force database over the past 5 years, for a total volume of more than 3 million gallons;
 - Facilities and pipelines are the primary sources for crude oil, and vehicles for non-crude;
 - Crude oil represented only 8% of the number of releases, but was 24% of the total volume spilled;
 - Diesel and bunker were the primary non-crude products spilled;
 - The number and volume of spills jumps dramatically in 2006, probably due in large part to the fact that California is now reporting all spills, including those to land, combined with the large release in Alaska this year.
 - Equipment failure shows as the primary cause of crude oil spills over the past 5 years, while Human Error is the primary cause of non-crude spills.
- Regarding British Columbia's progress on developing a spills database, Graham reported that the Ministry is interested in a model used in Alberta, which would also track the number of emergencies reported. The Ministry's needs have been communicated to the persons evaluating a Provincial government model; if no progress is made, the Ministry may consider moving forward with their own database.
- The Coordinating Committee members had no particular comments or observations on the DNV training held in early May. Jean thanked OSPR for hosting the event and handling the registrations.

Prevent Pipeline Spills

- Jean reported that she had attended the May 30th meeting of the Washington Citizens' Advisory Committee on Pipeline Safety, where the primary focus was measures taken to avoid third-party damage.
- Betty reported that ADEC is drafting an RFP for a risk assessment of the transport of crude oil from the North Slope wellheads to Valdez. This will be a major initiative for them, in addition to enforcing the new pipeline regulations.

West Coast Offshore Vessel Traffic Risk Management (WCOVTRM) 5-Year Implementation Analysis

- Jean led a discussion of the compilation of evaluation comments received from the WCOVTRM Workgroup members and forwarded to the Committee on 6/21.
- She urged ADEC, Ecology, and the Ministry to submit their comments, since they had participated in the original Project Workgroup. She will also solicit more comments from the original members before drafting the final Report.
- The 5-Year Evaluation Project is co-chaired by Rick Holly of OSPR and Stephen Danscuk of the USCG Pacific Area; they will present the final report during Jean's session at Clean Pacific on September 14th. The project report will also be posted on our website.

Recommended Best Industry Practices (BIPs)

- Jean reported that there had been no action on this since the last meeting; she's still waiting for a AWO/USCG Regional meeting.
- Jon reported that the Puget Sound Harbor Safety Committee was adopting the BIPs as Standards of Care, as recommended by the USCG Pacific Area at the Task Force's request.

POSPET

- Jean reported that she still needs to draft summary notes of the March POSPET meeting.

Monitor TAPS Conversions

- Captain Laura Stratton reported that there were no changes since the April report.

Spill Prevention Topics of Concern (only those topics with updates are noted below)

- Waste oil dumping by deep draft commercial vessels:
 - Jon noted that there are \$6 million in projects approved for Washington as a result of settlements in waste oil dumping cases prosecuted by the U.S. Department of Justice.
- Spills from trucks:
 - Jon noted that spills from trucks during transfers over water are addressed in Ecology's new transfer regulations.
- Salvage capabilities and regulations:
 - Jean reviewed the IMO Wreck Removal Convention, which would require ship-owners to obtain insurance coverage for the costs of wreck removal for vessels 300 GT or larger in a nation's EEZ. It must be ratified by 10 states in order to go into affect.
 - Jean also noted that the American Salvage Association and the USCG announced on June 11th that they had formally executed the Marine Salvage and Firefighting Quality Partnership with a Memorandum of Understanding.
- Federal preemption issues:
 - Jon led the Coordinating Committee in a discussion of the U.S. v. Massachusetts First Circuit Court decision issued on June 21st. He noted that the First Circuit Court had essentially ruled in favor of Washington's brief with regard to conflict preemption and the right of states to adjust COFR requirements for vessels meeting certain spill prevention standards.
 - Betty noted concerns regarding the fact that federal tug escort requirements for Prince William Sound expire when all tankers are double-hulled, with the result that the state tug escort requirements should be maintained. This decision helps the state's position, she said.

- Jon also led a discussion of Washington Senator Cantwell's bill, S. 1620, for which Jean had provided the Coordinating Committee with an analysis on 6/19/07. Jon agreed to propose several sections of the bill for the Task Force to endorse.

STATUS REVIEW OF SPILL PREPAREDNESS/RESPONSE PROJECTS

Promote Remote Sensing Capability

- Jean reported that there had been no further developments on this issue since the last meeting.

Contingency Plans for Non-tank Vessels

- Jean reported that there had been no further developments on this issue since the last meeting.

Monitor the Places of Refuge (POR) Annex

- Jean referred the Committee to the analysis which she had sent them on May 8th regarding Transport Canada's National Places of Refuge guidelines, noting that they provided for a concise decision-making approach that was somewhat different than the Pacific Area Guidelines, but nevertheless consistent.
- Only Alaska and California reported any planning activity regarding Potential Places of Refuge. Curtis stated that the Hawaii Islands have not conducted formal planning, but that their recent experience with the *M/V Tong Cheng* had enhanced their ability to deal with any future incidents.

Maintain the IVRP & C-Plan matrix

- Jean reported that there had been no further developments on this task since the last meeting.

Maintain OILS 911 Spill Reporting

- Jean reported that 328 spills had been reported on the OILS-911 system from July 2006 through May, 2007.; 111 of those were made in British Columbia, 175 in California, 17 in Washington, and 25 in Oregon.

Update Mutual Aid Agreements

- The Committee discussed ADEC's report on Lessons Learned from the Mutual Aid exercise conducted on April 30th in connection with the BP drill in Prince William Sound (see page 1 above) to test the 1993 Mutual Aid Plan. A number of issues were addressed, including:
 - Acknowledging that it may take a few days for staff from some jurisdictions to reach the spill scene, depending on the remoteness of the location, thus limiting the likelihood that they can participate in activities with short-term windows of opportunity, such as dispersant applications or in-situ burns;
 - Acknowledging that staff from "donor" jurisdictions would be sent on a short-term basis to supplement the receiving jurisdiction's response. If needed, an effort will be made to send the same staff back to the spill after a rotation at

- home, in order to reduce the need for the receiving agency to retrain and re-orient new responders;
 - The Plan should allow for the use of the ICS 222 forms to specify resource requests, and each member agency should consider pre-identifying the types of experts and resources they will need in order to "pre-load" the ICS 222 forms; and
 - Jean will make the necessary updates and revisions to the Mutual Aid Plan based on these Lessons Learned.
- The Coordinating Committee members reported that no changes were currently needed to their jurisdiction-specific policies in the 1996 Mutual Aid Agreement.

Preparedness/Response Topics of Concern (only those TOCs with updates are noted below)

- Oil spill drill programs
 - See California's jurisdictional report on page 3 above.
- Financial responsibility requirements, state and federal:
 - See notes above re: First Circuit Court decision, page 6 above.
- Natural Resource Damage Assessment (NRDA) initiatives and activities, including NRDA assessments and collections:
 - Graham noted that the Emergency Management Program is considering adopting a NRDA table of penalties and fines; moreover, the entire Ministry might adopt it. Legislative authority would be needed, he explained, so this concept will be developing for several years.
 - Washington and California noted that the U.S. Navy would not agree to formal Natural Resource Damage Assessments, but will agree to settlements that include restoration costs. The U.S. Navy apparently has no consistent policy on this.
- The Coordinating Committee discussed a question that came up at their last meeting regarding a spill scenario when a vessel is loading or unloading at a facility, i.e., which one is responsible for the response in the event of a spill? The Committee determined that the answer depends in part on whether oil is spilled on the facility or vessel side of the transfer, but they noted that most facilities would mount an initial response as necessary.

ADMINISTRATIVE & COMMUNICATIONS ISSUES

The Clean Pacific Conference

- The Coordinating Committee members reviewed their various commitments, noting that Mike, Graham, Leslie, Jon, and Jean are all organizing and/or chairing Sessions.
- Jon noted that Senator Cantwell would not be available to Keynote the Conference, and he agreed to ask Governor Gregoire or Tom Fitzsimmons, her Chief of Staff. Jean reported that Amy Merten was also approaching Jack Dunnigan, NOAA's Assistant Administrator.
- Laura Liptak of the TradeFair Group had sent the grant applications to the Coordinating Committee on June 21st and would organize a conference call to review them on July 9th.
- Jean reminded Committee members to review the Exhibitor guidelines and note the deadlines. She also noted that she'll need to know who's attending from Alaska, BC, Oregon, and Hawaii so she can organize a booth staffing roster.

- When Jean explained that they should debrief with the TradeFair Group after the event, the Coordinating Committee commented that they'd like to know the attendance at each session as one measurement of what worked and what didn't.

Stakeholder Outreach

- Jean reviewed her outreach activities since the April meeting, which included attending a JAT meeting on 5/10 in Portland; attending the WA Citizens' Advisory Committee on Pipeline Safety on 5/30, Vancouver, WA; attending the WA Oil Spill Advisory Committee meeting on 6/6 in Seattle; and attending the USCG Pacific Strike Team Change of Command on 6/8 in Novato, CA. Upcoming events will include a briefing to OSAC on July 19th and a trip into Portland on July 9th for Clean Pacific meeting. She also reported that she hopes to attend the CANUSDIX drill in Ketchikan, AK on September 18-21st.

Outreach to other states/provinces

- Jean reported that there had been no further developments on this Task since the last meeting.

Track Federal Policies

- Jean reviewed the Task Force comments submitted on the draft FEMA FOG, and Mike Zollitsch noted that the primary concern was with the new ICS forms.

Maintain the Task Force Web Site

- Jean reported to the Coordinating Committee that the Task Force website had received a total of 1,468,653 "requests" from the time it was set up in 2003 through May of 2007.

2007 Legacy Awards

- A total of 14 nominations had been submitted this year, so the Coordinating Committee reviewed them with an emphasis on long-term contributions. They requested additional information on a few nominations, with the result that final recommendations to the Task Force Members would be made after that additional information is gathered and discussed.
- The schedule calls for the Coordinating Committee to submit their recommendations to the Task Force Members by June 18th; the Members' decisions will be due by August 1st.

Annual Report

- Jean reported that she had sent the draft Annual Report to the graphic artist for layout, and advised the Coordinating Committee that it was longer than usual this year due to the additional data pages, plus some long jurisdictional reports.
- The printing schedule calls for getting it to the printer by 8/1 for an 8/15 delivery.

Administrative Issues

- Jean provided the Coordinating Committee with a YTD Expense Report through May, 2007.
- She also provided them with a draft 2007-2008 Budget proposal, which they approved.
- Jon noted that all the 2007-2009 Contracts were received except from Oregon; Mike explained that it was being processed.

2007-2008 Annual Work Plan

- The Coordinating Committee discussed the draft work plan and agreed not to convene a stakeholder workgroup on the Pipeline task, in favor of doing so for the U.S./Canadian Transboundary Response Task instead.
- They also agreed to establish a "standing committee" to respond to opportunities to comment on federal ICS guidance documents.
- No other significant changes were made to the draft. They'll review the next iteration and the final version will then be submitted to the Task Force Members for adoption in July.