

ALASKA LEGISLATURE SPECIAL COMMITTEE/SUBJECT FILES 8672

2827 SCOMM 123 TASK FORCE ON MOTORIZED OIL TRANSPORT, 2000

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) $\geq$ 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) $\geq$ 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) $\geq$ 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) $\geq$ 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

¹Completed: 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: [Signature]
 Name: CHARLES F. NALON
 Title: VICE PRESIDENT
 Crowley Marine Services, Inc.

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

By: [Signature]
 Name: JIM SORIANO
 Title: GENERAL MGR
 Delta Western, Inc.

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

By: [Signature]
 Name: ROBERT C. DORR
 Title: PRESIDENT
 Sea Coast Towing, Inc.

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

By: [Signature]
 Name: Lawrence G. Shelver
 Title: President
 Yutana Barge Lines, Inc.

By: [Signature]
 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
1/4" brass coupling	1
Hose barb	1
Hose clamp	2
Pol 41 propane fitting	1
Pol 45 propane fitting	1
1/4" 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 ^A
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.

Delta Western

By: _____

By: _____

Title: _____

Title: _____

Newport Petroleum, Inc.

Sea Coast Towing, Inc.

By: _____

By: _____

Title: _____

Title: _____

Yutana Barge Lines

By: _____

By: _____

Title: _____

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

- (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 46.04.070

AS 46.04.020

AS 46.04.030

AS 46.04.035

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

CORRECTION

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State of Alaska

- (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 46.04.070

AS 46.04.020

AS 46.04.030

AS 46.04.035

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

slops; and

- (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

(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 control procedures 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 measure 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 Game, 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 information 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 made 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 45.03.760 (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 Rules 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

Motorized Oil Transport Reso

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 w/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

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185. Certain licensed pilots required for oil tankers

187. Registration of agents required

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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 Memberships 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.

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

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 unforeseen delay in delivery: _____ ☐

An agency may not conduct or sponsor, and a person is not required to respond to, a collection 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 (2115-0526), 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****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 _____ m³ 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 14,000 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 than \$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 PENINSULA	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 Etolink, 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
KUSKOKWIM	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
	Port Heiden, Alaska
BRISTOL BAY	Aniak 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
	Atka Island (Surrounding Waters), Alaska
MID ALEUTIANS	
DUTCH HARBOR	Dutch Harbor, Alaska
ALASKA PENINSULA	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

AKUTAN
AKUTAN
AKUTAN
PRIBILOFS

DUTCH HARBOR
MID BERING SEA
KODIAK
KODIAK
KODIAK
KODIAK
KODIAK
KODIAK

COOK INLET
COOK INLET

PRINCE WILLIAM SOUND

GULF OF ALASKA

SOUTH EAST ALASKA

Sand Point, Alaska
Squaw Harbor, Alaska
Chignik, Alaska
Akutan, Alaska
Beaver Inlet, Alaska
Lost Harbor, Alaska
St. Paul Island (Surrounding Waters), Alaska
St. George Island (Surrounding Waters), Alaska
Makushin Bay, Alaska
St. Mathews Island (Surrounding Waters), Alaska *
Old Harbor, Alaska
Kiliuda Bay, Alaska
Ugak Bay, Alaska
Larsen Bay, Alaska
Uganik Bay, Alaska
Sitkalidak Bay, Alaska
Alitak Bay, Alaska
Port Bailey, Alaska
Kodiak, Alaska

Iniskin Bay, Alaska
Kamishak Bay, Alaska
Homer, Alaska
Seward, Alaska
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

Yakutat Bay, Alaska

Hold Island, Alaska *
Nets Bay, Alaska
Waterfall, Alaska
Port Estrella, Alaska
Pelican, Alaska
Hoonah, Alaska
Sitka, Alaska
Kake, Alaska
Petersburg, Alaska
Wrangell, Alaska
Crnig, Alaska
Ketchikan, Alaska
Metlakatla, Alaska
Noyes Island, Alaska *

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

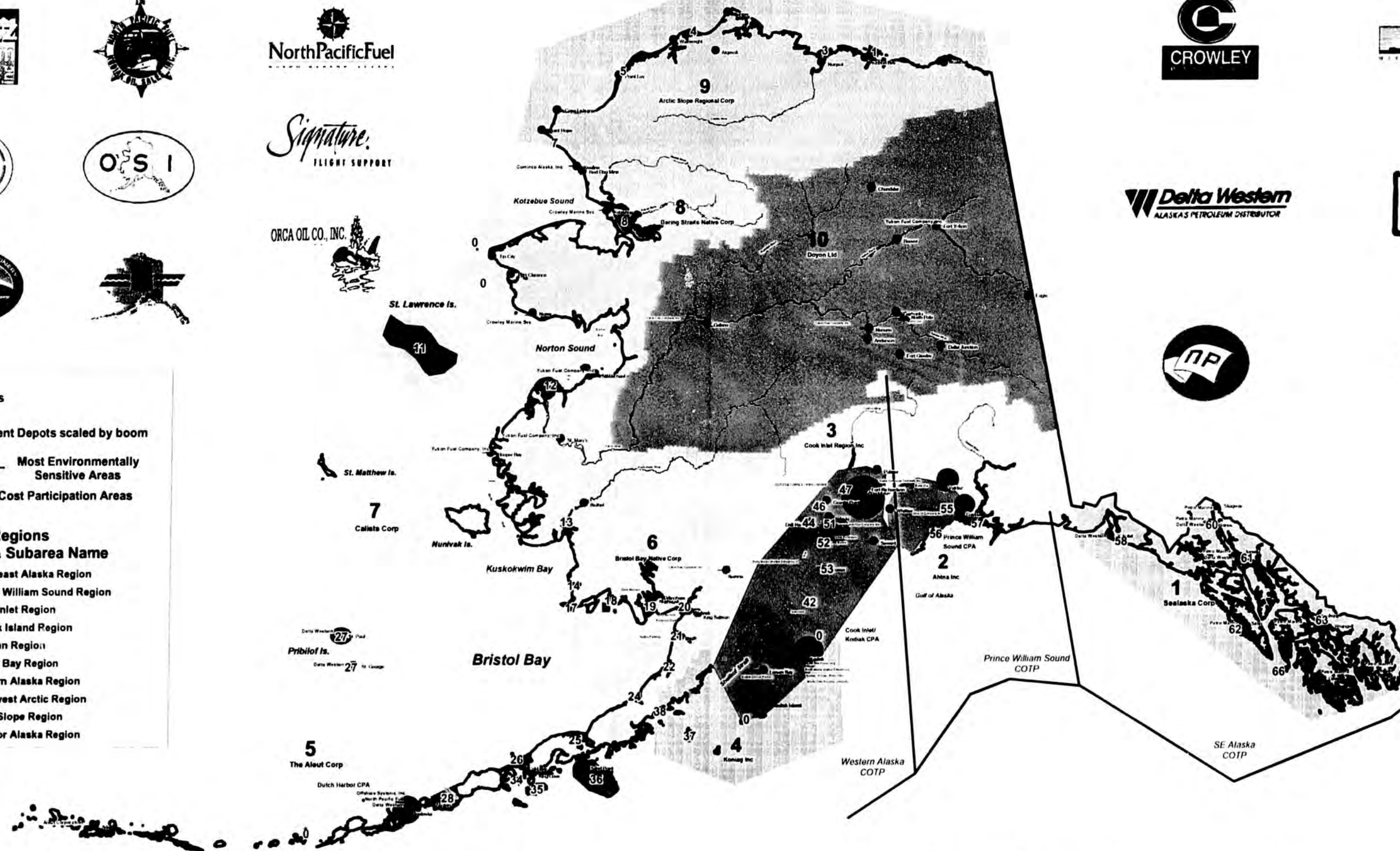
	Location
Ketchikan	Southeast
Metlakatla	Southeast
Coon Cove	"
Dora Bay	"
West Arm of Chomondeley Sound	"
Klawock	"
Kasaan Bay	"
Grace Harbor	"
Hoonah	"
Juneau	"
Hobart Bay	"
Kake	"
Sitka	"
Icy Bay	South Central
Afognak Island	South West
Port Graham	Kenai Peninsula
Shakan Bay	Southeast
Skagway	"
Haines	"
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
 - MESAs – Most Environmentally Sensitive Areas
 - CPAs – Cost Participation Areas

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



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)

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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
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."

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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
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.

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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
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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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%
Communications 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(a)(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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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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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
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 plan 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.	

CONTINGENCY PLAN REQUIREMENTS FOR VESSELS
A COMPARISON OF WEST COAST STATES REQUIREMENTS
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				be substituted.		
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
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, <i>deploy response equipment and personnel within two hours</i> , 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 <i>deploy response equipment and personnel within two hours</i> . 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)		
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
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 of 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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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
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
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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		

¹Washington 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.