

Citizen's
Oversight
Council on
Oil . . .

4-18-91



Citizens' Oversight Council

on Oil and Other Hazardous Substances

3111 C Street, Suite 150 • Anchorage, Alaska 99503
(907)561-2101 • 562-4376(FAX)

April 17, 1991

Representative Cliff Davidson
House of Representatives
P.O. Box V
Juneau, AK 99811

Dear Representative Davidson:

The Citizens' Oversight Council on Oil and Other Hazardous Substances was created by the passage of HB 578 during the last legislative session. The purpose of the Council is to involve citizens in the review of environmental safety in the production, transport, and storage of oil and other hazardous substances. As you know, in establishing the Council the Legislature found that one of the contributing factors to the Exxon Valdez disaster was the complacency of the oil industry, as well as the state and federal agencies charged with regulating the industry. The Legislature decided that an involved citizenry was essential to help ensure compliance with environmental laws and regulations.

Since the Council was appointed in late November, we have been hearing the concerns of citizens through a series of public meetings and gathering information on a wide variety of topics and educating ourselves on the issues related to the transportation, storage, and production of oil and hazardous substances. As a consequence, we have now developed the Council's 1991 workplan to identify the projects we will tackle this year.

We are pleased to present you with the Council's 1991 workplan. As the Chair of the House Resources Committee and Vice-Chair of the Legislative Council, we knew you would be especially interested in the Council's plan for its first year in operation. We would appreciate any suggestions or comments you have that would help us accomplish the 1991 workplan and make our recommendations as useful as possible.

Council Members

Harry R. Bader, Fairbanks • Leo J. Hannan, Anchorage • Kathryn L. Kinnear, Kodiak
Gary P. Kompkoff, Tatitlek • John H. Lucking, Jr., Unalaska

Two of two

Thank you for your interest. We look forward to hearing from you. Please feel free to contact me anytime at 561-2101 to discuss the workplan or the Council.

Sincerely,

A handwritten signature in dark ink, appearing to read "Michele Brown", with a horizontal line extending to the right.

MICHELE BROWN
Executive Director

enc.

**CITIZENS' OVERSIGHT COUNCIL ON OIL
AND OTHER HAZARDOUS SUBSTANCES**



1991 Workplan

CITIZENS' OVERSIGHT COUNCIL ON OIL AND OTHER HAZARDOUS SUBSTANCES

The Citizens' Oversight Council on Oil and Other Hazardous Substances was created by the Sixteenth Legislature in 1990. The creation of the Council was a recommendation of the Alaska Oil Spill Commission, an appointed task force to examine the causes of the *Exxon Valdez* oil spill and to suggest improvements to prevent future catastrophes.

Both the legislature and the Oil Spill Commission found that one of the contributing factors to the *Exxon Valdez* disaster was the complacency of the oil industry as well as the state and federal agencies charged with regulating the industry. The legislature, in establishing the Citizens' Oversight Council, believed that an involved citizenry was essential to help ensure compliance with environmental laws and regulations.

The Council's role is to:

- Assess the performance of state and federal agencies in preventing and responding to releases of oil and hazardous substances.
- Identify major areas of risk of an oil or hazardous substance release.
- Recommend improvements for environmental safety to the legislature, the governor, federal agencies and private entities.
- Request the attorney general to bring legal actions to ensure compliance with state laws regarding the release of oil and hazardous substances. AS24.20.610.

C.O.C.O.

1991 WORK PLAN

I. ISSUE AND PROJECT FORMULATION

II. GOAL OF ISSUES AND PROJECTS IDENTIFICATION

III. PROJECTS IDENTIFIED

A. DIRECT ACTION PROJECTS -

Is The Process Working To Protect Us?

- Environmental Permitting Process
- Cleanup of Contaminated Federal Facilities Sites

B. LONG-TERM PROJECTS -

Are We Better Prepared Now ?

- Oil Spill Response Preparedness
- Hazardous and Toxic Substances

C. LEGISLATIVE RESPONSE PROJECT

CITIZENS' OVERSIGHT COUNCIL ON OIL AND OTHER HAZARDOUS SUBSTANCES

1991 WORK PLAN

I. ISSUE AND PROJECT FORMULATION

The Council has had informational meetings to hear the concerns of citizens in Juneau, Dillingham, Bethel, Anchorage, and Sitka. Each meeting was teleconferenced to include participation from surrounding areas. The Council has also, through outreach and through correspondence sent in from all areas of the state, discerned a commonality of interest among Alaskans identifying the issues of greatest concern related to the production, transport, storage and disposal of oil and other hazardous substances. These issues form the basis of the Council's 1991 workplan.

II. GOAL OF ISSUES AND PROJECTS IDENTIFICATION

The Council has identified issues and projects in order to systematically audit, investigate, and analyze the subjects and then issue findings and recommendations to the Legislature and the Governor. The Council will establish advisory groups, comprised of members from government, industry, and other interests, to assist the Council's investigation and analyses. The Council will specifically avoid duplicating work performed by other groups or government agencies, except as to generally review and oversee agencies' adherence to law and public process.

III. PROJECTS IDENTIFIED

A. DIRECT ACTION PROJECTS

Is The Process Working to Protect Us ?

- Environmental Permitting Process
- Cleanup of Contaminated Federal Facilities Sites

These projects are designed to ensure that resolution of a particular permit issue or contaminated sites cleanup takes place effectively and appropriately. The focus of the inquiry is whether the process set up by law is adequate and is followed consistently, efficiently, and with full citizen participation. The particulars of the actual permit or cleanup resolution are secondary to ascertaining that the "system" works to involve and protect the public.

The intent of the direct action projects is not, therefore, to resolve a permit or cleanup question in a specific fashion, but rather to ensure that the process works to enable the state and federal agencies to best respond to the issues raised by the permit or cleanup.

The Council's inquiry will generally focus on the following items:

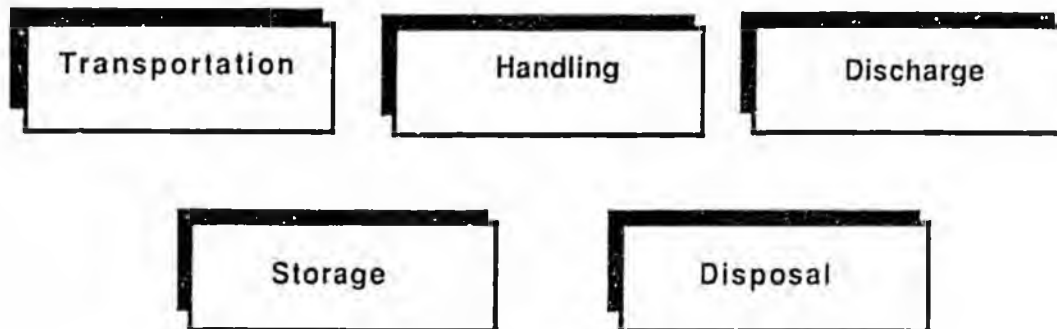
- Identify how state or federal agencies are currently responding to a particular permit or chronic environmental problem.
- Determine if the current regulatory conduct is sufficient to deal with the issue.
- If it appears that the agencies are not responding adequately, the Council will investigate the reasons for the institutional failure.
- Make recommendations for improvements within the agency response process.

The Council will select certain examples to identify if there are systemic failures in how permits are issued or monitored in order to implement this project.

The Council will also investigate the status of federal and state agreements to remediate contaminated federal facilities sites in Alaska.

B. LONG-TERM PROJECTS

- Oil Spill Response Preparedness
- Hazardous and Toxic Substances



The Council has identified these broad subject areas because they are in the forefront of the public's mind. The citizens of Alaska fear oil and hazardous substance releases because of the potentially disastrous impact on Alaska's water resources:

- Marine waters, a significant source of food and economic well-being for Alaskans, and
- Groundwater, the state's primary source of drinking water.

The Council, in consultation with its advisory groups, will research, investigate, and monitor selected topics in these subject areas. The Council will then prepare findings and recommendations to the legislature and the governor to highlight areas of potential risks. The Council will suggest changes to enable Alaskans to feel more assured that environmental crises can be averted or, if not completely prevented, to have less tragic consequences.

ARE WE BETTER PREPARED ?

OIL DISCHARGES

Two years after the *Exxon Valdez* spill, we have:

- Extensive new federal and state legislation;
- Proposed new regulatory standards for contingency planning;
- Response equipment depots mandated by law but not yet implemented;
- Volunteer response corps mandated by law but not yet implemented;
- Proposed new oil transport vessel standards;
- State and local emergency response commissions;
- Regional Citizens' Advisory groups in Prince William Sound and Cook Inlet;
- Proposals to reduce liability laws to protect oil spill responders



The Council will ascertain what each of these changes accomplished for both prevention and response capability and then make recommendations on how these puzzle pieces may better fit together to create a unified, strengthened statewide spill response capability.



HAZARDOUS SUBSTANCE RELEASES

The Council will study the myriad of state and federal laws regulating the transport, handling, storage, discharge, and disposal of hazardous and toxic substances to develop a comprehensive overview of how regulatory agencies are managing toxics.



The Council will investigate the status of hazardous and toxic substances management in Alaska and assess how state and federal agencies are performing their regulatory functions.



The Council will then identify areas of law or toxics management where there may be gaps that endanger the public health and well-being and make recommendations to correct the key problems noted.



The Council will also address areas where technological developments or research are being overlooked.

C. LEGISLATIVE RESPONSE PROJECT

During the 1991 legislative session the Council has been responding to requests from legislative committees to provide background, analysis, or a position statement on pending bills.

Priority is assigned on the basis of immediacy and relevancy to direct action and long-term projects.

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AND OTHER HAZARDOUS SUBSTANCES**

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Legislative Council appointed five members to the Citizens' Oversight Council on Oil and Other Hazardous Substances after considering 69 applicants who expressed an interest in and commitment to preventing oil and hazardous substance releases. Council members are completely independent of regulatory agencies or industry in the oil and hazardous substance field. Council members serve without compensation.

COUNCIL MEMBERS

HARRY R. BADER Fairbanks, Alaska. Harry Bader is an assistant professor of natural resources management at the University of Alaska Fairbanks, teaching classes in environmental law and natural resources policy. He served on the Sea Grant Team of the Alaska Oil Spill Commission, a group of environmental scholars appointed to help develop policies for oil spill prevention. He also served as the chief negotiator for the State in developing the Pacific Ocean Resources Compact designed to regulate the marine shipment of oil and other hazardous substances. **Chairman.**

LEO J. HANNAN Anchorage, Alaska. Leo Hannan has lived in Alaska since 1962. He retired last year from the United States Air Force where he was a civilian supervisory equipment specialist and engineering technician. He has served on several boards and commissions, including: Anchorage Borough Parks and Recreation Open Space Advisory Board • Chugach State Park Citizens Advisory Board • National Hiking and Ski Touring Association • Mountaineering Club of Alaska • Kenai River Special Management Area Advisory Board. **Vice-Chairman**

KATHRYN L. KINNEAR Kodiak, Alaska. Kathryn Kinneer is a national board member of the Women's Fisheries Network. She also serves on the Kodiak Outer Continental Shelf Oil and Gas Advisory Committee. During the Exxon Valdez oil spill, she ran a radio room coordinating 230 boats involved with the cleanup activities and providing daily information to the Kodiak Command Center, the state and federal agencies involved in spill response.

GARY P. KOMPKOFF Tatitlek, Alaska. Gary Kompkoff is a commercial fisherman, was a response boat operator during the *Exxon Valdez* oil spill and has been the Tatitlek Village Council President since 1979. He serves on the Board of Directors for: Chugach Alaska Corporation • The North Pacific Rim Non-Profit Corp. • Tatitlek Corporation.

JOHN H. LUCKING Unalaska, Alaska. John Lucking is a Lieutenant with the Unalaska Police Force, and also serves as the public safety division administrator. He is a member of the state Fish & Game Advisory Committee and the Alaska Peace Officers Association.

STAFF

MICHELE D. BROWN Executive Director. Michele Brown was the Regional Administrator for the Alaska Dept. of Environmental Conservation before coming to the Council. She previously served for six years as an Assistant Attorney General practicing natural resources law.

BETTY COOK-POESCHEL Administrative Assistant. Betty Cook-Poeschel has worked as an administrative assistant for the Harbor Masters of Unalaska and Whittier, as well as performed contract administrative work during the Exxon Valdez oil spill response.