SCOMM

123:2

Task Force on Motorized Oil Transport

SB 273/SCR No. 1

July 1, 2000

Task Force Chair: Commissioner or Deputy Commissioner of the Alaska Department of Environmental Conservation (ADEC)

Task Force Support: ADEC staff.

Technical Support Contractor: Paul Fuhs

Task Force Facilitator: Brian Rogers, Information Insights, Inc.

Meetings: As frequently as its members determine necessary to perform the work.

Purpose: The Task Force shall determine how to achieve response planning standards for a railroad tank car contingency plan and for a nontank vessel contingency plan as set out in SB 273 regarding oil discharge prevention and , and relating to contingency plans and proof of financial responsibility for all self-propelled nontank vessels exceeding 400 gross registered tonnage and for railroad tank cars; and authorizing inspection of nontank vessels and trains.

Affected Motorized Oil Transporters: Self-propelled watercraft of more than 400 gross registered tons, except when the watercraft are tank vessels, oil barges or public vessels operated by and owned or bareboat chartered by the United States, a state, a political subdivision of a state, or a foreign nation; and railroad tank cars that are rolling stock used to transport oil in bulk as cargo by rail.

Report deadline: Deliver a report on or before the first day of the Twenty-Second Alaska State Legislature to include draft legislation and regulations.

Report content: SB 273 requires the Task Force to determine how to implement the response planning standards set out in AS 46.04.055(c) added by section 1 of the Act. SCR No. 1 expands on this mandate and requires that the report shall contain recommendations by the Task Force concerning (1) Alaska statutes and regulations not subject to preemption by federal law that are calculated to achieve the response planning standard for motorized oil transport in a practical and cost-efficient manner; ADEC has the burden of showing why the response planning standard cannot be implemented using containment equipment that is readily available for purchase in the market; (2) practical measures to implement the response planning standard as are necessary to take into account the special conditions within waters of the state west of 157 degrees West Longitude or north of 62 degrees North Latitude; (3) use of fleet plans, vessel agents, generic contingency plan contents established by regulations, streamlined contingency plans with membership in a nonprofit corporation that is a primary response action contractor, and spill prevention measures as means of achieving the response planning standard; and (4) inspection measures to be included in the regulations.

Completion of Task Force Meetings. December 1, 2000 is the target date for completion of all Task Force activities to accommodate the holidays and time needed to assemble the final report and have it submitted on time in early January.

Termination: The Task Force is terminated on the first day of the Twenty-Second Alaska State Legislature.

TASK FORCE ON MOTORIZED OIL TRANSPORT

MEMBERSHIP

STEERING COMMITTEE

Senator Drue Pearce
Representative Pete Kott
Commissioner Michele Brown, Chair

TASK FORCE

Ed Page, United States Coast Guard
Bob Heavilin, Alaska Chadux Corporation (Terry Murphy, alternate)
David Owings, Southeast Alaska Petroleum Resource Organization
Doug Lentsch, Cook Inlet Spill Prevention & Response Inc. (Buzz Rome, alternate)
Lee Egland, Alaska Petroleum Distributors &Transporters (Jim Butler, alternate)
Jeff Thompson, Shipping Agent (Bob Berto, alternate)
Eric Britten, Container Ship Industry
Charlotte MacCay, Spot Charter
Rick Harris, Spot Charter (Russell Dick, alternate)
Scott Carter, Spot Charter
Kris Mullan, Fishing Industry (Lurilla Lee, alternate)
Stephanie Madsen, Seafood Processing Industry
Heather McCarty, Fishing Industry (Trevor McCabe, alternate)
Gene Burden, Noncrude Industry
Simon Lisiecki, Crude Industry
John Hansen, Cruise Ship Industry
Mike O'Hara, Marine Pilots
Jim Carter, Regional Citizens' Advisory Council (John Devens, alternate)
Ernie Piper, Alaska Rail Road

Ex Officio
Representative Joe Green
Representative Beth Kerttula (Gretchen Keiser, alternate)
Representative Andrew Halcro (Kevin Hand, alternate)
Representative Eldon Mulder

Department of Environmental Conservation
Michele Brown, Commissioner
Larry Dietrick, Director
Susan Harvey, Program Manager
Steve Provant, Section Chief
Ken Rogowski, Section Chief
Claire Fishwick, Secretary
Breck Tostevin, Assistant Attorney General

TASK FORCE ON MOTORIZED OIL TRANSPORT

MEMBERSHIP

Task Force Facilitator:
Brian Rogers
Judy Erickson

MEMORANDUM

State Of Alaska

Department of Law

To: Larry Dietrick
Director, Div. Spill Prevention & Response
Dept. of Environmental Conservation

Date: November 1, 2000

File No.: 661-00-0597

Tel. No.: 269-5274

From: Breck C. Tostevin
Assistant Attorney General
Environmental Section – Anchorage

Subject: Task Force on Motorized Oil Transportation Legal Questions
DRAFT

You asked that I prepare responses to the following legal questions posed by various workgroups of the Task Force on Motorized Oil Transport for possible inclusion in the Task Force's Final Report to the Legislature mandated by Senate Concurrent Resolution No. 1 and SB 273 from the 21st Alaska Legislature.

Below are the questions posed by the various work groups. I have addressed the questions as concisely as possible in a question and answer format. These responses are not exhaustive or definitive legal analyses but rather present my interpretation of existing legal authorities.[1] The courts, in particular the Alaska Supreme Court, have not yet been called upon to interpret many of these liability provisions and how the courts may interpret them in the future is an open question.

1. Question: If the State of Alaska adopts a requirement set out under a current federal regulation as a mandatory requirement under a new State regulation, will the vessel owner or operator (whomever is the subject of the regulation) be subject to penalties by both the State and the Federal Government for failure to meet the terms of the regulation?

   Answer: Generally, yes. However, as a practical matter, State and federal regulators do not usually duplicate each other's enforcement actions.

[1] This is not intended to be, and should not be considered to be, an Attorney General's Opinion, informal or otherwise.

2. Question: If the State adopts an oil pollution prevention requirement as part of a prevention credit program, but does not make it mandatory under State regulations, will there be penalties assessed by the State for failure to meet the requirement?

   Answer: A recommended practice would not ordinarily form the basis for civil assessments (AS 46.03.760) for failure to meet the requirement. However, if adoption of a recommended practice was structured so that it relieved a person of meeting another regulatory requirement, then failure to meet the recommended practice would result in a violation of the other regulatory requirement and subject the person to penalties.

3. Question: If the Task Force develops a list of prevention measures and adopts a prevention program whereby a vessel owner or operator who performs a certain number of measures (non-mandatory) gets an award or some recognition for doing so, will this create a "standard of care" such that the vessel owner or operator who does not perform any measures will automatically be seen as negligent when that owner or operator has an oil spill even though that owner or operator was fully in compliance with the law?

   Answer: No. The standard of care for purposes of determining negligence is not established by such voluntary practices but by consideration of industry-wide practices, national standards and regulatory requirements – among other factors – in determining the standard of care of a reasonable person under the circumstances of the case. *See, e.g., Ward v. Lutheran Hospital & Homes Soc. of America*, 963 P.2d 1031, 1036-37 (Alaska 1998); *In re Bankers Trust Co*, 651 F.2d 160, 173-175 (3rd Cir. 1981). Moreover, the Alaska Supreme Court in *Doyle v. Peabody*, 781 P.2d 957, 959 (Alaska 1989) indicated that under AS 46.03.870 a private right of action does not exist to enforce DEC regulations in a negligence action seeking to use a DEC regulation as a standard of care. Finally, this liability concern about a negligence standard relating to oil pollution prevention practices does not take into account that vessel owners and operators are already strictly liable without fault for both public and private oil spill damages under both State and Federal law.

4. Question: If a vessel owner, for instance, joins a cooperative response action contractor organization, will that owner be subject to liability for the negligence or spill-clean up costs of another member of the cooperative who either cannot or will not clean up the spill? (Is there likely to be a successful "deep pocket" action

against a member of the co-op with deep pockets?) If there is any such potential liability, can this be addressed by the by-laws or contracts within the cooperative?

Answer: Most cooperative response action contractor organizations are set up as corporations. As a separate corporation a cooperative is a separate legal entity from its members or shareholders as long as the corporation is adequately capitalized and not a shell used to defraud. *See, e.g. Uchitel Co. v. Telephone Co.*, 646 P.2d 229, 235 (Alaska 1982). Alaska Corporation law already protects shareholders (members) from direct liability. AS 10.06.438; *Elliot v. Brown*, 569 P.2d 1323 (Alaska 1977) (50% owner not individually liable simply because of mere control of corporation); *Croxton v. Crowley Maritime Corporation*, 817 P.2d 460, 465 (Alaska 1991) (functional analysis is not enough to void legal distinction between parent corporation and subsidiary corporation). Potential liabilities between the cooperative and its members (as well as financial responsibility issues) can be addressed both in the corporation's by-laws and in contracts for membership. AS 45.45.900.

5. Question: If a shore-side facility that does not hold a c-plan for vessel operations (i.e. a lumber yard) contracts with a vessel owner or operator to haul the product from the shore-side facility to some other location, will the shore-side facility be liable for a spill from the fuel tanks of the vessel (the product owned by the shore-side facility is not fuel), absent any separate contractual arrangement between the vessel and the shore-side facility?

   Answer: Under the facts presented, the shore-side facility would not be liable under Alaska Statute. The shore-side facility would not be liable under AS 46.03.822 / AS 46.03.758, unless it owned or operated the vessel from which the fuel spilled or unless the shore-side facility owned the fuel in the vessel at the time of the spill. Unless the shore-side facility caused the oil spill, for example through a mechanical failure at the facility's dock, the shore-side facility would not be responsible for oil spill cleanup from the vessel under AS 46.04.020.

6. Question. Would the limitations of liability in AS 46.03.825 for oil spill response action contractors extend to a co-op or other organization established to hold a generic or fleet nontank vessel c-plan and which contracts to provide oil spill response services on behalf of a vessel owner or operator (hereinafter "c-plan co-op")? (The co-op under this scenario would be the c-plan holder under AS 46.04.030 and be issued the formal contingency plan approval certificate by DEC).

Short Answer: A response action contractor (RAC) and a c-plan holder have two separate and distinct set of liabilities. Under current law, c-plan holders are also responsible parties under AS 46.03.822 because they are the owner or operator of the vessel or own the oil being transported by the vessel. AS 46.03.822(a)(1) & (2); 18 AAC 75.400(a). In such a case, a c-plan holder who is a responsible party under AS 46.03.822 does not have RAC immunity under AS 46.03.825. *See* AS 46.03.825(b)(2)(A); AS 46.03.822(m) (1999).

The immunities provided in AS 46.03.825 to RACs do not extend to the duties owed by a c-plan holder under AS 46.04.030. In essence, AS 46.03.825 and AS 46.04.030 address different duties and different liabilities. RAC immunity addresses liability for "removal costs and damages" and the c-plan statute address liability for injunctions, civil assessments, and criminal violations. RAC immunity with respect to civil liability for removal costs and damages applies to actions brought by the State and third parties, while the c-plan statute liabilities apply to actions brought by the State.

Immunity under AS 46.03.825 was not intended to reach obligations held by a c-plan holder under AS 46.04.030(g). I reach this conclusion in part by considering AS 46.03.825(b)(2)(C) which describes the immunities of "primary response action contractors" (PRACs). A primary response action contractor is a RAC listed in a c-plan approved under AS 46.04.030 who contracts "with the applicable contingency plan holder" to provide response action services. Obviously a PRAC, which is a c-plan holder, cannot contract with itself.

Liabilities Arising Out Of Status As A C-Plan Holder. AS 46.04.030 imposes obligations due to the State of Alaska by a c-plan holder. These liabilities attach to the person who is issued the formal c-plan approval certificate; not to a person who prepares all or part of a contingency.

Specifically, AS 46.04.030(g) makes a c-plan holder subject to a court order to implement its c-plan, liability to the State for civil assessments under AS 46.03.760(a) and misdemeanor liability for criminal negligence for the failure to meet the following duties:

1) A c-plan holder must "comply with the plan." Compliance with the plan means to:

(A) establish and carry out procedures identified in the plan as being the responsibility of the holder of the plan;

(B) have access to and have on hand the quantity and quality of equipment, personnel, and other resources identified as being accessible or on hand in the plan;
(C) fulfill the assurances espoused in the plan in the manner described in the plan;
(D) comply with terms and conditions attached to the plan by the department under the authority of (e) of this section; and
(E) successfully demonstrate the ability to carry out the plan when required by the department under (e) of this section."

AS 46.04.030(r)(2)

2) A c-plan holder must have access to the quality and quantity of resources identified in the plan; and

3) A c-plan holder must respond with the quality and quantity of resources identified in the plan within the shortest possible time in the event of a spill.

AS 46.04.030(l) provides an additional clarification on the scope of subsection (g). Subsection (l) explains that the response planning standards in AS 46.04.030(k) "do not constitute cleanup standards to be met by the holder of a contingency plan" and that notwithstanding that subsection "failure to remove a discharge within the time periods set out in (k) of this section does not constitute failure to comply with the contingency plan for purposes of (g) of this section or for the purpose of imposing administrative, civil, or criminal penalties under any other law."

Liabilities As A RAC. In contrast, a response action contractor under AS 46.03.825(a):

who responds to a release or threatened release of oil is not civilly liable for removal costs and damages that result from an act or omission in the course of providing care, assistance, or advice

(1) consistent with a contingency plan

(A) approved under AS 46.03.040 if the response action contractor is listed in the contingency plan; or

(B) prepared under AS 46.04.200, 46.04.210, or 33 U.S.C. § 1321(d) if the response action contractor is not listed in the contingency plan; or

(2) as otherwise directed by the federal or state on-scene coordinator.

Consistent with a contingency plan "means in substantial compliance with a contingency plan." AS 46.03.825(g)(1).

Thus, a RAC for purposes of immunity under AS 46.03.825 and a c-plan holder for purposes of liability under AS 46.04.030(g) are held to different standards with respect to compliance with the contingency plan. A RAC must act in substantial compliance, while a contingency plan holder must comply with the plan on the basis of the higher standards set forth in AS 46.04.030(g) and (r)(2).

With respect to primary response action contractors, ("PRAC," see definitions in AS 46.04.035 and 18 AAC 75.500) the RAC immunity in AS 46.03.825(a) does not apply to:

> a response action contractor who . . . (C) has agreed in writing to be listed as a primary response action contractor, who is listed as a response action contractor in a contingency plan approved under AS 46.04.030, and who fails to respond to a release or threatened release of oil that the primary response action contractor was required to respond to under its contract with the applicable contingency plan holder. (Emphasis added)

A c-plan co-op could not be considered a PRAC because it would be listed in the c-plan but could not contract with itself as the "applicable contingency plan holder." *See* AS 46.03.825(b)(2)(C).

In sum, the current statutory scheme in AS 46.03.825 does not appear to envision a response action contractor as also being a c-plan holder. Nor do I interpret RAC immunities under AS 46.03.825 as extending to the duties owed by a c-plan holder under AS 46.04.030(g).

7. Question. Would a third-party such as a ship agent/broker who prepared all or part of a contingency plan for the vessel owner or operator incur any new or additional liabilities under AS 46 by providing such a service? (The vessel owner/operator would be the contingency plan applicant and plan holder).

   Answer: No. The ship agent in this situation would not be a responsible party under AS 46.04.020, AS 46.03.758 or AS 46.03.822 by assisting with preparation of a c-plan. Nor would the ship agent be acting as a c-plan applicant or a c-plan holder within the meaning of AS 46.04.030. As a result, the ship agent/third party in this

situation would not incur any new or additional liability under AS 46 for providing such a service to a vessel c-plan holder.

8. Question: If a non-profit organization is created to perform "incident command functions" associated with overseeing the responsible party's response to an oil spill, will that non-profit organization receive the same protection from civil liability under AS 46.03.825 as an oil spill response action contractor?

   Answer: Yes. An organization providing incident command functions under contract to a responsible party would fall within the definition of an oil spill response action contract under AS 46.03.825 and be able to avail itself of the civil liability protections under that statute. It does not matter whether the contractor is a for-profit or non-profit business in order to be an oil spill response action contractor under AS 46.03.825.

9. What types of services are included within the oil spill RAC immunity under AS 46.03.825? Who must register with DEC as a PRAC and who may voluntarily register?

   Answer: RAC immunity under AS 46.03.825 applies to "a response action contractor who responds to a release or threatened release of oil . . . for removal costs and damages that result from an act or omission in the course of providing care, assistance, or advice (1) consistent with a [relevant] contingency plan . . . or otherwise directed by the federal or on-scene coordinator." AS 46.03.825(a).

   "Response action" is broadly defined by that statute "as an action taken to respond to a release or threatened release of oil, including mitigation, clean up, marine salvage, or removal of a release or threaten release of oil." AS 46.03.825(g)(2).

   A "response action contractor" is:

   > (A) a person who enters into a response action contract with respect to a release or threatened release of a hazardous substance and who is carrying out the contract, including a cooperative organization formed to maintain and supply response equipment and materials that enters into a response action contract relating to a release or threatened release;
   > (B) a person who is retained or hired by and is under the control of a person described in (A) of this paragraph to provide services related to the response action contract; and

> (C) a person who acts as a volunteer and is engaged in a response action."

AS 46.03.826(11).

Finally, a response action contract is defined as:

> a written contract or agreement to provide response action with respect to a release or threatened release of a hazardous substance entered into by a person with
> (A) the department;
> (B) another person who has entered into an agreement with the department that provides for response action subject to the department's oversight and control;
> (C) a federal agency with jurisdiction over the release or threatened release; or
> (D) another person potentially liable for the release or threatened release under state or federal law;

AS 46.03.826(10).

In sum, a RAC is a person involved in providing services or equipment related to an actual release or threatened release of oil "who responds to a release or threatened release of oil." These services could include spill response notification, coordinating spill response for the responsible party, incident management team services, coordinating with response action contractors to initiate spill response and similar activities.

Pre-spill planning or drafting of c-plans would not be considered response action services for purposes of AS 46.03.825 because the contractor would not be "responding to a release or threatened release of oil." The term "threatened release," while not specifically defined in AS 46.03, has been generally interpreted to involve a substantial threat of an actual release of oil in a specific incident and not the general threat posed by the normal operations of a vessel. *Cf.* AS 46.08.900(15).

However, as noted above, a person's assistance with the drafting or development of a c-plan does not render that person a c-plan holder under AS 46.04.030 or a responsible party under AS 46.03.822 or AS 46.03.758. Given that their services do not actually involve physical oil spill cleanup, contingency planning contractors are not generally exposed to liability for the "removal costs or damages" which are the subject of the immunity in AS 46.03.825. I am not aware of any court cases

addressing third party liability relating to the drafting of c-plans. Regardless of the speculative nature of such liability, it could be addressed contractually between the vessel owner/c-plan holder and the contractor providing these contingency planning services and through professional liability insurance. AS 45.45.900.

PRAC Status and Registration. A PRAC is a response action contractor (RAC) who is 1) listed in a responsible party's c-plan as providing resources or equipment to contain, control or cleanup an oil discharge and 2) who is directly obligated under contract to the c-plan holder to provide those services. AS 46.04.035; 18 AAC 75.500. A PRAC must be registered with DEC in order for its resources to be listed in a c-plan and for DEC to approve the c-plan. AS 46.04.030(e); AS 46.04.035. Even if not listed in a c-plan or directly obligated to a c-plan holder, any person may apply to DEC for registration and approval as a PRAC. 18 AAC 75.500(d). If a vessel agent, for example, agrees to provide "response action" services to a non-tank vessel owner/operator, then in addition to statutory status as a RAC, vessel agents could also voluntarily apply for PRAC status under 18 AAC 75.500(d). However, registration as a PRAC is not a prerequisite for RAC immunity if the contractor otherwise satisfies the requirements of AS 46.03.825.

10. Question: Can DEC inspect a vessel for compliance with federal requirements and can the USCG inspect a vessel for compliance with State requirements?

Answer: If within the general scope of the respective agency's inspection authority, one agency can, as a general proposition, inspect for the other agency's requirements. Under AS 46.04.060 and AS 46.03.020, DEC may inspect vessels to ensure compliance with DEC statutes and regulations. If a DEC statute or regulation adopts a federal regulation as a State requirement then DEC can inspect a vessel for compliance with that requirements. *See, e.g.*, 18 AAC 75.007. In addition, DEC may participate in an examination of the structural integrity and the operating and mechanical systems of regulated vessels, barges, pipelines, and facilities by Federal and State agencies with jurisdiction. If other Federal or State agencies with jurisdiction of a regulated vessel are performing timely and adequate inspections, DEC may perform its own inspection of the structural integrity and operating and mechanical systems of a regulated vessel by using personnel with qualifications in the areas being inspected. If DEC personnel identify violations of federal requirements during an inspection, DEC has agreed to share such information with the U.S. Coast Guard under its Memorandum of Agreement with the Commander of the 17th Coast Guard District. VI(B)(1), (3) & (7).

The United States Coast Guard is empowered to conduct inspection programs for the purpose of enforcing both international agreements and domestic law aboard United States and foreign-flagged vessels. Pursuant to its Memorandum of Agreement with DEC, the 17th Coast Guard District has also agreed to make its inspection records available to DEC and share all applicable information obtained from its vessel inspections with DEC. Consequently, if a Coast Guard inspector noted facts or circumstances which constituted a violation of State requirements that information would be shared with DEC. Under this inspection information sharing, DEC and the Coast Guard have agreed to work together to avoid inconsistent requirements, undue disruption to industry and to avoid unnecessary duplication. V1(B). DEC and the Coast Guard have also agreed to "endeavor to exchange information and conduct joint inspections or may pursue agreements under which a single inspection may fulfill both State and Federal requirements. VI(B)(1). A copy of the relevant sections of the 1999 State-Coast Guard Memorandum Of Understanding on vessel inspections is attached.

RCAC

"The mission of the Council is to represent the citizens of Cook Inlet in promoting environmentally safe marine transportation and oil facility operations in Cook Inlet."

Members

Alaska State Chamber of Commerce

Alaska Native Groups

Environmental Groups

Recreational Groups

Aquaculture Associations

Fishing Organizations

City of Kodiak

City of Kenai

City of Seldovia

City of Homer

Kodiak Island Borough

Kenai Peninsula Borough

Municipality of Anchorage

Memorandum

8/22/00

To: Members of the Task Force on Motorized Oil Transport

From: Jim Carter, Executive Director, Cook Inlet RCAC

Re: RCAC involvement in non-tanks vessel contingency plans.

A scheduling conflict prevents me from joining you today, but I want to relate to you an important policy position from our organization and ask that you consider it during your deliberations. As you probably know, two Regional Citizens' Advisory Councils were formed in Alaska as the result of the Oil Pollution Act of 1990, in part to oversee crude oil tanker operations in Cook Inlet and Prince William Sound. I don't think that I'm being biased when I tell you that these programs have proven to be successful in contributing to increased the oil spill prevention and response capabilities. We have developed a positive working relationship with ADEC and the crude oil transportation industry. These programs insure that local citizens are informed about the C-plans of crude oil tankers operating in our waters and that citizens' concerns are known to the planholders and their oversight agencies.

ADEC regulations designate Regional Citizens' Advisory Councils as reviewers of C-plans submitted to the State. However, we do not receive funding to review C-plans of non-crude oil tank vessels or non-tank vessels. We honestly believe that citizens' oversight programs can add significant value to the safety net being woven to help increase oil spill prevention and response in Alaskan waters, but first we must address the issue of funding programs to provide these services.

Please consider the following position statement and options for funding arrangements. We would value any recommendations you may have on this issue.

I look forward to our next meeting.

*Cook Inlet Regional Citizens Advisory Council * 910 Highland Avenue, Kenai, AK 99611-8033*
*Phone: (907)283-7222 * Fax (907) 283-6102*

RCAC

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Kodiak Island Borough

Kenai Peninsula Borough

Municipality of Anchorage

Whereas:

Oil spills of any kind into marine waters can cause severe damage to the environment and social and economic impacts to the citizens of the State of Alaska;

More oil spills occur from non-tank vessels and non-crude oil tank vessels than from crude oil tank vessels;

During the past ten years the Regional Citizens' Advisory Programs in Cook Inlet and Prince William Sound have proven that citizens' oversight is an effective method to prevent oil spills and increase oil spill response readiness;

The citizens of the State of Alaska expect the same level of oil spill prevention and response from all marine vessels;

The Alaska Department of Environmental Conservation's Oil and Hazardous Substance Regulations specifically name Regional Citizens' Advisory Councils as reviewers of Oil Discharge Prevention and Contingency Plans; and

At present there is no funding mechanism to allow the Regional Citizens' Advisory Programs to review non-tank vessel's or non-crude oil tank vessel's oil discharge prevention and contingency plans.

Therefore Now Be It Resolved That:

1. This Cook Inlet Regional Citizens' Advisory Council has adopted the following policy position:

   Regional Citizens' Advisory programs should be fully funded to provide oversight of the oil discharge prevention and contingency plans and associated oil spill prevention and response activities of non-tank vessels and non-crude oil tank vessels through one or more of the following options:

   a. *The State of Alaska Legislature should pass legislation requiring non-tank vessels and non-crude oil tank vessels, which are required to submit oil discharge prevention and contingency plans, to contract with a Regional Citizens' Advisory program to provide funding for review of these plans and oversight of their oil discharge prevention and response activities from the citizens' perspective, as outlined for crude oil tankers in Section 5002 the Oil Pollution Act of 1990.*

   or

RCAC

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b. The Alaska Department of Environmental Conservation should adopt regulations allowing substantial reduction in the response planning standards of non-tank vessels and non-crude oil tank vessels required to submit oil discharge prevention and contingency plans, which participate in the funding of a Regional Citizens' Advisory program, as outlined for crude oil tankers in Section 5002 the Oil Pollution Act of 1990.

or

c. The State of Alaska should provide direct funding to the Regional Citizens' Advisory programs, as outlined for crude oil tankers in Section 5002 the Oil Pollution Act of 1990, to provide review of non-tank vessel and non-crude oil tank vessel's oil discharge prevention and contingency plans and oversight of associated oil spill prevention and response activities.

or

d. Other mechanisms should be put in place that insure funding for Regional Citizens' Advisory programs, as outlined for crude oil tankers in Section 5002 the Oil Pollution Act of 1990, to provide review of non-tank vessel and non-crude oil tank vessel's oil discharge prevention and contingency plans and oversight of associated oil spill prevention and response activities.

2. Members of the Tack Force on Motorized Oil Transport are requested to make recommendations to the State Legislature and the Department of Environmental Conservation on the most appropriate option to fund Regional Citizens' Advisory programs to provide review of non-tank vessel and non-crude oil tank vessel's oil discharge prevention and contingency plans and oversight of associated oil spill prevention and response activities.

3. Copies of this resolution shall be sent to:

   Governor Tony Knowles,
   All members of the Alaska Legislature,
   ADEC Commissioner Michele Brown, and
   All members of the Task Force on Motorized Oil Transport

On behalf of the Cook Inlet Regional Citizens' Advisory Council

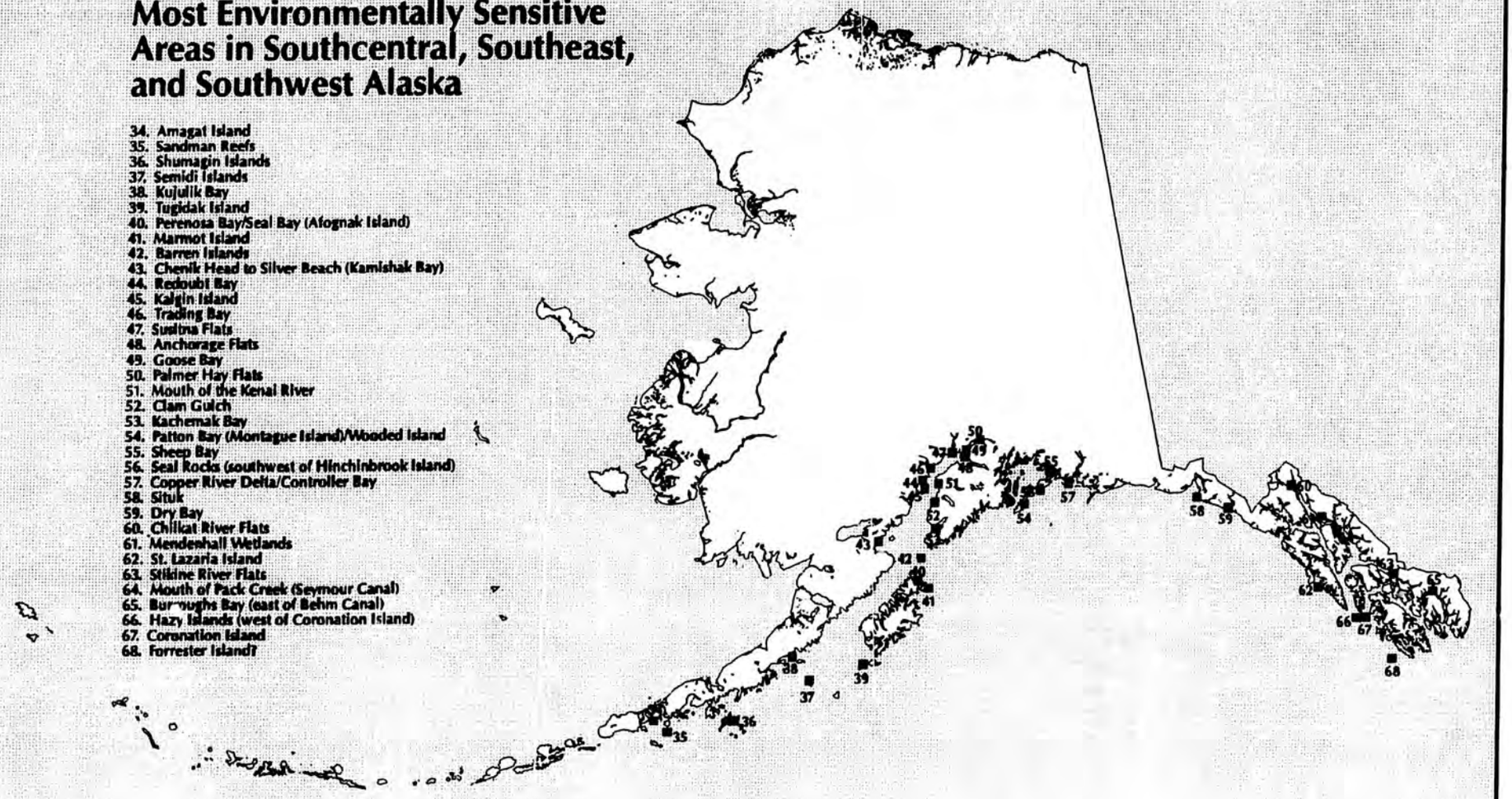
James E. Carter, Sr., Executive Director

August 22, 2000

*Cook Inlet Regional Citizens Advisory Council * 910 Highland Avenue, Kenai, AK 99611-8033*
*Phone: (907)283-7222 * Fax (907) 283-6102*

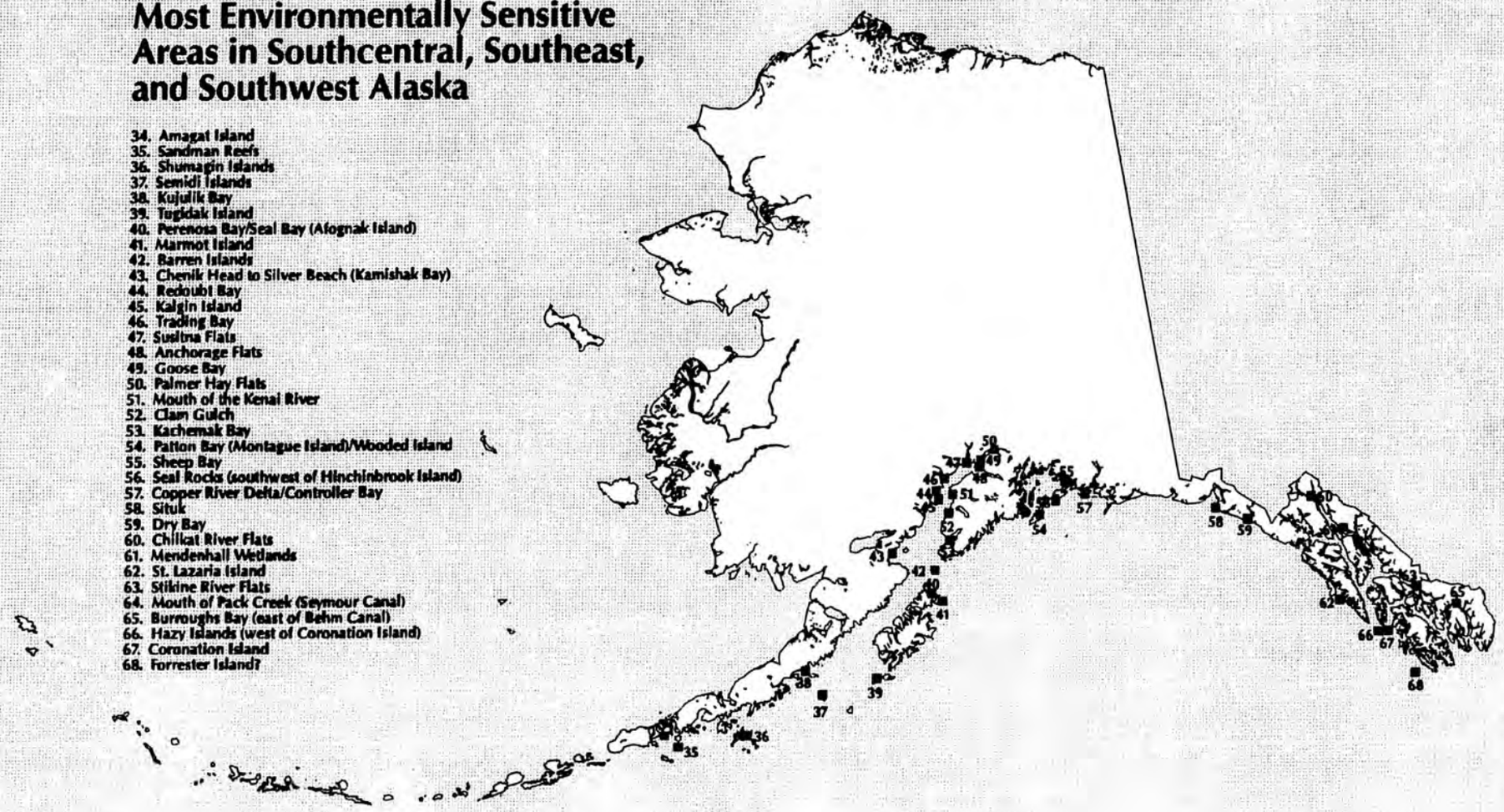
Most Environmentally Sensitive Areas in Southcentral, Southeast, and Southwest Alaska

34. Amagat Island
35. Sandman Reefs
36. Shumagin Islands
37. Semidi Islands
38. Kujulik Bay
39. Tugidak Island
40. Perenosa Bay/Seal Bay (Afognak Island)
41. Marmot Island
42. Barren Islands
43. Chenik Head to Silver Beach (Kamishak Bay)
44. Redoubt Bay
45. Kalgin Island
46. Trading Bay
47. Susitna Flats
48. Anchorage Flats
49. Goose Bay
50. Palmer Hay Flats
51. Mouth of the Kenai River
52. Clam Gulch
53. Kachemak Bay
54. Patton Bay (Montague Island)/Wooded Island
55. Sheep Bay
56. Seal Rocks (southwest of Hinchinbrook Island)
57. Copper River Delta/Controller Bay
58. Situk
59. Dry Bay
60. Chilkat River Flats
61. Mendenhall Wetlands
62. St. Lazaria Island
63. Stikine River Flats
64. Mouth of Pack Creek (Seymour Canal)
65. Burroughs Bay (east of Behm Canal)
66. Hazy Islands (west of Coronation Island)
67. Coronation Island
68. Forrester Island?



Most Environmentally Sensitive Areas in Southcentral, Southeast, and Southwest Alaska

34. Amagat Island
35. Sandman Reefs
36. Shumagin Islands
37. Semidi Islands
38. Kujulik Bay
39. Tugidak Island
40. Perenosa Bay/Seal Bay (Afognak Island)
41. Marmot Island
42. Barren Islands
43. Chenik Head to Silver Beach (Kamishak Bay)
44. Redoubt Bay
45. Kalgin Island
46. Trading Bay
47. Susitna Flats
48. Anchorage Flats
49. Goose Bay
50. Palmer Hay Flats
51. Mouth of the Kenai River
52. Clam Gulch
53. Kachemak Bay
54. Patton Bay (Montague Island)/Wooded Island
55. Sheep Bay
56. Seal Rocks (southwest of Hinchinbrook Island)
57. Copper River Delta/Controller Bay
58. Situk
59. Dry Bay
60. Chilkat River Flats
61. Mendenhall Wetlands
62. St. Lazaria Island
63. Stikine River Flats
64. Mouth of Pack Creek (Seymour Canal)
65. Burroughs Bay (east of Behm Canal)
66. Hazy Islands (west of Coronation Island)
67. Coronation Island
68. Forrester Island?



PORTS THAT HAVE HAD FISH RELATED SHIPPING IN THE PAST TEN YEARS

REGION	Location
SOUTH SEWARD PENNISULA	Port Clarence, Alaska
NORTON SOUND	Cape Denbigh, Alaska
	Unalakleet, Alaska
	Besboro Island (Surrounding Waters), Alaska *
	Egg Island (Surrounding Waters), Alaska *
	St. Michael, Alaska
	Stuart Island, (Surrounding Waters) Alaska *
	Black Point, Alaska
SCAMMON BAY	Scammon Bay, Alaska
SCAMMON BAY	Kokechik Bay, Alaska
SCAMMON BAY	Cape Romanzoff, Alaska
HOOPER BAY	Hooper Bay, Alaska
NUNIVAK ISLAND	Meykoryuk/Cape Etolin, Alaska
NUNIVAK ISLAND	Nunivak Island (Surrounding Waters), Alaska
NUNIVAK ISLAND	Nash Harbor, Alaska
NUNIVAK ISLAND	Cape Vancouver, Alaska
TOOKSOK	Nelson Island (Surrounding Waters), Alaska*
TOOKSOK	Cape Avinof, Alaska
KUSKOKWIM	Kuskokwim Bay, Alaska
KUSKIKWIM	Goodnews Bay, Alaska
	Bethel, Alaska
TOGIAK	Security Cove, Alaska
TOGIAK	Hagemeister Strait, Alaska
TOGIAK	Togiak Bay, Alaska
TOGIAK	Anchor Point(Near Togiak), Alaska
TOGIAK	Nunavachak Bay, Alaska
TOGIAK	Summit Island (Surrounding Waters), Alaska *
BRISTOL BAY	Kvichak Bay/Naknek, Alaska
BRISTOL BAY	Nushagak, Bay, Alaska
BRISTOL BAY	Egegik Bay, Alaska
BRISTOL BAY	Ugashik Bay, Alaska
	Port Moller, Alaska
BRISTOL BAY	Port Heiden, Alaska
FALSE PASS	Amak Island (Surrounding Waters), Alaska
FALSE PASS	Ikatan Bay, Alaska
FALSE PASS	Otter Cove(Near False Pass), Alaska
FALSE PASS	East Anchor Cove(Near False Pass), Alaska
WESTERN ALEUTIANS	Attu Island (Surrounding Waters), Alaska*
	Amchitka Island (Surrounding Waters), Alaska*
	Kiska Island (Surrounding Waters), Alaska*
	Tanaga Island (Surrounding Waters), Alaska*
	Adak Island (Surrounding Waters), Alaska
MID ALEUTIANS	Atka Island (Surrounding Waters), Alaska
DUTCH HARBOR	Dutch Harbor, Alaska
ALASKA PENNISULA	Cold Bay, Alaska
	Volcano Bay(Near Pavlof), Alaska
	Ivanof Bay, Alaska
	Pavlof Bay, Alaska
	Nagai Island (Surrounding Waters), Alaska *
	Alinchak Bay, Alaska
	King Cove, Alaska

	Sand Point, Alaska
	Squaw Harbor, Alaska
	Chignik, Alaska
AKUTAN	Akutan, Alaska
AKUTAN	Beaver Inlet, Alaska
AKUTAN	Lost Harbor, Alaska
PRIBILOFS	St. Paul Island (Surrounding Waters), Alaska
	St. George Island (Surrounding Waters), Alaska
DUTCH HARBOR	Makushin Bay, Alaska
MID BERING SEA	St. Mathews Island (Surrounding Waters), Alaska *
KODIAK	Old Harbor, Alaska
KODIAK	Kiliuda Bay, Alaska
KODIAK	Ugak Bay, Alaska
KODIAK	Larsen Bay, Alaska
KODIAK	Uganik Bay, Alaska
KODIAK	Sitkalidak Bay, Alaska
	Alitak Bay, Alaska
	Port Bailey, Alaska
	Kodiak, Alaska
COOK INLET	Iniskin Bay, Alaska
COOK INLET	Kamishak Bay, Alaska
	Homer, Alaska
	Seward, Alaska
PRINCE WILLIAM SOUND	Shelter Bay, Alaska
	Harris Bay, Alaska
	Sawmill Bay, Alaska
	Naked Island (Surrounding Waters), Alaska *
	Unakwik Inlet, Alaska
	Tatitlek, Alaska
	Port Gravina, Alaska
	Port Fidalgo, Alaska
	Thumb Bay, Alaska
	Port Wells, Alaska
	Montegue Island, Alaska *
	Two Moon Bay, Alaska
	Valdez, Alaska
	Unakwik Inlet
	Cordova, Alaska
GULF OF ALASKA	Yakutat Bay, Alaska
SOUTH EAST ALASKA	Hold Island, Alaska *
	Neets Bay, Alaska
	Waterfall, Alaska
	Port Estrella, Alaska
	Pelican, Alaska
	Hoonah, Alaska
	Sitka, Alaska
	Kake, Alaska
	Petersburg, Alaska
	Wrangell, Alaska
	Craig, Alaska
	Ketchikan, Alaska
	Metlakatla, Alaska
	Noyes Island, Alaska *

Ports that have had Timber/Other Cargo related shipping in the past 10 years

	Location
Ketchikan	**Southeast**
Metlakatla	**Southeast**
Coon Cove	"
Dora Bay	"
West Arm of Chomondeley Sound	"
Klawock	"
Kasaan Bay	"
Grace Harbor	"
Hoonah	"
Juneau	"
Hobart Bay	"
Kake	"
Sitka	"
Icy Bay	**South Central**
Afognak Island	**South West**
Port Graham	**Kenai Peninsula**
Shakan Bay	**Southeast**
Skagway	"
Haines	"
Wrangell	"
Skagway (concentrates)	"
Red Dog (concentrates)	**Bering Sea**
Hawk Inlet (concentrates)	**Southeast**
Calder (concentrates)	"
Seward	**Kenai Peninsula**
Homer	**Kenai Peninsula**

Alaska Marine Highway System
Vessel Information Table

Updated February 1997	Columbia	Matanuska	Malaspina	Taku	Aurora	Leconte	Tustumena	Bartlett	Kennicott
DATE COMPLETED	1974	1963	1963	1963	1977	1974	1964	1969	1998
LENGTH (feet)	418	408	408	352	235	235	296	193	382
BEAM (feet)	85	74	74	74	57	57	59	53	85
LOADED DRAFT	17'-6 3/4"	16'-11 5/8"	16'-11 3/8"	16' 11"	13'-10 7/8"	13'-10 7/8"	14'-4 1/2"	13'-3"	17'-6"
INT'L TONNAGE: Gross	13,009	9,214	9,121	7,302	3,124	3,124	4,529	2,045	12,904
Net	4,932	3,824	3,667	2,496	987	987	1,451	682	3,872
DOMESTIC Tonnage: Gross	3,946	3,029	2,928	2,624	1,280	1,328	4,593	933	Not
Net	2,683	1,235	1,253	1,494	453	566	1,377	384	Available
HORSEPOWER	12,350	7,400	8,000	8,122	4,300	4,300	5,100	3,468	13,380
SERVICE SPEED (knots)	17.3	16.5	16.5	16.5	14.5	14.5	13.3	12	16.75
FUEL CONSUMPTION (GPH)*	450	240	270	270	180	180	140	170	290
CREW CAPACITY	66	50	50	42	24	24	37	24	61
PASSENGER CAPACITY (U.S.C.G. authorized)	522 (winter) 971 (sum)	498 (winter) 745 (sum)	516 (winter) 701 (sum)	500	300	300	220	236	748 - SE 500-SW
PASSENGER CAPACITY* AMHS Booking Limits	500 (winter) 625 (sum)	500	500	450	250	250	210	190	748 - SE 500-SW
Staterooms - 4 berth	61	4	54	9	n/a	n/a	8	n/a	48
Staterooms - 3 berth	9	23	0	0	n/a	n/a	0	n/a	0
Staterooms - 2 berth	20	80	28	33	n/a	n/a	17	n/a	56
Staterooms - Handicap (4 b)	0	0	0	0	0	n/a	0	n/a	3
Staterooms - Handicap (2 b)	1	1	1	2	n/a	n/a	1	n/a	2
TOTAL STATEROOMS	91	108	83	44	0	0	26	0	109
TOTAL BERTHS	313	247	274	106	#VALUE!	#VALUE!	68	#VALUE!	320
VEHICLE Capacity* (linear ft	2,680	1,760	1,760	1,380	680	680	720	580	
(approx. number of vehicles)	134	88	88	69	34	34	36	29	120 - SE 103 - SW
RATE PER DAY For Spill Response	$65,000	$50,000	$25,000	$45,000	$25,000	$25,000	$25,000	$20,000	$65,000

* Gallons per hour fuel consumption figures are averages based on calendar year 1996 weekly engineering reports, and include fuel usage to generate heat and electricity.
* These capacity figures represent functional booking limits, not Coast Guard authorized capacity.

FILE: VSSLINFO.WK4

Printed 2/5/99

Alaska Chadux
CORPORATION

Associate Member Briefing Paper and SB 273 Issues

Purpose

The purpose of this briefing paper is to provide general information about the Alaska Chadux Corporation (Chadux) Associate Member classification and rate structure.

Background

Chadux has an Associate Member classification for operators who are required to have oil spill response services under contract as a component of their oil spill contingency plan requirements. Associate Members are typically operators who do not transport oil as their primary business.

Associate Members are assessed a one time initiation fee of $5,000 on a per company basis when joining Chadux. An annual fee is assessed to offset the costs of operating the corporation. The Board determines the annual fee and, if an Associate Member chooses, the annual fee can be paid in quarterly installments. The current Associate Member rate sheet is attached.

Chadux provides access to a variety of oil spill response equipment located at several response equipment depots throughout Prince William Sound, Southcentral and Western Alaska. In addition, Chadux maintains response service contracts for emergency response labor, wildlife and logistics support.

Associate Members can access Chadux response services 24 hours a day and can request those services be provided on a statewide basis.

SB 273 Issues

➢ The Board anticipates if an increase in the number of Associate Members does not require a substantial addition to capital and operating expenses, it is likely there will be a decrease in the current Associate Member fees.

➢ If new Associate Members request seasonal and trip rates, the Board will consider those rate options.

Summary

Chadux is a member-owned non profit corporation. Chadux has evolved over the past 7 years to provide oil spill response services statewide. During this time, membership has grown to include non-tank vessels. Chadux will continue to accommodate non-tank vessel operators that are required to have oil spill response plans with an Associate Membership category in the corporation.

Alaska Chadux Corporation stands ready to accept new Associate Members and to assist them with meeting their oil spill response compliance needs.

Alaska Chadux
CORPORATION

Fee Examples

Based on Associate member Rates for 2000

This schedule is provided as an example of fees for four different vessel capacity scenarios.
Examples are based on the Chadux Associate Member rates for 2000.
Associate Member rates are assessed annually. Members may elect to pay the annual fee in quarterly installments.

Vessel Capacity In Gallons	RATE SCHEDULE Annual Fee for Vessel Capacity	INITIATION FEE One-Time Initiation Fee Per Company	Quarterly one vessel	YEAR 1 Assuming one vessel	YEAR 1 Assuming two vessels	YEAR 2 Assuming one vessel	YEAR 2 Assuming two vessels
10,001-50,000	$3,000	$5,000	$750 **	$8,000 *	$11,000 *	$3,000	$6,000
150,000-200,000	$8,000	$5,000	$2,000 **	$13,000 *	$21,000 *	$8,000	$16,000
600,000	$12,000	$5,000	$3000 **	$17,000 *	$29,000 *	$12,000	$24,000
1,000,000	$16,000	$5,000	$4000 **	$21,000 *	$37,000 *	$16,000	$32,000

ootnotes:

Includes one-time initiation fee of $5,000

* Annual dues may be paid quarterly. The initiation fee is a one-time cost and is not included in the quarterly payment option.



ALASKA CHADUX CORPORATION

ASSOCIATE MEMBER FEE SCHEDULE

Facility Fee Schedule for Associate Members

Application Fee $500.00 *Applied to initiation fee upon acceptance into the Alaska Chadux Corporation.*	**Initiation Fee** $5,000.00 *Due upon acceptance into the Alaska Chadux Corporation*
Annual Facility Capacity *Based on total capacity of storage*	**Annual Facility Fee Amount**
0-1,000 bbl	$500.00
1,001 - 5,000 bbl	$1,000.00
5,001 - 10,000 bbl	$4,000.00
10,001 - 25,000 bbl	$6,000.00
> 25,001-35,000 bbl	$8,000.00
Each addition 10,000 bbl > 50,000 bbl	$1,000.00

Barge/Vessel Fee Schedule for Associate Members

Application Fee $500.00 *Applied to initiation fee upon acceptance into the Alaska Chadux Corporation.*	**Initiation Fee** $5,000.00 *Due upon acceptance into the Alaska Chadux Corporation.*
Annual Barge/ Vessel Capacity *Based on total capacity of storage*	**Annual Barge/ Vessel Fee Amount**
0-1,000 gal	$500.00
1,001 -5,000 gal	$1,000.00
5,001 - 10,000 gal	$2,000.00
10,001 - 50,000 gal	$3,000.00
50,001 - 110,000 gal	$4,000.00
110,001 - 150,000 gal	$5,000.00
150,001-200,000 gal	$8,000.00
Each additional 100,000 gal > 200,000 gal	$1,000.00

This is the current rate structure for Associate Members in Alaska Chadux. The Board of Directors sets the rates annually. These rates are subject to change.

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Alaska Chadux
C O R P O R A T I O N

Proposed Fee Examples

Based on 2000 Associate Member Rates

The proposed fee examples do not effect current Associate Member fee schedule.
This schedule is provided as an example of fees for four different vessel capacity scenarios.
These examples assume SB 273 becomes law, resulting in an increase in Associate Membership within two years.

Vessel Capacity in Gallons	RATE SCHEDULE Annual Fee for Vessel Capacity	INITIATION FEE One-Time Initiation Fee Per Company	Bi-weekly	Monthly	Quarterly	YEAR 1 Annual	YEAR 2 Annual
10,000-50,000	$3,000	$5,000	$300	$425	$750**	$8,000*	$3,000
150,000-200,000	$8,000	$5,000	$550	$1,050	$2,000**	$13,000*	$8,000
600,000	$12,000	$5,000	$800	$1,550	$3,000**	$17,000*	$12,000
1,000,000	$16,000	$5,000	$1,050	$2,050	$4,000**	$21,000*	$16,000

Footnote:

* Includes one-time initiation fee of $5,000

** Annual dues may be paid quarterly. The initiation fee is a one-time cost and is not included in the quarterly payment option.

April 14, 2000

Under Chadux's proposed fee structure

Fishing vessel – Kuroshima (5000 tons of fish) and 200,000 gallon fuel capacity

- **$550 / 5000 tons = 11 cents per ton**

Coal Ship – 60,000 tons of coal and 200,000 gallon fuel capacity

- **$550 / 60,000 tons = > 1 cent per ton**

Cruise Ship – 2000 passengers x 20 trips over 4 months = 40,000 passengers and 1,000,000 gallon fuel capacity

- **$6050 / 40,000 = 15 cents per passenger**

ALASKA CHADUX CORPORATION

ASSOCIATE MEMBERS

Alaska General Seafoods
Bering Sea Fisheries
Cominco Alaska, Inc.
Cook Inlet Processing
Glacier Fish Company
Highland Light Seafoods, LLC
Icicle Seafoods/Petersberg Fisheries
Kodiak Salmon Packers, Inc.
New West Fisheries, Inc.
Norquest Seafoods, Inc.
Olsen Enterprises, Inc.
Pederson Point
Premier Pacific Seafoods
The Aleut Corporation
Unisea/Dutch Harbor Seafoods
Wards Cove Packing Company
Yardarm Knot, Inc.
Yukon Fuel Company, Inc.

721 West 1st Avenue • Anchorage, Alaska 99501
(907) 278-3365 • Fax (907) 278-3330

FULL MEMBERS

CROWLEY MARINE SERVICES
Crowley Marine Service, Inc.
San Francisco, California

Delta Western
Seattle, Washington

Kodiak Oil Sales, Inc.
Kodiak, Alaska

Newport Petroleum
Signal Hill, California

North Pacific Fuel
Dutch Harbor, Alaska

Ocean Shipholdings, Inc.
Houston, Texas

Off Shore Systems, Inc.
Kirkland, Washington

Orca Oil Co., Inc.
Cordova, Alaska

Petro Marine Services
Anchorage, Alaska

Petro Star Valdez Refinery
Valdez, Alaska

Sea Coast Towing, Inc.
Seattle, Washington

Shoreside Petroleum, Inc.
Seward, Alaska

Signature Flight Support
Anchorage, Alaska

Valdez Petroleum Terminal, Inc.
Valdez, Alaska

Yutana Barge Lines
Anchorage, Alaska

ALASKA CHADUX CORPORATION

PRE-DECISIONAL MATERIAL
DRAFT

CISPRI's
Summary of Proposed Fees for Non-Tank Vessels

1. Persistent Oil
   A. Major Carriers – Many scheduled transits per year
      - $50,000 annual Membership fee
   B. Few scheduled/unscheduled transits per year
      - $500 - $1000 per 1000 barrels of fuel capacity per voyage

2. Non-Persistent Oil
   A. Major Carriers – Many scheduled transits per year
      - $25,000 - $50,000 annual Membership fee
   B. Few scheduled/unscheduled transits per year
      - $250 - $500 per 1000 barrels of fuel capacity per voyage

3. The final fees to be assessed to this class of vessel will ultimately be based on their overall risk for spillage of product and potential damage to the environment.

Nontank Vessel Inspection Authority

- The proposed legislation does not create or make any new activities subject to inspection but simply extends existing authority to nontank vessels and the railroad.

- The existing language was included in the oil spill legislation passed in 1990.

- The existing inspection language allows DEC to continue to focus its inspection activities on prevention and response capability.

- The existing inspection language is not in conflict with the recent U. S. Supreme Court's decision which allows states to verify and have continued oversight for oil spill contingency plans and proof of financial responsibility.

- The Department of Environmental Conservation and the United States Coast Guard operate under a formal Memorandum of Agreement that explicitly outlines their respective roles for vessel inspection activities to ensure coordination, eliminate duplication, prevent overlap and avoid any jurisdictional conflicts under state, federal or international laws or agreements.

- All DEC staff conducting vessel inspection activities have appropriate training or extensive prior experience conducting vessel inspection work for the United States Coast Guard.

Senate Bill 273

Response to "Areas of Concern with SB 273" Raised by Kent Dawson Company

Reference: Kent Dawson letter of April 12, 2000

Negotiated Regulations Process

1. What is the Negotiated Regulations process?

- An alternative method to develop regulations, but not a substitute for the Administrative Procedure Act requirements for adopting regulations into law.
- A negotiated regulation making (Neg-Reg) process allows direct participation of affected interests in the development of regulations.
- A committee of stakeholders, industry, agencies and other interested parties would be established to assist in development of regulations for the purpose of reaching a consensus agreement on the proposed regulations.
- The DEC Commissioner is not bound by the results of the negotiated rule making process. The rule making committee serves in an advisory role. DEC successfully used this basic process in the development of the Best Available Technology regulations in 1997. This type of process was also used in development of the North Slope spill response technical manual used by the major oil companies.

Costs

2. What new equipment will be required and who will be charged for it?

The amount of equipment required will be more thoroughly evaluated during the negotiated rule making process. Final costs will be computed once the regulations are drafted and take shape. The co-ops will need to evaluate the equipment necessary for the number of members that they serve and the type of fuel that they carry. Rates set by Alaska's nonprofit co-ops will be set by private sector market forces.

3. Will the current OPA 90 Certificate of Financial Responsibility (FR) be accepted to meet state requirements?

No, the certificate itself would not be accepted by the State but the same evidence of financial responsibility (insurance, self-insurance, P&I Club coverage) could be submitted to meet state requirements as long as the amount and type of coverage is adequate to meet state requirements.

4. How will foreign flag vessels of opportunity be able to comply with the nontank vessel requirements? How will trampers that call on Alaska with only two or three week notice join a co-op, file a Cplan and get state approval within this short time?

A "plan by rule" with a rapid approval and streamlined process is envisioned for all nontank vessels. This would include the possibility of using ship agents or spill co-ops as the go between for obtaining approvals in a short time frame. Prior to entering state waters they would need to demonstrate proof of financial responsibility and proof of membership in a co-op to meet the requirements of the response action plan. The prevention issues may be addressed by submittal of an affidavit proving that the "plan by rule" prevention measures are addressed.

5. Will mandatory training be required and will it be in addition to OPA 90 training?

The regulations process will determine what training will be required and how it will be met.

Practical Considerations

6. Will vessels be required to carry response equipment on board their vessel?

Non-crude tank barges carrying fuel as cargo typically do carry boom and skimmers on board; however, tank vessels do not currently carry any significant response equipment, such as boom or skimmers, due to space limitations. They depend on their response action contractor. It is expected that nontank vessels would have the same space limitations and would have a similar reliance with a spill co-op or response action contractor.

Current co-op response equipment is already prepositioned at various operating regions in the state to better respond to spills in the remote areas of the state. All co-op equipment is owned and operated by the co-ops.

DEC does not guarantee a specific level of spill response will be met by an operator or a co-op. Spill response requirements are continually evaluated during plan reviews and some operator plans may require more and a different type of equipment to meet their planning standard.

7. Will inconsistent response and reporting requirements under SB273 vs OPA 90 cause confusion and errors by ship personnel?

No. Non tank vessels are already required by law to report oil spills to the State and the U.S. Coast Guard. It is likely that OPA reporting requirements will also meet state requirements. However, there may be some additional state requirements, depending on how the regulations will be written.

NO CHANGE

BENEFITS

8. Has DEC analyzed the 1995-99 spills database listing for vessels and the railroad not covered under OPA-90 regarding cost benefits for being regulated under SB 273?

Although DEC has not analyzed this listing for each vessel and railroad spill; however, its our experience that a more rapid response from a co-op could have been effected for some of the larger spills, such as from the Kuroshima at Dutch Harbor, if they had been covered by this bill. ~~These are further discussed in SB273 Information Fact Sheet Numbers 20, 24 and 31.~~

LEGAL

9. Has anyone reviewed the recent U.S. Supreme Court case striking down Washington's rules to determine its applicability to Alaska?

Yes. The Alaska Attorney General's Office has reviewed the U.S. Supreme Court's Intertanko decision concerning Washington State's oil pollution prevention rules and has determined that the ruling does not prevent Alaska from imposing these oil spill contingency plan and financial responsibility requirements.

10. How will liability issues be handled if SB 273 becomes law?

SB 273 does not alter the existing liability framework in state law. with respect to contingency plan holders, parties responsible for a discharge of oil, or oil spill response action contractors. The division of responsibility among contingency plan holders, parties responsible for a discharge of oil and response action contractors would be handled as is provided by existing provisions in Alaska Statute.

OTHER SPECIFIC QUESTIONS

11. Is it true that Cook Inlet Spill Response membership is over $100,000 to join and the same per year if they in fact allow non-tank vessel operators to join?

The current fee structure for regulated tank vessels is about $100,000 initial equipment fee and an annual $50,000 membership fee. This is in addition to a risk fee based on the amount of fuel transported. However, CISPRI is proposing a different fee structure specifically for non-tank vessels based on the type of oil carried, the amount of oil carried and the frequency of trips. The annual fees would be lower than for tank vessels. However, CISPRI is not the only co-op currently operating in Alaska

12. How will trampers that call on Alaska with only two or three week notice join a co-op, file a Cplan and get state approval within this short time?

These ships would be subject to the same requirements as any other non-tank vessel covered under this bill. Specific Cplan requirements would be worked out in the neg-reg process.

13. Do OSROs have a membership category for tramp vessels and what are the conditions of membership?

OSROs voluntarily register with the USCG and are certified for a specific type and level of response. They also are not required to have separate membership categories, even though some do. Each OSRO establishes their own membership and operating rules and policies.

14. Will non-tank vessels have to get annual quotes to prove that they cannot get an insurance company to accept direct action?

No. SB 273 specifically exempts providers of financial responsibility for non-tank vessels from the direct action and service of process in Alaska requirements. Non-tank vessels would not therefore be required to obtain annual quotes to demonstrate that coverage with direct action is unavailable to them.

15. Will vessel operators have to join two or more co-ops if they enter both Southeast and Western Alaska?

Perhaps. A vessel operating in more than one area not serviced by the same co-op may have to belong to different co-ops to ensure a response capability in all operating areas.

Kent Dawson Company
INCORPORATED

April 12, 2000

Honorable Representative Bill Hudson
Honorable Representative Beverly Masek
Co-Chairs, House Resources Committee
Alaska State Legislature
Juneau, Alaska 99811

Dear Representatives Hudson and Masek,

Attached please find a compilation of questions and industry concerns regarding SB 273. The affected industries hope to gain a better understanding of the financial obligations and possible economic impacts to the various industries through an analysis of these questions. I hope these questions are of use to you and your committee during today's hearing.

Sincerely,

V. Kent Dawson

P.O. Box 20790 • Juneau, Alaska 99802 • 423 Seward Street • Juneau, Alaska 99801
907-463-2533 • Fax: 907-463-3922 • kdawson@alaska.com

SB 273 -- Issues and Questions

Costs

- What new equipment will be required and who will be charged what because of that?
- Training: will ship personnel have (as under the federal Oil Pollution Act of 1990, OPA-90) mandatory annual training? Will it be in addition to OPA-90 training?
- Plan preparation: will each vessel have a separate Contingency Plan (C-Plan), or will the response contractor develop one plan applicable to all its members, as in the case of Washington State?
- Will our current federal OPA-90 Certificate of Responsibility (CFR) qualify under SB 273? Or will a separate state certificate required?
- Extra high costs of remote, rural locals with little vessel traffic.

Practical Considerations

- How do vessels of opportunity meet SB 273 shops personnel training requirements?
- How do vessels of opportunity receive and carry initial response equipment (boom material, etc.)?
- How is it returned? Are special calls of port required because of this?
- Will inconsistent response and reporting requirements under SB 273 (vs. OPA-90) cause confusion and errors by ship's personnel?
- Remote Alaska problems:
  - Equipment placement.
  - Where?
  - Under who's control?
  - It was suggested that equipment be located in Anchorage and a C-130 deploy it to remote areas. Can a C-130 land in Mekoryok, Hooper Bay, Goodnews Bay, etc. Will DEC guarantee that only this is required to meet spill response requirements in rural Alaska?
- Deployment of equipment.

Alaska is geographically unique in that it doesn't boarder any of the lower 48 states therefore we import/export only what Alaskans use/produce.

The other Pacific Coast States are able to spread the cost of oil regulations over import/exports for the entire United States. Given the above, won't the cost of implementing oil regulations put Alaskan resources at an economic disadvantage?

Isn't it true that Cook Inlet Spill Response membership is over $100,00 to join and then the same per year if they in fact allow non-tank vessels operators to join?

Understanding that all Oil Spill Response Organizations (OSRO) came about due to the Oil Pollution Act of 1990 and are geared towards the oil transportation industry, do they have a membership category for tramp vessels and what are the conditions of membership?

Subsequently, the Board of Directors of all the OSRO's are made up of all oil carriers. Won't this put the tramp, cruise industry at a disadvantage for membership fees?

Will vessel operators have to join two or more co-ops if they enter both Southeast and Western Alaska?

How will trampers that call on Alaska with only a two or three week notice join a co-op, file a C-plan, and get state approval within this short time?

Senate Bill 273

Response to "Areas of Concern with SB 273" Raised by North Star Maritime Agencies

Proof of Financial Responsibility

1. *Is direct action required for nontank vessels under SB 273?*

   No. SB 273 was amended to not require direct action for nontank vessels.

2. *Will proof of entry in a recognized P&I Club satisfy the proposed requirement for proof of financial responsibility under SB 273 for nontank vessels?*

   Yes.

3. *Does SB 273 need to be amended to allow proof of financial responsibility for nontank vessels to be demonstrated by self-insurance, proof of entry of the vessel in a protection and indemnity association or other insurance?*

   No.

C-Plan Requirements

4. *How will nontank vessels meet the response planning standard in remote sites like western Alaska?*

   Nontank vessels could meet this requirement using the response framework developed for existing regulated fuel barges and tank vessels in remote Alaska. Nontank vessels may also pursue alternatives to this response framework if they want to form their own spill co-operative or pursue other options.

5. *Do Regional Master Plans establish guidelines by which individual contingency plans will be reviewed?*

No. Guidelines for reviewing individual contingency plans are established in regulation.

6. *Have Regional Plans for Northwest Arctic Borough, Bristol Bay and Western Alaska been completed?*

Yes. Technically these plans were completed and published in 1993 to meet the requirements of the federal Oil Pollution Act of 1990. Since 1993 the state and federal government have developed a Unified Plan that covers all of Alaska. Under this scheme both the state and federal plans are consolidated and regional plans are now called Subarea Plans and are being completed on an agreed upon schedule. The new Subarea Plans for these three areas will be completed this calendar year.

How can operators/owners develop C-Plans if the guidelines have not been developed

7. *How can operators/owners develop C-Plans if the guidelines have not been developed?*

Guidelines for review of nontank vessel plans are not included in regional master plans and will be developed consistent with the negotiated rule making process.

8. *Should SB 273 be changed to address various regions and shipping volumes?*

No. Under SB 273 it is intended that this be addressed in the negotiated rule making process so that all shippers may participate in developing solutions to address unique conditions or circumstances. Through the negotiated regulations process, paragraph 46.04.055(f) of the proposed bill provides for changing the standards under (b)(1), including the 15 percent containment standard.

Actual Response vs. C-Plan Requirements

9. *Should nontank vessels be able to include response equipment from an existing spill co-op in their C-Plan?*

Yes. By belonging to a spill co-op a nontank vessel is able to use the resources of the spill co-op to meet the response planning standard.

10. *Can contingency plan holders use state or federal equipment to meet their response planning standards?*

No. Using state or federal equipment has not been allowed because neither the state nor federal government has sufficient resources to satisfy the response equipment needs on an equal footing for all operators in the state. Under state and federal law the contingency plan holder bears the cost of preparedness and response equipment. In an actual spill any response assets, regardless of ownership, are used by the Unified Command.

11. Is a change needed in the bill to allow for identification of spill response resources?

No. Inventories of spill response equipment are currently available for each co-op.

Best Available Technology (BAT)

12. How will BAT for response equipment be applied to nontank vessels?

By definition, BAT for response equipment is met when the plan holder demonstrates that it has access to adequate equipment to meet its response planning standard. This can be done through membership in a spill co-op.

13. How will BAT for prevention measures be applied to non-tank vessels?

Prevention measures that meet BAT will be identified in the negotiated rule-making process. These might include but not be limited to such things as: prompt leak detection, rapid communications, stopping a discharge at its source, having a ready towline available, having portable pumps to manage flooding or fuel transfer pumps to remove oil from damaged tanks to other tanks.

14. What kind of response equipment would be required on board nontank vessels?

Tank vessels do not currently carry any significant response equipment, such as boom or skimmers, due to space limitations. They depend on their response action contractor. It is expected that nontank vessels would have the same space limitations and would have a similar reliance with a spill co-op or response action contractor.

15. How did DEC apply BAT to the Non-crude tank vessels under the Alternative Compliance Schedule (ACS)?

The ACS was developed only for the tank barges and did not apply to the noncrude tank vessels. By definition, BAT for response equipment is met if the plan holder can demonstrate that it has access to adequate equipment to meet its response planning standard. The ACS addressed the need to obtain additional response equipment and

properly positioning that equipment to ensure that the response planning standard could be met in remote areas of the state.

C-Plan Preparation and Approval

16. How will the costs of carrying out drills required by regulations be considered?

All drills are currently coordinated to maximize the lessons learned and minimize costs. It is expected that drills testing the response capability would continue to be coordinated with the spill co-ops and that those costs would be reflected in the fees for its members.

17. How will foreign flag vessels of opportunity be able to comply with the nontank vessel requirements?

A "plan by rule" with a rapid approval and streamlined process is envisioned for all nontank vessels. This would include the possibility of using ship agents or spill co-ops as the go between for obtaining approvals in a short time frame. The "plan by rule" would act as a contingency plan and be approved consistent with promulgation of the regulations. Compliance with the response planning standard can be met through membership in a spill co-op that has that capability.

18. How is the "cost of doing business " being considered in the requirements for development and compliance with contingency plans?

Cost will be considered during the negotiated rule making process. Rates set by Alaska's nonprofit co-ops will be set by private sector market forces and how industry and the spill co-ops develop market driven options.

Largest Vessels
by Waters Traveled and Type
April 1999 - March 2000
From Marine Pilot Records - SWAPA

Waters	Type	Vessel	Gr. Ton	Fuel Type	Fuel Quantity
Cook Inlet	LNG	Arctic Sun	66,174		
Cook Inlet	Tanker	Vancouver Spirit	63,709		
Cook Inlet	Bulk Carrier	Giuseppe Bottigliere	39,385		
Cook Inlet	Container	Sealand Hawaii	21,688		
Cook Inlet	Liquid Gas	Hesiod	21,684		
Cook Inlet	Log	Craig the Pioneer	36,152		
Cook Inlet	Military	Maersk Constellation	22,626		
Cook Inlet	Passenger	Pacific Venus	26,518		
Icy Bay	Bulk Carrier	Scarlett Success	17,428		
Icy Bay	Log	Torm Pacific	18,108		
Icy Bay	Passenger	World Discoverer	3,724		
Kodiak	Bulk Carrier	Scarlett Success	17,428		
Kodiak	Log	New Laurel	19,069		
Kodiak	Military	USS Ford	3,583		
Kodiak	Passenger	World Discoverer	3,724		
Kodiak	Relief	Caribbean Mercy	2,125		
Kodiak	Research	Atlantis	3,304		
Kodiak	Tanker	Paul Buck	21,471		
Kodiak	Tramper	Mononok	4,392		
Prince William Sound	Cable Layer	Kigoria	3,641		
Prince William Sound	LNG	Polar Eagle	66,174		
Prince William Sound	Log	Savannnah	3,253		
Prince William Sound	Passenger	Sea Princess	77,499		
Prince William Sound	Tanker	Arco Independence	127,300		
Seward	Bulk Carrier	APJ Shalin	41,699		
Seward	Bulk / Coal	Mishima	36,417		
Seward	Cable Layer	Kigoria	3,641		
Seward	Coal	Golden Disa	39,714		
Seward	Passenger	Universe Explorer	22,162		
Seward	Relief	Caribbean Mercy	2,125		
Seward	Tramper	Mononok	4,392		
Seward	Yacht	Arctic Sunrise	599		
Women's Bay	Tanker	Paul Buck	21,471		

Prepared by Information Insights from SWAPA Reports August 19, 2000

Largest Vessels
by Waters Traveled and Type
April 1999 - March 2000
From Marine Pilot Records - ACP

Waters	Type	Vessel	Gr. Ton	Fuel Type	Fuel Quantity
Chatham Str., Frederick Sound, Stephens Pass, Gastineau Ch., Stephens Pass, Favorite Ch., Lynn Ca., Chilkoot In., Icy Strait, Glacier Bay, Decision Pass, Sumner Str., Stikine St., Clarence St., Tongass Nar, Revillagigedo Ch.	Passenger	Nieuw Amsterdam	33,930		
Auke Bay, Stephens Passage, Saginaw Channel, Lynn Canal, Chatham Strait, Hawk Inlet	DC	Angelina the Great	23,561		
Clarence Str., Snow Pass, Sumner Str., Decision Pass, Frederick So., Tracy Arm, Gastineau Ch., Icy Str., No. Inian Pass, Cross So., Yakutat Bay	DC	Nippon Maru	21,903		
Keku Str.	DC	Royal Forest	19,731		
George Inlet, Revillagigedo Channel, Nichols Passage	DC	M/V Marine Island	17,542		
Hobart Bay	DC	Oriental Harmony	17,429		
Bucareli Bay, Klawock Inlet	DC	Ocean Lydia	15884		
Cholmondeley So	DC	Virginia	15,786		
Port Chester	DC	Santa Christina	15,073		
West Arm, Sukkwan Str., Hetta Inlet, Cordova Bay, Dixon Entrance	DC	Austurias	14,965		
Sitka Sound	DC	Osa Vigilant	1,334		

Prepared by Information Insights from ACP Reports August 22, 2000

Industry Working Group: Non-Persistent Oil Transportation Analysis (1996 - 1997)

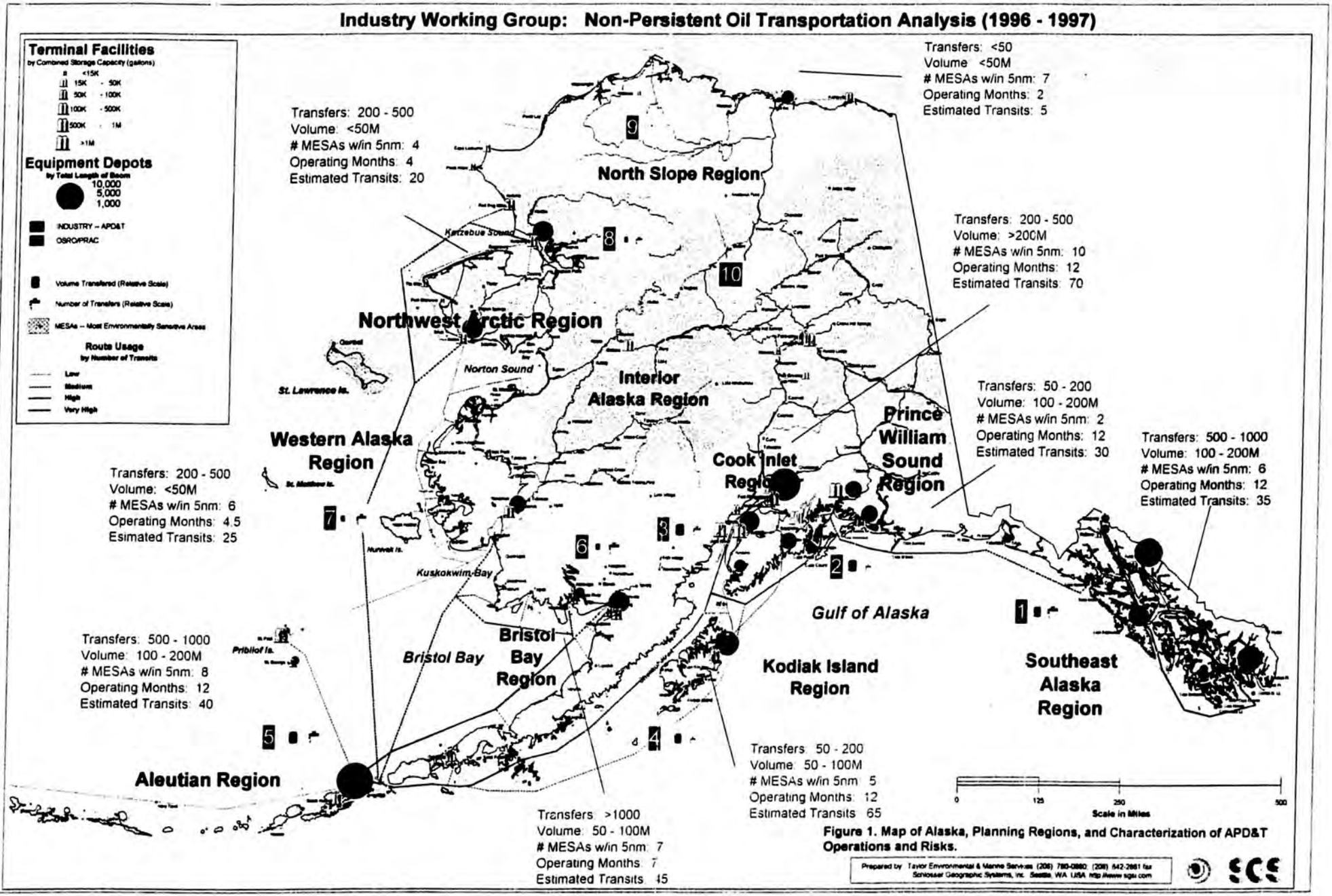


Figure 1. Map of Alaska, Planning Regions, and Characterization of APD&T Operations and Risks.

Prepared by Taylor Environmental & Marine Services (206) 780-0860 (206) 842-2661 fax
Schlosser Geographic Systems, Inc. Seattle, WA USA http://www.sgsi.com

TABLE 1
STATUS OF ESI MAPPING PROJECTS IN ALASKA

NOAA PARTNERS	PRODUCTS	PROJECT STATUS	COST*
Southeast Alaska Subarea			
Southeast Alaska Petroleum Resource Organization, Inc.; U.S. Department of the Interior, National Park Service; U.S. Department of the Interior, Fish and Wildlife Service; Alaska Department of Environmental Conservation; U.S. Forest Service; U.S. Coast Guard; Oil Spill Recovery Institute.	Update project: 198 (1:84,000-scale) maps of shoreline types and human use areas; 16 (1:250,000 or 1:280,000-scale) summary maps of sensitive biological and human use areas; GIS files.	Underway, expect completion in early 2001. Some products were completed in 1992 and 1995.	Approximately $184,000 (in addition to $150,000 for the 1992 and 1995 products) for the update project.
Prince William Sound Subarea			
Exxon Valdez Oil Spill Trustee Council; Oil Spill Recovery Institute; Prince William Sound Regional Citizens Advisory Council; U.S. Coast Guard; Alaska Department of Environmental Conservation.	Update project: 4 (1:250,000-scale) seasonal summary maps of shoreline and sensitive biological and human use areas; atlas of 42 (1:63,360-scale) maps of shoreline and sensitive biological and human use areas; GIS files.	Completed products being produced the summer of 2000.	Approximately $155,000 for the update project.
Cook Inlet Subarea			
Cook Inlet Spill Prevention and Response Inc.; Cook Inlet Regional Citizens Advisory Council; U.S. Coast Guard.	Update project: 4 (1:450,000-scale) seasonal summary maps of shoreline types and sensitive biological and human use areas; GIS files. [Older maps: 57 (1:63,360-scale) hard-copy maps from Cape Douglas to Chugach Islands completed in 1985.]	Completed in 1994.	Approximately $85,000 for the update project.
Kodiak Island Subarea			
Alaska Department of Environmental Conservation; Alaska Chadux Corporation; Cook Inlet Spill Prevention and Response, Inc.; Cook Inlet Regional Citizens Advisory Council; Prince William Sound Regional Citizens Advisory Council.	Update project: 4 (1:450,000-scale) seasonal summary maps of shoreline types and sensitive biological and human use areas; GIS files. [Older maps: 47 (1:63,360-scale) hard-copy maps of Shelikof Strait completed in 1986; and 47 (1:63,360-scale) hard-copy maps of shoreline types for Kodiak, Afognak, Trinity Islands completed in 1986.]	Completed in 1997.	Approximately $90,000 for the update project.

NOAA PARTNERS	PRODUCTS	PROJECT STATUS	COST*
Aleutian Islands Subarea			
Aleutians West Coastal Resource Service Area; Aleutians East Borough; Alaska Chadux Corporation; Oil Spill Recovery Institute; U.S. Coast Guard.	Update project: 15 (1:250,000-scale) summary maps of shoreline and sensitive biological an l human use areas for the eastern portion of the subarea; 7 (1:500,000-scale) summary maps of same for the western portion of the subarea; GIS files. Already completed: 1 (1:63,360-scale) map of the Pribilof Islands and GIS in 1998 funded by the U.S. Coast Guard. [Older maps: 61 (1:63,360-scale) hard-copy maps from Akutan and Unimak Pass to Cape Providence completed in 1986.]	Initiated in June 2000, estimated completion in spring 2001.	Approximately $120,000 (in addition to $30,000 for the Pribilofs) for the update project.
Bristol Bay Subarea			
Oil Spill Recovery Institute; TBD.	Update project: TBD. [Older maps: 108 (1:63,360-scale) hard-copy maps from Cape Vancouver to Unimak Island completed in 1982.]	Anticipate start-up in 2002 or 2003.	Approximately $150,000 total required ***[$90,000 more is needed]***.
Western Alaska Subarea			
Oil Spill Recovery Institute; TBD.	Update project: TBD. [Older maps: 65 (1:63,360-scale) hard-copy maps from Cape Vancouver to Cape Prince of Wales completed in 1983.]	Anticipate start-up in 2002 or 2003.	Approximately $150,000 total required ***[$90,000 more is needed]***.
Northwest Arctic Subarea			
Oil Spill Recovery Institute; TBD (potential partners are: Bering Straits Coastal Resources Service Area; U.S. Coast Guard; U.S. Department of the Interior, Fish and Wildlife Service; U.S. Department of the Interior, National Park Service; COMINCO; Alaska Chadux Corporation; Northwest Arctic Borough; Norton Sound Economic Development Corporation).	Update project: planning for 11 (1:280,000-scale) summary maps of shoreline and sensitive biological and human use areas; and GIS files. [Older maps: hard-copy maps included in Bristol Bay and Western, above.]	In planning, anticipated start-up in summer 2001.	Approximately $150,000 total required ***[$90,000 more is needed]***.

NOAA PARTNERS	PRODUCTS	PROJECT STATUS	COST*
North Slope Subarea			
Beaufort Sea Portion: Alaska Clean Seas; BP Exploration, Inc.; Alaska Department of Environmental Conservation; U.S. Department of the Interior, Minerals Management Service.	**Beaufort Sea Portion**: Update project: 4 (1:250,000-scale) summary maps of shoreline types and sensitive biological and human use areas for the eastern portion of the subarea; 17 (1:63,360-scale) maps of sensitive biological and human use areas for Trans-Alaska Pipeline System corridor from Prudhoe Bay to Atigun Pass; GIS files. Already completed: an atlas of 105 (1:26,000-scale) maps and GIS files of the Prudhoe Bay development area funded by BP Exploration, Inc.	**Beaufort Sea Portion**: Partially completed in September 1999. U.S. Department of the Interior, Minerals Management Service is conducting additional shoreline classification in 2000.	**Beaufort Sea Portion**: Approximately $83,000 (in addition to $160,000 for U.S. Department of the Interior, Minerals Management Service project).
Chukchi Sea Portion: Oil Spill Recovery Institute; TBD.	**Chukchi Sea Portion**: Update project: TBD. [Older maps: 84 (1:26,000-scale) hard-copy maps from Cape Thompson to Point Barrow completed in 1985.]	**Chukchi Sea Portion**: Start-up expected in 2003 or 2004.	**Chukchi Sea Portion**: Approximately $150,000 total required ***[$90,000 more is needed]***.
Interior Alaska Subarea			
None identified at this time.	None planned at this time.	Not applicable.	Not applicable.

*Cost figures do not include the substantial contribution in helicopter time by the U.S. Coast Guard that is used for shoreline data gathering at an estimated cost of $7,000 per 1:63,360-scale quadrangle map.

PORTS THAT HAVE HAD FISH RELATED SHIPPING IN THE PAST TEN YEARS

REGION	Location
SOUTH SEWARD PENNISULA	Port Clarence, Alaska
NORTON SOUND	Cape Denbigh, Alaska
	Unalakleet, Alaska
	Besboro Island (Surrounding Waters), Alaska *
	Egg Island (Surrounding Waters), Alaska *
	St. Michael, Alaska
	Stuart Island, (Surrounding Waters) Alaska *
	Black Point, Alaska
SCAMMON BAY	Scammon Bay, Alaska
SCAMMON BAY	Kokechik Bay, Alaska
SCAMMON BAY	Cape Romanzoff, Alaska
HOOPER BAY	Hooper Bay, Alaska
NUNIVAK ISLAND	Meykoryuk/Cape Etolin, Alaska
NUNIVAK ISLAND	Nunivak Island (Surrounding Waters), Alaska
NUNIVAK ISLAND	Nash Harbor, Alaska
NUNIVAK ISLAND	Cape Vancouver, Alaska
TOOKSOK	Nelson Island (Surrounding Waters), Alaska*
TOOKSOK	Cape Avinof, Alaska
KUSKOKWIM	Kuskokwim Bay, Alaska
KUSKIKWIM	Goodnews Bay, Alaska
	Bethel, Alaska
TOGIAK	Security Cove, Alaska
TOGIAK	Hagemeister Strait, Alaska
TOGIAK	Togiak Bay, Alaska
TOGIAK	Anchor Point(Near Togiak), Alaska
TOGIAK	Nunavachak Bay, Alaska
TOGIAK	Summit Island (Surrounding Waters), Alaska *
BRISTOL BAY	Kvichak Bay/Naknek, Alaska
BRISTOL BAY	Nushagak, Bay, Alaska
BRISTOL BAY	Egegik Bay, Alaska
BRISTOL BAY	Ugashik Bay, Alaska
	Port Moller, Alaska
BRISTOL BAY	Port Heiden, Alaska
FALSE PASS	Amak Island (Surrounding Waters), Alaska
FALSE PASS	Ikatan Bay, Alaska
FALSE PASS	Otter Cove(Near False Pass), Alaska
FALSE PASS	East Anchor Cove(Near False Pass), Alaska
WESTERN ALEUTIANS	Attu Island (Surrounding Waters), Alaska*
	Amchitka Island (Surrounding Waters), Alaska*
	Kiska Island (Surrounding Waters), Alaska*
	Tanaga Island (Surrounding Waters), Alaska*
	Adak Island (Surrounding Waters), Alaska
MID ALEUTIANS	Atka Island (Surrounding Waters), Alaska
DUTCH HARBOR	Dutch Harbor, Alaska
ALASKA PENNISULA	Cold Bay, Alaska
	Volcano Bay(Near Pavlof), Alaska
	Ivanof Bay, Alaska
	Pavlof Bay, Alaska
	Nagai Island (Surrounding Waters), Alaska *
	Alinchak Bay, Alaska
	King Cove, Alaska

	Sand Point, Alaska
	Squaw Harbor, Alaska
	Chignik, Alaska
AKUTAN	Akutan, Alaska
AKUTAN	Beaver Inlet, Alaska
AKUTAN	Lost Harbor, Alaska
PRIBILOFS	St. Paul Island (Surrounding Waters), Alaska
	St. George Island (Surrounding Waters), Alaska
DUTCH HARBOR	Makushin Bay, Alaska
MID BERING SEA	St. Mathews Island (Surrounding Waters), Alaska *
KODIAK	Old Harbor, Alaska
KODIAK	Kiliuda Bay, Alaska
KODIAK	Ugak Bay, Alaska
KODIAK	Larsen Bay, Alaska
KODIAK	Uganik Bay, Alaska
KODIAK	Sitkalidak Bay, Alaska
	Alitak Bay, Alaska
	Port Bailey, Alaska
	Kodiak, Alaska
COOK INLET	Iniskin Bay, Alaska
COOK INLET	Kamishak Bay, Alaska
	Homer, Alaska
	Seward, Alaska
PRINCE WILLIAM SOUND	Shelter Bay, Alaska
	Harris Bay, Alaska
	Sawmill Bay, Alaska
	Naked Island (Surrounding Waters), Alaska *
	Unakwik Inlet, Alaska
	Tatitlek, Alaska
	Port Gravina, Alaska
	Port Fidalgo, Alaska
	Thumb Bay, Alaska
	Port Wells, Alaska
	Montegue Island, Alaska *
	Two Moon Bay, Alaska
	Valdez, Alaska
	Unakwik Inlet
	Cordova, Alaska
GULF OF ALASKA	Yakutat Bay, Alaska
SOUTH EAST ALASKA	Bold Island, Alaska *
	Neets Bay, Alaska
	Waterfall, Alaska
	Port Estrella, Alaska
	Pelican, Alaska
	Hoonah, Alaska
	Sitka, Alaska
	Kake, Alaska
	Petersburg, Alaska
	Wrangell, Alaska
	Craig, Alaska
	Ketchikan, Alaska
	Metlakatla, Alaska
	Noyes Island, Alaska *

Ports that have had Timber/Other Cargo related shipping in the past 10 years

	Location
Ketchikan	**Southeast**
Metlakatla	**Southeast**
Coon Cove	"
Dora Bay	"
West Arm of Chomondeley Sound	"
Klawock	"
Kasaan Bay	"
Grace Harbor	"
Hoonah	"
Juneau	"
Hobart Bay	"
Kake	"
Sitka	"
Icy Bay	**South Central**
Afognak Island	**South West**
Port Graham	**Kenai Peninsula**
Shakan Bay	**Southeast**
Skagway	"
Haines	"
Wrangell	"
Skagway (concentrates)	"
Red Dog (concentrates)	**Bering Sea**
Hawk Inlet (concentrates)	**Southeast**
Calder (concentrates)	"
Seward	**Kenai Peninsula**
Homer	**Kenai Peninsula**

Integrated Vessel Response Plan Format Guidelines for Tank Vessels[1]
Updated 3/5/2000[2]

PLEASE NOTE: This Integrated Format is provided as a voluntary option. Use of this guidance matrix does not relieve a plan holder from ensuring that all agency requirements are complied with in developing an oil spill contingency plan. It is important that plan holders provide clear and accurate cross-references which demonstrate compliance with all applicable contingency planning regulations.

US COAST GUARD 33 CFR Part 155	MARPOL 73/78 ANNEX I Regulation 26	ALASKA 18 AAC 75	WASHINGTON 317-10 WAC	OREGON OAR 340-47	CALIFORNIA CCR Title 14,1,4,3,3 § 816- 816.03 Tank Vessels § 826-827.01 Nontank Vessels
I. Record of Changes 1035 (a)(3)		425 (e)(2) date of plan	050 (3) Log sheet, record of changes	150 (2) Plan amendments	816.02 (a) (3) (D) & (E) Log sheet 826.02 (a) (3) (D) & (E) Log sheet
II. Table of Contents 1035 (a)(4)	No specific requirement	425 (d)(3) plan contents	050 (3) Table of contents	150 (3) Table of contents	816.02 (a) (2) (A) Table of Contents 826.02 (a) (2) (A) Table of Contents
III. General Information and Introduction 1035 (a)	Section 1 Introduction		050 (1) (a) Name, address, phone number for submitting party	150 (1) (a) Name, address, phone number for submitting party	816.02 (a), 827.02(a) Intro material 816.03 (c) (2), 827.03(a)(2) CI 816.02 (a) (2) (D) & (E) Log Sheet 826.02 (a) (2) (D) & (E) Log Sheet
A. Statement of Purpose/Scope		425 (a) be in a useable format 425 (c) promulgation letter 425 (d) plan contents 425 (e) (3) (A) operational overview	050 (1) Submittal Agreement requirements 050 (4) Purpose & Scope	150 (1) Submittal agreement 150 (4) Purpose and Scope	815.03, 825.03 Purpose and Scope
B. List of vessels covered by name; reference VRA for additional vessel information 1035 (a)(1)		425 (c)(1) covered vessels as in promulgation letter	050 (1) (d) Vessel name, etc.	150 (1) (d) (B)&(C) Vessel information	816.02 (a) (1), 827.02 (a) (1) Vessel Information
C. List COTP zones/geographic areas covered; reference GRA for details 1035 (a) (3)		425 (e) (3) (A)(iii) normal vessel routes in state waters	050 (4) (a) & (b) Geographic area and vessel operations covered by plan 050 (29) Spill risk variables within geographic area 050 (30) environmental variables within geographic area	150 (1) (d) (B) Oregon ports of call, types of operations 150 (4) (a) & (b) Region covered by plan 150 (23) (b) Sensitive areas 150 (28) Risk Variables 150 (29) Environmental variables	816.02 (d) (1) (A), 827.02 (g) (1) (A) Normal routes of travel
D. Certification letter 1035 (c)(2) & 1065 (b)		425 (c)(3) promulgation letter	050 (1) (b) & (c) Letter of acceptance & authority	150 (1) Submittal agreement	816.03 (d)(6), 826.03(e)(1) Plan approval 816.04 (b), 826.0? (b) Implementation 816.01 (b) (2) Operation w/o a plan 816.02 (a) (1) (E), 827.02(a) (1) (E) Certification statement

[1] See CFR 1040 for USCG regulations covering tank barges; all numbering should correspond. State regulations cited cover both tankers and tank barges in all states, plus cargo and passenger vessels in Oregon and Washington.
[2] This format guideline will be updated as needed to reflect any regulatory changes adopted by the participating agencies: the Alaska Department of Environmental Conservation, the Washington Department of Ecology, the Oregon Department of Environmental Quality, the California Office of Spill Prevention and Response, and the US Coast Guard.

US COAST GUARD 33 CFR Part 155	MARPOL 73/78 ANNEX 1 Regulation 26	ALASKA 18 AAC 75	WASHINGTON 317-10 WAC	OREGON OAR 340-47	CALIFORNIA CCR Title 14,1,4,3,3 S. 815- 816.03 Tank Vessels S. 826-827.01 Nontank Vels
IV. Notification procedures and List of Contacts	Section 2 Mandatory Provisions				
A. Notification Checklist (in priority order to be set by owner/operator) 1638 (b)(1) 1. Shipboard notification checklist 1638 (b)(2)(i), 1638 (b)(3), 1638 (b)(5), 1638(c)(2), 1638 (b)(6) 2. Shore-based notification checklist 1638 (b)(2)(ii) & (3), 1638 (b)(3), 1638 (b)(1)	2.2 Notification Procedures 2.4 Persons to be Contacted 2.6 National and Local Coordination	300 (a) Discharge notification 425 (e) (1) (A) Emergency Action checklist 425 (e) (1) (B) (i) Persons responsible for notification 425 (e)(1)(B) (ii) Notification of government agencies 425 (e) (1) (E) (ii) Notification of response action contractor 425 (e) (3) (C) Command system	050 (11) (a) & (b) Call-out list and responsible person 050 (17) (a) List of government authorities responsible for related emergency procedures	150 (11) (a) & (b) Notification call out list 150 (17) (a) Government agencies with related emergency authorities	816.02 (h) (1)-(4), 827.02 (h) (1)-(4) Notification procedures, list of contacts, information checklist 816.02 (h)(2), 827.02(h)(2) Immediate notification of OSRO, OI, state OES, and NRC
B. Owner/operator contact information 1638 (b)(2) & 1638 (a)(1)		425 (e) (1) (B) (i) Title and number of person responsible for notification See IV. A	050 (1) (a) & (d) Name, address, and phone of submitting party plus vessel specific information	150 (1) (a) & (b) Owner/operator information 150 (1) (d) (B) & (C) Vessel information	816.02 (a) (1) (B) - (C) 827.02 (a) (1) (B) - (C) Owner / Operator contact information
C. Methods of communication 1638 (b)(4) 1. Primary 2. Secondary		425 (e) (1) (D) Communications used in a response	050 (14) Communications system 050 (15) (b) Central Communications post	150 (14) Communications 150 (15) (b) Central Communications post	816.02 (h), 827.02(d) Notification procedures
D. Information to provide 1638 (b)(3)	2.3 Coastal State Report 2.6 National and Local Coordination	307 (c) Discharge Report Contents	Covered elsewhere	015 (1) (d) Immediate notification	816.02 (h) (4), 827.02 (d) (4) Notification checklist
E. List of additional contacts 1638 (c)		See notification checklist in IV. A	See notification checklist in IV. A	See notification checklist in IV. A	816.02 (h) (1)&(2), 827.02(d) (1)&(2)
1. Insurer 1638 (c)(3)		See notification checklist in IV. A	See notification checklist in IV. A	See notification checklist in IV. A	816.02 (h) (1), 827.02 (d) (1)
2. Legal agent 1638 (c)(4)		See notification checklist in IV. A	See notification checklist in IV. A	See notification checklist in IV. A	816.02 (h) (1), 827.02 (d) (1)
3. Oil spill removal organization (MSRO, NSRO, WCD) 1638 (c)(5), 1638 (b)(5)		425(e) (1)(E)(ii), 445 (f) Notification of Response Action Contractors	050 (8) (a) & (b) Response contractor identification 050 (12) Response personnel 050 (13) Response equipment 050 (21)(d) & (22)(d) Location & access to non-mechanical recovery equipment 050 (31) Logistical resources in area	150 (8) Response Contractors 150 (12) Response personnel 150 (13) Equipment 150 (14) Communications 150 (21) (d) Dispersant supplies 150 (22) (d) In situ burn supplies 150 (30) Logistical resources	816.02 (h) (2) (A), 827.02(d)(1)(A) Immediate OSRO notification 816.02 (c) (3) (B), 827.02(a)(1)(G) Identification of OSROs

4. Salvage, firefighting, and lightering 1026 (a)(5), 1026 (c)(6), 1026 (i)(9)		027 (a), 037 (a), 425 (e)(1)(F)(viii), 445 (d)(6) Lightering	050 (17) (a) (i) firefighting	150 (17) (e) (A) firefighting	818.02 (e) (5) (B) 10&11, 818.02(m) 827.02(h)(3)(B)10&11, 827.02(n) Appropriate equipment
5. Spill management team 1026 (e)(7)	3.4 Public Affairs	See notification checklist in IV. A, plus 425 (e) (3) (C) Command system	See notification checklist in IV. A, 050 (7) Spill response organization 050 (12) Response personnel	See notification checklist in IV. A 150 (7) Spill Response system 150 (12) Response personnel	818.02 (f) (1), 827.02(j)(1)
6. Persons to call for stability and stress assessment 1026 (b)(6), 1026 (e)(11)	2.4 Persons to be Contacted	See notification checklist in IV. A	See notification checklist in IV. A	See notification checklist in IV. A	818.02 (e) (5) (B) II, 818.02(m) 827.02 (h) (3) (B) II, 827.02(n) Identification of salvage company

US COAST GUARD 33 CFR Part 155	MARPOL 73/78 ANNEX I Regulation 26	ALASKA 18 AAC 75	WASHINGTON 317-10 WAC	OREGON OAR 340-47	CALIFORNIA CCR Title 14,1,4,3,3 S. 815- 818.03 Tank Vessels S. 825-827.01 Nontank Vels
V. Shipboard spill mitigation procedures					
A. Operational spill procedures 1035 (e)(1)	2.5 Steps to Control Discharge	425 (e) (1) (E), 445 (c) Deployment strategies 425 (e) (1) (F), 445 (d) Response Strategies	050 (7) Spill response organization 050 (10) Spill detection 050 (16) Flowchart, decision tree, checklists 050 (17) (b) Plan holder's role 050 (18) Vessel personnel's initial response 050 (19) Spill containment and removal 050 (20) Initial deployment	150 (7) Spill Response System 150 (10) Spill detection 150 (16) Response flow chart 150 (17) (b) Plan holder's role 150 (18) Damage control 150 (19) Deployment & Removal 150 (20) Response time/Initial Deployment	818.02 (c), 827.02(c) Prevention measures 818.02 (g), 827.02(j) Response procedures 818.02 (e), 827.02(h) On Water Containment and Recovery
B. Casualty procedures 1035 (c)(2)	2.5 Steps to Control Discharge	Covered in IV. A	Covered in A. above	Covered in A. above	Covered in A. above
C. Discharge removal equipment deployment for deck spills 1035 (e)(3)	2.5 Steps to Control Discharge	425 (e) (1) (E), 445 (c) Deployment 425 (e) (1) (F), 445 (d) Response Strategies	050 (16) Flow Chart 050 (18) Vessel personnel's initial response 050 (19) Spill containment and removal	150 (7) Spill Response System 150 (16) Response flow chart 150 (18) Damage control 150 (19) Containment	818.02 (c), 827.02(c) Prevention Measures 818.02 (g), 827.02(j) Response Procedures 827.2(c)(3) On-Deck Spill Kit
D. Internal transfer procedures 1035 (e)(4)	2.5 Steps to Control Discharge	425 (e)(1)(F)(viii), Transfer of oil Also see IV. A	Covered in A. above	Covered in A. above	818.02 (c), 827.02(c) Prevention Measures
E. Ship-to-ship transfer procedures 1035 (e)(5)	2.5 Steps to Control Discharge	425 (e)(1)(F)(viii), 445 (d)(6) Transfer of oil	Covered in A. above	Covered in A. above	818.02 (c), 827.02(c) Prevention Measures 827.02 (a)(1)(H) Transfer Procedures
F. Location of vessel plans 1035 (e)(11), 1035 (j)(4)-(5)	2.5 Steps to Control Discharge	465 (a) (2) Proof of approved plan	075 (1) Copy of plan at central location 075 (2) Field Document	210 (1) (2) Plan access and field document	818.04 (e)(2) (A), 826.04(e) Plan availability
	Section 3 Non-Mandatory Provisions				
G. Emergency towing 1035 (e)(6)		027 (f), 037 (f) Tow Line	Covered in A above	Covered in A. above	818.02 (e) (5) (B) II, 818.02(m) 827.02 (h) (3) (B) II, 827.02(n) Identification of salvage company

US COAST GUARD 33 CFR Part 155	MARPOL 73/78 ANNEX I Regulation 26	ALASKA 18 AAC 75	WASHINGTON 317-10 WAC	OREGON OAR 340-47	CALIFORNIA CCR Title 14 I.4.3.3 A. 815- 818.01 Tank Vessels B. 825-827.01 Nontank Vels
H. Location of shipboard spill mitigation equipment and procedures for use 1035 (c)(7)	3.3 Response Equipment	425 (e)(1)(H) Vessel diagrams 425 (e)(3)(F) Response equipment 445 (g) Response equipment	Covered in 050 (13), but does not satisfy all parts of 050 (13)	150 (18) Damage control	818.02 (g), 827.02(j) Response procedures
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US COAST GUARD 33 CFR Part 155	MARPOL 73/78 ANNEX I Regulation 26	ALASKA 18 AAC 75	WASHINGTON 317-10 WAC	OREGON OAR 340-47	CALIFORNIA CCR Title 14 1 A.3.3 §. 816- 818.03 Tank Vessels & 826-827.01 Nontank Vels
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US COAST GUARD 33 CFR Part 155	MARPOL 73/78 ANNEX 1 Regulation 26	ALASKA 18 AAC 75	WASHINGTON 317-10 WAC	OREGON OAR 340-47	CALIFORNIA CCR Title 14,1/4,3,3 §. 816- 816.03 Tank Vessels §. 826-827.51 Nontank Vels
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RETURN TO JUDY

U.S. Department of Transportation
United States Coast Guard

Commanding Officer
United States Coast Guard
Marine Safety Office

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Anchorage, AK, 99501-1946
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16600
7-Jun-00

From: Commanding Officer, Marine Safety Office, Anchorage
To: Distribution

Subj: ALTERNATIVE COMPLIANCE AUDIT PLAN FOR THE APD&T

Ref: (a) APD&T Agreement for Final Compliance, dated July 14, 1999 (Enclosed)

1. Purpose. To provide guidance to audit the Alaska Petroleum Distributors and Transporters (APD&T) Alternative Compliance Agreement.

2. Authority. At the signing of OPA-90 all tank barges/vessels were required to submit response plans, have an OSRO on contract, and have equipment available to meet the worst case discharge from each vessel. The Captain of the Port, Western Alaska has the authority to ensure tank vessels operating in Western Alaska meet the planning standards set forth in 33 CFR 155. For the APD&T Group, these planning standards were met when the U. S. Coast Guard and the State of Alaska Department of Environmental Conservation (ADEC) approved reference (a) on July 13, 1999.

3. Background. APD&T represents the major oil barge operators in Alaska that transport non-persistent fuel oils to locations throughout Alaska. The group consists of Crowley Marine Services, Inc., Newport Petroleum, Inc., Sea Coast Towing, Inc., Western Pioneer, Inc., and Yutana Barge Lines, Inc. In order to get their vessel response plans approved, the companies operating in Alaska requested an alternative agreement instead of meeting certain portions of the OPA-90 response requirements. They proposed to place limited pollution gear on board each barge, position pollution response equipment depots (hubs) in regions throughout Alaska, and perform response drills to ensure they could respond effectively. In addition, the APD&T formed their own OSRO to cover Western Alaska – the Alaska Chadux Corp. They submitted their alternative proposal to G-MOR and ADEC with a promise to fulfill their proposal over the coming years until all of their operating areas in Alaska were protected. In April 2000, MSO Anchorage offered to manage the alternative compliance agreement because 80% of the volume of the refined oils that APD&T transports through Alaska comes to Western Alaska. G-MOR and D17 (m) concurred and designated MSO Anchorage as manager of the agreement.

4. Procedures and Assignments.

   a. Each Team and MSD will annually inspect the oil spill response equipment positioned in hubs located in their respective areas of responsibility (AOR). One month prior to the implementation date of the region, notification will be given to the APD&T informing them that Coast Guard inspectors will inspect the hub for the proper equipment. A sample

letter to APD&T is located in the Chief, Port Operations Officer's Public Folder. The spill response equipment required at each hub is listed on pages 15-19 of reference (a), including the wildlife hazing and beach cleaning kits listed in Attachment 2. The regions for Western Alaska and the schedule for implementation are tabulated below.

Region	Area	Hub Location	Implementation Date	Team/MSD
1	Southeast Alaska		In compliance	
2	Prince William Sound		In compliance	
3	Cook Inlet	Kenai	July 2000	MSD Kenai/ SCINT
4	Kodiak	City of Kodiak	July 2000	MSD Kodiak
5	Aleutians	Dutch Harbor	July 2001	MSD Unalaska
6	Bristol Bay	Naknek/ Dillingham	July 2001	BBWAK
7	Western Alaska	Bethel	July 2002	BBWAK
8	NW Arctic	Nome	July 2002	NANS
9	North Slope	Prudhoe Bay	July 2003	NANS

b. Each team and MSD will inspect the spill response equipment carried on board the barges operated by the APD&T. The inspection will be conducted during the annual inspection schedule of the barges, which may include inspections conducted by other MSOs. An inspection note for each barge will be entered in MSIS stating that this barge must have on board the listed spill response equipment if it is to operate in Western Alaska. The note will state '*As part of the APD&T Alternative Compliance Agreement, ensure barge has necessary additional oil spill response equipment IAW VRP carried onboard. Contact Chief, Port Operations, MSO Anchorage at (907) 271-6700 for further information.*' The required spill response equipment on board APD&T members' petroleum barges is located in Attachment 3 of reference (a). Each barge is required to carry:

i. harbor boom equal to three times the length of the barge,

ii. a skimmer capable of recovering the Maximum Most Probable Discharge,

iii. self-contained portable lightering pumps for moving product from damaged tanks,

iv. a boat, other than the tug, used for boom deployment,

v. an emergency tow line,

vi. Each tug towing APD&T barges must have twin screws and a retrieval hook.

c. Each Team and MSD will participate in response drills as part of the alternative compliance agreement. Once a region is implemented, drills will be scheduled in accordance with the NPREP program.

d. Each Team and MSD will incorporate the inspection of the hubs, tugs, barges and NPREP drills into their respective timelines.

e. Upon completion of a barge inspection, a note will be entered into the MSIS inspection case stating that a '*satisfactory inspection of the APD&T spill response equipment was completed*'.

f. Upon completion of a hub inspection and/or NPREP drill, the inspector will check the APD&T Matrix located in the Chief, Port Operations Officer's Public Folder.

5. The Chief, Port Operations Officer of MSO Anchorage manages this Audit Plan.

W. J. HUTMACHER

Distribution: BBWAK, NANS, SCINT, MSD Kenai, MSD Kodiak, MSD Unalaska

Encl: (1) APDT&T's Agreement for Final Compliance, dated July 14, 1999

Copy: G-MOR, CCGD17 (m), ADEC

AGREEMENT FOR FINAL COMPLIANCE

PRESENTED BY

Alaska Petroleum Distributors and Transporters

Industry Preparedness and Planning Work Group

PREPARED BY
Elliott Taylor

Polaris Applied Sciences, Inc.

EXECUTIVE SUMMARY

Oil spill prevention programs, contingency planning and preparedness have undergone significant enhancements and changes during the past 5-8 years. The Alaska Petroleum Distributors and Transporters (APD&T) have worked with the regulatory community at State and Federal levels to implement prevention measures and achieve a level of preparedness agreeable to all parties. This agreement represents a mutually satisfactory measure of preparedness that is achievable, realistic, economically justifiable, and that can be applied consistently to all regulated barge operators involved in non-persistent oil operations in Alaska.

The fundamental tenets of this agreement, to be met by each non-persistent oil transporter company in Alaska, are:

- add an environmental management process, such as ISO 9002, the American Waterways Operators (AWO) Responsible Carrier Program or an equivalent, to the spill prevention measures already implemented as part of the USCG-approved Alternative Compliance Proposal (1993 and 1995),
- maintain the on-board spill response equipment for response to an average and maximum most-probable discharge from the barge,
- increase shoreside capacity through an in-region response capability formulated for key logistical hubs in select regions,
- increase spill response and lightering capabilities by augmenting resources available to each region within 24 hours, and
- develop a program to train and exercise response personnel and equipment in each planning region of the Western Alaska Captain of the Port (COTP) Zone.

The response strategies presented in this agreement were developed through the joint partnership and efforts of Industry, US Coast Guard, and the Alaska Department of Environmental Conservation. A series of joint workshops in 1997 and 1998 served to define the relative risk of a spill from APD&T member's operations on a regional basis throughout the State of Alaska and the planning strategies appropriate for those risks. This agreement formalizes the outcome of these discussions and presents the tasks to be implemented within 5 years of acceptance of the agreement.

International Standards organization

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1. PREAMBLE

The Alaska Petroleum Distributors and Transporters Group (APD&T) represents the major oil barge operators in Alaska that transport non-persistent fuel oil to locations throughout Alaska. At the time of this agreement, the APD&T consists of the following companies:

Crowley Marine Services, Inc.
Newport Petroleum, Inc.
SeaCoast Towing, Inc.
Western Pioneer, Inc. (Delta Western)
Yutana Barge Lines, Inc.

The APD&T has developed this Agreement for Final Compliance for Tank Barge Transport of Non-Persistent Oil in Alaska (Agreement) as an alternative compliance to the planning standards set forth in 33 CFR §155. The APD&T Members requested the Agreement in an effort to reach a mutually satisfactory alternative compliance solution to the planning standards enacted as part of the Oil Pollution Act of 1990. The APD&T also is working with the Alaska Department of Environmental Conservation (ADEC) during this process with the goal of defining a consistently applied and accepted planning standard. The Agreement builds upon the terms and conditions set forth in the OPA 90 Alternative Compliance Proposal for Non Persistent Tank Barges in Alaska, which remain in full effect.

2. BACKGROUND

The APD&T has been in negotiation with the U.S. Coast Guard (USCG) and ADEC since regulations were set forth for spill response preparedness in 1990 and 1991. The key steps taken to date in negotiation with the USCG and ADEC are:

1993 - developed and gained approval from the USCG of an Alternative Compliance Proposal, as allowed in 33 CFR §155.1065 (f).

1995 - obtained re-approval of APD&T Alternative Compliance from the USCG.

1995 - developed the Most Environmentally Sensitive Areas (MESAs) Program in concert with ADEC and other trustee agencies in Alaska.

1997 - worked with ADEC and USCG as part of the Industry/Agency Partnering Agreement through a series of Response Planning Work Group workshops to define risks, planning standards and priorities, and planning requirements.

1998 - drafted Response Planning Strategies for the spill contingency planning regions in Alaska.

2.1 OPA 90 ALTERNATIVE COMPLIANCE

Recognizing the unique difficulties that face the oil spill response planning for oil transportation industry in Alaska, the APD&T members (Crowley Marine Services, Inc., FortyNinerTransportation, Inc., and Western Pioneer/Delta Western -1991) presented an Alternative Compliance Proposal to the USCG for operations in Alaska (APD&T, 1991) (Attachment 1). A number of spill prevention and preparedness measures were adopted

by the APD&T members as conditions of the USCG-approved "OPA'90 Alternative Compliance Program for Non Persistent Tank Barges in Alaskan Waters". The benchmarks set with the USCG were also accepted by ADEC for compliance with Alaska planning standards. To meet the intent of the OPA 90 Vessel Response Plan requirements, the ADP&T group proposed three areas which would reduce the potential for spills in the marine environment and increase response capability: (1) reducing the risk of a worst case spill, (2) increasing the immediate onboard response capability, and (3) developing increased shore-based response capability. Specific planning measures adopted to fulfill an alternate compliance to the standards set forth in 33 CFR §155 include:

- Reduction of the Risk for a Worst Case Spill
  - Use of twin screw tugs to tow member barges
  - Emergency tow lines on all barges
  - Retrieval hooks on all coastwise tugs and training for lost barge recovery
  - Stricter tow wire maintenance and replacement standards
- Increased Immediate Onboard Response Capability
  - All barges carry sufficient equipment to meet, to maximum extent practicable, the response-planning standard for the Maximum Most Probable discharge.
  - As a minimum, boom approximately three times the length of the barge, sufficient to allow for skimming operations.
  - Skimmers capable of recovering the Maximum Most Probable Discharge.
  - Self-contained, portable lightering pumps for moving product from damaged tanks.
  - Training of all tow vessel crews to deploy all onboard response equipment.
- Increased Shore-based Response Capability
  - The 1991 APD&T members agreed to participate in the Southeast Alaska Petroleum Resource Organization, Inc. (SEAPRO), the regional industry response organization coordinating response resources in Southeast Alaska.
  - Members agreed to increase their shore based capabilities outside of SE Alaska through several avenues, including pre-staging of equipment in Anchorage, Kenai, Kodiak, Dutch Harbor, Valdez and Cordova. As a result of this initiative, the APD&T formed the Alaska Chadux Corporation (Chadux) as an oil spill removal organization (OSRO), referred to as a primary response action contractor (PRAC) in Alaska.

The Alternative Compliance was re-approved by the USCG in 1995. At the time of re-approval, the USCG required the APD&T members to continue to increase their response capabilities. The increased response capabilities for the APD&T led to annual increases in the expenditures and operating costs of Chadux through the addition of equipment, facilities, training, and personnel. A substantial effort also was put into the development of an enhanced wildlife response capability. The wildlife program includes

otter pens, hazing kits, bird capture and rehabilitation equipment and trailer, a team of trained wildlife specialists, and a comprehensive Wildlife Manual for spill response.

2.2 JOINT INDUSTRY/AGENCY WORK GROUP

The negotiated Alternative Compliance has been in review by the USCG as it has been accepted as a temporary compliance measure by the USCG. With the objective of defining a final alternative compliance, the APD&T met with regulators from the USCG and ADEC at three Response Planning Workshops during 1997. The workshops led to several tasks and reports that were used as progressive steps toward the definition of an acceptable level of response preparedness.

Industry and regulators formulated a Partnering Agreement (April 4, 1997) to resolve issues in spill response planning criteria for the APD&T members. The first meeting (May 19-20, 1997-Anchorage) focused on current regulatory requirements, meeting standards, and review/acceptance criteria for spill response planning purposes. The Work Group developed a Partnering Agreement Timeline and a series of tasks for both Industry and agencies that would lead to a agreement for final compliance. The Partnering Agreement Timeline identified two key parts for Work Group activities:

- Part 1- Reaching Consensus on Regional Risks
- Part 2- Reaching Consensus on Regional Response Strategies

The second workshop (October 28-30, 1997-Anchorage) centered on the recognition of risk, level of perceived risk by region, and spill response preparedness and requirements for each region. The APD&T report "Barge Transport of Non-Persistent Oil in Alaska" (TEAMS and APD&T, 1997) provided summary criteria for ranking the ADEC planning regions according to perceived risk for spills. Information from this report is presented in the following section.

Following the October 1997 meeting, the APD&T was tasked to develop a agreement for response planning levels in each of the priority regions. Given the existing level of spill response preparedness and available contracted capabilities, the Work Group recognized the following status:

	REGION	STATUS
1	Southeast Alaska	meets requirements
2	Prince William Sound	meets requirements
3	Cook Inlet	augment existing capability
4	Kodiak Island	augment existing capability
5	Aleutian	augment existing capability
6	Bristol Bay	develop new capabilities
7	Western Alaska	develop new capabilities
8	Northwest Arctic	develop new capabilities
9	North Slope	develop new capabilities

The APD&T draft report entitled "Industry Spill Preparedness Proposal for Alaska" provided a focus for discussion of spill response planning and response strategies at a March 23-24, 1998 Workshop in Anchorage. The proposal was reviewed, discussed, and modified by the Work Group leading to this Agreement for Final Compliance.

3. REGIONAL RISK CHARACTERIZATION

The report "Barge Transport of Non-Persistent Oil in Alaska" (TEAMS and APD&T, 1997) was a key input to the Joint Industry/Agency RPS Work Group for recognizing 1997 response capabilities and requirements in context of the APD&T operations throughout Alaska. The study reviewed current practices and operations of the APD&T in context of the ADLittle report (1991) that was used as a basis for the approved OPA 90 Alternative Compliance criteria applied by the USCG. The most significant differences between the TEAMS/APD&T study and the ADLittle report are: (1) the former study addresses only barge operations whereas the latter included both tank vessels and barges, (2) the former study pertains only to non-persistent oil whereas the latter report dealt with all non-crude oil (i.e., diesel through residual and bunkers), and (3) the statistics for the former report are from only four barge operators.

Results for the TEAMS/APD&T study are presented in Figures 1 through 3 and in Tables 1 and 2. Data representative of the Industry Group's operations during the 1996-1997 year are used here to contrast and compare with applicable information from the ADLittle (1991) report. The definitions and assumptions used in the report must be considered for proper context of the results summarized here.

3.1 OIL VOLUMES AND TRANSFERS

The volumes of oil transferred and the total number of transfers are summarized by region in Table 1. This study and the ADLittle report show that Cook Inlet handles the greatest volume of fuel followed by the Aleutians, Southeast Alaska, and Prince William Sound. Over 75% of the volume of fuel transferred in Alaska is transferred in these four regions (Fig. 2a). The volume transferred to Kodiak is slightly less than Southeast Alaska. Bristol Bay and Western Alaska combined receive as much fuel as Kodiak. Only very small volumes of fuel are transferred to NW Alaska or to the North Slope.

The number of transfers do not necessarily follow the total oil volumes (Table 1 and Fig. 2b). A few large barges may make limited deliveries to key locations for large transferred volumes but few total transfers. Such is the case with Prince William Sound and Cook Inlet. Many small transfers to the seasonal fishing fleets in Bristol Bay, however, account for a large number of transfers (nearly 30% of the total) but only a limited volume. The ADLittle report does not address the number of transfers.

The number of transits for each region is consistent with trends in volumes transferred; however, Kodiak could be considered as having numerous transits due to the routing from Cook Inlet to the Aleutians or other destinations in western Alaska. Vessel routes that are clearly the most heavily used are between Cook Inlet and the Aleutians, Cook Inlet and Prince William Sound, and in Southeast Alaska (see map). Major secondary routes are from Dutch Harbor to Bristol Bay and to the Northwest Arctic, between Prince William Sound and Southeast Alaska, and within Southeast

Alaska. This routing and the relative density of barge traffic is comparable to the findings noted in the ADLittle report with the exception of the significant volume of bunker noted in the 1991 report that was transported from Cook Inlet to the Far East through the Kodiak Island and Aleutian regions. APD&T only transport non-persistent petroleum products.

3.2 *PHYSICAL AND ENVIRONMENTAL CONSIDERATIONS*

Physical considerations in fuel transport operations include weather, currents, wave conditions, navigational hazards, and ice. These factors may contribute to a discharge or threat of discharge. For the TEAMS/APD&T study, the key operational consideration addressed is related to ice. Routes into and north of Bristol Bay are seasonal, based on ice conditions. Ice also is a factor in operations within Cook Inlet. Ice information is presented in the accompanying map (Figure 1) and in Table 1 as months of operation. For the sake of consistency, the months of operations are stated as the months in which ice cover for a planning region is <50%. This generalization does not apply from year to year nor within a given planning region; however, it serves to illustrate the very limited and seasonal nature of operations in Western Alaska, Northwest Alaska, and the North Slope.

Environmental factors are paramount in spill prevention and contingency planning. Although vast areas of Alaska are considered sensitive, Federal and State agencies have attempted to identify those areas of greatest consideration for planning purposes. As noted in the ADLittle report, shoreline areas are the focus of environmental considerations given that the greatest impacts from a spill are in this setting. A total of 68 MESAs have been identified throughout Alaska (Figure 1). The Industry Group, in turn, has identified those MESAs that are within 5 nautical miles (nm) of normal operations and which may be threatened by a discharge from a barge (Table 1). Of the 68 MESAs in Alaska, 55 are located within this distance. Cook Inlet has the highest number of MESAs within the 5nm criteria, followed by the Aleutians, Bristol Bay, and North Slope.

3.3 *SPILL HISTORY*

The TEAMS/APD&T study reviewed all non-persistent oil spills that originated from barges, as noted in the ADLittle report, and from the Industry Group barge operations as identified in each company's vessel response (contingency) plan. The ADLittle data from 1978 through 1989 shows a total of 15 spills in Alaska, all of which exceeded 1000 gallons. Since 1989, five spills have occurred from APD&T barges of which three were more than 1000 gallons. These five discharges happened within different regions. Most of the non-persistent oil spills from barges have occurred in Southeast Alaska although the largest volume of fuel lost was in the Aleutian Region (Fig. 3). Groundings account for most of the incidents.

3.4 *SPILL RESPONSE EQUIPMENT*

The APD&T members have greatly increased their available response resources since 1990. The most notable aspects of this capability are the formation and concentration of resources, expertise, and planning placed in two classified OSROs and registered PRACs: Chadux and SEAPRO. Chadux provides spill response services throughout Alaska based on a central cache of air freight-ready resources in Anchorage and additional depots in Prince William Sound, Cook Inlet, Kodiak, and the Aleutians.

SEAPRO provides coverage in Southeast Alaska on the basis of nine zones throughout that region. The SEAPRO capability also may be augmented by the Chadux fly away equipment from Anchorage.

Equipment depots are identified on the accompanying map (Fig. 1). Depot symbols (circles) are scaled (diameter) to the total length of boom available at each depot. Each circle also shows the relative contribution of member-owned resources and OSRO/PRAC resources to the total available at each depot in 1997. Figure 4 illustrates the differences between response capabilities noted in the ADLittle (reported for APD&T member facilities) relative to those now available. Equipment listed for member companies in the ADLittle report totaled 11,000 feet of boom and 16 skimmers. Those numbers contrast significantly from the member-owned equipment now located at facilities throughout Alaska. Presently this equipment level, exclusive of the on-board equipment, is 54,000 feet of boom and 50 skimmers for an effective daily recovery rate (EDRC) of nearly 26,000 bbls/day. In addition, the APD&T has contracted equipment in Alaska that provides another 60,000 feet of boom, 34 more skimmers, an EDRC of 49,000 bbl/day, storage bladders, hundreds of trained spill response workers, dedicated response vessels and identified sources for vessels of opportunity, wildlife response facilities and resources, and developed a comprehensive response operations and logistics plan.

3.5 RISK CHARACTERIZATION

The Joint Industry/Agency Work Group prepared a relative ranking of regional risk or exposure to an oil spill utilizing the criteria presented in the TEAMS/APD&T report and summarized in Table 1. The relative risk characterization should not be considered a formal risk analysis. The characterization is simply intended to provide a focus for response planning priorities and overall planning considerations. The relative risk characterized for each region was derived from using a sum of weighted factors as follows:

Factor	Weight
number of transfers	1
number of transits	2
operating period	1
number of MESAs	1.5

The relative spill exposure for each region was used to focus the effort and, to some extent, the level of response planning required for those regions that were not in full compliance with Federal planning standards. The Industry/Agency Partnering Agreement proceeded, at this point, from Part 1- Regional Risk Characterization to Part 2- Regional Response Strategies. The outcome of the negotiation during Part 2 has led to this Industry Agreement, as presented in the following.

Table 1. Summary of APD&T operational characterization for Alaska planning regions.

Region	Gallons Transferred				Transfers					Transits**	Months of Operation	# MESAs (5nm)	Terminals (ADEC)	Regional Risk
	<50M	50-100M	100-200M	>200M	<50	50-199	200-499	500-1000	>1000					
SE			■					■		35	12	6	15	44.5
PWS			■			■				30	12	2	8	33.1
Cook Inlet				■			■			70	12	10	16	61
Kodiak		■				■				65	12	5	3	45.1
Aleutians			■					■		40	12	8	13	48.9
Bristol Bay		■							■	45	7	7	5	44.1
Western	■						■			25	4.5	6	2	28.4
NW Arctic	■						■			20	3	4	8	22.8
North Slope	■				■					5	1	7	8	17.2

**Transit data is best estimate from voyage data, subject to verification.

Notes:

Number of MESAs in each region is compiled from those identified as being within 5 nm of normal vessel routes.

Months of Operation is estimated as the number of months that ice in region is <50% as reported in AK Marine Ice Atlas (AEIOC/UA, 1983)

Number of Transits is poorly constrained from available information and is subject to verification.

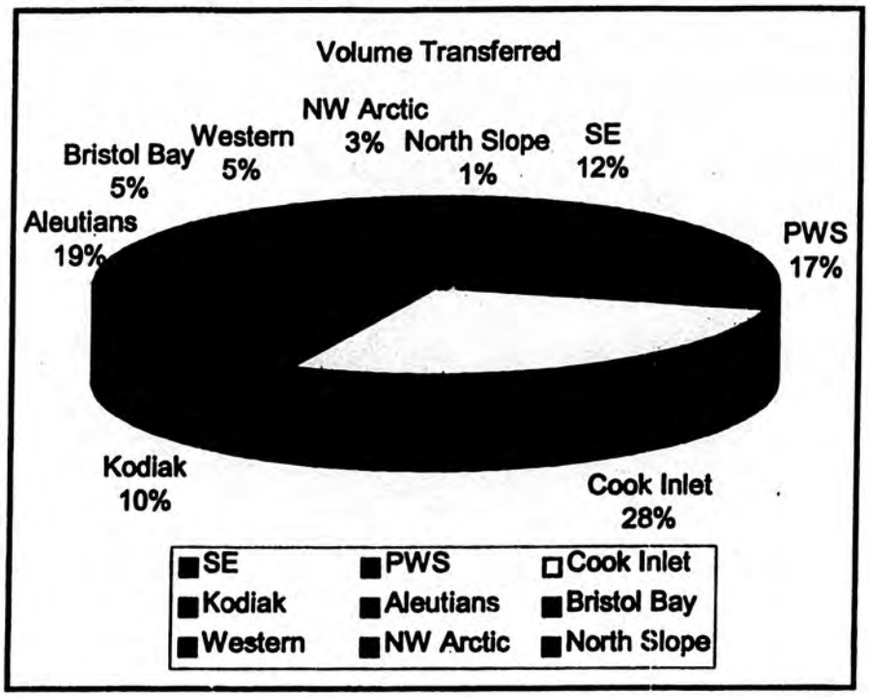
See text for Risk Characterization estimates

M=million

Figure 1. Map of Alaska, Planning Regions, and Characterization of APD&T Operations and Risks.

Insert color map

Figure 2. Characterization of fuel volumes and transfers for APD&T operations (CMS, DW, KMS, PM). (a) top graph represents the percentage of fuel volume transferred in Alaska by region. (b) bottom graph represents the percentage of the transfers in Alaska by region.



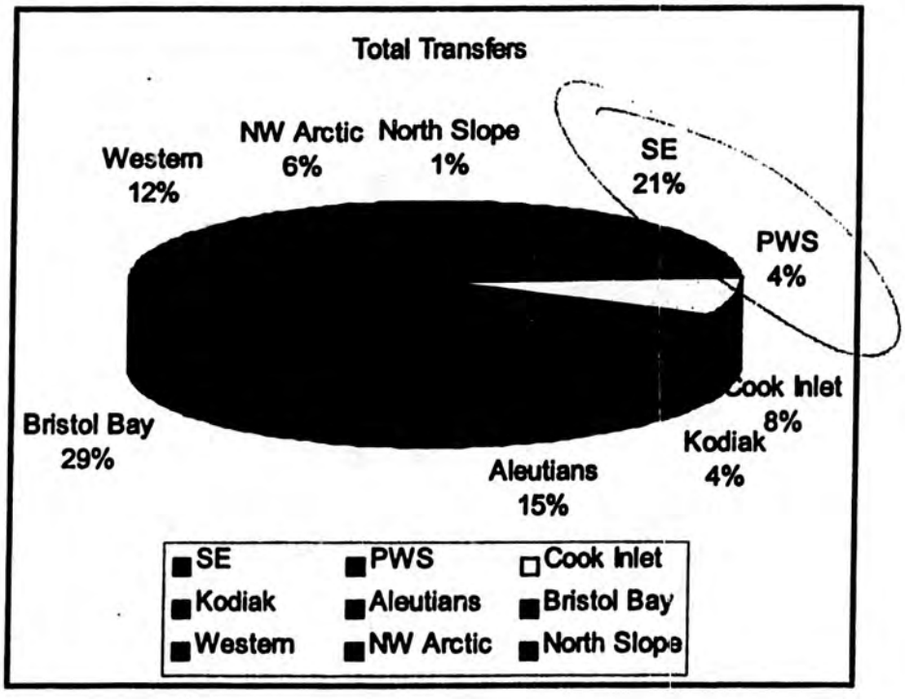
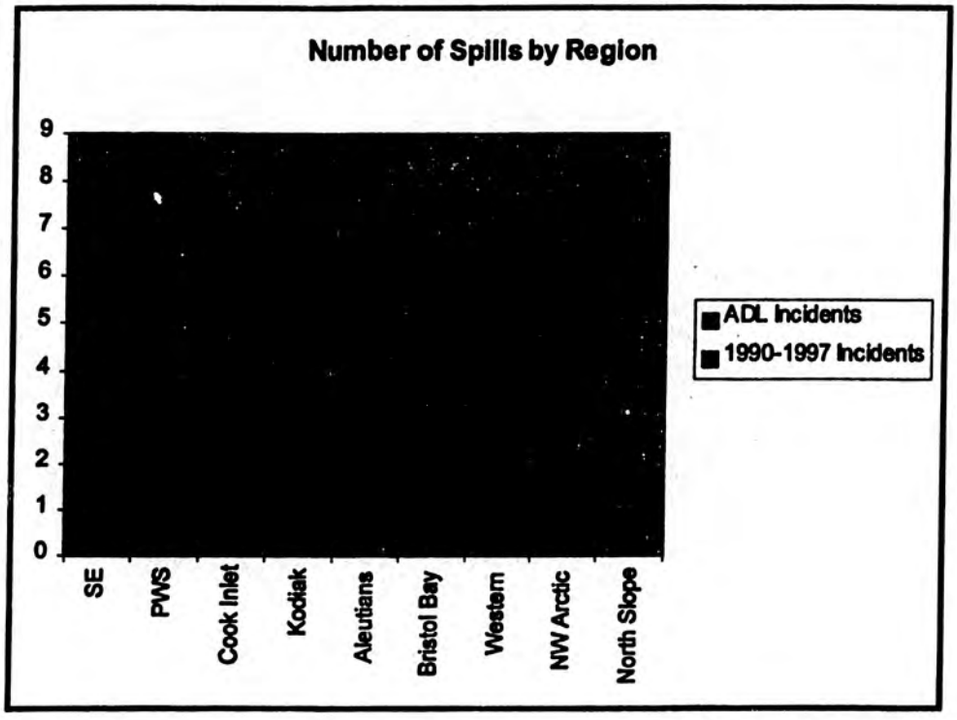


Figure 3. Comparison of significant spill incidents between the ADLittle Report (1991) and the 1990-1997 record for the APD&T Members.



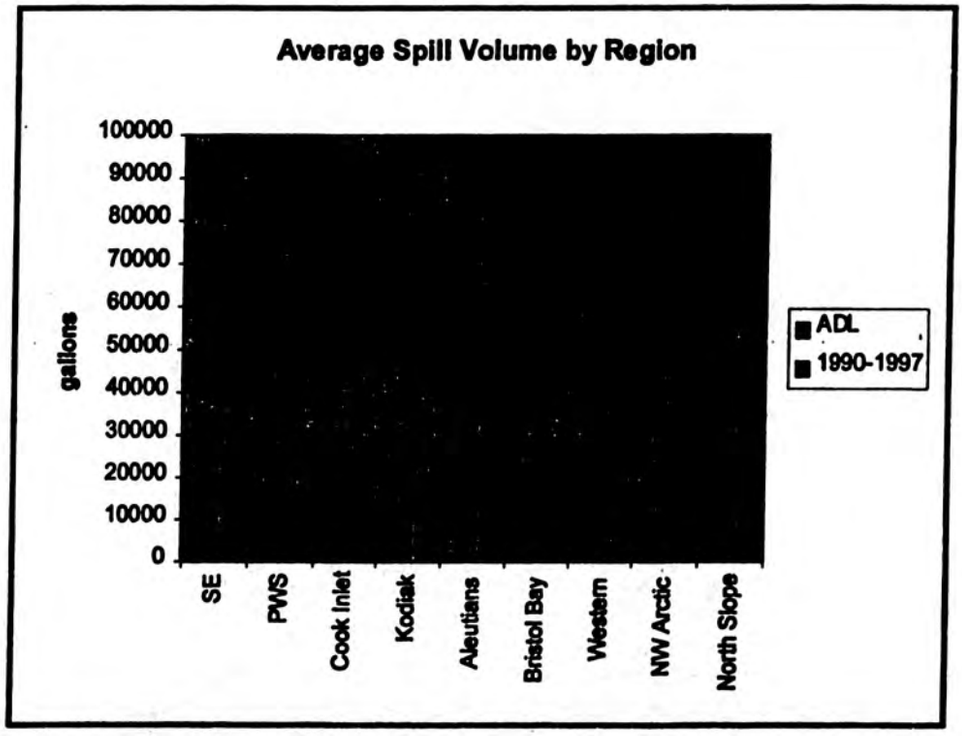
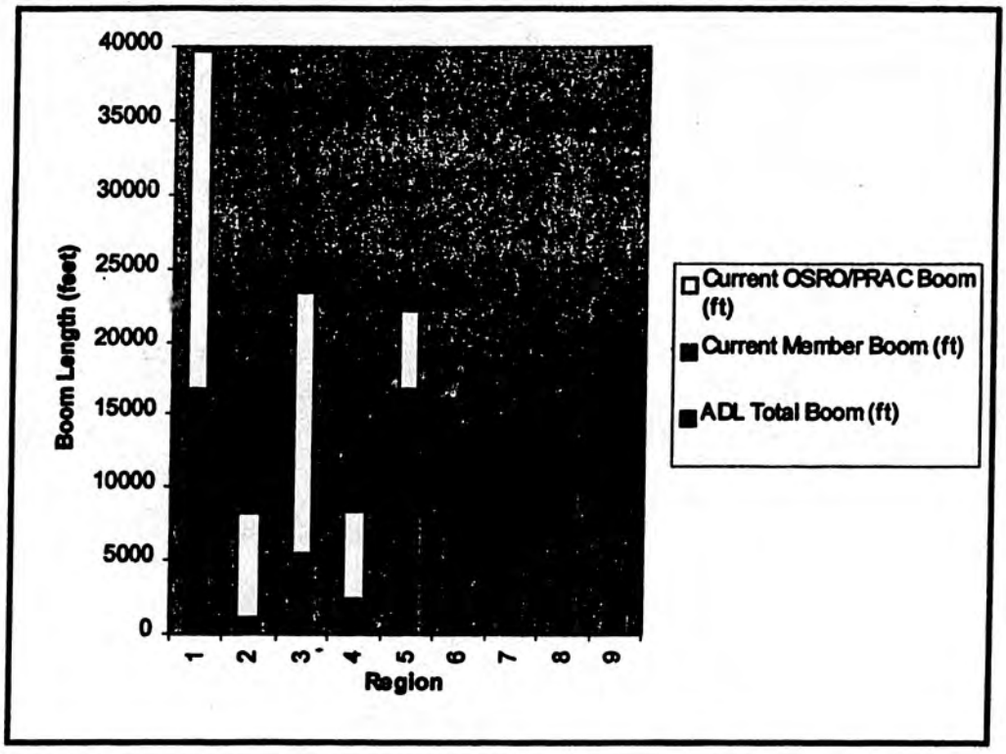
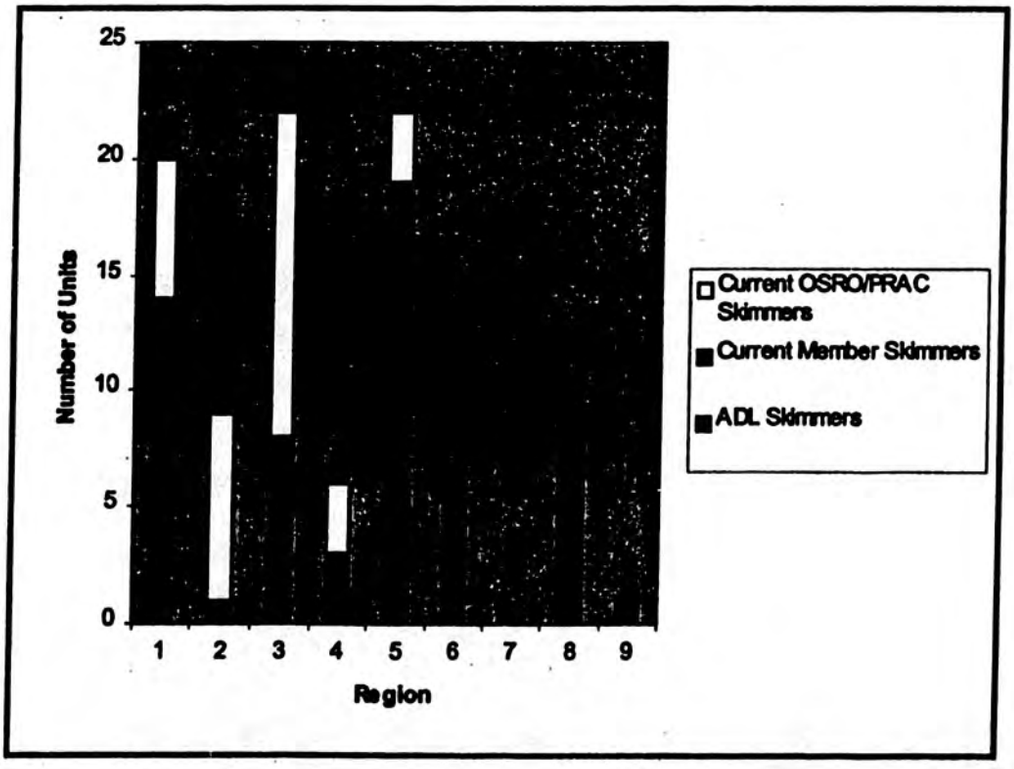


Figure 4. Comparison of the APD&T Members' spill response resources pre- and post 1991.





4. AGREEMENT DEFINITIONS AND ASSUMPTIONS

4.1 DEFINITIONS

Beach cleanup kit- Kit of beach cleaning tools as detailed in Attachment 2.

Cargo Capacity- Volume of cargo that immerses the barge to its authorized load draft.

Harbor boom- Generally implies boom with ≤20 inches in overall height. In some cases, river boom may be accounted within this category.

Infrastructure Development Program- Joint effort between APD&T members, Chadux, State and local officials to develop local infrastructure to support air delivery scenarios. This program would establish the framework for logistical hubs.

Level 1- The planned spill response capability that resides in-region and is capable of being on-scene within 24 hours of activation or as soon as possible thereafter given incident-specific conditions, provided it is safe to do so.

Level 2- The planned spill response capability that resides in or outside of a region and is capable of being delivered to a logistical hub within 24 hours of activation.

Level 3- The planned spill response capability that resides in or outside of a region and is capable of being delivered to a logistical hub within 72 hours of activation.

Lightering system- A complete package of fendering equipment, transfer hoses and connection equipment, portable high capacity pumps, trained personnel, and ancillary equipment that will enable lightering or transferring half of the barge's cargo capacity within twenty four (24) hours of continuous operation [Note: this is in *excess* of the requirements stipulated in 33 CFR §155.1050(l)].

Logistical hub- A strategic location for logistical coordination and staging of spill response equipment within a region. Hubs are located based on available infrastructure, high vessel traffic, location to MESAs, and capability to support air delivery of equipment or cascading of out-of-region resources. One hub is identified for each region in this agreement.

Region- Planning regions as defined in 18 AAC 75.495, Regional Master Discharge Prevention and Contingency Plan Boundaries.

Staging Area- Sites ancillary to logistical hubs that are used to position equipment and resources near actual deployment locations.

Sorbent sweep- A continuous sorbent material that is attached to a rope or line and deployable on the water surface.

Support vessel- Any vessel, which has been identified as being potentially available, capable of providing a work platform for personnel and equipment, generally implied as being ≥ 32 feet in overall length.

Trained responders- Personnel with a minimum of 24-hour Level HAZWOPER and spill response training.

Wildlife kit- Wildlife hazing kit as detailed in Attachment 2.

Work boat- Any vessel that provides a safe means to deploy and maneuver equipment on water. Generally implied as being <24 feet in overall length.

4.2 AGREEMENT ASSUMPTIONS

Assumptions made in this Agreement are:

1. This Agreement is intended to be a point for negotiation between the APD&T Member companies, the USCG, and ADEC.
2. Agreed upon strategies and planning levels will constitute compliance with current Federal and State laws and planning requirements.
3. Planning strategies are based in inland/nearshore environments. Because of the type of product and the environment in which these vessels operate, no significant ocean-capable resources or open water skimming capability are required for the APD&T members' plans.
4. Actions required to meet the accepted Agreement will be phased from the date of acceptance.
5. Air mobilization is planned only for locations in which sufficient logistical support is capable of handling a significant influx of response personnel (>50 people).
6. Out-of-Region or out-of-State equipment is capable of being air transported into Alaska and can be considered to supplement Level 2 capability and meet or supplement Level 3 capability.
7. Response priorities for use of spill response resources, other than on-board equipment, are in order of priority:
    i. protection of sensitive environments,
    ii. wildlife response
    iii. shoreline cleanup, and
    iv. recovery of spilled oil.

5. PREVENTION MEASURES

The APD&T members propose to continue in adherence with the prevention measures adopted as part of the OPA 90 Alternative Compliance. These measures are:

- Use of twin screw tugs to tow member barges
- Emergency tow lines on all barges
- Retrieval hooks on all coastwise tugs and training for lost barge recovery
- Stricter tow wire maintenance and replacement standards

As part of this agreement, the APD&T members will be certified in the American Waterways Operators Responsible Carrier Program, ISO 9002, or an equivalent program audited by a third party within two (2) years of the execution date of this agreement. These programs establish operational, personnel, management, and technological standards adopted by vessel operators to prevent accidental discharges.

6. RESPONSE STRATEGY

The response strategy proposed by the APD&T will build upon the existing, immediately available onboard response capability of each barge and upon the contracted resources. The agreement strategy will concentrate spill response resources in equipment depots located at logistical hubs in each region of the Western Alaska COTP. These logistical hubs will be supported by the significant caches of equipment and manpower available from a centralized in-State location and from out-of-State. An essential element in this strategy is the ability to mobilize quickly to staging areas throughout Alaska. Numerous staging areas capable of receiving air cargo aircraft have already been identified as part of the MESA planning process. The following provides details of the planning levels and logistical infrastructure development considerations for each region and the State of Alaska.

6.1 RESPONSE LEVELS

6.1.1 On Board Resources

Each APD&T member company barge in Alaska carries containment and protection boom, a skimmer, separate pumps for lightering and skimming operations, sorbents, and a skiff (Attachment 3). These resources provide for a first strike response and exceed the USCG planning standards for an average most-probable discharge (AMPD) and, to the maximum extent practicable, the Maximum Most Probable Discharge (MMPD) [33 CFR §155]. Per terms of the OPA 90 Alternative Compliance, the MMPD and first strike capability comprises the following:

- transfer hoses and portable pumps sufficient to off-load the largest cargo tank in 24 hours of continuous operation,
- boom in a quantity equal to approximately three times the vessel length (compared to twice the vessel length as specified for the AMPD in 33 CFR §155),
- oil recovery devices with an effective daily recovery capacity (EDRC) equal to 50% of the MMPD (the lesser of 1250 barrels per day or 5% of the cargo capacity), and
- available on board capacity for temporary storage.

6.1.2 Level 1- In Region Resources (24 Hours)

In region resources will be available either through Chadux, owned by the APD&T member, or secured through other contractual arrangements. This in-region equipment will be located at a region's logistical hub, regardless of ownership, mobilized as soon as possible after called upon, and will supplement the on-board equipment to assist with a first strike capability.

6.1.3 Level 2- Cascaded Resources (24 Hours)

Level 2 resources will be the equipment and personnel planned for delivery to a spill response logistical hub within 24 hours of activation. These resources may be cascaded in from Anchorage or other locations in Alaska. As with Level 1 resources, Level 2 resources will be available either through Chadux, owned by the APD&T member, or secured through contractual arrangement.

6.1.4 Level 3- Cascaded Response (72 hours)

Level 3 resources will be the equipment and personnel planned for delivery to a spill response logistical hub within 72 hours of activation and deployed as soon as possible. These resources may be cascaded in from Anchorage, other locations in Alaska, or from outside of Alaska. As with Level 1 and 2 resources, Level 3 resources will be available either through Chadux, owned by the APD&T member, or secured through contractual arrangement.

6.2 *REGIONAL PLANNING STANDARDS*

The proposed response strategy will be implemented through development of three key aspects for spill preparedness: in-region and cascadable resources to meet regional planning standards, the Infrastructure Development Program, and training and exercise programs to utilize, test, and refine the capabilities of these response strategies. Sections 6.2.1 through 6.2.8 present the response planning levels agreed upon in principle with the USCG and ADEC through the Work Group.

As part of this agreement, each APD&T member company will ensure that the resources listed in Sections 6.2.1 through 6.2.8 will be available through contract or other approved means for the member's oil operations in that region.

6.2.1 Cook Inlet

Region 3	Level 1 (in region)	Level 2 (cascaded to hub within 24 hrs)	Total at 24 hours
Harbor Boom (feet)	5,000	-	5,000
Support vessel(s) ≥ 24ft	2	-	2
Workboats = 14ft-18ft	2	3	5
Trained responders	8	12	20
Sorbent sweep (feet)	2,500	2,500	5,000
Beach cleanup tool kit	1	-	1
Hazing kit	1	-	1
Lightering system		1	1
Hub Location:	Kenai		

Level 3- An additional 5,000 ft of boom may be cascaded to the region's logistical hub within 72 hours, for a total of 10,000 ft.

6.2.2 Kodiak

Region 4	Level 1 (in region)	Level 2 (cascaded to hub within 24 hrs)	Total at 24 hours
Harbor Boom (feet)	6,000	-	6,000
Support vessel(s) ≥ 24ft	2	-	2
Workboats = 14ft-18ft	2	3	5
Trained responders	8	12	20
Sorbent sweep (feet)	2,500	2,500	5,000
Beach cleanup tool kit	1	-	1
Hazing kit	1	-	1
Lightering system		1	1
Hub Location:	Kodiak		

Level 3- An additional 4,000 ft of boom may be cascaded to the region's logistical hub within 72 hours, for a total of 10,000 ft.

6.2.3 Aleutians

Region 5	Level 1 (in region)	Level 2 (cascaded to hub within 24 hrs)	Total at 24 hours
Harbor Boom (feet)	5,500	-	5,500
Support vessel(s) ≥ 24ft	2	-	2
Workboats = 14ft-18ft	2	3	5
Trained responders	8	12	20
Sorbent sweep (feet)	2,500	2,500	5,000
Beach cleanup tool kit	1	-	1
Hazing kit	1	-	1
Lightering system		1	1
Hub Location:	Dutch Harbor		

Level 3- An additional 4,500 ft of boom may be cascaded to the region's logistical hub within 72 hours, for a total of 10,000 ft.

6.2.4 Bristol Bay

Region 6	Level 1 (in region)	Level 2 (cascaded to hub within 24 hrs)	Total at 24 hours
Harbor Boom (feet)	4,000	-	4,000
Support vessel(s) ≥ 24ft	2	-	2
Workboats = 14ft-18ft	2	3	5
Trained responders	8	12	20
Sorbent sweep (feet)	2,500	2,500	5,000
Beach cleanup tool kit	1	-	1
Hazing kit	1	-	1
Lightering system		1	1
Hub Location:	Naknek/Dillingham		

Level 3- An additional 6,000 ft of boom may be cascaded to the region's logistical hub within 72 hours, for a total of 10,000 ft.

6.2.5 Western Alaska

Region 7	Level 1 (in region)	Level 2 (cascaded to hub within 24 hrs)	Total at 24 hours
Harbor Boom (feet)	3,000	-	3,000
Support vessel(s) ≥ 24ft	1	-	1
Workboats = 14ft-18ft	1	1	2
Trained responders	6 (logistical)	12 (responders)	18
Sorbent sweep (feet)	2,500	2,500	5,000
Beach cleanup tool kit	1	-	1
Hazing kit	1	-	1
Lightering system		1	1
Hub Location:	Bethel		

Level 3- An additional 7,000 ft of boom may be cascaded to the region's logistical hub within 72 hours, for a total of 10,000 ft.

6.2.6 Northwest Arctic

Region 8	Level 1 (in region)	Level 2 (cascaded to hub within 24 hrs)	Total at 24 hours
Harbor Boom (feet)	3,000	-	3,000
Support vessel(s) ≥ 24ft	1	-	1
Workboats = 14ft-18ft	2	-	2
Trained responders	6	4	10
Sorbent sweep (feet)	2,500	2,500	5,000
Beach cleanup tool kit	1	-	1
Hazing kit	1	-	1
Lightering system		1	1
Hub Location:	Nome		

Level 3- An additional 7,000 ft of boom may be cascaded to the region's logistical hub within 72 hours, for a total of 10,000 ft.

6.2.7 North Slope

Region 9	Level 1 (in region)	Level 2 (cascaded to hub within 24 hrs)	Total at 24 hours
Harbor Boom (feet)	-	3,000	3,000
Support vessel(s) ≥ 24ft	1	-	1
Workboats = 14ft-18ft	1 (on board)	1	2
Trained responders	-	10	10
Sorbent sweep (feet)	-	5,000	5,000
Beach cleanup tool kit	1	-	1
Hazing kit	1	-	1
Lightering system		1	1
Hub Location:	Prudhoe		

Level 3- An additional 7,000 ft of boom may be cascaded to the region's logistical hub within 72 hours, for a total of 10,000 ft.

6.2.8 Cascaded Resources

The in-region equipment that will be available for Level 1 response will be augmented, as needed, within the first 24 hours after notification. These Level 2 resources will be cascaded to the region's logistical hub or alternate staging area(s). Included in this Level 2 category is lightering equipment capable of off-loading half the barge cargo capacity within 24 hours of continuous operation.

Level 3 represents the additional and necessary response capability cascaded to the hub within 72 hours of activation. The APD&T members propose to cascade additional boom from Anchorage to the region's logistical hub such that a total of 10,000 feet of boom is available for Level 3.

6.3 *LOGISTICAL HUBS*

As part of this Agreement, the APD&T will develop a series of spill response logistical hubs and associated logistical infrastructure to support spill response operations within each planning region. This activity will comprise part of the Infrastructure Development Program to be partnered by APD&T Members, Chadux, and State and local officials. The program calls for the development of logistical hubs in each region with a minimum of in-region resources. Logistical hubs shall include facilities for storage and maintenance of spill response equipment and trained personnel. Capability inventories to be developed for each hub shall include:

- facilities for warehousing and staging
- airstrip capabilities
- aircraft loading
- water access/deployment capabilities
- vessel loading capabilities
- hotel/accommodation services
- labor pool
- transportation services (land, water, air)
- local communications
- tankage for temporary storage capacity.

The logistical infrastructure for each hub will involve coordination with local personnel and services. The APD&T propose to develop the infrastructure for each region as indicated in the implementation timeline (see Section 7). Exercises consistent with the National Preparedness for Response Exercise Program (NPREP) guidelines will be conducted for each region on a scheduled basis. Once the infrastructure for all regions has been developed, exercises will be conducted on a regular basis.

6.4 TEMPORARY STORAGE

Two critical aspects of temporary storage are recognized as part of this spill response agreement: storage for emergency lightering operations and storage for recovered oil and oily debris. Temporary storage for lightering operations is perceived as primarily on-water storage. Because most recovery operations of non-persistent oil are expected to take place along the shoreline, temporary storage for recovered oil operations will comprise limited on-water and mostly onshore storage. The APD&T members propose addressing these two aspects as follows.

6.4.1 Lightering & Temporary Storage

Each APD&T member company will certify that lightering resources (see Section 6.2.8) are available for Level 2 response, through contract or other approved means. Each APD&T member company will also certify that adequate cargo tank space will be provided at all times on all barges for storage of at least ten (10) percent of the two (2) largest cargo tanks, which may be used for storing recovered or transferred product. Additional temporary storage capacity, beyond the dedicated capacity on board the barge, may be required when lightering is necessary in the course of a response. As part of the Infrastructure Development Program, Industry will inventory all in-region resources that may be used as storage for emergency lightering operations.

In addition, each APD&T member will make available to other APD&T members, on terms to be formulated, its oil barges that are not otherwise committed. These barges would be available during emergency response for the purpose of temporary storage of lightered cargo. A copy of the draft Memorandum of Understanding between APD&T member companies is provided as Attachment 4 to this Agreement. The APD&T members agree that the Memorandum of Understanding will be signed within one year of the execution of this agreement.

6.4.2 Temporary Storage of Recovered Product

Storage resources and regional capabilities for recovered oil will be inventoried as part of the Infrastructure Development Program. This temporary storage capability will include both portable and fixed storage. The APD&T members will work to develop a 100,000 gallon temporary storage capability to support recovery operations, a portion of which is expected to be in region.

7. TIMELINE FOR IMPLEMENTATION

Five-Year Program
Implementation Schedule

Risk Rank	Hub Location	Completed[1] YR	Exercise
1	Cook Inlet	Year[2] 1 2000	Summer Year 2
3	Kodiak	Year 1 2000	Summer Year 2
2	Aleutians	Year 2 2001	Summer Year 3
4	Bristol Bay	Year 2 2001	Summer Year 3
5	Western Alaska	Year 3 2002	Summer Year 4
6	Northwest Arctic	Year 3 2002	Summer Year 4
7	North Slope	Year 4 2003	Summer Year 5

[1]Completed: equipment in place and infrastructure identified.

[2] Year: 12-month period from the date of the last signature on this agreement.

Each APD&T member is responsible for reporting its compliance with the above implementation schedule.

8. REFERENCES

AEIOC/VA, 1983. Alaska Marine Ice Atlas.

Arthur D. Little, Inc. (ADLittle), 1991. *Study of Non-crude Tank Vessels and Barges.* Prepared for the Alaska Department of Environmental Conservation.

Alaska Department of Environmental Conservation (ADEC), 1995. *Spill Planning Guidance Non-Crude Vessel Planning Standard.* (Feb. 27, 1995)

American Waterways Operators (AWO), 1993. *Response Planning Requirements for Barges Transporting Non-Persistent Petroleum Products in Alaska: A Proposal for Alternative Compliance*, Report submitted to the U.S. Coast Guard, January 1993.

Taylor Environmental and Marine Services, Inc. (TEAMS) and Alaska Petroleum Distributors and Transporters (APD&T), 1997. *Barge Transport of Non-Persistent Oil in Alaska.* Draft report prepared for the Joint Industry/Agency Response Planning Standards Work Group. October 1997.

ACCEPTED and AGREED this, 13th day of July, 1999 by the undersigned.

By: _____
Name: CHARLES F. NELSON
Title: VICE PRESIDENT
Crowley Marine Services, Inc.

By: _____
Name: S. G. PREVANT
Title: Acting IPPP Manager
Alaska Department of Environmental Conservation, Vessel Program

By: _____
Name: JIM SORIANO
Title: GENERAL MGR
Delta Western, Inc.

By: _____
Name: L. L. HERRETH, CAPT
Title: CHIEF, OFFICE OF RESPONSE (G-MOR)
US COAST GUARD, Headquarters
Vessel Response Program

By: _____
Name: ROBERT C. DORN
Title: PRESIDENT
Sea Coast Towing, Inc.

By: _____
Name: W. J. HUTMACHER
Title: Captain
US Coast Guard, COTP Western Alaska

By: _____
Name: Lawrence G. Shelver
Title: President
Yutana Barge Lines, Inc.

By: _____
Name: Louis Audette, Jr
Title: Manager, Alaskan Operations
Newport Petroleum Inc.

ATTACHMENT 1

OPA 90 ALTERNATIVE COMPLIANCE PROPOSAL

ATTACHMENT 2
RESPONSE KITS

WILDLIFE HAZING KIT*

Description	Quantity
Propane tank	1
¼" brass coupling	1
Hose barb	1
Hose clamp	2
Pol 41 propane fitting	1
Pol 45 propane fitting	1
¼" fuel hose	6 feet
Frame back pack	1
Vinyl gun sleeve	1
12 Gauge shotgun (single shot)	1
12 Gauge slugs	4 boxes
12 Gauge shell crackers	50
First Aid kit	1
Gun cleaning kit	1
Mylar tape	10 rolls
Mylar balloon	20
10" Crescent wrench	1
15 mm launchers	2
6 mm caps (.22 cal.)	50
12 mm screamers (green)	100
15 mm bangers (red)	100
Towels/rags	2 boxes
Ear protection	100
Eye protection	50 pair
Gloves	6 pair
Binoculars	6 pair
Automatic weatherproof camera	1 pair
Birds of Alaska field book	1
Air Horn	1
Propane cannon (w/ spare parts)	1
Predator silhouettes	3
Strapping tape	3 rolls

*to be located in each region

BEACH CLEANING KIT*

Description	Quantity
Pitchforks	12
Rakes	12
Shovels (pointed)	12
Shovels (flat)	12
Survey stakes	2 bundles
Barrier tape	12 rolls
Waste bags (50 per box)	5 boxes
Wire ties	300
Visquene	3 rolls
Duct tape	12 rolls

*to be located in each region

ATTACHMENT 3

APD&T MEMBERS' SPILL RESPONSE EQUIPMENT ON-BOARD PETROLEUM BARGES

Barge	Total Boom (ft)	Skimmers	EDRC (bbl/day)	Boats^
120-1	300	1	460	1
120-2	300	1	460	1
BC 151	450	1	2,057	1
BC 152	450	1	2,057	1
154	450	1	2,057	1
160-1	450	1	2,057	1
160-4	450	1	2,057	1
101	1,200	1	2,057	1
102	2000	1	2,057	1
210	600	1	460	1
211	600	1	460	1
213	600	1	460	1
250-10	1,200	1	2,057	1
255	1,200	1	2,057	1
450-6	2,000	1	2,057	1
450-7	2,000	1	2,057	1
450-10	2,000	1	2,057	1
450-11	2,000	1	2,057	1
Napamute	450	1	260	1
Oiler	300	1	260	1
Eek	300	1	260	1
OB-2	500	2	1,508	1
OB-3	500	2	1,508	1
OB-4	500	2	1,508	1
OB-5	500	2	1,508	1
OB-6	500	2	1,508	1
OB Stewart	500	2	1,508	1
Frank Turner	500	2	1,508	1
Polaris No.6	500	2	1,508	1
Riverways-7	500	2	1,508	1
Riverways-8	500	2	1,508	1
Riverways-9	500	2	1,508	1
Riverways-10	500	2	1,508	1
Riverways-11	500	2	1,508	1
Washington	700	1	2,057	1
ZPC-401	900	2	2,517	1
Puget Sounder	700	1	2,057	1

Barge	Total Boom (ft)	Skimmers	EDRC (bbl/day)	Boats^
FNT 180	700	2	508	1
FNT 230	1,000	2	508	1
FNT 255	800	1	2,054	1
FNT 340	1,000	1	2,054	1
DW 180	600	1	460	1
DW 280	900	1	460	1
DW 282	900	1	460	1
Chalin	400	1	460	1
Energizer	1,100	1	528	1
Cheechung	400	1	460	1
103	2000	1	682	1
TOTALS	**37,900**	**64**	**64,690**	**48**

Notes:
*Additional equipment includes lightering pumps, sorbents, hoses, and support gear.
^ Boats are skiffs used for boom deployment and do not include the towing vessel.

ATTACHMENT 4
DRAFT MEMORANDUM OF UNDERSTANDING
REGARDING THE USE OF TANK BARGES OF OPPORTUNITY

MEMORANDUM OF UNDERSTANDING REGARDING THE USE OF TANK BARGES OF OPPORTUNITY TO PROVIDE TEMPORARY STORAGE IN SUPPORT OF AN OIL SPILL RESPONSE IN ALASKA

WHEREAS, a tank barge casualty or oil spill incident in Alaska could require the use of a tank barge for storage of lightered or recovered oil, and

WHEREAS, a number of tank barges operate in Alaska and could provide such assistance, and

WHEREAS, these tank barges are owned or chartered by a number of different parties, and

WHEREAS, such a need could arise on an urgent basis requiring the use of an available tank barge suitable for the purposes indicated above, regardless of ownership or chartering arrangements;

NOW THEREFORE the undersigned parties, representing tank barge owners, operators, or charterers agree as follows:

1. Each signatory party to this Agreement will make its owned, operated, or chartered tank barge, suitable for lightering and recovered oil storage, that operates in Alaska (the "Assist Barge") available to any other signatory party (the "User") in the event that a tank barge in Alaska (the "Distressed Vessel") suffers an accident or oil spill in Alaska in which the response to that spill or accident would be facilitated by making available for storage the nearest feasible tank barge that is covered by this Memorandum of Understanding ("MOU"). The User accepts the Assist Barge on an "as-is, where-is" basis, and such use is subject to availability and safety considerations as indicated in Number 2 below.
2. The signatory parties agree to make the Assist Barge available for lightering and recovered oil storage in Alaska subject to operational availability and safety considerations including, but not limited to, all conditions present at the time of the incident and thereafter such as commercial commitments, weather, sea state, location of the Distressed Barge or spill, and other factors that may affect the safety of the Assist Barge and the Distressed Barge and their crews, as determined solely by the Assist Barge's owner or operator. The User shall indemnify, defend and hold harmless the Assist Barge's owners, operators, and charterers from and against any and all direct or indirect losses, liabilities, damages, costs, claims, expenses, causes of action or any other obligations including but not limited to clean up costs, natural resource damages, personal injury claims, fines or penalties imposed by any federal, state or local authority, economic losses, loss of profits as well as any loss of taxes, royalties, rents, fees or net profits recoverable by any federal, state, or local government entity, and associated legal costs and attorneys' fees (hereafter collectively referred to as "Liabilities") relating to, arising out of or in connections with the use, deployment or transit of the Assist Barge under this MOU where such Liabilities arise from the gross negligence or willful misconduct of the Assist Barge's owner, operator or charterer. All other aspects of the Assist Barge service to user shall be covered by charter party terms.

3. The charter terms for the use of any Assist Barge under this MOU (including compensation and cleanup cost for such use) shall be negotiated in advance or at the time the User desires the Assist Barge. The User remains solely responsible for the disposition of cargo or other material loaded on the Assist Barge.
4. Any signatory may withdraw from this MOU upon thirty (30) days written notice to all signatories. New parties may be added upon written notice to and confirmation from all signatories.

Crowley Marine Services, Inc.

By: _____

Title: _____

Delta Western

By: _____

Title: _____

Newport Petroleum, Inc.

By: _____

Title: _____

Sea Coast Towing, Inc.

By: _____

Title: _____

Yutana Barge Lines

By: _____

Title: _____

By: _____

Title: _____

scheduled, based upon the relative priority of review of a particular plan as compared to the priorities assigned to all amended plans submitted to that regional office.

(e) The department's decision on an application for approval of an amended plan submitted under (a) of this section will be made under 18 AAC 75.460 . Eff. 5/14/92, Register 122

Authority: AS 46.03.020 AS 46.04.030 AS 46.04.070

18 AAC 75.415. APPLICATION FOR AMENDMENT.

(a) Subject to (b) of this section, before a change to an oil discharge prevention and contingency plan that has been approved under 18 AAC 75.400 - 18 AAC 75.495 may take effect, the plan holder must obtain approval from the department for an amendment to the plan. An application for approval of an amendment must be submitted to the appropriate regional office on a form supplied by the department, accompanied by the number of amended plans or plan amendments determined under 18 AAC 75.405 (a). The department will use the procedures set out at 18 AAC 75.455 to review a plan amendment, unless it is a routine plan update under (b) of this section, adds a vessel under (c) of this section, or otherwise that does not diminish the plan holder's ability to respond to an oil discharge.

(b) A routine plan update must be submitted to the department and to the applicable resource agencies within five days after the date of the proposed change. Routine plan updates include

(1) deletions to the list of vessels operating under the approved plan;

(2) revisions to the list of names, addresses, or telephone numbers of spill command and response personnel; and

(3) revisions to training procedures or course work requirements that do not reduce the amount or quality of training required by this chapter.

(c) An application for approval of a plan amendment to allow the addition of a vessel to operate under an approved plan must include the information required by 18 AAC 75.425 (e)(1)(H) and 18 AAC 75.425 (e)(3)(A)(iii), (iv), (v), (vii), and (viii). Plan amendments for the addition of vessels must be submitted at least five days before operation in state waters. The department will review the application and issue a written decision within five days after receiving a proposed plan amendment under this subsection if the department determines that the addition of vessels will not diminish the plan holder's ability to respond to an oil discharge. A plan amendment under this subsection that might diminish the plan holder's ability to respond to an oil discharge will be reviewed under 18 AAC 75.455.

(d) If the department determines that a proposed plan amendment submitted under (b) of this section will diminish the plan holder's ability to respond to an oil discharge, the department will notify the plan holder within 10 days after receipt of the amendment that it will be reviewed under 18 AAC 75.455 . If the department determines that a proposed plan amendment will not diminish the plan holder's ability to respond to an oil discharge, the department will review the plan amendment and issue a written decision within 30 days after
receiving it.

(e) The plan holder shall notify and, upon request, send a copy of any proposed plan amendment or update submitted under this section to the Department of Fish and Game, the Department of Natural Resources, affected coastal districts and regional citizens advisory councils, and other persons as directed by the department. Eff. 5/14/92, Register 122

Authority: AS 46.03.020 AS 46.04.030 AS 46.04.070

18 AAC 75.420. APPLICATION FOR RENEWAL.

(a) A plan holder must apply to the appropriate regional office for renewal of the department's plan approval, using a form supplied by the department, sufficiently in advance of expiration of the plan to permit department review before the plan approval expires.

(b) A change in ownership of a facility or operation requires an application for renewal of the department's approval of the plan.

(c) If no change will be made in the plan when it is renewed, a copy of the original plan need not accompany the application and may be incorporated by reference on the renewal application form. In all other cases, the number of amended plans or plan amendments determined under 18 AAC 75.405 (a) must accompany the application for renewal.

(d) If the department determines that the change in ownership of a facility or operation will not diminish the plan holder's ability to respond to an oil discharge, the department will review and issue a written decision within 30 days after receiving an application for renewal.

(e) Except as provided in (d) of this section, an application for renewal will be reviewed under the provisions of 18 AAC 75.455. Eff. 5/14/92, Register 122

Authority: AS 46.03.020 AS 46.04.030 AS 46.04.070

(ii) exerting sufficient force to change or maintain the escorted vessel's course;

(C) limits on the escorted vessel's speed in order to match escort vessel's ability to render assistance; and

(D) escort vessels have on-board oil discharge response equipment: 11 percent.

(e) A crude oil tank vessel or barge that has been exempted under 18 AAC 75.400 (b) is exempt from the requirements of this section. Eff. 5/14/92, Register 122

Authority: AS 46.03.020 AS 46.04.030 AS 46.04.070

18 AAC 75.440. RESPONSE PLANNING STANDARDS FOR NONCRUDE OIL TANK VESSELS AND BARGES.

(a) For a noncrude oil tank vessel or barge, the plan holder shall maintain or have available under contract within the plan holder's region of operation or another approved location, sufficient oil discharge containment, storage, transfer, and cleanup equipment, personnel, and other resources to

(1) contain or control within 48 hours, and to clean up within the shortest possible time, that portion of the response planning standard volume that enters open water; and

(2) contain or control, and clean up within the shortest possible time consistent with minimizing damage to the environment, that portion of the response planning standard volume that enters a receiving environment other than open water.

(b) The response planning standard volume for a noncrude oil tank vessel or barge is equal to 15 percent of the total cargo capacity of the oil tank vessel or barge. Eff. 5/14/92, Register 122

Authority: AS 46.03.020 AS 46.04.030 AS 46.04.070

18 AAC 75.442. RESPONSE PLANNING STANDARDS FOR MULTIPLE OPERATIONS.

For a facility having more than one category of operation that requires an approved oil discharge prevention and contingency plan, the plan holder must plan to respond to a discharge of the applicable response planning standard volume for each separate category of operation at the facility as established under 18 AAC 75.430 - 18 AAC 75.440. Eff. 5/14/92, Register 122

Authority: AS 46.03.020 AS 46.04.030 AS 46.04.070

18 AAC 75.445. APPROVAL CRITERIA.

(a) The department will use the criteria set out in this section to review an oil discharge prevention and contingency plan submitted under 18 AAC 75.425.

(b) General Response Procedures. The plan must identify the maximum possible discharge that could occur at the facility or operation, and the general procedures to be followed in responding to a discharge of that magnitude, including the identification of resources in addition to those maintained by the plan holder or available under contract to meet the applicable response planning standard for that facility or operation.

(c) Deployment Strategies. The plan must demonstrate that the identified personnel and equipment are sufficient to meet the applicable response planning standard and can be deployed and operating within the time specified under 18 AAC 75.430 - 18 AAC 75.442 . The plan must state what conditions were assumed and must take into account the realistic maximum operating conditions and their effects on response capability and the deployment of resources. Plans using contractual resources must demonstrate that the transition and substitution of equipment and resources will occur without interruption of response or cleanup.

(d) Response Strategies. The response strategies must take into account the type of product discharged and must demonstrate that

(1) procedures are in place to stop the discharge at its source within the shortest possible time;

(2) for an exploration or production facility, plans and time frames are in place for controlling a well blowout, including provisions for drilling a relief well, and taking into account any seasonal environmental conditions that might reasonably be expected to preclude emergency operations from regaining control of well pressure;

(3) plans, procedures, and equipment are sufficient to monitor and track the discharge in order to ensure proper allocation and deployment of response personnel and equipment;

(4) sufficient oil discharge response equipment, personnel, and other resources are maintained and available for the specific purpose of preventing discharged oil from entering an environmentally sensitive area or an area of public concern that would likely be impacted if a discharge occurs, and that this equipment and personnel will be deployed and maintained on a time schedule that will protect those areas before oil reaches them according to the predicted oil

trajectories for an oil discharge of the volumes established under 18 AAC 75.430 - 18 AAC 75.442; areas identified in the plan must include areas added by the department as a condition of plan approval;

(5) plan strategies are sufficient to meet the applicable response planning standard established under 18 AAC 75.430 - 18 AAC 75.442 for containment, control, recovery, transfer, storage, and cleanup within the specified time and under environmental conditions that might reasonably be expected to occur at the discharge site;

(6) there is access to sufficient lightering equipment and personnel to transfer all oil from damaged tanks and from undamaged tanks if the risk of an additional discharge is present; the plan must provide for commencement and completion of lightering within the shortest possible time, consistent with ensuring the safety of personnel; and

(7) adequate temporary storage and removal capacity for recovered oil and oily wastes will be available at or near the site of the spill to keep up with the skimming and recovery operations and to meet the applicable planning standard established under 18 AAC 75.430 - 18 AAC 75.442 for control, containment, and cleanup; plans for temporary storage and ultimate disposal must include the specific actions to be taken to obtain all necessary permits and approvals.

(e) Receiving Environment. For an onshore facility or operation, the applicant must determine and clearly demonstrate that, based on an analysis of the facility or operation, resources identified in the plan are sufficient to clean up that portion of a discharge of the applicable planning standard volume that might realistically be expected to reach open water within the applicable time limit set out in 18 AAC 75.430 - 18 AAC 75.442.

(f) Realistic Maximum Response Limitations. In designing a spill response, severe weather and environmental limitations that might be reasonably expected to occur during a discharge event must be identified. The plan must use realistic efficiency rates for the specified response methods to account for the reduction of control or removal rates under those severe weather or other environmental limitations that might reasonably be expected to occur. The department will, in its discretion, require the plan holder to take specific temporary prevention measures until environmental conditions improve to reduce the risk or magnitude of an oil discharge during periods when planned spill response methods are rendered ineffective by environmental limitations.

(g) Response Equipment. Response equipment identified in the plan must meet the following conditions:

(1) the applicant must have ready access to enough equipment to meet the applicable response planning standards established under 18 AAC 75.430 - 18 AAC 75.442 using mechanical methods of oil control, containment, and cleanup;

(2) identified equipment must reflect the best available technology at the time the plan is submitted or renewed;

(3) types and amounts of boom, boom connectors, and anchorage devices must be of the appropriate design for the particular oil product, type of environment, and environmental conditions experienced at the facility or operation; the boom must be of sufficient length to mount an effective response to the volume of discharged oil established under 18 AAC 75.430 - 18 AAC 75.442 for each type of facility or operation;

(4) vessels used to deploy and tow boom must be of a number, size, and power adequate to deploy the types and amounts of boom addressed in (3) of this subsection and must be capable of operating in the manner and at the speeds necessary for the effective use of boom; and

(5) the number and size of skimmers and pumps to be used must be appropriate and adequate for recovery of the planning standard volume of the type of oil discharged within the planning standard time limit for cleanup established under 18 AAC 75.430 - 18 AAC 75.442 ; equipment types must be compatible with each other as necessary to ensure an efficient response.

(h) Nonmechanical Response Information. Plans which propose the use of dispersants, in situ burning, or other nonmechanical response techniques during periods when environmental conditions or other factors limit the use of mechanical spill response methods must demonstrate their efficiency and effectiveness and must include a full assessment of potential environmental consequences, provisions for continuous monitoring and real-time assessment of environmental effects, and full compliance with all applicable approval requirements. If in situ burning is proposed as a response technique, a completed application for approval by the department must be
included.

(i) Oil Spill Primary Response Action Contractor Information. If a plan holder proposes to use the services of an oil spill primary response action contractor to meet a requirement of AS 46.04.030 or 18 AAC 75.400 – 18 AAC 75.495 , the contractor must be registered under 18 AAC 75.500 - 18 AAC 75.580 . The plan holder shall include a correct and complete list of each primary response action contractor, with name, address, telephone number, and affiliation by company, and, for each response action contract, a statement signed by the plan holder and the primary response action contractor attesting to the department that the contract

(1) clearly specifies that the contractor is obligated to

(A) provide the response services and equipment listed for that contractor in the contingency plan;

(B) respond if a discharge occurs;

(C) notify the plan holder immediately if the contractor cannot carry out the response actions specified in the contract or the contingency plan;

(D) give written notice at least 30 days before terminating its contract with the plan holder;

(E) respond to a department-conducted discharge exercise required of the plan holder; and

(F) continuously maintain in a state of readiness, in accordance with industry standards, the equipment and other spill response resources to be provided by the contractor under the contingency plan; and

(2) contains the provisions required under AS 46.04.030 (r), if the contract is between the plan holder for a tank vessel or oil barge carrying crude oil that has been transported by the Trans Alaska Pipeline System and a primary response action contractor who is the common operating agent for the holders and lessees of the right-of-way agreement for the Trans Alaska Pipeline System.

(j) Training. In addition to maintaining continuous compliance with other applicable state and federal training requirements, the plan holder shall demonstrate that designated oil spill response personnel are trained and kept current in the specifics of plan implementation, including deployment of containment boom, operation of skimmers and lightering equipment, and organization and mobilization of personnel and resources. The plan holder shall ensure that proof of training is maintained for three years and is made available to the department upon request.

(k) Best Available Technology Review. For purposes of 18 AAC 75.425 (e)(4), the department will review a plan and make a best available technology determination using the following criteria, as applicable:

(1) technology used for oil discharge containment, storage, transfer, and cleanup to satisfy a response planning standard in 18 AAC 75.430 - 18 AAC 75.442 will be considered best available technology if the technology of the applicant's oil discharge response system as a whole is appropriate and reliable for the intended use as well as the magnitude of the applicable response planning standard;

(2) technology that complies with the performance standards of 18 AAC 75.005 - 18 AAC 75.080 and that is not subject to a best available technology review under 18 AAC 75.425 (e)(4)(A), will be considered best available technology;

(3) technology identified under 18 AAC 75.425 (e)(4)(A) will be evaluated using the following criteria, if applicable:

(A) whether each technology is the best in use in other similar situations and is available for use by the applicant;

(B) whether each technology is transferable to the applicant's operations;

(C) whether there is a reasonable expectation each technology will provide increased spill prevention or other environmental benefits;

(D) the cost to the applicant of achieving best available technology, including consideration of that cost relative to the remaining years of service of the technology in use by the applicant;

(E) the age and condition of the technology in use by the applicant;

(F) whether each technology is compatible with existing operations and technologies in use by the applicant;

(G) the practical feasibility of each technology in terms of engineering and other operational aspects; and

(H) whether other environmental impacts of each technology, such as air, land, water pollution, and energy requirements, offset any anticipated environmental benefits.

(l) If the department's determination under (k) of this section is that a technology proposed for use by the applicant is not the best available technology, the department will provide a written finding explaining its decision. Eff. 5/14/92, Register 122; am 9/25/93, Register 127; am 3/28/96, Register 137; am 4/4/97, Register 142

Authority: AS 46.03.020 AS 46.04.020 AS 46.04.030 AS 46.04.035 AS 46.04.070

18 AAC 75.447. DEPARTMENT EXAMINATION OF NEW TECHNOLOGIES. (B.A.T.)

(a) To assure that proven new technologies are considered for use in oil discharge prevention and contingency plans, the department will review and appraise technology applied at other locations in the United States and the world that represent alternatives to the technologies used by plan holders in their oil discharge prevention and contingency plans submitted to meet response planning standards in 18 AAC 75.430 - 18 AAC 75.442 and the performance standards of 18 AAC 75.005 - 18 AAC 75.080. The department will conduct this review and appraisal by

(1) sponsoring a technology conference at least every five years and in cooperation with persons, organizations, and groups with interests and expertise in relevant technologies; this conference will provide interested parties with an opportunity to describe the status of existing technologies in use as well as technologies that may be considered superior to those in use at that time; and

(2) engaging in studies, inquiries, surveys, or analyses the department believes appropriate to the consideration of new technologies.

(b) After its review and appraisal under (a) of this section, the department will issue written findings identifying new technologies that the department considers represent proven technological breakthroughs in oil discharge containment, control, or cleanup equipment. In its findings, the department will

18 AAC 75.425. OIL DISCHARGE PREVENTION AND CONTINGENCY PLAN CONTENTS.

(a) An oil discharge prevention and contingency plan submitted for approval under 18 AAC 75.400 - 18 AAC 75.495 must be in a form that is usable as a working plan for oil discharge prevention, control, containment, cleanup, and disposal. A plan must contain enough information, analyses, supporting data, and documentation to demonstrate the plan holder's ability to meet the requirements of AS 46.04.030 and 18 AAC 75.400 - 18 AAC 75.495.

(b) The plan for a facility comprised of multiple operations as described at 18 AAC 75.442 must describe, for each category of operation at the facility, the appropriate response measures to meet the applicable portion of the response planning standard.

(c) The submitted plan must be accompanied by a cover page or promulgation letter that includes

(1) the name of the plan holder, and the covered vessel, barge, facility, or operation, followed by the words "Oil Discharge Prevention and Contingency Plan";

(2) the date of the plan; and

(3) a statement, signed by a person with appropriate authority, committing the resources necessary to implement the plan.

(d) The plan must

(1) include the official plan title;

(2) consist of four parts and contain the information described in (e)(1) - (4) of this section;

(3) contain a complete table of contents and lists of any tables or figures, with corresponding page numbers; and

(4) be presented in the order shown in (e) of this section, or include a cross-reference table that directs the reader to the appropriate information.

(e) The information in the plan must include

(1) Part 1 - Response Action Plan: The response action plan must provide, in sufficient detail to clearly guide responders in an emergency event, all information necessary to guide response to a discharge of any size, up to and including a discharge that is equal to the applicable response planning standard set out at 18 AAC 75.430 – 18 AAC 75.442 . The response action plan must include the following information:

(A) emergency action checklist - a short checklist of the immediate response and notification steps to be taken if an oil discharge occurs; it is recommended that this summary be duplicated on a wallet-size card, to be carried by the appropriate response personnel while on duty;

(B) reporting and notification - a description of the immediate spill reporting actions to be taken at any hour of the day, including the

(i) title and telephone number of facility personnel responsible for making the notification; and

(ii) telephone number of each appropriate government agency to be notified if a discharge occurs;

(C) safety - based on applicable safety standards, a description of the steps necessary to develop an incident-specific safety plan for conducting a response;

(D) communications - a description of field communications procedures, including, if applicable, assigned radio channels or frequencies and their intended use by response personnel;

(E) deployment strategies - a description of proposed initial response actions that may be taken, including

(i) procedures for the transport of equipment, personnel, and other resources to the spill site, including plans for alternative methods in adverse weather conditions; and

(ii) if the operator is not the primary spill responder, procedures to notify and mobilize the response action contractor or other responder identified in the plan, including a description of the interim actions that the operator will perform until the responder identified in the plan initiates a full response to the discharge;

(F) response strategies - a description of the discharge containment, control, and cleanup actions to be taken, which clearly demonstrate the strategies and procedures adopted to conduct and maintain an effective response; this information must be presented in the form of a response scenario to a discharge of the applicable response planning standard volume and must be usable as a general guide for a discharge of any size; response strategies must include

(i) procedures to stop the discharge at its source and prevent its further spread;

(ii) a description of methods to prevent or control a potential fire hazard;

(iii) for an exploration or production facility, a plan and time frame for drilling a relief well or otherwise controlling an exploration or production well blowout;

(iv) procedures and methods for real-time surveillance and tracking of the discharged oil on open water and forecasting of its expected points of shoreline contact;

(v) for a stationary facility or operation, and, if requested by the department, for a vessel, procedures and methods to exclude oil from environmentally sensitive areas and areas of public concern identified under (3)(J) of this subsection, including, for a land-based facility, protection of groundwater and public water supplies;

(vi) a description of the actions to be taken to contain and control the spilled oil, including, as applicable, boom deployment strategies, construction of temporary berms, and other methods;
(vii) a description of the actions to be taken to recover the contained or controlled oil using mechanical methods, including plans and provisions for skimming, absorbing, or otherwise recovering the contained or controlled product from water or land;
(viii) procedures for lightering, transfer, and storage of oil from damaged tanks or from undamaged tanks that might be at risk of discharging additional oil;
(ix) procedures and plans for transfer and storage of recovered oil and oily water, including methods for estimating the amount of recovered oil;
(x) plans, procedures, and locations for temporary storage and ultimate disposal of oil contaminated materials, oily wastes, and sanitary and solid wastes, including plans for obtaining any required permits or authorizations for temporary storage or ultimate disposal;
(xi) plans for the protection, recovery, disposal, rehabilitation, and release of potentially affected wildlife, including: minimizing wildlife contamination through hazing or other means, when appropriate; the recovery of oiled carcasses to preclude secondary contamination of scavengers; and the capture, cleaning, rehabilitation, and release of oiled wildlife, when appropriate; and
(xii) if applicable, plans for the deployment of shoreline cleanup equipment and personnel, including cleanup and restoration methods and techniques to be used if the shoreline is impacted by the discharge;

(G) nonmechanical response options - if applicable, a description of actions to be taken to obtain the necessary permits and approvals to initiate dispersant application, in situ burning, or other nonmechanical response methods, the basis for determining the conditions or circumstances under which these options will be used, and how the nonmechanical response techniques will be implemented, including a description of all required equipment and personnel; and
(H) facility or vessel diagram - a plan diagram of the facility, vessel, or operation for reference in conducting emergency response operations, with locations of response equipment and other features pertinent to the response plan clearly marked, including surrounding topography, roads, air transportation and other transportation access, location and bathymetry of adjacent water bodies, mooring areas, oil transfer locations, pipelines, control stations, drip pans and drainage of drip pans, and a representation of the distance and gradients to surface water for an operation located on land, by topographic map, aerial photographs, or other means;

(2) Part 2 - Prevention Plan: Under the provisions of 18 AAC 75.005 - 18 AAC 75.090 , the prevention plan must include a detailed description of all oil discharge prevention measures and policies employed at the facility, vessel, or operation, with reference to the risks involved. The prevention plan may be submitted as a separate volume, and must include, at a minimum, the following information:

(A) a description and schedule of regular pollution prevention, inspection, and maintenance programs in place at the facility or operation;
(B) a history of all known discharges greater than 55 gallons that have occurred at the facility, with an analysis of the relationship, if any, between their frequency, cause, and size, and a description of actions to be taken to prevent or mitigate similar discharges in the future;
(C) an analysis of potential oil discharges, including size, frequency, cause, duration, and location, and a description of actions taken to prevent a potential discharge;
(D) a description of any conditions specific to the facility or operation that might increase the risk of a discharge, including physical or navigation hazards, traffic patterns, or other site-specific factors, and any measures that have been taken to reduce the risk of a discharge attributable to these conditions;
(E) a description of the existing and proposed means of discharge detection, including surveillance schedules, leak detection, observation wells, monitoring systems, and spill-detection instrumentation; if electronic or mechanical instrumentation is employed, detailed specifications, including threshold detection, sensitivities, and limitations of equipment must be provided;
(F) a detailed basis for the calculation of exceptions, if any, to be applied to the response planning standards set out in 18 AAC 75.430 - 18 AAC 75.438 ; and
(G) for an operation in existence or substantially completed before the effective date of this section, a compliance schedule as described at 18 AAC 75.015;

(3) Part 3 - Supplemental Information: The supplemental information section must provide background and verification information, including

(A) facility description and operational overview - a general description of the oil storage, transfer, exploration, or production activities of the operation, including

(i) the number, type, and oil storage capacity of each container covered under the plan and its installation date, design, construction, and general condition;
(ii) the type and amount of oil stored in each container;
(iii) for vessels, a general chart showing routes normally used for the transportation of oil products within state waters, and the frequency of use for each route;
(iv) for vessels, plans or diagrams that identify cargo, bunker, and ballast tanks, all tank capacities, cargo piping, ballast piping, winches, emergency towing equipment, power plants, manifold pipe size, containment structures and equipment, and a description of the method of containing a discharge from fuel oil tank vent overflow and fill pipes;
(v) a description of the normal procedures for the loading or transfer of oil from or to a pipeline, facility, tank vessel, oil barge, or storage tank;
(vi) for a production facility, a description of the flow and gathering lines and processing facilities;
(vii) for vessels, a description of the methods for retention and disposal of oily wastes and bilge slops; and
(viii) any other information required by the department to evaluate the response capability of a vessel, including an approved loading manual that meets the requirements of 46 C.F.R. 45.105, amended through October 1, 1990;

(B) receiving environment - for a land-based facility or operation:
(i) the potential routes of travel of oil discharged from the facility or operation to open water in the form of a drainage diagram or map, showing gradients and potential containment sites and features, including identification and explanation of all measures that will be taken to prevent a discharge from entering open water; and
(ii) based on the information in (i) of this subparagraph, an estimate of what percentage of the applicable response planning standard volume set out at 18 AAC 75.430 - 18 AAC 75.436 , or 18 AAC 75.442 for the facility or operation will reach open water;

(C) command system - a description of the command system to be used in response to a discharge, including the title, address, telephone number, and affiliation by company, agency, or local government of each person, including a person identified in (1)(B) of this subsection, who by law or through employment, contract, or cooperative agreement, is responsible for responding to a discharge, and each person's functional role in the command system; this list must include command, fiscal, operations, planning, and logistics lead personnel; the command system must be compatible with the state's response structure outlined in the state master plan prepared under AS 46.04.200;

(D) realistic maximum response operating limitations - a description of the realistic maximum response operating limitations that might be encountered at the facility or operation and, based on environmental and safety considerations, an analysis of the frequency and duration, expressed as a percentage of time, of limitations that would render mechanical and other response methods ineffective; the realistic maximum operating limitations for a response must be defined, with a description of any measures that will be taken to compensate for those periods when environmental conditions exceed this maximum; environmental conditions to be considered in this analysis must include
(i) weather, including wind, visibility, precipitation and temperature;
(ii) sea states, tides, and currents;
(iii) ice and debris presence;
(iv) hours of daylight; and
(v) other known environmental conditions that might influence the efficiency of the response equipment or the overall effectiveness of a response effort;

(E) logistical support - identification of aircraft, vessels, and other means that may be used to transport equipment and personnel during a discharge response, including information on ownership and availability of identified means of transportation;

(F) response equipment - a complete list of contracted or other oil discharge containment, control, cleanup, mstorage, transfer, lightering, and related response equipment, including
(i) the location, inventory, and ownership of the equipment;
(ii) the time frame for delivery and startup of response equipment and trained personnel located outside the facility's primary region of operation;
(iii) the manufacturer's rated capacities, limitations, and operational characteristics for each item of oil recovery equipment, including any nonmechanical response techniques;
(iv) each vessel designated for oil recovery operations, including skimming vessels and platforms and vessels designated to tow and deploy boom;

(v) information on additional vessels available from other sources for oil recovery operations, including, if applicable, procedures for inventorying, training personnel, and equipping vessels;
(vi) pumping, transfer and temporary storage, and lightering equipment for transferring oil from damaged or undamaged tanks; and
(vii) the procedures for storage, maintenance, and inspection of spill response equipment under the immediate control of the operator when not in use, including procedures for periodic testing and maintenance of response equipment;

(G) nonmechanical response information-if a nonmechanical technique such as dispersant use or in situ burning is proposed as a response option, the plan must include
(i) a description of the specific mechanisms in place to assess the environmental consequences of the nonmechanical response option and to provide continuous monitoring of its environmental effects;
(ii) a complete inventory of nonmechanical response equipment and supplies, including the type and toxicity of each dispersant, with procedures for storage, maintenance, and deployment;
(iii) identification of all necessary approvals, and a completed application for department approval for open burning if in situ burning is a proposed response technique;
(iv) identification of all permits, approvals, or authorizations for use of nonmechanical response techniques and the timeline for obtaining them; and
(v) a plan for protecting environmentally sensitive areas, areas of public concern, and the public from any adverse effects of the nonmechanical response action;

(H) oil spill primary response action contractor information - if a plan holder proposes to use the services of an oil spill primary response action contractor to meet a requirement of AS 46.04.030 or 18 AAC 75.400 – 18 AAC 75.495 , the contractor must be registered under 18 AAC 75.500 - 18 AAC 75.580 ; the plan holder shall include a correct and complete list of each primary response action contractor, with name, address, telephone number, and affiliation by company, the response contractor information described in 18 AAC 75.445 (i), and a description of the response equipment and services provided; the use of an oil spill primary response action contractor does not relieve the plan holder of its responsibility to provide the information required by this subsection and to meet all other applicable requirements of 18 AAC 75.400 - 18 AAC 75.495;

(I) training - a detailed description of the training programs for discharge response personnel;

(J) protection of environmentally sensitive areas and areas of public concern - for a stationary facility or operation, and, if required by the department, for a vessel, mapped predictions of discharge movement, spreading, and probable points of contact, based on expected local, seasonal, meteorologic, and oceanographic or topographic conditions; and, for each probable point of contact, a description of each environmentally sensitive area and each area of public concern, including
(i) the effect of seasonal conditions on the sensitivity of each area;
(ii) a discussion of the toxicity effects and persistence of the discharge, based on type of product;

and

(iii) an identification of which areas will be given priority attention if a discharge occurs;

(K) additional information - other information necessary to provide background for or verification of the plan contents; and

(L) bibliography - a list of data and information sources used to determine the information contained in the plan; and

(4) Part 4 - Best Available Technology Review: Unless application of a state requirement would be preempted by federal law, the plan must provide for the use of the best available technology consistent with the applicable criteria in 18 AAC 75.445 (k). In addition, the plan must

(A) identify technologies applicable to the applicant's operation that are not subject to response planning or performance standards specified in 18 AAC 75.445 (k)(1) and (2); these technologies include, at a minimum,
(i) for all contingency plans: communications described under 18 AAC 75.425 (e)(1)(D); source controlprocedures to stop the discharge at its source and prevent its further spread described under 18 AAC 75.425(e)(1)(F)(i); trajectory analyses and forecasts described under 18 AAC 75.425 (e)(1)(F)(iv); and wildlife capture, treatment, and release programs described under 18 AAC 75.425 (e)(1)(F)(xi);
(ii) for a terminal, a crude oil transmission pipeline, or an exploration and production contingency plan: cathodic protection or another approved corrosion control system if required by 18 AAC 75.065 (h)(3); a leak detection system for each tank if required by 18 AAC 75.065 (h)(4); any other prevention or control system approved by the department under 18 AAC 75.065 (i)(1)(D); a means of immediately determining the liquid level of bulk storage tanks as specified in 18 AAC 75.065

(j)(3) and (4); maintenance practices for buried steel piping containing oil as required by 18 AAC 75.080 (b); protective wrapping or coating and cathodic protection if required by 18 AAC 75.080 (b)(1)(A); and corrosion surveys required by 18 AAC 75.080 (b)(2)(A);

(iii) for a tank vessel contingency plan: measures to assure prompt detection of an oil discharge as required by 18 AAC 75.027 (d); operation of a tank vessel under escort in a manner that permits an escort vessel to be available immediately to provide the intended assistance to the tank vessel as required by 18 AAC 75.027 (e); tow lines as required by 18 AAC 75.027 (f); and escort vessels;

(iv) for a crude oil transmission pipeline contingency plan: leak detection, monitoring, and operating requirements for crude oil pipelines that include prompt leak detection as required by 18 AAC 75.055 (a); and

(v) for a barge contingency plan: measures to assure prompt detection of an oil discharge as required by 18 AAC 75.037 (d) and means to recover a barge that breaks free of its towing vessel as required by 18 AAC 75.037(f);

(B) for each applicable technology under (A) of this paragraph, identify all available technologies and include a written analysis of each technology, using the applicable criteria in 18 AAC 75.445 (k)(3); and

(C) include a written justification that the technology proposed to be used is the best available for the applicant's operation.

(f) For purposes of this section and 18 AAC 75.445 , "technology" means equipment, supplies, other resources, and related practices. Eff. 5/14/92, Register 122; am 9/25/93, Register 127; am 3/28/96, Register 137; am 4/4/97, Register 142

Authority: AS 46.03.020 AS 46.04.030 AS 46.04.035 AS 46.04.070

18 AAC 75.430. RESPONSE PLANNING STANDARDS.

(a) Notwithstanding the response planning standards set out in 18 AAC 75.430 - 18 AAC 75.442 , the plan must demonstrate the general procedures to clean up a discharge of any size, including the greatest possible discharge that could occur, subject to the provisions of AS 46.04.020 and AS 46.09.020.

(b) Except for the requirements of 18 AAC 75.438 (b)(1) and (2) and 18 AAC 75.440 , the department will, in its discretion, consider and provide modifications to the response planning standards set out in 18 AAC 75.430 - 18 AAC 75.442 for a prevention measure that is in addition to those listed in 18 AAC 75.432 - 18 AAC 75.438 , if the plan holder demonstrates to the department's satisfaction that the proposed measure reduces the potential size or risk of a discharge.

(c) If more than one prevention measure is used to modify the response planning standard, each subsequent reduction will be applied separately to the response planning standard value that results from application of the previous modification. However, in no case will the department reduce the response planning standard below an amount equal to

(1) 15 percent of the response planning standard applicable to a crude or noncrude oil terminal facility, an exploration or production facility, or a crude oil pipeline as determined under 18 AAC 75.432 (b) or (c), 18 AAC 75.434 (b), or 18 AAC 75.486 (b), respectively, or

(2) 30 percent of the response planning standard for a crude oil tank vessel or barge as determined by 18 AAC 75.438 (c).

(d) The department will, in its discretion, revoke or reduce a prevention credit set out in 18 AAC 75.432 – 18 AAC 75.438 if the department finds that the plan holder has failed to execute or has not effectively implemented the prevention mea[illegible]re used to determine that credit.

(e) Liquefied petroleum gas is exempt from the requirements of 18 AAC 75.430 - 18 AAC 75.442 . Eff. 5/14/92, Register 122

Authority: AS 46.03.020 AS 46.04.030 AS 46.04.070

18 AAC 75.432. RESPONSE PLANNING STANDARDS FOR OIL TERMINAL FACILITIES.

(a) For a crude or noncrude oil terminal facility, the plan holder shall maintain or have available under contract within the plan holder's region of operation or another approved location, sufficient oil discharge containment, storage, transfer, and cleanup equipment, personnel, and other resources to

(1) contain or control and clean up within 72 hours that portion of the response planning standard volume that enters open water; and

(2) contain or control within 72 hours, and clean up within the shortest possible time consistent with minimizing damage to the environment, that portion of the response planning standard volume that enters a receiving environment other than open water.

(1) provide an evaluation of the technologies applied at other locations based on the applicable criteria in 18 AAC 75.445 (k)(3);

(2) identify the evidence that clearly and convincingly supports the determination that the equipment represents a proven technological breakthrough that could result in superior advances in the efficiency or effectiveness of oil spill response efforts; and

(3) identify specific operations, geographical locations, or physical environments where the technology could be applied.

(c) If a finding is issued under (b) of this section, the department will inform plan holders, primary response action contractors, and other interested persons of the department's findings, the availability of the new technology, and the opportunity to submit comment on the report to the department. Eff. 4/4/97, Register 142

Authority: AS 46.03.020 AS 46.04.030 AS 46.04.070

18 AAC 75.455. DEPARTMENT REVIEW PROCEDURES.

(a) Within seven days after receipt of an application and plan, the department will determine if the application and plan are sufficient for public review. If the application or plan is not sufficient for public review, the department will request the necessary additional information from the applicant.

(b) When the department determines that an application and plan are sufficient for public review, the department will

(1) send a notice setting a 30-day comment period to the Department of Natural Resources, the Department of Fish and Game, affected coastal districts and regional citizens advisory councils, and persons who have made a written request for information regarding submission subject to review under this section;

(2) direct the applicant to provide a copy of the application and the plan to the Department of Natural Resources, the Department of Fish and Game, affected coastal districts and regional citizens advisory councils, and other persons designated by the department;

(3) set a date, within the 18th to 25th day of the 30-day comment period, by which the department will convey to the applicant any request from the department or a person reviewing the application that the department finds necessary to make a determination that the application or plan is complete; and

(4) publish one 30-day notice of the application, in the manner described in 18 AAC 15.050 (b), stating the deadline for comments established under (1) of this subsection and the date established under (3) of this subsection for conveying requests for additional information; the applicant is responsible for paying the cost of the notice under this paragraph.

(c) The notice published under (b) of this section will state that a copy of the application and plan are available for review at the district and regional offices of the department nearest to the affected area of the state. It is the applicant's responsibility to provide a copy of the application and plan if the department receives a request for a copy.

(d) If, by the date set under (b)(3) of this section, the department determines that additional information is necessary to evaluate the application or plan, the department will

(1) notify the applicant of the information needed; and

(2) extend the 30-day comment period established under (b)(1) of this section until the information is received, plus 10 days.

(e) If the department determines that additional information is necessary under (d) of this section and requests the information from the applicant, the applicant shall send a copy of any additional information requested to the department and to the Department of Natural Resources, the Department of Fish and Came, affected coastal districts and regional citizens advisory councils, and other persons designated by the department.

(f) Upon receipt by the department of the additional information requested under (d) of this section, the department will provide to the parties described in (e) of this section notice of

(1) receipt of the information and

(2) the final comment deadline, as extended.

(g) The department will make a determination as to whether an application and plan are complete within seven days after the receipt of any additional information under (e) of this section or, if no additional information was requested under (d) of this section, within two days after the end of the 30-day comment period established under (b)(1) of this section.

(h) Notwithstanding the review procedures set out in this section, if, at any time after receipt of an application and plan, and after consultation with the Department of Natural Resources, the Department of Fish and Game, and affected coastal districts and regional citizens advisory councils, the department determines that all infor- mation necessary to evaluate the application and plan has been received, the department will, in its discretion, find the application and plan complete. However, no decision will be made under (i) of this section until after the comment deadline established under (b)(1) of this section.

(i) Following the comment deadline established under (b)(1) of this section, including any extension under (d)(2) of this section, and within 65 days after the department determines that an application and plan are complete, the department will approve, approve with conditions, or disapprove a plan.

(j) The department will, if it determines good cause exists, hold a public hearing on an application and plan in the manner provided under 18 AAC 15.060 .

(k) To assist the department in its review of contingency plans under this chapter, the department will enter into an annual agreement with the Department of Natural Resources and the Department of Fish and Game to provide expertise regarding protection of fish and game, state land, areas of public concern, and environmentally sensitive areas. Eff. 5/14/92, Register 122

Authority: AS 46.03.020 AS 46.04.030 AS 46.04.070

18 AAC 75.457. EMERGENCY MODIFICATION OF REVIEW PROCESS.

If, due to an emergency as described in AS 26.23 or AS 46.04.080 or other applicable law, an applicant needs an expedited review, or if the commissioner or the commissioner's designee finds that an expedited review is necessary for the preservation of the public peace, health, safety, or general welfare, the commissioner or the commissioner's designee will, in that person's discretion, and consistent with the requirements of AS 46.04.030 (j) that a copy of the applicant's plan be provided to the Department of Fish and Game and the Department of Natural Resources, modify the review process established in 18 AAC 75.455 as necessary to meet the emergency. Any modifications in the review process made under this section will be made in writing by the commissioner or the commissioner's designee based upon clear and convincing evidence of a need for the modification. Eff. 5/14/92, Register 122

Authority: AS 46.03.020 AS 46.04.030 AS 46.04.070

18 AAC 75.459. PREISSUANCE CONFERENCE.

(a) At any time before the department's decision under 18 AAC 75.460 , the applicant may request a preissuance conference from the appropriate regional office of the department. The request may be make orally, and will be granted if the applicant demonstrates that holding a conference will materially aid the department in reaching its decision.

(b) A preissuance conference under this section will be conducted in the manner provided under 18 AAC 15.070 . However, the time period for the department's review will not be held in abeyance pending completion of the conference. Eff. 5/14/92, Register 122

Authority: AS 46.03.020 AS 46.04.030 AS 46.04.070

18 AAC 75.460. DEPARTMENT DECISION.

(a) After considering the information, analyses, and commitments contained in a complete application for an oil discharge prevention and contingency plan approval and timely comments submitted under 18 AAC 75.455 , the department will approve, approve with conditions, or disapprove a plan.

(b) A decision issued under (a) of this section will include

(1) the written approval, if it is the department's determination that an oil discharge prevention and contingency plan approval should be issued; the department will provide a summary of the basis for its decision to approve a plan in a case in which public comment adverse to the application has been received;

(2) a brief summary of the basis for the department's decision if the decision is to disapprove a plan, or to subject a plan to conditions specific to the activity; and

(3) a statement that, if aggrieved by the department's decision, the applicant or any person who submitted timely comments on the application under 18 AAC 75.455 may request an adjudicatory hearing by submitting the information required under 18 AAC 15.200 (a)(1) - (5), and that any hearing requested under this subsection will be subject to the procedures set out at 18 AAC 15.210 - 18 AAC 15.310.

(c) The department's decision will be served on the applicant and each person who submitted timely comments on the application under 18 AAC 75.455 . The applicant and any person who submitted timely comments on the application under 18 AAC 75.455 may request an adjudicatory hearing with 30 days after service of the department's decision. The hearing will be conducted in accordance with procedures set out in 18 AAC 15.200 - 18 AAC 15.310.

(d) An approval under this section is effective for three years after the date it is issued, or for a shorter time specified in the approval letter and certificate. Eff. 5/14/92, Register 122

Authority: AS 46.03.020 AS 46.04.030 AS 46.04.070

Editor's Notes -

Department of Environmental Conservation approval under 18 AAC 75.460 does not negate any other requirement for approval to operate under other statutes or regulations, such as Alaska Coastal Management Program approval under 6 AAC 50.

500. Definition of oil spill primary response action contractor; applicability
510. General provisions
520. Application for registration or renewal
530. Registration application contents
540. Registration and renewal fees
550. Application review procedures
560. Minimum registration standards
570. Failure to comply
580. Voluntary termination of registration

18 AAC 75.500. DEFINITION OF OIL SPILL PRIMARY RESPONSE ACTION CONTRACTOR; APPLICABILITY.

(a) As used in AS 46.04.035 and 18 AAC 75.500 - 18 AAC 75.580 , "oil spill primary response action contractor" means a person who is or intends to be obligated under contract to the holder of an approved oil discharge prevention and contingency plan issued under AS 46.04.030 to provide resources or equipment to contain, control, or clean up an oil discharge. "Oil spill primary response action contractor" does not include

(1) a person who provides only ancillary services or equipment not for the specific purpose of containing, controlling, or cleaning up an oil discharge; or

(2) an approved oil discharge prevention and contingency plan holder who provides to another plan holder resources or equipment to contain, control, or clean up an oil discharge.

(b) A response action contractor is not required to register under 18 AAC 75.500 - 18 AAC 75.580 unless the contractor is directly obligated to a plan holder by contract to provide spill response resources to meet the requirements of AS 46.04.030 and 18 AAC 75.400 - 18 AAC 75.495 and is listed in that plan holder's oil discharge prevention and contingency plan as providing all or part of the response resources required to demonstrate compliance with an applicable response planning standard under 18 AAC 75.432 - 18 AAC 75.442.

(c) The holder of an approved oil discharge prevention and contingency plan whose resources are listed in the plan of another plan holder to meet the requirements of AS 46.04.030 and 18 AAC 75.400 - 18 AAC 75.495 is not required to register as an oil spill primary response action contractor, but is subject to all other requirements of 18 AAC 75.425 (e)(3)(H) and 18 AAC 75.445 (i)(1) and (i)(2).

(d) Any person may apply to the department for registration under 18 AAC 75.500 - 18 AAC 75.580 as an oil spill primary response action contractor. Eff. 9/25/93, Register 127; am 3/28/96, Register 137

Authority: AS 46.03.020 AS 46.03.825 AS 46.04.030 AS 46.04.035
AS 46.04.070

18 AAC 75.510. GENERAL PROVISIONS.

(a) The resources of a response action contractor listed in an oil discharge prevention and contingency plan to contain, control, or clean up an oil discharge and to demonstrate compliance with all or part of a response planning standard under 18 AAC 75.432 - 18 AAC 75.442 will not be considered by the department in its review of the plan unless

(1) that person is registered as an oil spill primary response action contractor under 18 AAC 75.500 - 18 AAC 75.580 ; and

(2) all other requirements of 18 AAC 75.425 (e)(3)(H) and 18 AAC 75.445 (i) are met.

(b) Registration of an oil spill primary response action contractor by the department does not

(1) constitute an assurance by the department of the qualifications or abilities of that contractor;

(2) constitute an assurance by the department that the contractor will adequately respond to a release or threatened release of oil; or

(3) provide a defense to liability under state law. Eff. 9/25/93, Register 127; am 3/28/96, Register 137

Authority: AS 46.03.020 AS 46.03.825 AS 46.04.030 AS 46.04.035
AS 46.04.070

18 AAC 75.520. APPLICATION FOR REGISTRATION OR RENEWAL.

(a) Oil spill primary response action contractor registration under 18 AAC 75.500 - 18 AAC 75.580 is effective for three years from the date of issuance under 18 AAC 75.550.

(b) A person seeking registration or renewal of registration as an oil spill primary response action contractor shall submit an application on a form provided by the department, to the contractor registration program, division of spill prevention and response.

(c) An applicant for renewal of registration shall submit an application no less than 60 days before the registration expires. If there are no changes in the conditions of registration since the previous application, the renewal application may incorporate the previous application by reference.

(d) Repealed 3/28/96.

(e) Repealed 3/28/96.

(f) Repealed 3/28/96.

(g) Repealed 3/28/96. Eff. 9/25/93, Register 127; am 3/28/96, Register 137

Authority: AS 46.03.020 AS 46.04.030 AS 46.04.035 AS 46.04.070

Editor's Notes -

An application for registration or renewal of registration as an oil spill primary response action contractor should be sent to contractor registration program, Alaska Department of Environmental Conservation, Division of Spill Prevention and Response, 410 Willoughby Avenue, Suite 105, Juneau, Alaska 99801-1795.

18 AAC 75.530. REGISTRATION APPLICATION CONTENTS.

(a) An application required under 18 AAC 75.520 (b) must

(1) include the applicant's name, address, telephone number, and facsimile machine number;

(2) identify each region described in 18 AAC 75.495 where the applicant's oil spill response resources will be made available for use by a contingency plan holder;

(3) include a call-out list of appropriate response personnel or identify any

(A) labor subcontractor; and

(B) labor contract to supply response personnel;

(4) completely describe the most recent inventory of the applicant's oil spill response resources available for mobilization and deployment to each of the geographic regions identified in (2) of this subsection, including

(A) the number and location of trained personnel;

(B) a description of the applicant's minimum training requirements for response personnel and procedures for training additional personnel if needed; and

(C) the amount and location of

(i) oil containment equipment;

(ii) oil recovery equipment, including equipment nameplate ratings in barrels per hour;

(iii) transfer, storage, and disposal equipment;

(iv) dispersant or burning equipment; and

(v) significant ancillary resources and equipment; and

(5) describe the applicant's previous oil spill activities and history of compliance with state and federal environmental laws.

(b) Instead of submitting the information required under (a)(4) and (a)(5) of this section, an applicant may submit a complete copy of an application for and a certified copy of the applicant's current Interim or Final Letter of Classification as an Oil Spill Removal Organization issued by the United States Coast Guard. If a letter of classification has not been issued at the time of application, the applicant shall submit a certified copy of the letter of classification upon its receipt. Eff. 9/25/93, Register 127; am 3/28/96, Register 137

Authority: AS 46.03.020 AS 46.04.030 AS 46.04.035 AS 46.04.070

18 AAC 75.540. REGISTRATION AND RENEWAL FEES.

The following fees are established for registration of oil spill primary response action contractors and must be submitted with the appropriate application:

(1) for initial application, $500; or

(2) for renewal, $100. Eff. 9/25/93, Register 127

Authority: AS 46.03.020 AS 46.04.035 AS 46.04.070

18 AAC 75.550. APPLICATION REVIEW PROCEDURES.

(a) After receipt of an application for registration or renewal as an oil spill primary response action contractor, the department will determine whether the application is complete. If the department finds that an application is incomplete, the applicant will be notified of the need for additional information. The department will review each complete application and issue a decision.

(b) The department will approve an application for oil spill primary response action contractor registration or renewal of registration if the applicant meets the application requirements of 18 AAC 75.510 - 18 AAC 75.540 and the minimum registration standards of 18 AAC 75.560.

(c) After completing the review, the department will notify the applicant that the application for registration or renewal of registration has been approved or denied. If the application is approved, the department will include a registration certificate describing the conditions of approval, the date registration will expire, and each region of operation identified in 18 AAC 75.530 (a)(2) for which the applicant is registered. If the application is denied, the department will explain the basis for the denial and include a list of corrective actions that would be required for the applicant to obtain approval of registration or renewal.

(d) Within 10 days after receiving a notice of denial under (c) of this section, the applicant may request an informal review of the decision. The request for review must be submitted in writing to the director of the division of spill prevention and response and must include

(1) the applicant's name, mailing address, and telephone number; and

(2) a brief, clear summary of the reasons for requesting the review.

(e) A review requested under (d) of this section will be held within 10 days after the director receives a request for review, unless the director and the applicant agree to another time. After receiving a request for review under (d) of this section, the director will notify the applicant by telephone, facsimile, or personal delivery, of the time and place of the review.

(f) If the applicant fails to appear at the time and place stated in the notice issued under (e) of this section, and if a delay has not been granted by the director, the failure to appear will be considered a waiver of the applicant's right to an informal review under this section.

(g) A review under this section will be recorded, will be heard by the director or a designee, and will be informal. The applicant may

(1) present witnesses and evidence in the applicant's own behalf; and

(2) question witnesses and seek to disprove evidence presented by the department.

(h) Within 10 days after a review under this section, the director will issue a final decision, stating the reasons for the decision, and indicating the evidence relied upon in reaching that decision.

(i) Nothing in this section affects an applicant's right to appeal the department's decision under the Administrative Procedure Act. Eff. 9/25/93, Register 127; am 3/28/96, Register 137

Authority: AS 46.03.020 AS 46.04.030 AS 46.04.035 AS 46.04.070

18 AAC 75.560. MINIMUM REGISTRATION STANDARDS.

(a) In addition to the requirements of (b) of this section, the minimum registration standards and verification requirements for an oil spill primary response action contractor listed in an approved oil discharge prevention and contingency plan are the oil discharge prevention and contingency plan requirements and the response planning standards set out in AS 46.04.030 and 18 AAC 75.425 - 18 AAC 75.495 that are applicable to a contractor listed in an approved oil discharge prevention and contingency plan.

(b) In addition to the requirements of (a) of this section, an oil spill primary response action contractor must be in compliance with the following minimum registration standards:

(1) repealed 3/28/96;

(2) the contractor shall maintain sufficient response preparedness to immediately initiate response efforts as described in the applicable contingency plan upon direction by the plan holder; response preparedness is subject to department verification through inspections and plan holder discharge exercises at any location for which the plan holder has listed the contractor in an approved oil discharge prevention and contingency plan as providing response resources;

(3) training of contractor personnel must comply with 18 AAC 75.445 (j) and must include appropriate Occupational Safety and Health Administration Hazardous Operations training;

(4) professional response action standards and practices must be continuously maintained, and must include

(A) responding immediately upon direction by the plan holder;

(B) remaining in substantial compliance with applicable contracts;

(C) abiding by applicable permits and authorizations unless directed to proceed otherwise by the federal or state on-scene coordinator;

(D) maintaining a working knowledge of all applicable oil pollution statutes and regulations and pertinent provisions of each contingency plan in which that contractor is listed;

(E) maintaining a safe working environment and an acceptable safety history;
(F) notifying a plan holder within 24 hours after any significant change in the response preparedness referred to in (2) of this subsection, unless a 10-day pre-notice is required under 18 AAC 75.475 (c); and
(G) notifying a plan holder and the department within five days after any change by the United States Coast Guard in classification as an Oil Spill Removal Organization under 18 AAC 75.530 (b).

(c) No later than January 31 of each year, an oil spill primary response action contractor registered under this chapter shall provide to the department a complete list of oil discharge prevention and contingency plans in which that contractor has agreed in writing to be listed as a primary response action contractor. Eff. 9/25/93, Register 127; am 3/28/96, Register 137

Authority: AS 46.03.020 AS 46.04.030 AS 46.04.035 AS 46.04.070

18 AAC 75.570. FAILURE TO COMPLY.

(a) If the department determines that an oil spill primary response action contractor has failed to meet or maintain a minimum registration standard identified in 18 AAC 75.560 , the department will, in its discretion, revoke, suspend, or modify
(1) the contractor's registration; and
(2) its approval of the oil discharge prevention and contingency plan in which that contractor is listed as an oil spill primary response action contractor.

(b) A person who is aggrieved by a department decision under (a) of this section may request an informal review of that decision, using the procedures described in 18 AAC 75.550 (d) - (h). Nothing in this subsection affects that person's right to appeal the department's decision under the Administrative Procedure Act. Eff. 9/25/93, Register 127

Authority: AS 46.03.020 AS 46.04.030 AS 46.04.035 AS 46.04.070

18 AAC 75.580. VOLUNTARY TERMINATION OF REGISTRATION.

Unless the department has taken action under 18 AAC 75.570 for failure to comply, a registered oil spill primary response action contractor may ask the department to terminate registration and to remove that contractor's name from the list required by AS 46.04.035 (e). A request under this section must be in writing and must be sent to all affected plan holders by certified mail. After receiving proof that all affected plan holders have been notified, the request must be submitted to the department with the certificate of registration and proof that all affected plan holders were notified. A request under this section becomes effective on the 30th day after the department receives it as provided in 18 AAC 75.445 (i)(1)(D). Eff. 3/28/96, Register 137

Authority: AS 46.03.020 AS 46.04.030 AS 46.04.035 AS 46.04.070

ARTICLE 6. CIVIL PENALTIES FOR DISCHARGE OF PETROLEUM AND PETROLEUM PRODUCTS AND BYPRODUCTS

Section
605. Applicability
610. Freshwater environments
620. Marine environments
630. Public land environments
640. Toxicity of petroleum and petroleum products and byproducts
650. Degradability of petroleum and petroleum products and byproducts
660. Dispersibility of petroleum and petroleum products and byproducts
670. Schedule of civil penalties

18 AAC 75.605. APPLICABILITY.

18 AAC 75.605 - 18 AAC 75.670 establish a schedule of civil penalties under AS 46.03.758 for the discharge of petroleum and petroleum products and byproducts, other than crude oil. The schedule of civil penalties does not apply to a discharge that is specifically made subject to the provisions of AS 46.03.760 (a). Eff. 5/14/92, Register 122

Authority: AS 46.03.020 AS 46.03.758

C-Plan Contents (18 AAC 75.425)

PART 1 - Response Action Plan

PART 2 - Prevention Plan

PART 3 - Supplemental Information

PART 4 - Best Available Technology (BAT)

+ Financial Responsibility

C-Plan Contents (Proposed SB273 Vessels)

PART 1 — **Response Action Plan (RAP)**

- ⇨ **Initial Notification (e.g. SOPEP)**
- ⇨ **Membership in Co-op (or equivalent capability)**
- ⇨ **Spill Management Capability**

PART 2 — **Prevention Plan by Rule**

BAT — **potentially handle by updating RAP and Prevention Plan every 3-5 years**

+ Financial Responsibility

Industry "C-Plans"

Oil Discharge Prevention & Contingency Plan

- **Industry Specific**
- **Site Specific**
- **Addresses unique**
  - **prevention**
  - **response**
  - **facility, vessel and corporate issues**

Goal: document and demonstrate sufficient resources to contain, clean-up and mitigate potential oil discharges and protect environmentally sensitive areas

RESPONSE PLANNING STANDARD COMPARISON

	RPS Crude Tank Vessels/Barges 18 AAC 75.438	**RPS Noncrude Oil Tank Vessels/Barges** 18 AAC 75.440	**RPS Nontank Vessels > 400 gross tons** SB 273 (AS 46.04.055)
Volumes	The RPS volume for a crude oil tank vessel or barge is: (1) 50,000 bbls, if the tank vessel or barge has a cargo volume of less than 500,000 bbls; and (2) 300,000 bbls, if the tank vessel or barge has a cargo volume of 500,000 bbls or more.	The RPS volume for a noncrude oil tank vessel or barge is equal to 15 % of the total cargo capacity of the oil tank vessel or barge	The RPS volume for a nontank vessel is containment and control of 15 % of the maximum capacity of the nontank vessel
RPS Requirements	The plan holder shall maintain or have available under contract within its region of operation, sufficient discharge containment, storage, transfer, and cleanup equipment, personnel, and other resources to: (1) contain or control and clean up within 72 hours that portion of the RPS volume that enters open water; and (2) contain or control within 72 hours, and clean up within the shortest possible time consistent with minimizing damages to the environment, that portion of the response planning standard volume that enters a receiving environment other than open water. The plan holder shall plan to have deployed and operating within 72 hours, from within and outside its region of operation, sufficient oil discharge containment, storage, transfer, and cleanup equipment, personnel, and the resources to contain, control and clean up at least 60 percent of the total cargo capacity of the tank vessel or barge. 18 AAC 75.438	The plan holder shall maintain or have available under contract within the plan holder's region of operation or other approved location, sufficient oil discharge containment, storage, transfer, and cleanup equipment and personnel, and other resources to: (1) contain and control within 48 hours, and to clean up within the shortest possible time, that portion of the RPS volume that enters open water; and (2) contain or control, and clean up within the shortest period of time consistent with minimizing damage to the environment, that portion of the RPS volume that enters a receiving environment other than water. 18 AAC 75.440	(1) Contain and control within 48 hours 15 percent of the maximum capacity of the nontank vessel. (2) Cleanup the discharge within the shortest possible time consistent with minimizing damage to the environment. SB 273

8/29/00

Introduced by:	Mayor
Date:	09/26/00
Action:	Adopted as Amended
Vote:	8 Yes, 0 No, 1 Absent

KENAI PENINSULA BOROUGH

RESOLUTION 2000-086

A RESOLUTION SUPPORTING THE WORK OF THE TASK FORCE ON MOTORIZED OIL TRANSPORT AND PROMOTING PUBLIC PARTICIPATION

IN THE PROCESS

WHEREAS, oil spills of any kind into marine waters can cause severe damage to the environment and create social and economic distress for the citizens of Alaska; and

WHEREAS, more oil spills occur from nontank vessels and non-crude oil tank vessels than from crude oil tank vessels; and

WHEREAS, Alaska is the only state on the West Coast that has not extended its contingency plan laws to include nontank vessels; and

WHEREAS, the citizens of the state of Alaska expect the same level of oil spill prevention and response from all marine vessels; and

WHEREAS, the 21st Alaska Legislature established a Task Force on Motorized Oil Transport to establish reasonable oil spill prevention and response rules for the Alaska Railroad and nontank vessels; and

WHEREAS, during the past ten years the Regional Citizens Advisory Councils for Cook Inlet and Prince William Sound have proven that citizens oversight is an effective method to prevent oil spills and increase oil spill response readiness; and

WHEREAS, Cook Inlet Regional Citizens Advisory Council has been selected to represent citizen interest on the Task Force.

NOW, THEREFORE, BE IT RESOLVED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH:

SECTION 1. That the Task Force on Motorized Oil Transport and the state of Alaska are urged to seek and support public comment from residents of coastal communities during its deliberations.

SECTION 2. That the Task Force on Motorized Oil Transport and the state of Alaska are urged to recognize the effectiveness of citizen oversight as an oil spill prevention tool.

SECTION 3. That the Task Force on Motorized Oil Transport is urged include in its report to the Alaska Legislature a recommendation that Regional Citizens Advisory Councils be designated to review oil spill prevention and contingency plans for all nontank vessels exceeding 400 gross registered tonnage.

- No review in types of plans talking about - not in scope of mandate

SECTION 4. This resolution becomes effective upon its adoption.

ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 26TH DAY OF SEPTEMBER, 2000.

licensed physician within 60 days before the date of renewal of the license;

(4) submit proof satisfactory to the board that the person has

(A) engaged in piloting vessels subject to this chapter in the marine pilotage region for which the license is to be renewed during at least 120 days in the licensing period immediately preceding the licensing period for which renewal is sought; or

(B) completed the minimum number of familiarization trips required by the board for renewal of a marine pilot license for a marine pilotage region for which the license is to be renewed.

(b) The board shall establish criteria for the renewal of a deputy marine pilot license.

Sec. 08.62.130. Lapsed license. (a) The board shall reinstate a lapsed marine pilot license if, in addition to complying with the requirements of AS 08.01.100(a) - (c) and AS 08.62.120, the pilot takes and passes a written and oral examination if the license has been lapsed one year or more.

(b) The board shall establish criteria for reinstatement of a lapsed deputy marine pilot license.

Sec. 08.62.140. Fees. The department shall set fees under AS 08.01.065 for applications, licenses, agent registrations, investigations, audits, and training.

Sec. 08.62.150. Denial, revocation or suspension. (a) The board shall impose a disciplinary sanction on a person licensed under this chapter when the board finds that the person

(1) is incompetent in the performance of pilotage duties;

(2) is chemically impaired;

(3) illegally possesses, uses, or sells narcotic or hallucinogenic drugs;

(4) makes a false statement to obtain a license;

(5) violates a provision of this chapter or a regulation adopted under this chapter;

(6) is guilty of misconduct during the course of employment;

(7) has had the person's United States Coast Guard pilot license conditioned, suspended, or revoked; or

(8) charges, collects, or receives an amount for pilotage services that is different from the rate adopted under AS 08.62.046 or the rate agreed to under AS 08.62.175(e) by the pilot organization of which the person is a member.

(b) *Repealed 1987.*

Sec. 08.62.155. Disciplinary sanctions. (a) The board may take disciplinary action against a person licensed under this chapter under AS 08.01.075.

(b) The board may impose a civil fine not to exceed $5,000 on a marine pilot organization recognized by the board if the organization violates this chapter or a regulation adopted under this chapter. The board may also suspend or revoke the recognition of a pilot organization that fails to comply with its articles, bylaws, and rules, so as to no longer satisfy the minimum standards for recognition by the board.

Article 3.
Miscellaneous Provisions.

Section

157. Duties of licensed pilots
160. Mandatory employment of licensed pilots
163. Pilots as independent contractors
165. Limitation of liability
170. Pilot's lien for compensation
175. Regional marine pilot organizations
180. Exemptions
185. Certain licensed pilots required for oil tankers
187. Registration of agents required
190. Penalties

Sec. 08.62.157. Duties of licensed pilots. (a) A person licensed under this chapter has a primary duty to safely navigate vessels under the pilot's direction and control and to protect life and property and the marine environment while engaged in the provision of pilot services.

(b) A person licensed under this chapter shall report to the appropriate authority all violations of a federal or state pilotage law.

Sec. 08.62.160. Mandatory employment of licensed pilots. A vessel subject to this chapter navigating the inland or coastal water of or adjacent to the state as determined by the board in regulation shall employ a pilot holding a valid license under this chapter. The board shall define the mandatory pilotage water of the state.

Sec. 08.62.163. Pilots as independent contractors. (a) Pilots licensed under this chapter are independent contractors and may not be employed as an employee of the owner or operator of a vessel subject to this chapter.

(b) The owner or operator of a vessel subject to this chapter may not employ a person licensed under this chapter as an employee.

Sec. 08.62.165. Limitation of liability. (a) A pilot licensed under this chapter is not liable for damages in excess of $250,000 per incident for damages or loss occurring as a result of the error, omission, fault, or neglect of the pilot in performing pilotage services, except that the limitation does not apply in a case where

(1) the pilot is either grossly negligent or guilty of wilful misconduct; or

(2) the error, omission, fault, or neglect of the pilot constitutes an act for which the board shall impose a disciplinary sanction under AS 08.62.150(a)(2) or (3).

(b) Nothing in this section exempts a vessel, a vessel's cargo, or the owner or operator of a vessel or cargo from liability for damage or loss caused by the vessel, the vessel's cargo, or the owner or operator of the vessel or cargo to the vessel, the vessel's cargo, another person, or other property on the ground that

(1) the vessel was piloted by a pilot licensed under this chapter; or

(2) the damage or loss occurred as a result of the error, omission, fault, or neglect of a pilot licensed under this chapter.

(c) An organization of pilots is not liable for claims arising from acts or omissions of a pilot who is a member of the organization or for acts or omissions of another organization of pilots that relate to pilotage of a vessel. A pilot is not liable, directly or as a member of an organization of pilots, for claims arising from acts or omissions of another pilot or organization of pilots that relate to pilotage of a vessel. This subsection does not apply to acts or omissions relating to the ownership or operation of pilot boats or the transportation of pilots to and from a vessel to be piloted.

Sec. 08.62.170. Pilot's lien for compensation. Each vessel, its tackle, apparel, and furniture and the owner of the vessel are jointly and severally liable for the compensation of a pilot employed on the vessel and the pilot has a lien on the vessel, the vessel's tackle, apparel, and furniture for the pilot's compensation.

Sec. 08.62.175. Regional marine pilot organizations. (a) To the extent permitted under federal and state law, persons licensed under this chapter may form organizations of pilots within each pilotage region established by the board.

(b) The board shall recognize pilot organizations that satisfy the minimum standards established by the board by regulation.

(c) A pilot organization recognized by the board shall

(1) promote a safe and reliable system of marine pilotage for the region in which the organization is recognized;

(2) provide for the dispatch of pilots who are members of the organization;

(3) adopt and revise rates for the provision of pilotage services not covered by an agreement under (e) of this section;

(4) subject to the membership application and approval provisions contained in the articles and bylaws of the organization, be open to membership by all persons licensed under this chapter to pilot vessels in the pilotage region in which the organization is recognized;

(5) operate or participate in a training program for pilots and deputy pilots that is approved by the board; a training program for deputy pilots may include a deputy marine pilot apprenticeship program approved by the board;

(6) cooperate with and assist the board in implementing this chapter;

(7) by February 1 of each year, submit a report to the board that includes information on the status of training and apprenticeship programs, the number of members of the pilot organization who are state residents, and other information requested by the board.

(d) A pilot organization recognized by the board may not begin operating until the articles, bylaws, and rules of the pilot organization are approved by the board on the basis of

(1) uniform and nondiscriminatory application of the articles, bylaws, and rules to marine pilots and deputy marine pilots licensed under this chapter and trainees for

marine pilot licenses;

(2) compliance with applicable laws; and

(3) effectiveness in

(A) promoting an efficient, reliable, and professional marine pilotage system in the region;

(B) maintaining a sufficient number of qualified pilots available for dispatch to serve the needs of vessels visiting the region during each hour of the day and each day of the year to the extent that it is reasonably possible given the size of the membership of the pilot organization;

(C) promoting training programs for marine pilots and deputy marine pilots that are approved by the board.

(e) A pilot organization recognized by the board may enter into agreements with the master, owner, operator, or agent of a master, owner, or operator, of a vessel concerning the terms and conditions under which the pilot organization will provide pilotage services.

(f) A pilot organization recognized by the board shall dispatch a person who is licensed under this chapter and who is a member of the organization to provide pilotage services upon the request of a representative of a vessel required to employ a pilot under AS 08.62.160.

Sec. 08.62.180. Exemptions. This chapter does not apply to

(1) vessels subject to federal pilot requirements under 46 U.S.C. 8502 except as provided in AS 08.62.185;

(2) fishing vessels, including fish processing and fish tender vessels, registered in the United States or in British Columbia, Canada;

(3) vessels propelled by machinery and not more than 65 feet in length over deck, except tugboats and towboats propelled by steam;

(4) vessels of United States registry of less than 300 gross tons and towboats of United States registry and vessels owned by the State of Alaska, engaged exclusively

(A) on the rivers of Alaska; or

(B) in the coastwise trade on the west or north coast of the United States including Alaska and Hawaii, and including British Columbia, Yukon Territory, and Northwest Territories, Canada;

(5) vessels of Canada, built in Canada and manned by Canadian citizens, engaged in frequent trade between

(A) British Columbia and Southeastern Alaska south of 58 degrees, 10 minutes North latitude, if reciprocal exemptions are granted by Canada to vessels owned by the State of Alaska and those of United States registry; or

(B) northern Alaska north of 68 degrees, 7 minutes North latitude and Yukon Territory or Northwest Territories;

(6) pleasure craft of United States registry; and

(7) pleasure craft of foreign registry of less than 300 gross tons as measured under 46 C.F.R. 69.51—69.75.

Vessel Type	Gross Tons	Fuel Type	Carried on-board (from Customs Documents – not full capacity – est. that this is approx. 60 to 70% of capacity)	CISPRI Annual Membershipe Fee	Per Transit Fee
Coal Ships – Hyundai Merchant Marine (Usebelli Coal)	38,500 +/-	Bunker "C"	1.1 to 1.76 Million gallons	$50,000	$13,095-41,905
		Diesel and Lube (combined)	145,412 to 223,628 gallons	$25,000 for Non-Persistent Oil	$865-2662
Log Ships (call at Afognak, Seward, Homer, Icy Bay)	15,000 – 20,000	Bunker "C"	771,610 to 992,070 gallons	See above	$9186-23,621
		Diesel and Lube (Combined)	133,000 to 166,000 gallons	See above	$791-1976

Spill Safety Net Legislation

400 Gross Ton Vessels and Bulk Oil Rail Tank Cars

Alaska Department of Environmental Conservation
Division of Spill Prevention and Response

What is meant by "Best Available Technology" (BAT)?

BAT — means the best proven technology available in the world. A plan holder is required to research the technology in use by other world-wide operators to ensure that they are using the best available technology. The BAT analysis is submitted to the State for review and approval under the criteria set forth at 18 AAC 75.425(e)(4) and 18 AAC 75.445(k). BAT requirements apply to both prevention and response technology.

Criteria — Eight criteria are identified in regulation to compare technologies: availability & effectiveness; age and condition; practical application; transferability; environmental impact; and cost. The plan holder must consider all eight criteria when evaluating BAT.

Components — For non-crude vessel plans the planholder must consider the following components in the BAT analysis:

- measures for prompt detection of an oil discharge
- quality of field communications
- procedures to stop a discharge at its source
- ability to track spills
- wildlife protection, recovery and rehabilitation techniques
- if under escort, the vessel must be operated in a manner to allow the escort to take the vessel under tow
- tankers must have a towline ready for rapid deployment
- barges must be prepared to check for leaks after intentional or unintentional groundings
- retrieval of barges if towline breaks

Definitions from: 18 AAC 75, Oil and Hazardous Substances Pollution Control Regulations.

How difficult is it to meet BAT for a non-crude vessel in Alaska?

- To date each regulated non-crude vessel plan has demonstrated that they can meet BAT.
- The estimated economic impact to the planholder has not been significant. The benefits have outweighed the cost.

OMB APPROVAL 2115-0526

INTERNATIONAL OIL POLLUTION PREVENTION CERTIFICATE

(*Note:* This Certificate shall be supplemented by a Record of Construction and Equipment)

Issued under the provisions of the

INTERNATIONAL CONVENTION FOR THE PREVENTION OF POLLUTION FROM SHIPS, 1973

as modified by the Protocol of 1978, relating thereto,
(hereinafter referred to as "the Convention")
under the authority of the Government of

THE UNITED STATES OF AMERICA

by the UNITED STATES COAST GUARD

Name of Ship	Distinctive Numbers or Letters	Port of Registry	Gross Tonnage

Type of ship:

☐ Oil Tanker *(Form B Supplement attached)**

☐ Ship other than an oil tanker with cargo tanks coming under regulation 2(2) of Annex I of the Convention *(Form B Supplement attached)**

☐ Ship other than any of the above *(Form A Supplement attached)**

THIS IS TO CERTIFY:

1. That the ship has been surveyed in accordance with the requirements of regulation 4 of Annex I on the Convention; and

2. That the survey shows that the structure, equipment, systems, fittings, arrangement and material of the ship and the condition thereof are in all respects satisfactory and that the ship complies with the applicable requirements of Annex I of the Convention.

This certificate is valid until: _____
subject to surveys in accordance with regulation 4 of Annex I of the Convention.

Issued at: _____
Place of issue

_____ _____
Date of Issue *Officer in Charge, Marine Inspection, U.S. Coast Guard*

The Coast Guard estimates that the average burden for this report is 20 minutes. You may submit any comments concerning the accuracy of this burden estimate or any suggestions for reducing the burden to: Commandant (G-MVI), U.S. Coast Guard, Washington, DC 20593-0001 or Office of Management and Budget, Paperwork Reduction Project (2115-0526), Washington DC 20503.

INTERNATIONAL OIL POLLUTION PREVENTION CERTIFICATE

ENDORSEMENT FOR ANNUAL AND INTERMEDIATE SURVEYS

THIS IS TO CERTIFY that at a survey required by regulation 4 of Annex I of the Convention the ship was found to comply with the relevant provisions of the Convention.

Annual Survey:

Signed: _____

Place: _____

Date: _____

Annual*/Intermediate Survey:

Signed: _____

Place: _____

Date: _____

Annual*/Intermediate Survey:

Signed: _____

Place: _____

Date: _____

Annual Survey:

Signed: _____

Place: _____

Date: _____

* Delete as appropriate

2944

OMB APPROVAL 2115-0526

FORM A

SUPPLEMENT TO THE

INTERNATIONAL OIL POLLUTION PREVENTION CERTIFICATE (IOPP CERTIFICATE)

Record of Construction and Equipment for Ships other than Oil Tankers

in respect of the provisions of Annex I of the

INTERNATIONAL CONVENTION FOR THE PREVENTION OF POLLUTION FROM SHIPS, 1973

as modified by the Protocol of 1978, relating thereto,
(hereinafter referred to as "the Convention").

Notes:
1. This form is to be used for the third type of ship as categorized in the IOPP Certificate, i.e."ships other than any of the above". For oil tankers and ships other than oil tankers with cargo tanks coming under regulation 2(2) of Annex I of the Convention, Form B shall be used.
2. This Record shall be permanently attached to the IOPP Certificate. The IOPP Certificate shall be available on board the ship at all times.
3. If the language of the original Record is neither English or French, the text shall include a translation into one of these languages.
4. Entries in boxes shall be made by inserting either a cross (x) for the answers "yes" and "applicable" or a dash (-) for the answers "no" and "not applicable" as appropriate.
5. Regulations mentioned in this Record refer to regulations of Annex I of the Convention and resolutions refer to those adopted by the International Maritime Organization.

1. Particulars of ship:

1.1 Name of ship: _____
1.2 Distinctive number or letters: _____
1.3 Port of registry: _____
1.4 Gross tonnage: _____
1.5 Date of build:
1.5.1 Date of building contract: _____
1.5.2 Date on which keel was laid or ship was at a similar stage of construction: _____
1.5.3 Date of delivery: _____
1.6 Major conversion (if applicable):
1.6.1 Date of conversion contract: _____
1.6.2 Date on which conversion was commenced: _____
1.6.3 Date of completion of conversion: _____
1.7 Status of ship:
1.7.1 New ship in accordance with regulation 1(6): ☐
1.7.2 Existing ship in accordance with regulation 1(7): ☐
1.7.3 This ship has been accepted by the Administration as an "existing ship" under regulation 1 (7) due to an unforseen delay in delivery: ☐

An agency may not conduct or sponsor, and a person is not required to respond to, a collecton of information unless it displays a valid OMB control number.

The Coast Guard estimates that the average burden for this report is 20 minutes. You may submit any comments concerning the accuracy of this burden estimate or any suggestions for reducing the burden to: Commandant (G-MSO), U.S. Coast Guard, Washington, DC 20593-0001 or Office of Management and Budget, Paperwork Reduction Project (2115-0626), Washington DC 20503.

VESSEL NAME: _____ DATE ISSUED: _____

FORM A, SUPPLEMENT TO THE INTERNATIONAL OIL POLLUTION PREVENTION CERTIFICATE

2. Equipment for the control of oil discharge from machinery space bilge and oil fuel tanks (regulations 10 and 16):

2.1 Carriage of ballast water in oil fuel tanks:

2.1.1 The ship may under normal conditions carry ballast water in oil fuel tanks ☐

2.2 Type of oil filtering equipment fitted:

2.2.1 Oil filtering (15 ppm) equipment (regulation 16(4)) ☐

2.2.2 Oil filtering (15 ppm) equipment with alarm and automatic stopping device (regulation 16(5)) ☐

2.3 The ship is allowed to operate with the existing equipment until 6 July 1998, (regulation 16(6)) and fitted with:

2.3.1 Oily-water separating (100 ppm) equipment ☐

2.3.2 Oil filtering (15 ppm) equipment without alarm ☐

2.3.3 Oil filtering (15 ppm) equipment with alarm and manual stopping device ☐

2.4 Approval standards:

2.4.1 The separating/filtering equipment :

.1 has been approved in accordance with resolution A.393(X) ☐

.2 has been approved in accordance with resolution A.233(VII) ☐

.3 has been approved in accordance with national standards not based upon resolution A.393(X) or A.233(VII) ☐

.4 has not been approved ☐

2.4.2 The process unit has been approved in accordance with resolution A.444(XI) ☐

2.4.3 The oil content meter has been approved in accordance with resolution A.393(X) ☐

2.5 Maximum throughput of the system is _____ m3/h.

2.6 Waiver of regulation (16):

2.6.1 The requirements of regulation 16(1) or (2) are waived in respect of the ship in with regulation 16(3)(a). The ship is engaged exclusively on:

.1 voyages within special area(s) _____ ☐

.2 voyages within 12 miles of the nearest land outside special area(s) restricted to: _____ ☐

2.6.2 The ship is fitted with holding tank(s) having a volume _____ m3 for the total retention on board of all oily bilge water ☐

VESSEL NAME: _____ DATE ISSUED: _____

FORM A, SUPPLEMENT TO THE INTERNATIONAL OIL POLLUTION PREVENTION CERTIFICATE

3. Means of retention and disposal of oily residues (sludge) (regulation 17):

3.1 The ship is provided with oil residue (sludge) tanks as follows:

Tank Identification	Tank	Location		Volume (m3)
	Frames (from) - (to)	Lateral	Position	

Total Volume _____ m3.

3.2 Means for the disposal of residues in addition to the provisions of sludge tanks:

3.2.1 Incinerator for oil residues, capacity_____ l/h ☐

3.2.2 Auxiliary boiler suitable for burning oil residues ☐

3.2.3 Tank for mixing oil residues with fuel oil, capacity_____m3 ☐

3.2.4 Other acceptable means:_____ ☐

4. Standard discharge connection (regulation 19):

4.1 The ship is provided with a pipeline for the discharge of residues from machinery bilges to reception facilities, fitted with a standard discharge connection in accordance with regulation 19 ☐

5. Shipboard oil pollution emergency plan (regulation 26):

5.1 The ship is provided with a shipboard oil pollution emergency plan in compliance with regulation 26 ☐

VESSEL NAME: _____ DATE ISSUED: _____

FORM A, SUPPLEMENT TO THE INTERNATIONAL OIL POLLUTION PREVENTION CERTIFICATE

6. Exemption:

6. Exemptions have been granted by the Administration from the requirements of chapter II of Annex I of the Convention in accordance with regulation 2(4)(a) on those items listed under paragraph(s) : _____

_____

_____

_____

_____

_____

_____

_____ of this Record. ☐

7. Equivalents (regulation 3):

7.1 Equivalents have been approved by the Administration for certain requirements of Annex I listed under paragraph(s): _____

_____

_____

_____

_____

_____

_____

_____ of this Record. ☐

THIS IS TO CERTIFY that this Record is correct in all respects.

Issued at: _____
Place of issue of the Record

_____ _____
Date of issue *Officer in Charge, Marine Inspection, U.S. Coast Guard*

ATTACHMENT TO THE IOPP CERTIFICATE AND FORM A SUPPLEMENT

RECORD OF CONSTRUCTION AND EQUIPMENT FOR SHIPS OTHER THAN OIL TANKERS

IOPP CERTIFICATE - GROSS TONNAGE:

* The vessel's gross tonnage has been measured by the tonnage authorities of the United States of America in accordance with national tonnage rules which were in force prior to the coming of the International Convention on Tonnage Measurement of Ships, 1969: ..... ☐

8 WAIVER OF REGULATION 16

8.1 The ship is waived from the requirements of Regulation 16(1) and (2) in accordance with Regulation 16 (3) (a). The ship is engaged exclusively on:

.1 Voyages within Special Area(s): ..... ☐

.2 The ship is fitted with holding tank having a volume of _____ m^3 for the total retention on board of all oily bilge water: ..... ☐

9 WAIVER OF REGULATION 21

9.1 Drilling rigs shall be equipped as far as practicable with oil-water separating/filtering equipment. The Coast Guard has determined that it is not practicable to install oil-water separating/filtering equipment on this ship. All platform machinery space oily wastes shall be retained on boarding the waste oil tank for discharge in barrels to reception facilities: ..... ☐

Information Relating to Tax Credits for Non-Tank Vessels

Prepared by Deborah Vogt
Information from the Alaska Department of Revenue
Income and Excise Audit Division FY99 Annual Report

1. What taxes are paid by at least some members of the non-crude vessel group?

Taxes directly paid:

- Corporate Income Tax
- Fisheries Business Tax
- Fisheries Landing Tax

Taxes indirectly paid:

- Insurance Premium Tax
- Motor Fuel Tax

2. Corporate Income Tax (AS 43.20)

Who pays

"C" corporations doing business in Alaska who show a profit on their federal tax return are subject to Alaska's corporate income tax. The rate is graduated up to income of about $90,000; above that amount, the rate is 9.4%.

Corporations that are organized as "Subchapter S" corporations do not pay income tax in Alaska. There are approximately 14,0000 corporations that file reports with the Alaska Department of Revenue each year. Of these, 5500 are "S" corporations. "S" corporations are generally closely held or family corporations. Undoubtedly some of the non-crude vessel companies are "S" corporations.

Income from foreign registered vessels is, under legislation passed in 1998, exempt from corporate income tax. Even though the owner of the vessel might be a domestic company, if the vessel is registered abroad, income from its activities is exempt. The Jones Act prohibits non-US vessels from carrying cargo between US ports. A similar act does the same for passengers. Most vessels carrying freight or passengers between Alaska and a foreign country are foreign registered and pay no income tax. The large cruise ships that board in Vancouver fall into this category, as would spot charter vessels carrying cargo abroad. Domestic cargo and passenger vessels engaged in trade within US ports are subject to the corporate income tax.

How much is paid?

Taxpayer information is, of course, confidential so it is not possible to know the amount of tax paid by members of the non-tank vessel group. Excluding oil companies, 7460 corporations paid $52,870,342 in taxes in FY99 (the most recent year for which information is available). Although the average tax liability would thus

be about $7,000, in fact only 1011 taxpayers paid more that $1000 in tax. The 79 top taxpayers paid 78% of the tax.

The Department of Revenue does not have detailed "sector" information showing how much tax various categories of taxpayers pay. The department's economist has put together some broad categories; he indicates that in FY99, the following amounts were paid:

Fisheries	$1,359,905
Transportation	$3,669,637

The "Fisheries" category includes shore-side processors, and, of course, income from vessels less than 400 tons. The "Transportation" category is dominated by air transportation, and also includes land-based companies.

How is the tax calculated?

The Alaska corporate income tax is based on a taxpayer's federal tax return. A portion of the taxpayer's federal taxable income is "apportioned" to Alaska using a formula that, for vessels, includes a comparison of how many days the taxpayer's ship was in Alaska ports compared with its days in port everywhere. The inevitable result of an apportionment system is that a taxpayer will sometimes pay tax in Alaska despite suffering losses in the state, or may pay no tax in Alaska despite earning significant income here.

3. The taxes on fisheries businesses. (AS 43.75 and AS 43.77)

The "raw fish tax" is levied on a fisheries business (processor) based on the value paid to fishermen. The rate varies from 1% to 5%; it is 5% for floating processors. Of the approximately 500 fisheries business licenses issued in FY99, about half were to floating processors. The tax generated $25.9 million in FY99, or an average of about $50,000 per taxpayer. The proceeds of the tax are shared 50/50 with the municipality in which the fish were processed.

The fishery resource landing tax is a companion tax to the raw fish tax, and is levied on those engaged in offshore fishing who land fish in Alaska. It is based on the value of the fish landed; the rate is 3% except for developing species, which is 1%. The 66 taxpayers in this group paid $5.9 million, or about $90,000 each. This revenue is also shared with the local government on a 50/50. Under federal law, businesses pay for fish taken off Alaska but not landed there (generally, the "last load") an amount equivalent to what the tax would be if the fish were landed in Alaska.

4. Existing credits.

Education credits. Taxpayers can claim as a credit against a variety of taxes including the corporate income tax, the fisheries business tax and fisheries landing tax, 50% of the first $100,000 contributed to educational institutions, and 100% of the next $100,000 so contributed. The credit is limited to 50% of the tax liability. In the case of the fisheries taxes, the credits do not affect the share of tax received by a municipality. Corporate income tax taxpayers claimed $1.6 million in education

credits in FY99; fisheries business tax taxpayers, $0; and fishery resource landing tax taxpayers, $165,000. The fisheries taxpayers may also contribute to a scholarship fund called the Winn Brindle memorial scholarship account and claim a credit up to 5% of the tax liability; fisheries business taxpayers claimed $231,329 in credits, and landing tax taxpayers claimed $16,528.

CDQ credits. Landing tax taxpayers may claim a credit up to 45.45% of the tax liability due on the CDQ resources landed by the taxpayer for contributions to fisheries related programs at educational institutions. These taxpayers claimed $35,482 in credits in FY99.

PORTS THAT HAVE HAD FISH RELATED SHIPPING IN THE PAST TEN YEARS

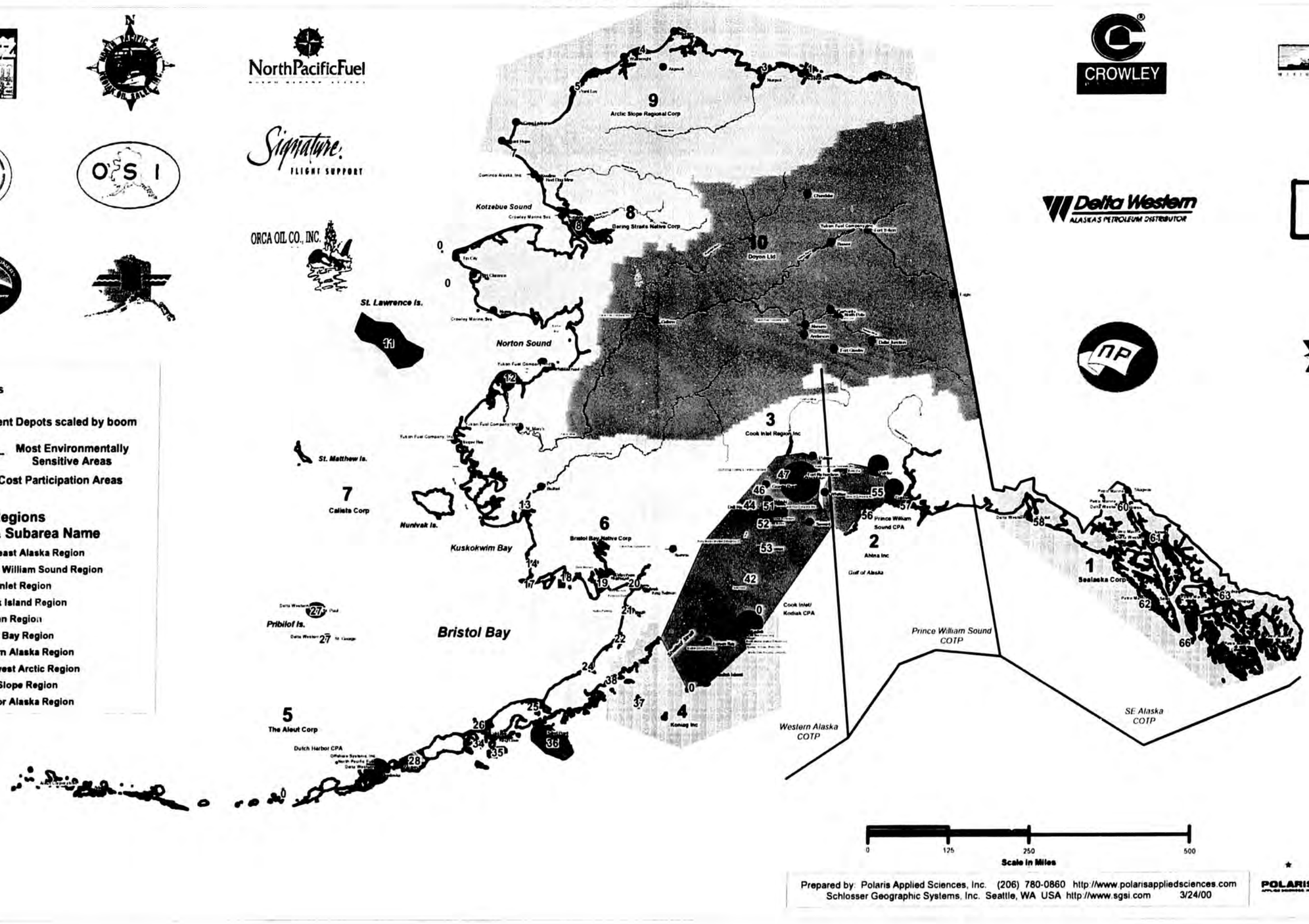
REGION	Location
SOUTH SEWARD PENNISULA	Port Clarence, Alaska
NORTON SOUND	Cape Denbigh, Alaska
	Unalakleet, Alaska
	Besboro Island (Surrounding Waters), Alaska *
	Egg Island (Surrounding Waters), Alaska *
	St. Michael, Alaska
	Stuart Island, (Surrounding Waters) Alaska *
	Black Point, Alaska
SCAMMON BAY	Scammon Bay, Alaska
SCAMMON BAY	Kokechik Bay, Alaska
SCAMMON BAY	Cape Romanzoff, Alaska
HOOPER BAY	Hooper Bay, Alaska
NUNIVAK ISLAND	Meykoryuk/Cape Etolin, Alaska
NUNIVAK ISLAND	Nunivak Island (Surrounding Waters), Alaska
NUNIVAK ISLAND	Nash Harbor, Alaska
NUNIVAK ISLAND	Cape Vancouver, Alaska
TOOKSOK	Nelson Island (Surrounding Waters), Alaska*
TOOKSOK	Cape Avinof, Alaska
KUSKOKWIM	Kuskokwim Bay, Alaska
KUSKIKWIM	Goodnews Bay, Alaska
	Bethel, Alaska
TOGIAK	Security Cove, Alaska
TOGIAK	Hagemeister Strait, Alaska
TOGIAK	Togiak Bay, Alaska
TOGIAK	Anchor Point(Near Togiak), Alaska
TOGIAK	Nunavachak Bay, Alaska
TOGIAK	Summit Island (Surrounding Waters), Alaska *
BRISTOL BAY	Kvichak Bay/Naknek, Alaska
BRISTOL BAY	Nushagak, Bay, Alaska
BRISTOL BAY	Egegik Bay, Alaska
BRISTOL BAY	Ugashik Bay, Alaska
	Port Moller, Alaska
BRISTOL BAY	Port Heiden, Alaska
FALSE PASS	Amak Island (Surrounding Waters), Alaska
FALSE PASS	Ikatan Bay, Alaska
FALSE PASS	Otter Cove(Near False Pass), Alaska
FALSE PASS	East Anchor Cove(Near False Pass), Alaska
WESTERN ALEUTIANS	Attu Island (Surrounding Waters), Alaska*
	Amchitka Island (Surrounding Waters), Alaska*
	Kiska Island (Surrounding Waters), Alaska*
	Tanuga Island (Surrounding Waters), Alaska*
	Adak Island (Surrounding Waters), Alaska
MID ALEUTIANS	Atka Island (Surrounding Waters), Alaska
DUTCH HARBOR	Dutch Harbor, Alaska
ALASKA PENNISULA	Cold Bay, Alaska
	Volcano Bay(Near Pavlof), Alaska
	Ivanof Bay, Alaska
	Pavlof Bay, Alaska
	Nagai Island (Surrounding Waters), Alaska *
	Alinchuk Bay, Alaska
	King Cove, Alaska

	Sand Point, Alaska
	Squaw Harbor, Alaska
	Chignik, Alaska
AKUTAN	Akutan, Alaska
AKUTAN	Beaver Inlet, Alaska
AKUTAN	Lost Harbor, Alaska
PRIBILOFS	St. Paul Island (Surrounding Waters), Alaska
	St. George Island (Surrounding Waters), Alaska
DUTCH HARBOR	Makushin Bay, Alaska
MID BERING SEA	St. Mathews Island (Surrounding Waters), Alaska *
KODIAK	Old Harbor, Alaska
KODIAK	Kiliuda Bay, Alaska
KODIAK	Ugak Bay, Alaska
KODIAK	Larsen Bay, Alaska
KODIAK	Uganik Bay, Alaska
KODIAK	Sitkalidak Bay, Alaska
	Alitak Bay, Alaska
	Port Bailey, Alaska
	Kodiak, Alaska
COOK INLET	Iniskin Bay, Alaska
COOK INLET	Kamishak Bay, Alaska
	Homer, Alaska
	Seward, Alaska
PRINCE WILLIAM SOUND	Shelter Bay, Alaska
	Harris Bay, Alaska
	Sawmill Bay, Alaska
	Naked Island (Surrounding Waters), Alaska *
	Unakwik Inlet, Alaska
	Tatitlek, Alaska
	Port Gravina, Alaska
	Port Fidalgo, Alaska
	Thumb Bay, Alaska
	Port Wells, Alaska
	Montegue Island, Alaska *
	Two Moon Bay, Alaska
	Valdez, Alaska
	Unakwik Inlet
	Cordova, Alaska
GULF OF ALASKA	Yakutat Bay, Alaska
SOUTH EAST ALASKA	Hold Island, Alaska *
	Neets Bay, Alaska
	Waterfall, Alaska
	Port Estrella, Alaska
	Pelican, Alaska
	Hoonah, Alaska
	Sitka, Alaska
	Kake, Alaska
	Petersburg, Alaska
	Wrangell, Alaska
	Craig, Alaska
	Ketchikan, Alaska
	Metlakatla, Alaska
	Noyes Island, Alaska *

Ports that have had Timber/Other Cargo related shipping in the past 10 years

	Location
Ketchikan	Southeast
Metlakatla	Southeast
Coon Cove	"
Dora Bay	"
West Arm of Chomondeley Sound	"
Klawock	"
Kasaan Bay	"
Grace Harbor	"
Hoonah	"
Juneau	"
Hobart Bay	"
Kake	"
Sitka	"
Icy Bay	South Central
Afognak Island	South West
Port Graham	Kenai Peninsula
Shakan Bay	Southeast
Skagway	"
Haines	"
Wrangell	"
Skagway (concentrates)	"
Red Dog (concentrates)	Bering Sea
Hawk Inlet (concentrates)	Southeast
Calder (concentrates)	"
Seward	Kenai Peninsula
Homer	Kenai Peninsula

ALASKA CHADUX CORPORATION



- Facilities
- Equipment Depots scaled by boom
- 28 MESAs – Most Environmentally Sensitive Areas
- CPAs – Cost Participation Areas

Regions
Number & Subarea Name

1. 1 - Southeast Alaska Region
2. 2 - Prince William Sound Region
3. 3 - Cook Inlet Region
4. 4 - Kodiak Island Region
5. 5 - Aleutian Region
6. 6 - Bristol Bay Region
7. 7 - Western Alaska Region
8. 8 - Northwest Arctic Region
9. 9 - North Slope Region
10. 10 - Interior Alaska Region

0 125 250 500

Scale in Miles

Prepared by: Polaris Applied Sciences, Inc. (206) 780-0860 http://www.polarisappliedsciences.com
Schlosser Geographic Systems, Inc. Seattle, WA USA http://www.sgsi.com 3/24/00

CONTINGENCY PLAN REQUIREMENTS FOR VESSELS:
A COMPARISON OF WEST COAST STATES REQUIREMENTS AND FEDERAL REQUIREMENTS
6/9/95

Contingency Plan Requirement	Washington	Oregon	Alaska	California	U.S.	Canada
	317-10 WAC	OAR 340-47	18 AAC 75	CCR Title 14, Division 1, Subdivision 4, Chapter 2, Subchapter 3, Sections 815-819	33 CFR Part 150, et al.	Part XV Canada Shipping Act
Applicability	All tank vessels and cargo and passenger vessels greater than 300 gross tons, 317-10-035	Tanks vessels, cargo vessels, and passenger vessels of 300 gross tons or more. 340-47-120(1)	Tank vessels, oil barges, or any other vessel transporting liquid bulk oil cargo. 18 AAC 75.400	All tankers and barges. 818.01(a)	Tank vessels. 155.1015	Tank vessels > 150 gross tones and all other vessels that carry oil as fuel or cargo greater than 400 gross tons.
Plan format requirements	Chapters - include information on emergency response and cleanup operations. Appendices - include supplemental background and documentation information. 317-10-045	Chapters - include information on emergency response and cleanup operations. Appendices - include supplemental background and documentation information. 340-47-140(2)	Cover page including statement of authority, title, table of contents, and the following order: Part 1, Response Action Plan; Part 2, Prevention Plan; and Part 3, Supplemental Information. 18 AAC 75.425(c)-(e)	Chapters, sections, and appendices. 816.02(b)(2) Chapters and sections - information on emergency response and cleanup operations. Appendices - vessel specific, facility specific, and geographic specific. 816.02(c) Guidance Documents - supplemental environmental and procedural data. 815.03	Sections - include information on emergency response and cleanup operations. Appendices - geographic specific information and vessel specific information. 155.1030(c)	
Field Document	Field document summaries key notification and action elements of the plan. 317-10-045(5)	Field documentation summarizes key notification and action elements of the plan. 340-47-140(5)	Not required.	A simplified response manual suitable for onscene use in the event of a spill summarizes key notification information and initial response actions specified in the plan. 818.02(a)	A copy (in English and in a language understood by the crew) of specific sections must be aboard the vessel. 155.1030(i)(1)	Describes the manner in which the operator will comply with the regulations; identifies authorized persons to implement the response; and lists procedures, equipment, and resources. 620.2(4)(c)
Planning spill Volume	Worst case spill. 317-10-050(4)(c) Worst cast definition: a spill of the vessel's entire cargo and fuel complicated by adverse weather conditions. 317-10-030(34)	Maximum probable and worst case spill. 340-47-150(4)(c) Maximum probably spill definition: maximum probable spill considering the history of spills from similar vessels of the same class operating on the west coast of the United States. Worst case definition: a spill of the entire cargo and fuel complicated by adverse conditions. 340-47-010(18)&(36)(c)	Greatest possible discharge that could occur, subject to the provisions of AS 46.04.020 and AS 46.09.020. 18 AAC 75.430(a) Definition: ?????	Reasonable worst case spill. 818.02(e)(1) Reasonable worst case is calculated as 25% of the vessel's cargo capacity. 818.02(e)(1)&(f)(1)	For oil transfer operations: average most probably discharge (50 barrels). For all other operations: maximum most probably discharge (2,500 bbls of oil for vessels with a cargo capacity ≤25,000 bbls and 10% of the vessel's cargo capacity >25,000 bbls) and worst case discharge (discharge in adverse weather conditions of a vessel's entire oil cargo). 155.1020	Total amount of oil that the ship carries, both as cargo and as fuel to a maximum of 10,000 tonnes. 660.(4)(b)

CONTINGENCY PLAN REQUIREMENTS FOR VESSELS
A COMPARISON OF WEST COAST STATES REQUIREMENTS
4/4/94

Contingency Plan Requirement	Washington	Oregon	Alaska	California	U.S.	Canada
	317-10 WAC	OAR 340-47	18 AAC 75	CCR Title 14, Division 1, Subdivision 4, Chapter 2, Subchapter 3, Sections 815-819	33 CFR Part 150, et al.	Part XV Canada Shipping Act
Organization of spill response system	Identify role of incident commander or primary spill response manager (possesses the lead authority in spill response and cleanup decisions). Diagram of chain of command. 317-10-050(7)	Identify role of incident commander or primary spill response manager (possesses the lead authority in spill response and cleanup decisions). Diagram of chain of command. 340-47-150(7)	Describe the command system of each person responsible for responding to a discharge, and each person's functional role in the command system, including command, fiscal, operations, planning, and logistics lead personnel. 18 AAC 75.425(e)(3)(C)	Identify qualified individual (has full written authority to implement the contingency plan). Plan shall describe process of transferring responsibility to alternate(s). 818.02(a)(2)	Describe qualified individual's responsibilities and authority including procedures to communicate with Federal OSC and oil spill removal organizations. Describe organizational structure to manage response actions and responsibilities of each oil spill management team member. 155.1035(d)	Must identify the emergency command and control structure which shall be established in the event of an oil pollution incident. Roles and responsibilities of the personnel involved in the chain of command. Sufficient details of their duties should be provided to ensure that all critical activities are covered.
Member of an oil spill response cooperative sufficient?	Yes. Can also meet requirements through a private primary response contractor. 317-10-050(8)(b)	Yes. Can also meet requirements through a private primary response contractor. 340-47-150(8)(b)	Yes. Can also meet requirements through a response action contractor. The use of a contractor does not relieve the plan holder of its responsibility to provide the information required by this subsection, and to meet all other applicable requirements of 18 AAC 75.400–495. 18 AAC 75.425(e)(3)(H)	Yes. Can also meet requirements through a private primary response contractor. 816.01(a)(4)(C) and 818.02(a)(4)	Yes. Can also meet requirements through a private oil spill removal organization. 155.1035(i)(5)	Yes.
Primary response contractor approval	Primary response contractors are approved based upon response resources available in the state and ability to mobilize these resources within a specified time period. 317-10-050(8)(c)	Primary response contractors are approved based upon response resources available in the state and ability to mobilize these resources within a specified time period. 340-47-150(8)(c)	If a response contractor will be used for any part of the plan, the plan must include accurate and complete information regarding all contractors and a copy of the contract(s) or a summary which clearly demonstrates the contractor's obligations and availability, as well as proof that appropriate equipment to be provided will be kept in a state of readiness. 18 AAC 75.445(i)	Equipment, equipment maintenance, and equipment and personnel deployment readiness must be verifiable by inspection. 819.03(d) Approval ratings are based on the projected arrival time of the response equipment and personnel to the scene of a spill. 819.04(c)(3)	Primary response contractors are approved based upon nation-wide resources. 155.1035(i)(8)	Private-sector "response organizations" have to demonstrate their capacity to mobilize response equipment and trained personnel when a spill occurs. Describe strategies for responding to spills in their "geographic area of response" and specify the organization's "rate capability," which is defined as "the largest volume of oil for which a response organization is certified to respond.

CONTINGENCY PLAN REQUIREMENTS FOR VESSELS
A COMPARISON OF WEST COAST STATES REQUIREMENTS
4/4/94

Contingency Plan Requirement	Washington	Oregon	Alaska	California	U.S.	Canada
	317-10 WAC	OAR 340-47	18 AAC 75	CCR Title 14, Division 1, Subdivision 4, Chapter 2, Subchapter 3, Sections 815-819	33 CFR Part 150, et al.	Part XV Canada Shipping Act
Relationship to government response systems	Plan must describe its relation to all applicable local, state, regional, and federal government spill response plans. Plan must coordinate with ICS utilized by state and federal authorities. 317-10-050(9)	Plan must describe its relation to all applicable local, state, regional, and federal government spill response plans. Plan must coordinate with ICS utilized by state and federal authorities. 340-47-150(9)	The command system described in the plan must be compatible with the state's response structure as outlined in the state master plan. 18 AAC 75.425(e)(3)(C)	Plan must be consistent with State Oil Spill Contingency Plan and Area Plan(s) and not in conflict with the National Oil and Hazardous Substances Pollution Contingency Plan. 816.04(c) Plan must coordinate with Incident Command System utilized by state and federal authorities. 818.02(g)(1)	Plan must be consistent with the National Response system, National Contingency Plans, and Area Contingency Plans. 155.1035(d)	Quick, efficient coordination between the vessel personnel, Response Organizations, regulatory authorities, and concerned agencies or groups is vital in mitigating the effects of an oil pollution incident. The Oil Pollution Emergency Plan must take into consideration National and Regional contingency plans.
Spill detection capabilities	List procedures used to detect and document the presence and size of a spill, including methods which are effective during low visibility. 317-10-050(10)	List procedures used to detect and document the presence and size of a spill, including methods which are effective during low visibility. 340-47-150(10)	Describe means of discharge detection. 18 AAC 75.425(e)(2)	Describe leak detection and spill prevention safety and alarm system, devices, equipment, or procedures. 818.02(c)(2)(B)	Vessel response plans do not require spill detection capabilities.	
Notification Procedures	Must identify person or central reporting office responsible for notification. Notification call out list includes spill response personnel, government agencies, and order of priority. 317-10-050(11)(a)&(b)	Identify central reporting office or individual responsible for implementing call out process. Notification call out list includes contact for all spill response personnel, government agencies, and order of priority. 340-47-150(11)(a)&(b)	A checklist of immediate response and notification steps must describe personnel responsible for making notification, and agencies and persons to be notified. 18 AAC 75.425(e)(1)(A)&(B)	Identify central reporting office of individual who is responsible for initiating the notification process. Notification call out list includes spill response personnel, government agencies, order of priority, and checklist of information to be reported. 818.02(h)(1)&(2)(B)&(C)&(h)(4)	Notification checklist in order of priority, identification of person(s), procedures for notifying the qualified individual, description of communication methods, information to be provided in initial and follow-up notifications, and information to facilitate assessment of damage, stability, and stress. 155.1035(b)	Must identify all people or agencies to be advised of an oil pollution incident, and show how they can be contacted on 24-hour per day basis. The plan must also identify what alternative action is to be taken if the above-mentioned people or agencies cannot be contacted at the time of attempted notification. The list must show clearly which persons have the authority to invoke or implement any measures to respond to an oil pollution incident, including contracting with a Response Organization. The list of contacts must be updated as changes occur.

CONTINGENCY PLAN REQUIREMENTS FOR VESSELS
A COMPARISON OF WEST COAST STATES REQUIREMENTS
4/4/94

Contingency Plan Requirement	Washington	Oregon	Alaska	California	U.S.	Canada
	317-10 WAC	OAR 340-47	18 AAC 75	CCR Title 14, Division 1, Subdivision 4, Chapter 2, Subchapter 3, Sections 815-819	33 CFR Part 150, et al.	Part XV Canada Shipping Act
Incident Category System	Encouraged to follow Washington state-wide master oil and hazardous substance spill contingency plan. 317-10-050(11)(c)	Encouraged to follow Volume II of the Oregon Oil and Hazardous Materials Spill Contingency Plan. 340-47-150(11)(c)	Not covered.	Must be consistent with State Oil and Hazardous Substances Pollution Contingency Plan and not be in conflict with the National Oil and Hazardous Substances Pollution Contingency Plan. 816.04(c)(1)	Must be consistent with National Oil Hazardous Substances Pollution Contingency Plan and the Area Contingency Plans. 155.1030(h)(1)	
Personnel Resources and Training	List job descriptions, number of personnel available, prepositioning arrangements, type and frequency of training, and volunteer procedures. 317-10-050(12)	List job descriptions, number of personnel available, prepositioning arrangements, type and frequency of training, and volunteer procedures. 340-47-150(12)	Personnel must be trained and kept current in the specifics of plan implementation, in addition to maintaining continuous compliance with other state and federal training requirements. 18 AAC 75.425(j)	List jobs by category, including job descriptions. Must have sufficient personnel to maintain a response effort of at least 14 days. 818.02(e)(5)(C)(1)-(3) Discuss spill response training and experience, regulatory awareness and compliance, and supervision. 818.02(e)(5)(D)	Identify crew, qualified individual, and spill management team training. May identify equivalent work experience which fulfills specific training requirements. Must be trained to meet Occupational Safety & Health Administration (OSHA) standards. 155.1055(a)(c)&(e)	Document the type of spill training permanent employees and contract personnel receive. Must contain, as an annex, a training plan for vessel personnel and any other persons who may respond to an oil pollution incident at the facility. The training plan must include the type and frequency of training, the syllabus of the courses, and an inventory of persons who have received the training.
Equipment capabilities	List type, quantify, age, location, maintenance schedule, availability, and prepositioning arrangement of equipment. State maximum amount of oil which could be recovered in a 24-hour period. 317-10-050(13)(a)(d)&(f)	List type, quantity, age, location, maintenance schedule, availability, and prepositioning arrangement of equipment. State maximum amount of oil which could be recovered in a 24-hour period. 340-47-150(13)(a)(d)&(f)	List discharge containment, control, cleanup, storage, pumping, lightering, and related response equipment, including location, ownership, time frames for delivery and start up, manufacturer's rated capacities, limitations, and characteristics, and procedures for equipment storage, inspection, and maintenance. 18 AAC 75.425(e)(3)(F)	Plans shall demonstrate access to equipment and services necessary to comply with on-water and shoreline response capability standards, taking into account derated capacity of the equipment. Equipment must be appropriate for use under local environmental conditions, and information must include inventory of all response, storage, pumping, tracking and transfer equipment (including vessels and nonmechanical response equipment), operational characteristics, derated capacity, and storage, maintenance, inspection, and testing procedures. (14 CCR 818.02(e)(5)(B)	Describe response resources and related information. 155.1035(7) Must meet or exceed given operating criteria. 155.1050(c)(1) Must be periodically inspected and maintained in good operating condition. 155.1062(1)	All the spill response and support equipment must be capable of operating under the range of environmental conditions expected in the organization's GAR.

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	317-10 WAC	OAR 340-47	18 AAC 75	CCR Title 14, Division 1, Subdivision 4, Chapter 2, Subchapter 3, Sections 815-819	33 CFR Part 150, et al.	Part XV Canada Shipping Act
Efficiency Factor	Average 20% 317-10-050(13)(e)	Average 20% 340-47-150(13)(3)	Not covered.	20% 815.05(1)	20% Appendix B 6.2.1	20%
Communica-tions systems	List communication procedures, communication function assigned to each channel or frequency, and maximum geographic range of each channel of frequency. 317-10-050(14)	List communication procedures, communication function assigned to each channel or frequency, and maximum geographic range of each channel of frequency. 340-47-150(14)	Describe field communications procedures, including, if applicable, assigned radio channels or frequencies and their intended use by response personnel. 18 AAC 75.425(e)(1)(D)	Describe communication procedures, communication function assigned to each channel or frequency, maximum broadcast range for each channel or frequency used, and redundant and back-up systems. 818.02(g)(6)	Provide descriptions of the primary and, if available, secondary communication methods by which notifications will be made. 155.1035(b)(4)	
Spill response operations sites	Identify process for selecting central command post, central communications post, and equipment and personnel staging area. 317-10-050(15)	Identify process for selecting central command post, central communications post, and equipment and personnel staging area. 340-47-150(16)(a)&(b)	Not covered	Describe process to establish central command post, central communications post, and equipment and personnel staging area. 818.02(g)(2)	Do not have to specify process to select sites; however, the Area Contingency Plan may be referenced.	
Flow chart or decision tree	Describe procession of each major stage from spill discovery to completion of clean up, list general order and priority. 317-10-050(16)(a)&(b)	Describe procession of each major stage from spill discovery to completion of clean up, list general order and priority. 340-47-150(16)(a)&(b)	Not required	Describe procession of each major stage from spill discovery to completion of clean up, list general order and priority. 818.02(g)(3)	The plan is not required to include a flow chart or decision tree beyond that which is referenced in the Area Contingency Plan.	

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	317-10 WAC	OAR 340-47	18 AAC 75	CCR Title 14, Division 1, Subdivision 4, Chapter 2, Subchapter 3, Sections 815-819	33 CFR Part 150, et al.	Part XV Canada Shipping Act
Damage control procedures	Describe equipment and procedures used by vessel personnel to minimize spillage or control structural damage. 317-10-050(18)	Describe equipment and procedures used by vessel personnel to minimize spillage or control structural damage. 340-47-150(18)	Describe procedures to stop a discharge and prevent further damage, for fire prevention or control, and for real-time tracking of oil and forecasting of points of shoreline contact. 18 AAC 75.425(e)(1)(F)	Describe equipment and procedures used by vessel personnel to minimize magnitude of spill and minimize structural damage. 818.02(g)(5)	Describe procedures for the crew to mitigate or prevent any discharge or substantial threat of discharge of oil from shipboard operational activities associated with cargo transfers or casualties and emergencies. Address damage stability and hull stress considerations and identify location of vessel plans necessary to perform salvage, stability, and hull stress assessments. List procedures for transfers of cargo in an emergency; procedures and arrangements for emergency towing; locations, crew responsibilities, and procedures for use of record keeping and sampling of spilled oil; and crew responsibilities to initiate a response and supervise shore-based response resources. 155.1035(c)	
Spill containment and recovery methods	List surveillance methods and methods to contain and remove oil in near-shore waters, offshore waters, and shoreline environments. 317-10-050(19)	List surveillance methods and methods to contain and remove oil in near-shore waters, offshore waters, and shoreline environments. 340-150(19)	Describe containment, control, and cleanup actions, including procedures to stop the discharge and prevent its spread and to prevent or control a potential fire hazard. 18 AAC 75.425(e)(1)(F)(i)&(ii)	Describe containment, control and cleanup actions, including procedures to stop the discharge and contain and remove oil on-water and shoreline areas. 818.02(e)&(f)	Ensure the availability of an oil spill removal organization of effecting shoreline clean-up. 155.1050(o)(1)	

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	317-10 WAC	OAR 340-47	18 AAC 75	CCR Title 14, Division 1, Subdivision 4, Chapter 2, Subchapter 3, Sections 815-819	33 CFR Part 150, et al.	Part XV Canada Shipping Act
Dispersants and other chemical agents	Describe type and toxicity, conditions under which dispersants will be applied, methods of deployment, and location and accessibility of supplies and equipment. 317-10-050(21)	Describe type and toxicity, conditions under which dispersants will be applied, methods of deployment, and location and accessibility of supplies and equipment. 340-47-150(21)	Describe actions to be taken to obtain necessary permits and approvals to initiate dispersant application or other nonmechanical response methods, the basis for determining the conditions or circumstances under which these options will be used, and how the nonmechanical response techniques will be implemented, including a description of all required equipment and personnel. 18 AAC 75.425(e)(1)(G)	Describe methods of deployment or application; description of specific mechanisms in place to assess the environmental consequences of the chemical agent; identify all permits, approvals, or authorizations needed; plan for protecting resources at risk; project efficacy of each type and upon request; describe any test results known which assess the environmental impacts. 818.02(e)(6)(C)	Vessels carrying group II or III persistent petroleum oil as primary cargo and operate in an area with year-round pre-approval for dispersant use may request a credit for up to 25 percent of their required on-water recovery capacity in that area in 1993 if the availability of these resources are ensured by contract or other approved means. 155.1050(k)	The OSC, in consultation with the REET, will decide on a case-by-case basis whether dispersants or other chemical agents may be used in a spill response.
In-situ burning	Describe type of burning, conditions under which burning will be applied, methods of application, location, and accessibility of supplies and equipment. 317-10-050(22)	Describe type of burning, conditions under which burning will be applied, methods of application, location, and accessibility of supplies and equipment. 340-47-150(22)	Describe actions to be taken to obtain necessary permits and approvals to initiate in- situ burning, the basis for determining the conditions or circumstances under which this option will be used, and how in-situ burning will be implemented, including a description of all required equipment and personnel. 18 AAC 75.425(e)(1)(G)	Describe methods of deployment or application; description of specific mechanisms in place to assess the environmental consequences of the chemical agent; identification of all permits; approval or authorizations needed; plan for protecting resources at risk; project efficacy of each type and upon request; any test results known which assess the environmental impacts. 818.02(e)(6)(C)	The plan is not required to provide specific information regarding the planholders use of in-situ burning; a declaration of intent to use in-situ burning or location of equipment.	The OSC, in consultation with the REET, will decide on a case-by-case basis whether in-situ burning may be used in a spill response.

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	317-10 WAC	OAR 340-47	18 AAC 75	CCR Title 14, Division 1, Subdivision 4, Chapter 2, Subchapter 3, Sections 815-819	33 CFR Part 150, et al.	Part XV Canada Shipping Act
Environmental protection strategies	May reference the Geographic Response Plan within the Area Contingency Plan.	Describe methods to protect sensitive shoreline, list priorities for sensitive area protection, describe methods for rescue and rehabilitation of affected wildlife, and list measures to reduce damages to the environment caused by clean up operations. 340-47-150(23)	Not required for vessels unless requested by the department. 18 AAC 75.425(e)(3)(J)	Describe methods to protect sensitive shorelines, and describe measures to be taken to minimize damage to the environment from cleanup operations. 818.02(d), (e)&(f) Each plan must describe procedures outlining rehabilitation of oiled wildlife 818.02(j). Plan must be consistent with Are Plan(s). 816.04(c)	Covered by Area Contingency Plans.	Response organizations must divide the geographic areas of response (GAR) into three basic types of operating environments -- unsheltered waters, sheltered waters, and shorelines -- for planning purposes. Must consider the distribution of the operating environments when they determine the types of equipment that are needed for spill responses in the region. Outline the measures needed to protect and clean up any environmentally sensitive areas in the region which would be identified through consultation with the CCG and the Regional Environmental Emergency Team (REET).
Interim storage	List site criteria and methods for storage, information for approval process, and permanent storage. Must be able to handle entire volume and comply with governmental requirements. 317-10-050(24)(a)-(e)	List site criteria and methods for storage, information for approval process, and permanent storage. Must be able to handle entire volume and comply with governmental requirements. 340-47-150(24)	Describe plans, procedures, and locations for temporary storage and ultimate disposal of oil contaminated materials, oily wastes, and sanitary and solid wastes, including plans for obtaining any required permits or authorizations for temporary storage or ultimate disposal. 18 AAC 75.425(e)(1)(F)(x)	Describe site criteria and methods for temporary storage, information for approval process. Must be able to handle no less than two times the required daily recovery rate. 818.02(i)	Recovered oil storage capacity is required to sustain two times the effective daily recovery capacity. Appendix B 9.2	
Health and safety protection	Describe procedures to protect the health and safety of oil spill response workers, volunteers, and other individuals on-site. Address training, decontamination facilities, safety gear, and a safety office position. 317-10-050(25)	Describe procedures to protect the health and safety of oil spill response workers, volunteers, and other individuals on-site. Address training, decontamination facilities, safety gear, and a safety office position. 340-47-150(25)	Describe steps necessary to develop incident-specific safety plan for a response. 18 AAC 75.425(e)(1)(C)	Address access to the spill response site, the designation of exclusion, decontamination and safe zones, and the decontamination of equipment and personnel during and after oil spill response operations. 818.02(g)(8) Each plan shall provide for safety training as required by state and federal health and safety laws, including a program for training non-permanent responders. 818.02(k)(3)	Ensure that all private shore-based response personnel are trained to meet Occupational Safety & Health Administration (OSHA) standards for emergency response operations. 155.1055(e)	List health and safety measures that would be taken to protect hired workers, volunteers, and other people at the spill site.

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	317-10 WAC	OAR 340-47	18 AAC 75	CCR Title 14, Division 1, Subdivision 4, Chapter 2, Subchapter 3, Sections 815-819	33 CFR Part 150, et al.	Part XV Canada Shipping Act
Post-spill review procedures	Explain post-spill review procedures, including methods to review effectiveness of the plan and the need for amendments. 317-10-050(26)	Explain post-spill review procedures, including methods to review effectiveness of the plan and the need for amendments. 340-47-150(26)	Not required.	Each plan shall provide for post-spill review, including methods to review effectiveness of the plan and the need for amendments. 818.02(g)(7)	Tank vessels only are required to have post-spill review procedures. 33 CFR	After use of the plan in an incident or an exercise, its effectiveness should be evaluated and modified as appropriate.
Prevention measures	Submit prevention plan to office (for tank vessels only) or describe personnel training to minimize operational risk, measures to ensure equipment integrity, methods used to reduce spills during transfer operations, and measures to reduce the risk during navigation. 317-10-050(28)(a)-(d)	Describe prevention strategies which will provide the best achievable protection from damages caused by the discharge of oil. 340-47-170(1)	Describe all prevention measures and prevention policies for operations, in reference to identified risks. A prevention plan must be submitted as a separate volume from the contingency plan, and must describe the following: a regular prevention, inspection, and maintenance program; a history of discharges greater than 55 gallons and actions to prevent reoccurrence; an analysis of potential discharges and actions to prevent them; means of discharge detection; and a detailed analysis of any exceptions to the planning standards. 18 AAC 75.425A(e)(2)	Describe method to reduce spill during transfer and storage operations, measures to reduce risks during navigation, summary of existing prevention measures. 818.02(c)(1)&(2)	See Prevention Plan matrix.	
Spill risk variables	List type of oil handled, provide a diagram of oil storage and transfer sites and operations, and provide a description of operations with a history of or high potential for oil spills. 317-10-050(29)(a)-(c)	List type of oil handled, provide a diagram of oil storage and transfer sites and operations, and provide a description of operations with a history of or high potential for oil spills. 340-47-150(28)(b)	Required in prevention plans. 18 AAC 75.005-75.090	Describe piping and tank diagram; age, design, and construction of the vessel; range of oil products; and safety equipment. Also describe the types, physical properties, health, and safety hazards and maximum storage or handling capacity of the oil or product carried. 818.02(b)	List tank capacities, total volume and type of cargo, location diagram of all tanks, cargo and fuel piping diagrams, and pumping plan. 155.1035(j)	

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	317-10 WAC	OAR 340-47	18 AAC 75	CCR Title 14, Division 1, Subdivision 4, Chapter 2, Subchapter 3, Sections 815-819	33 CFR Part 150, et al.	Part XV Canada Shipping Act
Environmental variables	May reference the Geographic Response Plan within the Area Contingency Plan.	List natural resources, public resources, seasonal conditions, and physical features. 340-47-150(29)	Describe plans for the deployment of shoreline equipment and personnel, including cleanup and restoration methods and techniques to be used if the shoreline is impacted by the discharge. 18 AAC 75.425(e)(1)(F)(xii)q Describe wildlife protection mechanisms, recovery, disposal, rehabilitation, and release of affected wildlife. 18 AAC 75.425(e)(1)(F)(xi)	Identify environmentally, economically, and culturally sensitive areas that may be impacted. 818.02(d)(3)	Covered by Area Contingency Plans.	
Logistical resources	Identify facilities for fire, medical, and accommodations; support services; and shoreline access areas. 317-10-050(31)(a)&(b)	Identify facilities for fire, medical, and accommodations; support services; and shoreline access areas. 340-47-150(30)	Plan must identify means to transport equipment and personnel during response, including ownership and availability of transportation means. 18 AAC 75.425(e)(3)(E)	Not required for vessels.	Describe the organizational structure used to manage response actions including: command and control; public information; safety; liaison with government agencies; spill response operations; planning; logistic support; and finance. 155.1040(e)(3)	
Response scenarios	Describe response to a small oil spill less than 500 gallons and response to worst case spill. 317-10-050(32)(a)	Describe response to a small oil spill less than 500 gallons and response to worst case spill. 317-10-050(31)(a) Also max most probable spill.	Describe response scenario to a discharge of the applicable response planning standard volume. 18 AAC 75.425(e)(1)(F)	Scenarios are not required in the plan.	Scenarios are not required in plan; although Area Contingency Plans include response scenarios.	

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	317-10 WAC	OAR 340-47	18 AAC 75	CCR Title 14, Division 1, Subdivision 4, Chapter 2, Subchapter 3, Sections 815-819	33 CFR Part 150, et al.	Part XV Canada Shipping Act
Who submits plans?	Members of the Washington State Maritime Commission and tank vessels: tank vessel owner or operator, owner or operator of facility where vessel unloads cargo, or primary response contractor. Cargo and passenger vessels 300 gross tons or more: vessel owner or operator, agent, or response contractor. 317-10-060(4)	Tank Vessels: tank vessel owner or operator, owner or operator of facility where vessel unloads cargo, or primary response contractor. Cargo and passenger vessels 300 gross tons or more: vessel owner or operator, agent, or response contractor. 340-47-180(5)(6)	Owners/operators; the charterer if the vessel is leased; or in any other case the person with primary operational control of a vessel. 18 AAC 75.400(a)(2)	Vessel owner/operator. 816.01(a)	Vessel owner or operator. 155.1065(a)	Response organizations.
Plan review	Office shall endeavor to review the plan within 65 calendar days. 317-10-065(1)	The department shall promptly evaluate the plan for completeness. 340-47-190(1)	Within 55 days after the plan undergoes a 7 day completeness review. 18 AAC 75.455(i)	Each plan shall be approved or denied within 180 days after receipt by the Administrator. 816.03(a)	60 days. 155.1065(a)	
Valid for how long?	Five years.	Five years. 340-47-190(7)	Three years. 18 AAC 75.460(d)	Two years. 816.05	Five years.	
Public review	First 30 calendar days. 317-10-065(2)	First 30 calendar days. 340-47-190(2)	30 days. 18 AAC 75.455(b)(1)	May review and submit written comments prior to the Administrator's approval of the initial plan. 816.02(c)(2)	Not required.	
Accept approval by a federal agency or other state?	If the other state or federal office has deemed to possess approval criteria which equal or exceed those of Washington. 317-10-060(5)	If the federal or state requirements equal or exceed those of Oregon. 340-47-120(2)	No.	Any plan submitted to the Federal Environmental Protection Agency may be submitted in substitution for all or part of the play required. However, any information required by this Subchapter that is not included in the substitute plan must be submitted as an appendix to that plan. The Administrator will determine if such substitution is appropriate. 14 CCR 816.01(a)(4) As of this time, other State's plans may not	No.	

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				be substituted.		
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	317-10 WAC	OAR 340-47	18 AAC 75	CCR Title 14, Division 1, Subdivision 4, Chapter 2, Subchapter 3, Sections 815-819	33 CFR Part 150, et al.	Part XV Canada Shipping Act
Conditional approval	Vessel is required to operate with specific precautionary measures. 317-10-065(7)(b)	Vessel is required to operate with specific precautionary measures. 340-47-190(7)(b)(A)	Yes.	Conditional approval may be granted if there is a minor deficiency of one or more of the requisite elements. The vessel is required to operate with specific precautionary measures. 816.03(e)(2)	No specific regulation exists to grant conditional approval; however, conditional approvals are granted under certain conditions.	
Approval denied	Vessel shall not continue oil storage, transfer, or other operations until a plan for that vessel has been approved. 317-10-065(7)(d)	Vessel shall not continue oil storage, transport, transfer, or other operations until a plan for that vessel has been approved. 317-10-065(7)(d)	Applicant may request an adjudicatory hearing to appeal the decision within 30 days. 18 AAC 75.460	Operator may appeal the Administrator's decision. 816.03(g)	Further storage, transfer, handling, transporting, or lightering of oil in areas subject to jurisdiction of U.S. will be in violation of Sec. 311(j)(5)(E) of the FWPCA. 155.1045(i)(e)(i)	
Approval requirements	Must meet criteria in 317-10-045 and 317-10-050 and demonstrate it can: respond to and cleanup a variety of spills, protect the environment from oil spills, notify and mobilize resources upon discovery of a spill, *deploy response equipment and personnel within two hours*, and use primary response contractors approved by the office. When reviewing the following is considered: volume and type of oil, history and circumstances of prior spills by similar types of vessels, operating hazards, natural resources,pertinent agency or public comments, incorporation of cost-effective spill prevention measures, and amount of vessel traffic and navigational hazards.	Must meet criteria in 340-47-130 and 340-47-140 and demonstrate it can: respond to and cleanup a variety of spills including worst case spills, protect the environment from oil spills, notify and mobilize resources upon discovery of a spill, and *deploy response equipment and personnel within two hours*. When reviewing, the following is considered: volume and type of oil, history and circumstances of prior spills by similar types of vessels, operating hazards, natural resources, pertinent agency or public comments, and incorporation of cost-effective spill prevention measures. 340-47-190(3)&(4)	The plan must identify maximum possible discharge, identify resources and response strategies sufficient to meet the standards described in the following sections, and to contain, control, and monitor a discharge, protect sensitive areas identified in the plan, transfer or lighter oil to prevent further damage, provide temporary storage and removal capacity, with all necessary permits, account for severe environmental limitations, provide sufficient response using mechanical methods that meet a "best achievable technology" standard, provide for permits and means if non mechanical response are planned, and provide for an adequate number of trained personnel. 18 AAC 75.445	Plan must provide for best achievable protection. Each plan shall provide for all of the following: prevention measures to reduce the possibility of an oil spill occurring as a result of collisions, groundings, explosions or operator error; immediate notification and mobilization of response resources upon discovery of a spill, procedures for the following: deployment and delivery of response equipment and personnel; assure protection of the environment, timely and adequate cleanup of all spills, identification of response equipment and call-out procedures to acquire that equipment.	Meets requirements of Subpart D and/or E. 155.1065(b)	

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	317-10-065(3)&(4)			816.03(b)		
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	317-10 WAC	OAR 340-47	18 AAC 75	CCR Title 14, Division 1, Subdivision 4, Chapter 2, Subchapter 3, Sections 815-819	33 CFR Part 150, et al.	Part XV Canada Shipping Act
Plan accessibility	One copy must be accessible to the incident commander or spill response manager and a field document must be available to all appropriate personnel. 317-10-075(1)(2)	One copy must be accessible to the incident commander or spill response manager and a field document must be available to all appropriate personnel. 340-47-210(1)(2)	One copy of the response action plan section of the current approved oil discharge prevention and contingency plan for that vessel or barge must be on board the vessel or barge. 18 AAC 75.465(a)(2)	One complete copy must be maintained by the owner/operator. One complete copy must be maintained on board the vessel at all times. A copy must be in a central location accessible to key response personnel. A copy must be maintained by the qualified individual and available for use in the event of an incident. 816.04(a)(2)	One copy of specific sections must be aboard the vessel. One copy must be maintained by the vessel owner or operator and each qualified individual. 155.1030(i)	
Drills	Describe schedule and type of drills. 317-10-050(27)(a) State may require one annual limited deployment drill and one unannounced full deployment drill per year. 317-10-070(1)(2)	Describe schedule and type of drills. 317-10-050(27)(a) State may require one announced limited deployment drill and one unannounced full deployment drill per year. 340-47-200(1)(2)	The department can conduct announced or unannounced drills to test the plan, but not more than two per 12-month period. 18 AAC 75.485(a)	Describe the vessel's drill program to ensure the plan will function in an emergency. Required drill frequencies: manned-vessel onboard emergency procedures and qualified individual notification drills - quarterly; unmanned barge emergency procedures and qualified individual notification drills-quarterly; shore-based spill management team tabletop drills - yearly; oil spill response organization field equipment deployment drills - yearly. 818.02(k)(4) Per Administrator's approval, may substitute unannounced drill for shore-based spill management team tabletop drill or oil spill response organization field equipment deployment drill, if certain conditions are met. 818.02(k)(9)(c) The Administrator may call an announced or unannounced drill to test all or part of a contingency plan. 818.02(k)(8)	Plan must identify the planned drill program, which will ensure the plan will function in an emergency. Required drill frequencies: manned vessel on board emergency procedures and qualified individual notification drills - monthly; unmanned barge emergency procedures and notification of the qualified individual drills - quarterly; shore-based spill management team tabletop drills - yearly; and oil spill removal organization field equipment deployment drills - yearly. Must participate in unannounced drills as directed by the applicable COTP. 155.1035(g) and 155.1060(d)	Provide for periodic spill drills to test the competence of response personnel and to demonstrate that the response organization is capable to coordinating the various aspects of the spill response. Must be exercised to ensure that it functions as expected and that the procedures, contacts, and communications networks are accurate. Response equipment must be exercised to ensure its functions as expected. Providing hands-on experience with equipment will greatly enhance safety and effectiveness in an emergency situation. Frequency and extent of exercises must be to the satisfaction of the Coast Guard.

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	317-10 WAC	OAR 340-47	18 AAC 75	CCR Title 14, Division 1, Subdivision 4, Chapter 2, Subchapter 3, Sections 815-819	33 CFR Part 150, et al.	Part XV Canada Shipping Act
Penalty/fine for no plan	Up to $100,000 for no spill contingency plan or deny entry into Washington waters. 317-10-085(2)(3)	Subject to penalty sanctions of ORS 468.140 or deny entry into Oregon waters. 340-47-230	A person is guilty of a Class A misdemeanor if that person with criminal negligence violates a provision of AS 46.04, or fails to provide information or provides false information required by AS 46.04. Each day is considered a separate violation. AS 46.03.790	Criminal and/or civil penalties pursuant to Article 9, beginning with Section 8670.57 of the Government Code. 816.06	Deny entry to navigable waters of the U.S., detain a place, or require seizure and forfeiture.	
Plan required for foreign vessels transiting internal waters, bound for a foreign port?	Yes.	N/A.	N/A.	Contingency plans are not required for vessels engaged in innocent passage within the marine waters of California. 14 CCR 818.01(b)(4)	Yes.	Vessels transiting through the territorial sea and fishing zones of Canada are exempt, provided they are not engaged in the loading or unloading of oil during transit.
Non-compliance with plan requirements	Deny entry onto the waters of the state or a civil penalty of up to $100,000 each day the vessel is in violation. 317-10-085(2)(3)	Deny entry onto waters of the state to any covered vessel that does not have an approved plan. 340-47-230(2)(b)	Revoke approval of the plan; suspend approval of the plan, order the plan holder to file an application to amend the plan within a specified time under 18 AAC 75.415, or take other necessary action to correct the failure to comply. 18 AAC 75.490(a) A person who with criminal negligence discharges oil or fails to comply with a contingency plan is also guilty of a Class C felony if the discharge is greater than 10,000 barrels or a Class A felony if the discharge is less than 10,000 barrels. AS 46.03.790	Criminal and/or civil penalties pursuant to Article 9, beginning with Section 8670.57 of Article 9, beginning with Section 8670.57 of the Government Code. 816.06	Requirement will be defined when final rule is developed.	

Response Planning Benchmarks
A Comparison of West Coast States Requirements
4/4/94

RESPONSE BENCHMARK	WASHINGTON[1]		OREGON	CALIFORNIA	ALASKA	U.S.	CANADA
	All Waters Except Coast	Coast					
Oil Recovery Capacity or Equipment Requirement Maximums	**6 hrs** - capacity to recover 2% of the worst cast spill or sufficient equipment to recover 12,000 bbls/day **12 hrs** - 5% or 36,000 bbls/day **24 hrs** - 12% or 48,000 bbls/day **48 hrs** - 17% or 60,000 bbls/day **72 hrs** - 20% or 72,000 bbls/day (Must have equipment that can equal whichever is less of the oil recovery percentage or equipment cap).	**6 hrs** - no requirements **12 hrs** - capacity to recover 3% of the worst cast spill or sufficient equipment to recover 36,000 bbls/day **24 hrs** - 8% or 48,000 bbls/day **48 hrs** - 14% or 60,000 bbls/day **72 hrs** - 17% or 72,000 bbls/day (Must have equipment that can equal whichever is less of the oil recovery percentage or equipment cap).	Columbia River. **6 hrs** - 2% or 12,000 bbls/day **12 hrs** - 5% or 36,000 bbls/day **24 hrs** - 12% or 48,000 bbls/day **48 hrs** - 17% or 60,000 bbls/day **72 hrs** - 20% or 72,000 bbls/day (Must have equipment that can equal whichever is less of the oil recovery percentage or equipment cap). Coast same as Washington	High Volume ports: **2 hrs** - 2,500 bbls/day **12 hrs** - 15,000 bbls/day **24 hrs** - 20,000 bbls/day **36 hrs** - 30,000 bbls/day **60 hrs** - 50,000 bbls/day Facility/Transfer Area within Balance of Coast or Santa Barbara Channel Area: **2 hrs** - 2,500 bbls/day **12 hrs** - 12,500 bbls/day **48 hrs** - 22,500 bbls/day **72 hrs** - 42,500 bbls/day Balance of Coast within California marine waters: **24 hrs** - 10,000 bbls/day **48 hrs** - 20,000 bbls/day **72 hrs** - 40,000 bbls/day 818.02(e)(3)(B)	**Crude Oil Tank Vessels:** - contain, control and cleanup 300,000 bbls of oil in 72 hours and if cargo capacity is greater than 500,000 bbls (Prince William Sound). Contain, control, cleanup of 50,000 bbls fails in 72 hours if cargo capacity is less than 500,000 bbls (Cook Inlet and elsewhere). For crude carrying oil tank vessels and barges: Additional equipment must be onscene within 72 hours to be able to contain, control, and clean up 60 percent of total cargo capacity in the shortest time possible (minus credits for prevention measures). 18 AAC 75.438 **For non-crude oil tank vessels and barges:** Must be able to contain and control within 48 hours and to clean up in the shortest possible time 15% of total vessel cargo capacity (no credits given for prevention measures). 18 AAC 75.440		

[1]Washington and Oregon's response benchmarks are only planning standards used as the basis to determine whether sufficient equipment and resources have been identified to effectively response to a spill.

Response Planning Benchmarks
A Comparison of West Coast States Requirements
4/4/94

RESPONSE BENCHMARK	WASHINGTON		OREGON	CALIFORNIA	ALASKA	U.S.	CANADA
	All Waters Except Coast	Coast					
Boom Requirements	**2 hrs** - 4x largest vessel **6 hrs** - 20,000 ft* **12 hrs** - 40,000 * 10,000 ft for Strait of Juan de Fuca, Grays Harbor, Willapa Bay, and from Cape Disappointment to Point Grenville	**2 hrs** - overflight assessment **6 hrs** - 4x largest vessel **12 hrs** - 40,000 ft	Columbia River: **2 hrs** - 4x largest vessel **6 hrs** - 20,000 ft **12 hrs** - 40,000 ft* *15,000 for Yaquina Bay	Sufficient containment equipment shall be brought to the scene of the spill to address the daily recovery rates as designated in subsection 818.02(e)(3)(B). Must meet calculated Shoreline Response Planning Volume.	Plan to have deployed and operating within 72 hours (48 hours for vessels transporting non-crude oil), from within its region of operation, sufficient length of boom to mount an effective response to the volume of discharged oil established under 18 AAC 75.430 – 18 AAC 75.442		
Interim Storage	**6 hrs** - 1x recovery capacity **12 hrs** - 1.5x recovery capacity **24 hrs** - 2x recovery capacity **48 hrs** - 2x recovery capacity* *3x recovery capacity for Strait of Juan de Fuca, Grays Harbor, Willapa Bay, and Cape Disappointment to Point Grenville	**6 hrs** - 1x recovery capacity **12 hrs** - 2x recovery capacity **24 hrs** - 3x recovery capacity	Interim storage and permanent disposal methods and sites shall be sufficient to keep up with oil recovery operations and handle the entire volume of oil recovered and oily wastes generated.	Sufficient storage shall be no less than 2x the required daily recovery rate as determined in Section 818.02(i)	Storage for at least 60 percent of total cargo capacity of the tank vessel or barge. Within 72 hours, storage for 100% of recovered liquid.		

18 AAC 75.480. INSPECTIONS. (a) To verify compliance with the oil discharge prevention and contingency plan provisions of AS 46.04.030 and 18 AAC 75.400 - 18 AAC 75.495, the department will, in its discretion, conduct announced and unannounced inspections of a vessel, barge, pipeline, or other operation that is subject to the requirements of AS 46.04.030 and 18 AAC 75.400 - 18 AAC 75.495. If practicable, an inspection under this section will be coordinated with other regulatory agencies.

(b) Based on the results of an inspection made under this section, the department will, in its discretion, take appropriate action under 18 AAC 75.490. (Eff. 5/14/92, Register 122)

Authority: AS 46.03.020 AS 46.04.060 AS 46.04.070
AS 46.04.030

18 AAC 75.485. DISCHARGE EXERCISES. (a) The department will, in its discretion, conduct announced and unannounced discharge exercises to assure that an oil discharge prevention and contingency plan is adequate in content and execution. No more than two exercises will be required in each 12-month period, unless an exercise demonstrates, in the department's judgment, a plan holder's failure to effectively implement the plan.

(b) Execution of a plan during a discharge exercise will be considered inadequate if the readiness for response and response performance stated in the plan are significantly deficient due to inadequate mobilization or performance of personnel, equipment, other resources, or other factors, including the mobilization or performance of a response action contractor identified under 18 AAC 75.445(i).

(c) If a plan holder cannot adequately execute the plan during a discharge exercise, the department will, in its discretion,

(1) require additional exercises until it is satisfied that the prevention and contingency plan and its execution are adequate; or

(2) take other appropriate action as described at 18 AAC 75.490.

(d) The department will consider a regularly scheduled training exercise initiated by a plan holder as a discharge exercise if the department monitors, evaluates, or participates in the exercise and concurs that it is equivalent to a discharge exercise conducted by the department. A plan holder shall notify the department in advance of the exercise and shall provide an opportunity for a department representative to be present and participate.

(e) The department will conduct announced or unannounced discharge exercises appropriate to the plan holder's current status of operations. (Eff. 5/14/92, Register 122)

Authority: AS 46.03.020 AS 46.04.030 AS 46.04.070

SEC. 5002. TERMINAL AND TANKER OVERSIGHT AND MONITORING.

(a) SHORT TITLE AND FINDINGS-

(1) SHORT TITLE- This section may be cited as the 'Oil Terminal and Oil Tanker Environmental Oversight and Monitoring Act of 1990'.

(2) FINDINGS- The Congress finds that--

(A) the March 24, 1989, grounding and rupture of the fully loaded oil tanker, the EXXON VALDEZ, spilled 11 million gallons of crude oil in Prince William Sound, an environmentally sensitive area;

(B) many people believe that complacency on the part of the industry and government personnel responsible for monitoring the operation of the Valdez terminal and vessel traffic in Prince William Sound was one of the contributing factors to the EXXON VALDEZ oil spill;

(C) one way to combat this complacency is to involve local citizens in the process of preparing, adopting, and revising oil spill contingency plans;

(D) a mechanism should be established which fosters the long-term partnership of industry, government, and local communities in overseeing compliance with environmental concerns in the operation of crude oil terminals;

(E) such a mechanism presently exists at the Sullom Voe terminal in the Shetland Islands and this terminal should serve as a model for others;

(F) because of the effective partnership that has developed at Sullom Voe, Sullom Voe is considered the safest terminal in Europe;

(G) the present system of regulation and oversight of crude oil terminals in the United States has degenerated into a process of continual mistrust and confrontation;

(H) only when local citizens are involved in the process will the trust develop that is necessary to change the present system from confrontation to consensus;

(I) a pilot program patterned after Sullom Voe should be established in Alaska to further refine the concepts and relationships involved; and

(J) similar programs should eventually be established in other major crude oil terminals in the United States because the recent oil spills in Texas, Delaware, and Rhode Island indicate that the safe transportation of crude oil is a national problem.

(b) DEMONSTRATION PROGRAMS-

(1) ESTABLISHMENT- There are established 2 Oil Terminal and Oil Tanker Environmental Oversight and Monitoring Demonstration Programs (hereinafter referred to as 'Programs') to be carried out in the State of Alaska.

(2) ADVISORY FUNCTION- The function of these Programs shall be advisory only.

(3) PURPOSE- The Prince William Sound Program shall be responsible for environmental monitoring of the terminal facilities in Prince William Sound and the crude oil tankers operating in Prince William Sound. The Cook Inlet Program shall be responsible for environmental monitoring of the terminal facilities and crude oil tankers operating in Cook Inlet located South of the latitude at Point Possession and North of

the latitude at Amatuli Island, including offshore facilities in Cook Inlet.

(4) SUITS BARRED- No program, association, council, committee or other organization created by this section may sue any person or entity, public or private, concerning any matter arising under this section except for the performance of contracts.

(c) OIL TERMINAL FACILITIES AND OIL TANKER OPERATIONS ASSOCIATION-

(1) ESTABLISHMENT- There is established an Oil Terminal Facilities and Oil Tanker Operations Association (hereinafter in this section referred to as the `Association') for each of the Programs established under subsection (b).

(2) MEMBERSHIP- Each Association shall be comprised of 4 individuals as follows:

(A) One individual shall be designated by the owners and operators of the terminal facilities and shall represent those owners and operators.

(B) One individual shall be designated by the owners and operators of the crude oil tankers calling at the terminal facilities and shall represent those owners and operators.

(C) One individual shall be an employee of the State of Alaska, shall be designated by the Governor of the State of Alaska, and shall represent the State government.

(D) One individual shall be an employee of the Federal Government, shall be designated by the President, and shall represent the Federal Government.

(3) RESPONSIBILITIES- Each Association shall be responsible for reviewing policies relating to the operation and maintenance of the oil terminal facilities and crude oil tankers which affect or may affect the environment in the vicinity of

their respective terminals. Each Association shall provide a forum among the owners and operators of the terminal facilities, the owners and operators of crude oil tankers calling at those facilities, the United States, and the State of Alaska to discuss and to make recommendations concerning all permits, plans, and site-specific regulations governing the activities and actions of the terminal facilities which affect or may affect the environment in the vicinity of the terminal facilities and of crude oil tankers calling at those facilities.

(4) DESIGNATION OF EXISTING ORGANIZATION- The Secretary may designate an existing nonprofit organization as an Association under this subsection if the organization is organized to meet the purposes of this section and consists of at least the individuals listed in paragraph (2).

(d) REGIONAL CITIZENS' ADVISORY COUNCILS-

(1) MEMBERSHIP- There is established a Regional Citizens' Advisory Council (hereinafter in this section referred to as the 'Council') for each of the programs established by subsection (b).

(2) MEMBERSHIP- Each Council shall be composed of voting members and nonvoting members, as follows:

(A) VOTING MEMBERS- Voting members shall be Alaska residents and, except as provided in clause (vii) of this paragraph, shall be appointed by the Governor of the State of Alaska from a list of nominees provided by each of the following interests, with one representative appointed to represent each of the following interests, taking into consideration the need for regional balance on the Council:

(i) Local commercial fishing industry organizations, the members of which depend on the fisheries resources of the waters in the vicinity of the terminal facilities.

(ii) Aquaculture associations in the vicinity of the terminal facilities.

(iii) Alaska Native Corporations and other Alaska Native organizations the members of which reside in the vicinity of the terminal facilities.

(iv) Environmental organizations the members of which reside in the vicinity of the terminal facilities.

(v) Recreational organizations the members of which reside in or use the vicinity of the terminal facilities.

(vi) The Alaska State Chamber of Commerce, to represent the locally based tourist industry.

(vii)(I) For the Prince William Sound Terminal Facilities Council, one representative selected by each of the following municipalities: Cordova, Whittier, Seward, Valdez, Kodiak, the Kodiak Island Borough, and the Kenai Peninsula Borough.

(II) For the Cook Inlet Terminal Facilities Council, one representative selected by each of the following municipalities: Homer, Seldovia, Anchorage, Kenai, Kodiak, the Kodiak Island Borough, and the Kenai Peninsula Borough.

(B) NONVOTING MEMBERS- One ex-officio, nonvoting representative shall be designated by, and represent, each of the following:

(i) The Environmental Protection Agency.

(ii) The Coast Guard.

(iii) The National Oceanic and Atmospheric Administration.

(iv) The United States Forest Service.

(v) The Bureau of Land Management.

(vi) The Alaska Department of Environmental Conservation.

(vii) The Alaska Department of Fish and Game.

(viii) The Alaska Department of Natural Resources.

(ix) The Division of Emergency Services, Alaska Department of Military and Veterans Affairs.

(3) TERMS-

(A) DURATION OF COUNCILS- The term of the Councils shall continue throughout the life of the operation of the Trans-Alaska Pipeline System and so long as oil is transported to or from Cook Inlet.

(B) THREE YEARS- The voting members of each Council shall be appointed for a term of 3 years except as provided for in subparagraph (C).

(C) INITIAL APPOINTMENTS- The terms of the first appointments shall be as follows:

(i) For the appointments by the Governor of the State of Alaska, one-third shall serve for 3 years, one-third shall serve for 2 years, and one-third shall serve for one year.

(ii) For the representatives of municipalities required by subsection (d)(2)(A)(vii), a drawing of lots among the appointees shall determine that one-third of that group serves for 3 years, one-third

serves for 2 years, and the remainder serves for 1 year.

(4) SELF-GOVERNING- Each Council shall elect its own chairperson, select its own staff, and make policies with regard to its internal operating procedures. After the initial organizational meeting called by the Secretary under subsection (i), each Council shall be self-governing.

(5) DUAL MEMBERSHIP AND CONFLICTS OF INTEREST PROHIBITED- (A) No individual selected as a member of the Council shall serve on the Association.

(B) No individual selected as a voting member of the Council shall be engaged in any activity which might conflict with such individual carrying out his functions as a member thereof.

(6) DUTIES- Each Council shall--

(A) provide advice and recommendations to the Association on policies, permits, and site-specific regulations relating to the operation and maintenance of terminal facilities and crude oil tankers which affect or may affect the environment in the vicinity of the terminal facilities;

(B) monitor through the committee established under subsection (e), the environmental impacts of the operation of the terminal facilities and crude oil tankers;

(C) monitor those aspects of terminal facilities' and crude oil tankers' operations and maintenance which affect or may affect the environment in the vicinity of the terminal facilities;

(D) review through the committee established under subsection (f), the adequacy of oil spill prevention and contingency plans for the terminal facilities and the adequacy of oil spill prevention and contingency plans

for crude oil tankers, operating in Prince William Sound or in Cook Inlet;

(E) provide advice and recommendations to the Association on port operations, policies and practices;

(F) recommend to the Association--

(i) standards and stipulations for permits and site-specific regulations intended to minimize the impact of the terminal facilities' and crude oil tankers' operations in the vicinity of the terminal facilities;

(ii) modifications of terminal facility operations and maintenance intended to minimize the risk and mitigate the impact of terminal facilities, operations in the vicinity of the terminal facilities and to minimize the risk of oil spills;

(iii) modifications of crude oil tanker operations and maintenance in Prince William Sound and Cook Inlet intended to minimize the risk and mitigate the impact of oil spills; and

(iv) modifications to the oil spill prevention and contingency plans for terminal facilities and for crude oil tankers in Prince William Sound and Cook Inlet intended to enhance the ability to prevent and respond to an oil spill; and

(G) create additional committees of the Council as necessary to carry out the above functions, including a scientific and technical advisory committee to the Prince William Sound Council.

(7) NO ESTOPPEL- No Council shall be held liable under State or Federal law for costs or damages as a result of rendering advice under this section. Nor shall any advice given by a voting member of a Council, or program representative or

agent, be grounds for estopping the interests represented by the voting Council members from seeking damages or other appropriate relief.

(8) SCIENTIFIC WORK- In carrying out its research, development and monitoring functions, each Council is authorized to conduct its own scientific research and shall review the scientific work undertaken by or on behalf of the terminal operators or crude oil tanker operators as a result of a legal requirement to undertake that work. Each Council shall also review the relevant scientific work undertaken by or on behalf of any government entity relating to the terminal facilities or crude oil tankers. To the extent possible, to avoid unnecessary duplication, each Council shall coordinate its independent scientific work with the scientific work performed by or on behalf of the terminal operators and with the scientific work performed by or on behalf of the operators of the crude oil tankers.

(e) COMMITTEE FOR TERMINAL AND OIL TANKER OPERATIONS AND ENVIRONMENTAL MONITORING-

(1) MONITORING COMMITTEE- Each Council shall establish a standing Terminal and Oil Tanker Operations and Environmental Monitoring Committee (hereinafter in this section referred to as the 'Monitoring Committee') to devise and manage a comprehensive program of monitoring the environmental impacts of the operations of terminal facilities and of crude oil tankers while operating in Prince William Sound and Cook Inlet. The membership of the Monitoring Committee shall be made up of members of the Council, citizens, and recognized scientific experts selected by the Council.

(2) DUTIES- In fulfilling its responsibilities, the Monitoring Committee shall--

(A) advise the Council on a monitoring strategy that will permit early detection of environmental impacts of terminal facility operations and crude oil tanker

operations while in Prince William Sound and Cook Inlet;

(B) develop monitoring programs and make recommendations to the Council on the implementation of those programs;

(C) at its discretion, select and contract with universities and other scientific institutions to carry out specific monitoring projects authorized by the Council pursuant to an approved monitoring strategy;

(D) complete any other tasks assigned by the Council; and

(E) provide written reports to the Council which interpret and assess the results of all monitoring programs.

(f) COMMITTEE FOR OIL SPILL PREVENTION, SAFETY, AND EMERGENCY RESPONSE-

(1) TECHNICAL OIL SPILL COMMITTEE- Each Council shall establish a standing technical committee (hereinafter referred to as `Oil Spill Committee') to review and assess measures designed to prevent oil spills and the planning and preparedness for responding to, containing, cleaning up, and mitigating impacts of oil spills. The membership of the Oil Spill Committee shall be made up of members of the Council, citizens, and recognized technical experts selected by the Council.

(2) DUTIES- In fulfilling its responsibilities, the Oil Spill Committee shall--

(A) periodically review the respective oil spill prevention and contingency plans for the terminal facilities and for the crude oil tankers while in Prince William Sound or Cook Inlet, in light of new technological developments and changed circumstances;

(B) monitor periodic drills and testing of the oil spill contingency plans for the terminal facilities and for crude oil tankers while in Prince William Sound and Cook Inlet;

(C) study wind and water currents and other environmental factors in the vicinity of the terminal facilities which may affect the ability to prevent, respond to, contain, and clean up an oil spill;

(D) identify highly sensitive areas which may require specific protective measures in the event of a spill in Prince William Sound or Cook Inlet;

(E) monitor developments in oil spill prevention, containment, response, and cleanup technology;

(F) periodically review port organization, operations, incidents, and the adequacy and maintenance of vessel traffic service systems designed to assure safe transit of crude oil tankers pertinent to terminal operations;

(G) periodically review the standards for tankers bound for, loading at, exiting from, or otherwise using the terminal facilities;

(H) complete any other tasks assigned by the Council; and

(I) provide written reports to the Council outlining its findings and recommendations.

(g) AGENCY COOPERATION- On and after the expiration of the 180-day period following the date of the enactment of this section, each Federal department, agency, or other instrumentality shall, with respect to all permits, site-specific regulations, and other matters governing the activities and actions of the terminal facilities which affect or may affect the vicinity of the terminal facilities, consult with the appropriate Council prior to taking substantive action with respect to the permit, site-specific regulation, or other matter. This

consultation shall be carried out with a view to enabling the appropriate Association and Council to review the permit, site-specific regulation, or other matters and make appropriate recommendations regarding operations, policy or agency actions. Prior consultation shall not be required if an authorized Federal agency representative reasonably believes that an emergency exists requiring action without delay.

(h) RECOMMENDATIONS OF THE COUNCIL- In the event that the Association does not adopt, or significantly modifies before adoption, any recommendation of the Council made pursuant to the authority granted to the Council in subsection (d), the Association shall provide to the Council, in writing, within 5 days of its decision, notice of its decision and a written statement of reasons for its rejection or significant modification of the recommendation.

(i) ADMINISTRATIVE ACTIONS- Appointments, designations, and selections of individuals to serve as members of the Associations and Councils under this section shall be submitted to the Secretary prior to the expiration of the 120-day period following the date of the enactment of this section. On or before the expiration of the 180-day period following that date of enactment of this section, the Secretary shall call an initial meeting of each Association and Council for organizational purposes.

(j) LOCATION AND COMPENSATION-

(1) LOCATION- Each Association and Council established by this section shall be located in the State of Alaska.

(2) COMPENSATION- No member of an Association or Council shall be compensated for the member's services as a member of the Association or Council, but shall be allowed travel expenses, including per diem in lieu of subsistence, at a rate established by the Association or Council not to exceed the rates authorized for employees of agencies under sections 5702 and 5703 of title 5, United States Code. However, each Council may enter into contracts to provide compensation and expenses to members of the committees created under subsections (d), (e), and (f).

(k) FUNDING-

(1) REQUIREMENT- Approval of the contingency plans required of owners and operators of the Cook Inlet and Prince William Sound terminal facilities and crude oil tankers while operating in Alaskan waters in commerce with those terminal facilities shall be effective only so long as the respective Association and Council for a facility are funded pursuant to paragraph (2).

(2) PRINCE WILLIAM SOUND PROGRAM- The owners or operators of terminal facilities or crude oil tankers operating in Prince William Sound shall provide, on an annual basis, an aggregate amount of not more than $2,000,000, as determined by the Secretary. Such amount--

(A) shall provide for the establishment and operation on the environmental oversight and monitoring program in Prince William Sound;

(B) shall be adjusted annually by the Anchorage Consumer Price Index; and

(C) may be adjusted periodically upon the mutual consent of the owners or operators of terminal facilities or crude oil tankers operating in Prince William Sound and the Prince William Sound terminal facilities Council.

(3) COOK INLET PROGRAM- The owners or operators of terminal facilities, offshore facilities, or crude oil tankers operating in Cook Inlet shall provide, on an annual basis, an aggregate amount of not more than $1,000,000, as determined by the Secretary. Such amount--

(A) shall provide for the establishment and operation of the environmental oversight and monitoring program in Cook Inlet;

(B) shall be adjusted annually by the Anchorage Consumer Price Index; and

(C) may be adjusted periodically upon the mutual consent of the owners or operators of terminal facilities, offshore facilities, or crude oil tankers operating in Cook Inlet and the Cook Inlet Council.

(l) REPORTS-

(1) ASSOCIATIONS AND COUNCILS- Prior to the expiration of the 36-month period following the date of the enactment of this section, each Association and Council established by this section shall report to the President and the Congress concerning its activities under this section, together with its recommendations.

(2) GAO- Prior to the expiration of the 36-month period following the date of the enactment of this section, the General Accounting Office shall report to the President and the Congress as to the handling of funds, including donated funds, by the entities carrying out the programs under this section, and the effectiveness of the demonstration programs carried out under this section, together with its recommendations.

(m) DEFINITIONS- As used in this section, the term--

(1) `terminal facilities' means--

(A) in the case of the Prince William Sound Program, the entire oil terminal complex located in Valdez, Alaska, consisting of approximately 1,000 acres including all buildings, docks (except docks owned by the City of Valdez if those docks are not used for loading of crude oil), pipes, piping, roads, ponds, tanks, crude oil tankers only while at the terminal dock, tanker escorts owned or operated by the operator of the terminal, vehicles, and other facilities associated with, and necessary for, assisting tanker movement of crude oil into and out of the oil terminal complex; and

(B) in the case of the Cook Inlet Program, the entire oil terminal complex including all buildings, docks, pipes, piping, roads, ponds, tanks, vessels, vehicles, crude oil tankers only while at the terminal dock, tanker escorts owned or operated by the operator of the terminal, emergency spill response vessels owned or operated by the operator of the terminal, and other facilities associated with, and necessary for, assisting tanker movement of crude oil into and out of the oil terminal complex;

(2) `crude oil tanker' means a tanker (as that term is defined under section 2101 of title 46, United States Code)--

(A) in the case of the Prince William Sound Program, calling at the terminal facilities for the purpose of receiving and transporting oil to refineries, operating north of Middleston Island and bound for or exiting from Prince William Sound; and

(B) in the case of the Cook Inlet Program, calling at the terminal facilities for the purpose of receiving and transporting oil to refineries and operating in Cook Inlet and the Gulf of Alaska north of Amatuli Island, including tankers transiting to Cook Inlet from Prince William Sound;

(3) `vicinity of the terminal facilities' means that geographical area surrounding the environment of terminal facilities which is directly affected or may be directly affected by the operation of the terminal facilities; and

(4) `Secretary' means the Secretary of Transportation.

(n) SAVINGS CLAUSE-

(1) REGULATORY AUTHORITY- Nothing in this section shall be construed as modifying, repealing, superseding, or preempting any municipal, State or Federal law or regulation,

or in any way affecting litigation arising from oil spills or the rights and responsibilities of the United States or the State of Alaska, or municipalities thereof, to preserve and protect the environment through regulation of land, air, and water uses, of safety, and of related development. The monitoring provided for by this section shall be designed to help assure compliance with applicable laws and regulations and shall only extend to activities--

(A) that would affect or have the potential to affect the vicinity of the terminal facilities and the area of crude oil tanker operations included in the Programs; and

(B) are subject to the United States or State of Alaska, or municipality thereof, law, regulation, or other legal requirement.

(2) RECOMMENDATIONS- This subsection is not intended to prevent the Association or Council from recommending to appropriate authorities that existing legal requirements should be modified or that new legal requirements should be adopted.

(o) ALTERNATIVE VOLUNTARY ADVISORY GROUP IN LIEU OF COUNCIL- The requirements of subsections (c) through (l), as such subsections apply respectively to the Prince William Sound Program and the Cook Inlet Program, are deemed to have been satisfied so long as the following conditions are met:

(1) PRINCE WILLIAM SOUND- With respect to the Prince William Sound Program, the Alyeska Pipeline Service Company or any of its owner companies enters into a contract for the duration of the operation of the Trans-Alaska Pipeline System with the Alyeska Citizens Advisory Committee in existence on the date of enactment of this section, or a successor organization, to fund that Committee or organization on an annual basis in the amount provided for by subsection (k)(2)(A) and the President annually certifies that the Committee or organization fosters the general goals and purposes of this section and is broadly representative of the

communities and interests in the vicinity of the terminal facilities and Prince William Sound.

(2) COOK INLET- With respect to the Cook Inlet Program, the terminal facilities, offshore facilities, or crude oil tanker owners and operators enter into a contract with a voluntary advisory organization to fund that organization on an annual basis and the President annually certifies that the organization fosters the general goals and purposes of this section and is broadly representative of the communities and interests in the vicinity of the terminal facilities and Cook Inlet.

COOK INLET RCAC PROJECTS LIST

COUNCIL

RFP NUMBER	TITLE/AUTHOR	RELEASE DATE
• 93-008C	Stakeholders Survey * Dittman	1994
• Joint Project w/NOAA	Cook Inlet Sensitive Area Maps (Seasonal - Set of 4)	1996
• Joint Project w/NOAA	Kodiak Sensitive Area Maps (Seasonal -	1997

COOK INLET RCAC PROJECTS LIST

ENVIRONMENTAL MONITORING COMMITTEE

RFP NUMBER	TITLE/AUTHOR	RELEASE DATE
• 91-001E	*A Comprehensive Monitoring Program for Cook Inlet, Ak.* * MBC	1992
• 91-002E	*Annotated Bibliography of Cook Inlet Env. Literature* * Pentec Environmental Inc.	1992
• 91-003E	*Directory of Facilities* * Northern Test Labs	1991
• 92-006E	*Cook Inlet Pilot Monitoring Study:* (Phase I & II of an overall program, "*Implementation of a Prototype Env. Sampling Program for Cook Inlet Alaska*") * Arthur D. Little	1995
• 95-013E	*Cook Inlet Environmental Monitoring Program* * Kinnetics Laboratories Inc. (KLI)	1996

• 95-014E	**Small Research Projects....**	
	* *#66 Shelikof Strait Project 1996* * Kinnetic Laboratories Incorporated	1997
	* *#67 A Survey of Selected Cook Inlet Intertidal Habitats* * Pentec Environmental Inc.	1996
	* *#68 P450 Reporter Gene System Assay Results for Testing of Extracts of Sediments & Bivalve Tissue Collected from Cook Inlet Alaska* * Columbia Analytical	1996
	* *#69 1996 Lake Clark Bivalve Analyses* * Kinnetic Laboratories Incorporated	1996
• 97-020E	*Kenai River Estuary Sediment Characterization Study* * Kinnetic Laboratories, Inc.	1998
• 97-021E	*Cook Inlet Sediment Toxicity Study* * Kinnetic Laboratories, Inc.	1998
• 98-023E	*Technical Evaluation of the Environmental Monitoring Program for Cook Inlet RCAC* Principle Consultants Dennis Lees, Bill Driskell, James Payne, Ph.D * Littoral	1999

• 98-024E	*DMR Reviews – Summary Report* * Tim Robertson, Nuka Consulting	Ongoing
• 98-025E	*Web Page Formatting* * Bill Driskell (Sole Source)	Ongoing
• MOA w / Cispri *UAF*	*Cook Inlet Acoustic Doppler Current Profiler Study*	1999
• 00-028E	*Intertidal Monitoring* * Littoral Ecological & Env. Services	Ongoing

COOK INLET RCAC PROJECTS LIST

PROPS COMMITTEE

RFP NUMBER	TITLE/AUTHOR	RELEASE DATE
• 91-001P	*Safety of Navigation* * Dickson	1992
• 91-003P	*Study of Legal Issues Regarding Response Action Contractors* * Mertz	1991
• 92-001P	*Negotiated Regulations* * Putnam	1992
• 92-002P	*In-Situ Burning/Dispersants* * Scientex	1992
• 92-003P	*Structural Overview* * EBA	1992
• 93-007P	*Cook Inlet Platform Information/Structural/Facility Studies* *Phases I,II, III Robert Visser/Blemar Engineering 1993/95	
• 93-010P	*Alaska Maritime Human Factors Needs Assessment* * Battelle/Stoller (Sole Source)	1994
• 93-012P	*Current and Future Cook Inlet Oil Production Profits: A Preliminary Assessment* * Richard Fineberg (Sole Source)	1994

• 95-016P	*Contingency Planning in Cook Inlet A Review of Process and Efficacy* * Environment International	1996
• 95-017P	*Spill Trajectory Model for Cook Inlet (Computer Generated Model)*	1996
• 95/97-017P	*Spill Trajectory Model Phase II* * Bryan Pearce (Sole Source)	1999
• Joint Project W/PWS RCAC	*Community Response Center Manual (Nearshore)*	1996
• Joint Project W/CISPRI	*Cook Inlet Ice Information and Oil Spill Clean Up Study* * Will Nelson, UAA (Sole Source) Joint Project - CISPRI & CIRCAC	1998
• 98-026P	*Geographic Response Plans* * Tim Robertson Nuka Consultants.	Ongoing
• 99-027P	*CIRCAC Oil Spill Trajectory Model Revisions* * *Bryan Pearce (Sole Source)*	Ongoing
• Joint Project	*Cook Inlet Sea Ice Monitoring Project* SWS / NWS / CIRCAC	2000

Industry "C-Plans"

Oil Discharge Prevention & Contingency Plan

- **Industry Specific**
- **Site Specific**
- **Addresses unique**
  - **prevention**
  - **response**
  - **facility, vessel and corporate issues**

Goal: document and demonstrate sufficient resources to contain, clean-up and mitigate potential oil discharges and protect environmentally sensitive areas

C-Plan Contents (18 AAC 75.425)

PART 1	**Response Action Plan**
PART 2	**Prevention Plan**
PART 3	**Supplemental Information**
PART 4	**Best Available Technology (BAT)**

+ Financial Responsibility

C-Plan Contents (Proposed SB273 Vessels)

PART 1 **Response Action Plan (RAP)**

- ⇨ **Initial Notification (e.g. SOPEP)**
- ⇨ **Membership in Co-op (or equivalent capability)**
- ⇨ **Spill Management Capability**

PART 2 **Prevention Plan by Rule**

BAT **potentially handle by updating RAP and Prevention Rules every 3-5 years**

+ Financial Responsibility