

ALASKA LEGISLATURE SPECIAL COMMITTEE/SUBJECT FILES 8672

2834 SCOMM 123 TASK FORCE ON MOTORIZED OIL TRANSPORT, 2000

1 of a chosen skimmer, I think that's what it is you're
2 trying to say.

3 LEE EGLAND: Right.

4 GENE BURDEN: Yeah, that's fine.

5 BRIAN ROGERS: Instead of the daily.

6 LARRY DIETRICK: Use five days to determine the
7 skimmer rate.

8 LEE EGLAND: Right.

9 LARRY DIETRICK: One day to nail down the
10 storage.

11 BRIAN ROGERS: So with number 5 we've got the
12 addition of operating capacity, we've got the change to
13 one day, and at this point no change in the
14 recommendation other than those two. Then in the text
15 we have the discussion of demonstrating a variety of
16 means for storage, that we're not just dealing with one
17 type of storage.

18 Are you ready to vote? Is there any objection
19 to adoption of number 5 with those changes? Hearing
20 none, number 5 is adopted.

21 We're ready to move to number 6. Number 6 is
22 the stationing of cleanup equipment, and the issue
23 that's been raised so far is under B. We have the
24 change already made from position the equipment in its
25 subarea of operation to position the equipment at the

1 site of operation. And that's been accepted as the --
2 what it was the group actually was deciding -- what
3 actually came out of the group. And we have on number
4 6, the suggestion, deletion from the explanatory
5 material of the last two sentences, beginning with "the
6 success of this strategy" through "DC-6." So that's
7 where we are at this point.

8 On discussion, Charlotte?

9 CHARLOTTE MacCAY: I just wanted to clarify,
10 because I think some people misunderstood what I was
11 doing. Everyone has that option and you just have it
12 somewhere in your subarea. And where I was replacing
13 the wording was in the exception that you weren't
14 staging in your subarea, then you're showing a 24-hour
15 ability to get into the site.

16 BRIAN ROGERS: To the site, yes.

17 CHARLOTTE MacCAY: And that was just in the
18 exception part.

19 BRIAN ROGERS: Heather.

20 HEATHER McCARTY: Now I don't understand. This
21 is Heather McCarty.

22 CHARLOTTE MacCAY: Sorry.

23 HEATHER McCARTY: I'm looking at number 4 and
24 I'm seeing that it says stationing the control and
25 containment equipment, blah, blah, blah. Must be

1 stationed within the subarea of the vessel's operation.

2 BRIAN ROGERS: Yes.

3 HEATHER McCARTY: And I'm seeing that if we
4 change the one, that the statement of that in 6, it will
5 be different. And now I really don't understand what
6 you mean.

7 BRIAN ROGERS: The discussion has been the
8 control and containment has to be in the subarea; the
9 cleanup either has to be in the subarea or needs to be
10 able to get to the site within 24 hours.

11 HEATHER McCARTY: I see what you mean. Okay.
12 Okay.

13 CHARLOTTE MacCAY: It's a little bit more
14 controversial than... (inaudible)

15 HEATHER McCARTY: Okay.

16 BRIAN ROGERS: So, basically 4 is boom, 6 is
17 skimmer.

18 HEATHER McCARTY: I see what you mean. Okay.

19 BRIAN ROGERS: Stephanie.

20 STEPHANIE MADSEN: Well, the difficulty in
21 demonstrating where don't know where you're going to
22 have a spill -- I mean, if we're mobile, we're not going
23 to be able to demonstrate necessarily to the site, but
24 we could demonstrate with the original language to the
25 subarea. And we talked -- in the work group we talked

1 about the need for cascading in equipment to clean up.
2 And so I understand Charlotte's situation, and my
3 recommendation would be that you leave both options in
4 there. That you would change the wording to "reasonably
5 demonstrate to DEC the ability to position equipment at
6 the site or in its subarea of operation."

7 That way, you could demonstrate how you're
8 going to get it, you know, from Anchorage to your site.
9 I could demonstrate that I can get it from Anchorage to
10 my subarea.

11 CHARLOTTE MacCAY: Yes.

12 STEPHANIE MADSEN: And that allows the original
13 intent of the work group, although it, you know --
14 because the site of operations for us is -- I mean,
15 we're not going to be able to demonstrate that, so
16 you've really taken one option totally away from us.

17 CHARLOTTE MacCAY: That wasn't my intent.

18 STEPHANIE MADSEN: And I know that wasn't your
19 intent, so I'm sure you won't object to rewording that
20 so that we'll have that option.

21 BRIAN ROGERS: Gene Burden.

22 GENE BURDEN: I agree 100 percent with what
23 Charlotte just said, that our intent in the group was to
24 provide clear options for both these scenarios, so that
25 if you didn't have equipment stationed, you just

1 demonstrate you can get into the subarea. So, I'm very
2 comfortable with the language just like it is.

3 CHARLOTTE MacCAY: I am, too. I thought I was
4 just being picky.

5 CAPTAIN ED PAGE: So we're back to subarea.

6 GENE BURDEN: So we're back to original...

7 BRIAN ROGERS: Back to the original subarea, or
8 are we at the site or in a subarea?

9 GENE BURDEN: I don't see how you can do the
10 site, because you don't know where the accident is going
11 to be, and I think it has to be at the subarea for
12 planning purposes.

13 CHARLOTTE MacCAY: In my visualization, we're
14 very unique and we have these sites. That's where I was
15 coming from. Never mind.

16 BRIAN ROGERS: For logging and ore, you
17 probably have at the site. And for fishing, you have in
18 the subarea.

19 RICK HARRIS: Well, even logging, yes and no.
20 If you don't anchor, yes.

21 BRIAN ROGERS: Well, wherever --

22 So we're back to the original language as in
23 the report. Is there objection to the language -- is
24 there objection to removing the last two sentences from
25 the explanatory material?

1 Rick Harris.

2 RICK HARRIS: If I can just speak to that.

3 Periodically I notice in the report we have
4 sort of an anecdotal statement that seems to detract
5 from the report and we start saying you have to use
6 DC-6s or Hercs. Well, in Southeast we don't have either
7 that I'm aware of. Maybe we have a DC-6 around once in
8 a while. But, I mean, I have to be able to show that I
9 can get the equipment to the site in a specified period
10 of time, and when we start saying this, it seems to --
11 it's anecdotal kind of continuation that isn't helpful,
12 and that's the reason I suggested that we remove it.
13 Because, I mean, we have Zicorskis down there; you don't
14 have Zicorskis. I don't have as far to fly. So there's
15 a variety of different pieces of equipment, so it just
16 seemed to me not to be helpful, and some day we'll argue
17 about, well, you didn't say helicopters so therefore
18 that's not good enough.

19 I mean, that sounds asinine, but periodically
20 we get into those very discussions. And I could go
21 to -- I won't do it, commissioner, but I have another
22 continuing discussion with her and her people over that
23 very same kind of minutia, so I'm a little sensitive to
24 it at times.

25 BRIAN ROGERS: With the two amendments --

1 excuse me -- with the one amendment with the explanatory
2 language on number 6, are you ready to adopt?

3 CHARLOTTE MacCAY: Yes.

4 BRIAN ROGERS: Is there any objection? Hearing
5 none, number 6 is adopted as it stands with the change
6 laid out in the text.

7 That brings us to -- okay. That brings us to
8 IMT, which is number 13. No. I'm sorry. Yeah, it's
9 number 13.

10 Number 13, we have the original recommendation
11 was that DEC shall specify the requirements for
12 qualification as an IMT. I, then, added in the text,
13 DEC's recommendation, which really becomes a spelling
14 that out.

15 And I'd like to circulate an e-mail from Doug
16 Lentsch, his comments on recommendation number 13. DEC
17 has recommended that the ICS model from NIIMS be used to
18 standardize the incident command positions, and then
19 recommends an IMT structure in terms of what is required
20 to be specified in the C-plan based on the RPS volume of
21 persistent or nonpersistent, which is either 0 to 5,000
22 if persistent, or 0 to 10,000 nonpersistent. The
23 individual -- the vessel would need to identify the
24 incident commander, qualified individual. For larger
25 RPS volumes above 5,000 of persistent, or above 10,000

1 nonpersistent, the incident commander, finance chief,
2 planning chief, operations chief, logistics chief, and
3 QI.

4 And that's DEC's recommendation, and would --
5 or could substitute for the number 13 to actually make
6 this the recommendation. Doug Lentsch has said that his
7 concern is that a spill of that size, that that's
8 insufficient number of persons to have dealing with the
9 spill.

10 And, Larry, maybe I'll go to you first in terms
11 of responding to that issue, and then open this up for
12 discussion.

13 LARRY DIETRICK: Okay. Yeah, Larry Dietrick.

14 First of all, let's keep in mind here that this
15 isn't what it takes to handle a larger spill. Neither
16 is the 15 percent RPS enough to do what you've got to
17 do. And neither is just taking it to the subarea.
18 Okay?

19 What we're trying to do here is define
20 generically for a whole class of vessels what a minimum
21 starting legal requirement is. And this was our
22 minimum. It's not to suggest that this is what you can
23 get by with in a real response.

24 So once again, it's just like the RPS. It's
25 just like what we've been trying to sort out today.

1 It's, okay, what's a minimum thing that will be
2 acceptable for nontank vessels and a way of starting out
3 incident management team, and this is what we threw out
4 there as a straw man.

5 But we otherwise agree with Mr. Lentsch. And
6 indeed these are huge spills, even a 5,000 would be
7 considered -- 5,000 barrels is very large. That's
8 200,000 gallons, so that's a very large event. So you
9 will need -- I would say it's a 40-person team for a
10 real big one. It's probably even a little bit light.
11 But what do we want to establish for nontank vessels in
12 terms of an IM team? IMT minimum to get a plan
13 approval. And that is what we propose.

14 BRIAN ROGERS: The other item that came up
15 earlier, there's been discussion of the Alaska marine
16 exchange. This might be an appropriate time to get a
17 little more information on the discussions of forming a
18 marine exchange, because it's one of the functions that
19 has been discussed there. I don't know, Paul, if you'd
20 want to just talk about that now as something that was
21 discussed with the steering committee earlier, trying to
22 make sure we had some information about the marine
23 exchange. I think this is as good a place as any to put
24 it in the agenda.

25 PAUL FUHS: Okay, thanks, Brian.

1 This is Paul Fuhs, for those of you on
2 teleconference.

3 We've talked about a marine exchange for a
4 while. Jeff Thompson and Captain O'Hara and Ed Page and
5 a bunch of us -- Simon Lisiecki. We talked about the
6 educational opportunities and the transponder system.
7 There's marine exchanges in San Francisco and Puget
8 Sound. As we went through this, it seemed that it may
9 be a function for the marine exchange to do coordinated
10 incident command as a co-op, similar to a PRAC.

11 Now, when the PRACs spoke, they said, well,
12 they could do incident command, but in a way it's kind
13 of a conflict of interest because then they'd be
14 directing themselves to go out and do this work.
15 Insurance companies were nervous about that, they want
16 somebody who will have some fiscal control over the
17 response. And here we had a whole new set of previously
18 unregulated industries that this wasn't really their
19 business. Now, if you're an oil company shipping fuel,
20 it's probable that you're going to have incident command
21 internal to your company; but if you're a fishing
22 company or a spot charter, you probably don't have that.

23 So, what we talked about as a function here for
24 the marine exchange that would provide incident command.
25 You'd have professional staff, you'd have the

1 communications equipment necessary, and we figured that
2 it would be up to DEC to lay out those requirements for
3 a co-op like this, just like they do for a PRAC.

4 So I don't know what regulations would be
5 developed, but it would be along those lines to make
6 sure you had the qualified people, that you'd have the
7 communication systems and everything in place to do
8 that. So that's the concept of the marine exchange in
9 this context.

10 You talk with the fishing industry, with some
11 of the spot charters, it seems there's quite a bit of
12 interest in it and that it provides an efficient
13 response. It could also really help hold the costs down
14 of a fully-regulated industry in meeting this
15 requirement.

16 BRIAN ROGERS: Gene?

17 GENE BURDEN: Okay. I support this concept,
18 but I don't see merits in breaking this out and having
19 different position requirements specified on the basis
20 of a spill.

21 Number one, you don't know how big the spill is
22 going to be, in terms of planning standard anyway. And
23 what I'd suggest is that you simply say that the parties
24 identify an incident commander that's a qualified
25 individual under the 33 CFR, and the rest of the

1 supporting cast, if you will, for dealing with the
2 largest probable spill that they may have. So that if
3 John Doe's the incident commander that you identify, you
4 also are able to fill in the other names of the key
5 positions that you'd have on your command team as part
6 of your plan. I mean --

7 BRIAN ROGERS: Jeff Thompson.

8 JEFF THOMPSON: Well, germane to that, Gene, is
9 the marine exchange concept, as we've been discussing,
10 is modeled largely on Washington state maritime
11 cooperative, and how the nontank vessel and tank vessel
12 community, users of Puget Sound, came up with a system
13 to basically capture all vessels with a C-plan as it
14 came into Puget Sound. They've been very successful
15 with their program, and their program is administered to
16 a large degree by the marine exchange of Puget Sound.
17 So therein lies our interest.

18 Insofar as the plan itself, the way it works
19 there, is that the marine -- the WSMC, through the
20 marine exchange, has the first 24 hours of -- administer
21 the response. They are the IC for the first 24 hours
22 there in Puget Sound. And the primary contractor is
23 Foss Environmental. And generally speaking, the RP
24 would come in after the 24-hour management by the -- by
25 WSMC itself, but the Foss Environmental is the

1 continuum. They're the contractor that would continue
2 on, so there's not a disconnect between the initial
3 24-hour response and further cleanup requirements.

4 The -- their plan -- I have a copy of their
5 plan. It's Foss Environmental's proprietary plan that
6 basically is given to WSMC. And if we were to do this
7 as a marine exchange, we would look for a similar
8 situation with our available contractors here and
9 basically it's what we've been discussing in the C-plan
10 group all along, a streamlined plan would consist of the
11 SOPEP and membership in a co-op such as the marine
12 exchange, and then the IMT. And IMT is really addressed
13 by the exchange and the -- excuse me, the generic plan,
14 the master plan, if you will, specify all the
15 requirements and staffing in terms of what's being asked
16 for here with the IMT itself, and using it as a model.

17 So it's just a long way of saying that bringing
18 in the marine exchange is germane to this. I agree with
19 Gene, that it may not be really necessary to have these
20 ICS positions required until such time as DEC gets a
21 chance to really look at the plan, whether it comes from
22 a co-op like the marine exchange or whether it's an
23 individual plan. I just don't see why you want to limit
24 yourselves to DEC in that regard.

25 BRIAN ROGERS: Lee, then Charlotte, then John,

1 then Simon.

2 LEE EGLAND: Yeah, Lee Egland.

3 I just throw out a suggestion. I've been
4 involved with spill management for a number of years,
5 worked on various task forces, from revising the
6 existing U.S. Coast Guard fog manual to doing lots of
7 work around this particular subject.

8 My suggestion of recommendation would be to --
9 why reinvent the wheel here? This is an issue that, I
10 think even under OPA, was a little -- was left a little
11 short-sighted from the standpoint as to really clearly
12 identify what's required. In OPA, for tank vessel
13 operators, they're required to have nine positions.
14 That's the command staff and the general staff.

15 But we all know, you have a medium to a large
16 spill, I mean, that's like having a boat without having
17 gas. I mean, nine people aren't going to do it. But I
18 think the assumption is, is that at least if you've gone
19 that far, you've given a significant amount of thought
20 to what people are these -- how much the general staff
21 can bring with them to fill the other necessary
22 functions.

23 So, I would recommend we just adopt, you know,
24 what's the national standard? You've got to identify
25 nine positions. Regardless of how big your vessel is,

1 the bottom line is it's dependent upon where you're at.
2 I mean, you know, you could require a whole lot more
3 people than nine for even the smallest of spills because
4 of the environmental conditions that you may be faced
5 with.

6 So, to keep it simple, I suggest and would
7 recommend we just go with, you know, the nine positions,
8 that is -- on a command staff level is the incident
9 commander, the information officer, the liaison officer,
10 the legal officer -- did I say safety officer yet?
11 Okay. And then you have the operation section chief,
12 the planning section chief, finance section chief, and
13 logistics section chief. There's nine.

14 GENE BURDEN: You get an A.

15 CHARLOTTE MacCAY: Make him do it again.

16 GENE BURDEN: Backwards this time.

17 LEE EGLAND: So it's nine people, and just be
18 done with it. I mean, because this is such a vague and
19 ambiguous topic that everybody knows, why do we want to
20 do something more than what the federal government's
21 done, and it's -- it's understood it's nine positions,
22 and understanding that, you know, Kuroshima, we talked
23 about it, they had more people, you know, in upwards of
24 100 people in the spill management team. They had more
25 people in the spill management team than they had

1 outside physically cleaning up the oil. So, I'm just
2 saying, I think nine people is it, and move on.

3 BRIAN ROGERS: Senator, do you have a question
4 on that?

5 SENATOR DRUE PEARCE: I have a question on
6 that.

7 BRIAN ROGERS: Go ahead.

8 SENATOR DRUE PEARCE: Does that then assume
9 that those nine people all have to have been to ICS
10 training, or only the commander and the other eight can
11 be designated, because you're running into pretty large
12 costs. Some of the companies may not have nine people
13 in states to send off to training, but that would be
14 expensive.

15 LEE EGLAND: Well, that kind of gets into the
16 issue of, you know, do we want to defer to DEC to come
17 up with some qualifications for these individuals. And,
18 quite frankly, I don't think we want to do that. I
19 think we have to leave it to the companies to say that
20 they -- they're going to provide a plan that says here's
21 who are going to fill these nine positions, and they
22 need to be qualified or, you know, they need to have a
23 good understanding as to what their roles and
24 responsibilities are going to be that they're going to
25 be filling in the IMT, and just leave it at that.

1 Because there's been a lot of talk, and I know
2 that the AIMS group has done a lot of work on training
3 and some qualification issues, but I don't think we want
4 to -- you know, I think you can just leave that part of
5 it just somewhat vague, because we know that if it's
6 going to be a marine exchange of Alaska or if it's going
7 to be a co-op that's going to take it on, the co-ops are
8 just going to basically contract with a spill management
9 team company such as Erst-O'Brien or Gallagher or, you
10 know, a firm such as that that are going to come in and
11 fill those positions.

12 You know, a Crowley, which is the company I
13 work for, we've been practicing NIIMS ICS for nine years
14 now, so we do our own.

15 SENATOR DRUE PEARCE: Right.

16 LEE EGLAND: We just say in our plan that, you
17 know, here's the box. And we have a short team and we
18 have a long team. And here's the people that are going
19 to do it and they will be trained and qualified in how
20 to get it done.

21 And we've trained with DEC through notification
22 exercises, while our plan says -- correct me if I'm
23 wrong, Larry. It's been a while since I've been in our
24 plan because I'm not doing that planning anymore, thank
25 goodness -- but, you know, we have the whole team, but

1 what you require of us is basically the nine positions.
2 Understanding that you want to see where you're going to
3 get these other guys, but that's what you're really
4 required to have, is nine people, and there isn't a lot
5 of clarity required to -- you know, how qualified are
6 these people, but they just have to move ahead.

7 BRIAN ROGERS: I've got John, Simon, Bob and
8 Rick, and once we finish this recommendation we've also
9 got a lunch incident.

10 Charlotte.

11 CHARLOTTE MacCAY: From the spot charter point
12 of view, the IMT is really important. It actually kind
13 of falls into the functions of this agent and this
14 response planning facility group as we had defined it.
15 And it was very important that it be very well defined
16 in the regulations and even in the statute so that they
17 clearly get the same and even legal immunity as a PRAC.
18 And so whatever evolves out of this needs to give some
19 very definitive role to the IMT people as a PRAC so that
20 they are protected, or else they're not likely to step
21 up to that role.

22 BRIAN ROGERS: And I believe that issue is
23 addressed in the legal opinion by Breck Tostevin --

24 CHARLOTTE MacCAY: That needs to (inaudible)
25 with whatever else --

1 BRIAN ROGERS: John.

2 JOHN HANSEN: Thank you. John Hansen.

3 Just a couple comments on this. It seems to me
4 that it would be better to approach this from the
5 standpoint of what are the duties that need to be
6 performed rather than by naming individuals and titles
7 of individuals and so on. So that would be one comment
8 on this.

9 The other comment would be this threshold of
10 going from 5,000 to 5,001. There ought to be a little
11 more continuity so you don't have to all of a sudden
12 have to trigger in a whole crowd of additional people at
13 that point. You may well need that, the larger number
14 for a smaller spill, say in a sensitive area that you
15 need the larger numbers.

16 Thirdly, it seems to me that we need to make
17 sure that this is consistent with what the P&I clubs are
18 satisfied with, that it would meet their requirements,
19 in terms of the definitions of roles and
20 responsibilities. And I don't know if we have had a
21 chance to talk to the insurers to make sure that that
22 ground is covered.

23 In terms of the issue of the marine exchange, I
24 think it's an intriguing idea, but I've sure got a lot
25 of questions about how it would work and how it would

1 fit with the existing co-ops and so on, whether it would
2 be duplicating efforts or how it would match the
3 responsibilities of the existing co-ops. So I'd sure
4 like to see a little more discussion on that.

5 BRIAN ROGERS: Simon.

6 SIMON LISIECKI: I like the idea of this marine
7 exchange with a generic plan, and I think that the
8 developer of that generic plan will obviously have to
9 plan for the largest spill for that area. And I think
10 that will help drive how many people you need for the
11 response. And I like Lee's idea of being consistent
12 with the federal regs.

13 BRIAN ROGERS: Rick Harris and then Ernie Piper
14 and then Larry Dietrick. Oh, I'm sorry. Rick Harris
15 and then Bob Heavilin and then Ernie Piper and then
16 Larry Dietrick.

17 RICK HARRIS: I think that this is another
18 useful discussion, and perhaps as striking as the one we
19 had at the last meeting or one of the sub meetings on
20 the cost and the amount of spill equipment, and all of a
21 sudden I start listening to this huge number of people
22 that we need. And, again, I'm on a spot charter thing
23 with a vessel that doesn't get anywhere near 5,000
24 vessels in its capacity. And I listened to all this and
25 I go, there is a lot of people out there that somebody's

1 going to have to pay for. And then I begin to wonder,
2 well, what do they charge for a spot charter vessel to
3 go into Puget Sound, you know, to be covered by this
4 marine exchange.

5 I mean, I listen to it and I listen to this
6 magnitude of people, and I think our shipping in Alaska
7 is nowhere near the magnitude of what Puget Sound gets.
8 I may be wrong. But I listen to this and I don't see
9 that we have the same magnitude of people, and I get
10 very nervous that maybe, when I was worried about
11 equipment, I really should have been worried about
12 people in the IMTs and how big this thing can get.
13 Because, I mean, if we're going to have to have nine
14 people, then everybody in this room is -- or in the spot
15 charters in Southeast, or SEAPRO or CISPRI, or the
16 various -- somewhere I have to start paying for that, I
17 mean directly or indirectly. When I charter the ship,
18 the ship is the C-plan holder, the ship is the -- has
19 the response responsibilities. We work with the co-op.
20 But ultimately, it all comes back to me and I pay for
21 it. I mean, I have to pay for the cost of the ship. I
22 mean, they're already going up, and then we add this and
23 I wonder, how much am I talking about here?

24 BRIAN ROGERS: Bob Heavilin.

25 RICK HARRIS: If you could shed some light on

1 that, it would help.

2 BOB HEAVILIN: Yeah, Bob Heavilin.

3 Let's see. I agree with what Lee was saying,
4 and also with what John said. And I think that what we
5 need to remember is that ICS is a modular system and we
6 only fill the positions that you need. And to say we
7 need nine is probably right, but to say that you need
8 nine people to fill those nine positions might not be
9 accurate. You might -- really, ICS is really just a way
10 to arrange your thoughts to carry out an operation.
11 Somebody has to be in command, you have to deal with
12 safety, you have to deal with legal, and all the other
13 things that take place during an incident.

14 So, you know, as I said before, if you have an
15 incident and if we're coming out with our equipment, you
16 know, we're going to work under the RP. It's not to say
17 that Chadux might not in the future develop a short team
18 of people that are going to be available to be
19 incorporated into that incident management team that a
20 company might have. Or we certainly can go to our
21 yellow pages that we've developed that has a list of
22 vendors that would have folks that would be available to
23 fill those different positions. So, Lee's absolutely
24 right, there's nine positions. But to say that you're
25 going to have to identify -- Crowley, of course, does,

1 because they're a huge company, and they've done that in
2 their preparedness. But, you know, I think that we can
3 keep this pretty simple.

4 BRIAN ROGERS: Larry, Ernie, Captain O'Hara and
5 Jeff.

6 LARRY DIETRICK: Yeah. The paragraph below
7 that table is actually supposed to be a footnote to the
8 table. The nine positions that Lee's talking about,
9 there's actually -- Alaska uses the ICS, so if you have
10 a nontank vessel spill in Alaska, we will be pulling in
11 the ICS. As a matter of fact, the Alaska Incident
12 Management System that's the latest version now of an
13 oilized incident command system, it's totally integrated
14 with the national contingency plan and it is the model
15 that's used in here. And it's basically the nine-person
16 structure that Lee's talking about, five of them are the
17 five box positions, the supervisory positions. And
18 that's the incident commander, and an operations
19 planning logistics and finance.

20 The other four are command staff positions that
21 support the incident commander. The command staff
22 positions are mentioned in the footnote, but these are
23 otherwise the core positions. And I would say most
24 spills and drills, you always have an incident
25 commander. The next one you usually fill out in a

1 modular approach is operations, so you kick in planning,
2 logistics and finance, and then you just start ramping
3 up as necessary to deal with the incident.

4 I just want to flag on here that this is just a
5 starter kit again, so we don't want to get confused
6 about what we're trying to set forth as a requirement to
7 get a plan approved here right now with what it will
8 actually take when you get into a spill, because when
9 you get into an actual spill it will take whatever it
10 takes to do it. And that could be 39 positions or it
11 could be 102, or it could be two, or whatever it takes.

12 So, this is the starter kit that needs to be
13 ready by the nontank vessel industry in the event that
14 you have a spill. This is the preparedness element
15 here. And the one that we feel pretty strongly on here
16 is the qualified individual. The problem we've had with
17 nontank vessels is who is in charge. And so the
18 qualified individual here -- you see incident commander
19 and qualified individual, those could be the same
20 person. Okay? You could have one person, and if it's
21 the vessel rep, he's the qualified individual, we want
22 to see the qualified individual in the submission that's
23 made for the C-plan. That's the person who has the
24 resources to commit assets. We're using the federal
25 definition for qualified individual, so that's the

1 person with the checkbook and the authority to commit
2 the company resources to conduct the response. That
3 person may or may not be the incident commander, but we
4 need both of those as the bare-bones minimum.

5 Beyond that, we need ICS positions that would
6 fall out to the command staff position first and then
7 the supporting positions to fill it out. But these are
8 the ones that are envisioned to be lined up before a
9 spill occurs. That's why we present them as a minimum.
10 It's a core team you need to get started if you have an
11 event. I guarantee if you have a 5,000- to
12 12,000-gallon spill, you'll have all five people
13 activated. You just won't be able to get around it.
14 That's a real big event. You'll have all nine. By then
15 you'll have kicked in the command staff positions and
16 you'll have quite a few more than that.

17 So, these are real minimums here again, but,
18 again, it's from the standpoint of what should the
19 starter kit be that should be lined up and in place when
20 a spill happens, and this is what we're saying is the
21 minimum.

22 BRIAN ROGERS: Before the next person, just a
23 note. Going back to our database, basically this says
24 APL and President is group 2; everybody else is group 1.
25 Because at 30,000 barrels, the RPS is 4500 barrels for

1 the largest vessel other than those two -- groups of
2 vessels,

3 Ernie Piper.

4 LARRY DIETRICK: Brian, I've just got a
5 follow-up to that.

6 You know, we don't necessarily even have to
7 have these breakouts, as far as I'm concerned. The
8 minimum core team doesn't have to be -- to me it's, you
9 know, if this is a minimum core team, that starting
10 team, is fine for anybody that's regulated under this
11 legislation. This is a starter kit. The breakouts here
12 are just kind of artificial.

13 BRIAN ROGERS: Captain O'Hara.

14 MIKE O'HARA: I had my question answered.

15 BRIAN ROGERS: Okay. Jeff Thompson and then
16 Lee.

17 JEFF THOMPSON: Just to follow up a little bit
18 on the WSMC might be a useful model for us to use the
19 marine exchange to address some of Rick's concerns as
20 far as cost, is that the exchange as a cooperative would
21 hold the contract with an IMT entity that's acknowledged
22 by DEC. The actual deployment of that -- of that, or
23 anything else for a spill response, of course, comes
24 from the RP, not from exchange itself. All the exchange
25 does is put in place on a cooperative basis, for as

1 large a pool as necessary, those elements which are
2 going to be required by this legislation, and do so
3 cost-effectively.

4 The cost in Puget Sound right now, depending on
5 the rig of the vessel, your size of the vessel, is about
6 100 to \$200 per port call for a vessel. That's pretty
7 much the irreducible minimum of what it costs for those
8 vessels to comply with Washington state law when it
9 comes to nontank vessels contingency planning.

10 So albeit, you know, it's a concentrated area,
11 there's more people, than dealing in Alaska where it's
12 such a huge, a much larger area. But I think there's
13 still, at least from a regional standpoint, the model is
14 apt for us from the standpoint that we can, as a group
15 of vessels and trades, come together as a co-op, either
16 through a marine exchange or a like organization as a
17 nonprofit, that the benefit is to those shippers and
18 those vessel operators to meet the standards of this
19 legislation cost-effectively.

20 BRIAN ROGERS: The facilitator made a mistake.
21 I skipped over Ernie. I guess I must be trying to move
22 a little bit too fast here. So, Ernie, I'm sorry.

23 ERNIE PIPER: As all us know who have used ICS
24 and have watched over the last ten or 12 years, there's
25 an incident command system which is enormously useful,

1 and then there are people that are ICS junkies. And I
2 think that it's critical that the kind of command staff
3 that Lee described and that Larry described, I think is
4 about as far as you want to go, because the intent of
5 doing that is to make sure that the RP can successfully
6 provide a common -- to participate in a common framework
7 for efficiently managing a spill without getting too far
8 into haggling over what aspect of ICS is being
9 implemented in what way and how many angels are dancing
10 on the head of the incident commander.

11 So, I would say that when this task force looks
12 at this, that we not go too much further than what Lee
13 and Larry have described, as the core people who are
14 able to interface properly with the regulatory agencies.

15 BRIAN ROGERS: Lee, and then Stephanie, then
16 Charlotte.

17 LEE EGLAND: Just a quick comment. It's very
18 important for us to identify the positions, whether it's
19 two, or nine, so as that the people that are going to
20 provide this service, either directly or indirectly, can
21 put a box around how much it's going to cost.

22 For example, if we go to Erst-O'Brien and say,
23 okay, we would like to execute an agreement with you to
24 provide nine bodies for us, they're going to give us a
25 cost based on how many vessels they're going to be

1 covering. Okay? So whatever it is, whatever the group
2 decides, I'd vote for nine, consistent with the national
3 contingency plan, consistent with the subarea plan,
4 consistent with everything else we've got. Just go with
5 the nine and be done with it, and move on.

6 BRIAN ROGERS: Stephanie, Charlotte, and then
7 Heather.

8 STEPHANIE MADSEN: Stephanie Madsen.

9 I guess I'm to blame to have this on here,
10 because it was important for me to provide flexibility.
11 If you wanted to come up with your alternative
12 compliance, you needed to know, in regulation, what was
13 going to be required if you were going to provide that
14 service for yourself. And I couldn't find anywhere
15 where it was defined.

16 So I'm of the mind that minimal is better. I'm
17 supportive of the starter kit. And I think that I'm
18 looking at it not from a person's perspective that's
19 going to hire someone to do it, because I think that's
20 easier, and if you have the money, you can do it. I'm
21 looking more of a person that has vessels that wants to
22 do a fleet plan, that believes it has the resources
23 in-house to do this. And so, I would maybe go to the
24 five that are listed -- without the delineations of fuel
25 capacity, but the five that are -- the core that are

1 listed in the second box, understanding that you're
2 going to kind of cascade in your ICS team like you are
3 your cleanup equipment, because it's all going to be
4 based on what size spill that is and what you're going
5 to have to do to get it cleaned up.

6 So, I'm of the mind to go more to the minimum
7 than nine, to go with the starter kit, but that it's
8 very important for those that want to do alternative
9 compliance, that they understand if they have to be
10 separate bodies and what training may go besides just
11 naming them -- and I guess I'm not familiar enough with
12 33 CFR to know if the training is defined there, or are
13 you just identifying people who are going to fill these
14 positions with no specificity on qualifications or
15 required training. So I need a little help there. And
16 again, mine is more likely to go with the second box
17 than the nine.

18 BRIAN ROGERS: Charlotte.

19 CHARLOTTE MacCAY: Excuse me. This is
20 Charlotte MacCay.

21 I pretty much agree with Stephanie. And there
22 was some comment about the incident commander and
23 qualified individual may be one person, in which case we
24 need the word "and/or" instead of a comma, just for
25 clarification.

1 In regards to the marine exchange, which may be
2 a very good idea, I think it's a side note at this point
3 in time. I think if one is formed, it needs to be
4 optional. In the sense we're dealing with an optional,
5 we need to keep it open. And if one is formed, it would
6 need to be more of a public process that we don't have
7 time for now.

8 And so, it may be a great thing that comes
9 along in time, as long as we're considering the option
10 of independence. I don't know that it's pertinent to
11 deciding this issue.

12 BRIAN ROGERS: Heather.

13 HEATHER McCARTY: This is Heather McCarty.

14 Yes, I agree, Charlotte, that we have to keep
15 it at a level that may be obtained by people who may not
16 be capable of having a large group of people hired.

17 I think the marine exchange sounds like a great
18 idea, and I know that some of the people I represent
19 think so as well. And so, I think it's a wonderful
20 thing to move towards. But what if it doesn't happen
21 right away and you're faced with doing this without such
22 a service for whatever reason -- time, element, and so
23 forth. So, I guess I would go with the lower
24 recommendations as well.

25 I guess I also would like to ask the question

1 that Stephanie asked, about the 33 CFR. If somebody
2 could answer that question in terms of the training
3 requirements. I don't know who is best qualified. I'm
4 not familiar with this area at all.

5 CAPTAIN ED PAGE: And I don't know it
6 specifically.

7 Bill, do you know how that is worded, the
8 verbiage we use in 33 CFR and the qualifications?

9 CAPTAIN WILLIAM HUTMACHER: No. No, I wouldn't
10 want to quote it.

11 BRIAN ROGERS: Actually, I think it's Craig
12 Lewis, as I recall.

13 CAPTAIN WILLIAM HUTMACHER: Can I ask -- Larry,
14 I understood you to say that that qualified individual,
15 33 CFR 155 and 102 applies to the QI. (Inaudible)

16 LARRY DIETRICK: That's QI. It's not a
17 qualification itself. 33 CFR, the definition for that,
18 which is a federal definition, simply states along the
19 lines that you have to be the designated person by your
20 CEO that has the authority and resources to commit
21 resources during a spill, period. So it has nothing to
22 do with the qualifications.

23 HEATHER McCARTY: Okay.

24 LARRY DIETRICK: I would say on the
25 qualifications issues, we're all going to use ICS. If

1 you have an event in Alaska, it's guaranteed we'll be
2 using the five-box structure, which is probably what
3 you're familiar with, which is these things. That's
4 going to happen, I guarantee it.

5 Now, where is the roles of these positions laid
6 out? Well, there was an industry/state/federal group
7 that has prepared the Alaskan submanagement system,
8 which has the closest thing to the qualifications. So,
9 if you want to know what these people -- what their role
10 is in the ICS, or what their duties and responsibilities
11 are, or what their qualifications are, that document has
12 come closer than anything to date in terms of laying out
13 what the qualifications ought to be for people working
14 in ICS and the oil spill response.

15 And even though the qualifications are in
16 there, they can be used as a gauge to know what kind of
17 training they ought to have, and experience. But they
18 are not rigid. There's been a lot of debate about
19 whether or not the training and qualifications for
20 people in these positions should be made rigid or not.
21 So at best all we have right now that exists is
22 recommended training levels in there in that document,
23 and they will answer that question.

24 I would also throw out -- again, on these
25 barrel breakouts and type of product, I think it is

1 artificial. Since the ICS is a modular and it is based
2 on a ramp-up, you always start with an incident
3 commander, you always start with a qualified individual
4 that can commit resources, then it goes to an incident
5 commander and then they activate an operations chief, if
6 it's big enough, and then a planning or whatever, so it
7 flows. So, it's kind of irrelevant if you make a break
8 point. If you need a starting management team and it
9 fills the five boxes or gets thrown in the four command
10 staff position, and again nine, that's your core team
11 that you're going to need to start management of any
12 event.

13 So that to me is why it's a minimum capability
14 to get things going, assuming then that all the other
15 positions you might need to fill out an ICS as it ramps
16 up are made available in a cascading or unfolding
17 scenario.

18 BRIAN ROGERS: We're in a situation where we
19 have three proposals on the table. That you identify
20 nine, of which two may be the same; six, of which two
21 may be the same; or two that may be the same individual.

22 It's 20 after 12:00. I'm going to call for a
23 break for lunch now and then we'll continue the
24 discussion after lunch.

25 (Lunch break taken from 12:20 p.m. to 1:00 p.m.)

1 BRIAN ROGERS: What I'd like to do -- I had
2 earlier said I was going to schedule the Alaska Railroad
3 for a fixed time, thinking that Ernie was bringing in a
4 consultant. Since he isn't, I want to finish number 13
5 and then we'll move over to the Alaska Railroad
6 presentation, assuming that Susan Harvey is back. She
7 wanted to be here for that part of the presentation.

8 Where we are is dealing with recommendation
9 number 13 -- and find it again here. And the current
10 recommendation reads that the DEC will specify the
11 requirements. We have proposals -- three proposals --
12 for what the minimum requirement would be for
13 designating a qualified individual and a team. One
14 proposal is a QI and the eight-member team. The QI --
15 and it may be the incident commander in each of these.
16 The second is the QI plus the five-member team. And the
17 third is just the QI and the incident commander. Again,
18 in each of those three, it can be the same individual.

19 I've got to say it's the first time I've ever
20 seen the regulated community say they want more than DEC
21 asked for. This has to go down as a red letter day for
22 DEC.

23 STEPHANIE MADSEN: Thanks for pointing that
24 out.

25 BRIAN ROGERS: But it has been suggested. So,

1 who wants to make a proposal on this one?

2 Stephanie, and then Bob.

3 STEPHANIE MADSEN: Oh, I'll let Bob go.

4 BOB HEAVILIN: Well, I just had a question. Is
5 it separate than the -- where it says the DEC shall
6 specify the requirements for qualifications, I mean, is
7 that Part 2 of this or -- how does that play into...

8 BRIAN ROGERS: If I can respond. DEC says we
9 don't want to do that; we want to use the QI requirement
10 in 33 CFR, 155.1026, and then identify who your incident
11 commander is, without specifying -- without DEC setting
12 requirements for what that -- for the training of that
13 IC.

14 BOB HEAVILIN: I see. Great.

15 BRIAN ROGERS: Charlotte.

16 CHARLOTTE MacCAY: This is Charlotte MacCay.

17 Not to take away from your red letter day, but
18 I think there are a lot of us who would like to stick
19 with what's here, with the and/or qualifier between
20 incident commander, you know, and at most maybe a list
21 of contractors that they could contact if they need to
22 establish this. Much like we do other resources.
23 Keeping in mind, just because it is supposed to be
24 formfitted to each situation and (inaudible), describing
25 it ahead of time seems kind of countercurrent to the

1 whole theory.

2 BRIAN ROGERS: Senator?

3 SENATOR DRUE PEARCE: As a practicality, what
4 limited experience I have watching spills and cleanups
5 and drills, if any company that has ships doing business
6 in our waters waits until after the fact to figure out
7 who their team is going to be, they will have lost the
8 opportunity to get to a cleanup quickly enough for their
9 cleanup to be successful. But they also will probably
10 end up with a federal takeover or a state takeover,
11 which I think usually, likely costs more.

12 So, I would hope that in going with the lesser
13 number that we actually put into a statute or a reg,
14 that's fine, but that shouldn't then leave any company,
15 I would hope, to not having their own internal crisis
16 plan. Because these things do happen, and you don't
17 want to wait for it to happen and think about what you
18 do.

19 BRIAN ROGERS: Charlotte.

20 CHARLOTTE MacCAY: Charlotte.

21 I agree with Senator Pearce. And I think, you
22 know, you're very prudent to have that, but at the same
23 time you won't want to prescribe it ahead of time so
24 that if you decide to change this module and combine it
25 with that module for this circumstance or that one, then

1 you're not bound by something that was prescribed before
2 you knew what your situation was.

3 BRIAN ROGERS: A response?

4 SENATOR DRUE PEARCE: I'm getting a little out
5 of my area of expertise, but as in -- and I don't know,
6 Charlotte, have you been through any ICS training?

7 CHARLOTTE MacCAY: Uh-huh.

8 SENATOR DRUE PEARCE: Okay. Because, you know,
9 you don't really -- he's right, you set up your incident
10 commander and then they call in the people that you need
11 for that particular event.

12 CHARLOTTE MacCAY: And that's where I want to
13 state --

14 SENATOR DRUE PEARCE: And I don't know that
15 either one of these changes that.

16 BRIAN ROGERS: Lurilla.

17 LURILLA LEE: I've got a question for DEC.

18 Now, my understand is, is that if we have our
19 own incident management team, we'll have to have that
20 approved by DEC as a RAC, isn't that correct?

21 LARRY DIETRICK: Yeah, Larry Dietrick with DEC.

22 It's my understanding in a lot of the dialogue
23 the last couple weeks is that the industry, if they're
24 going to have their own IMT, that that's their
25 preference, is that they want the option of registering

1 it as a RAC so they have the immunity. And our
2 information we've got back from Breck so far is that
3 that's all doable.

4 LURILLA Lee: But my question is if as a
5 company we have our own inside incident management team,
6 and we put that down in the plan, or that's what we
7 choose to use instead of contracting someone out,
8 someone else outside, that we have to go through the
9 approval process at that point.

10 BRIAN ROGERS: Under option -- as stated in the
11 recommendations under option 2, that would be the
12 demonstration of equivalent resources to the contract,
13 PRAC.

14 LARRY DIETRICK: I think I hear what you're
15 saying, Lurilla. There are two ways it could get
16 approved. One, if they registered as a PRAC. When we
17 register as a PRAC, it will be approved, and that would
18 take care of it right there.

19 The second one, then, if you're going to do an
20 individual plan, you would just represent who it's going
21 to be. And they weren't going to register as a PRAC?

22 LURILLA LEE: Hm-m.

23 LARRY DIETRICK: Then they would get approved
24 through your individual plan, approval process.

25 LURILLA LEE: Okay. Because it's just that

1 it's very confusing to hear -- to listen to, say, well,
2 you just have to get your qualified individual, then you
3 give a list of what else you're going to fill, without
4 bringing that other aspect in that if you do choose to
5 go it on your own, that you're going to have to go
6 through an approval process with DEC. Because that is
7 another something else to be thinking about.

8 And I believe that's where this number 13
9 originally stemmed from, was knowing what you would have
10 to do to become an incident management team per se and
11 be approved. That's what I thought stemmed this
12 whole -- this whole recommendation, number 13.

13 BRIAN ROGERS: So your question, if I can try
14 to rephrase it, is if you are trying to demonstrate
15 equivalent resources for your IMT by designating your
16 own people, by what standard does DEC determine in its
17 review process that you have -- that you've complied
18 with the alternative resources?

19 LARRY DIETRICK: Larry Dietrick.

20 And the standards we would use would be the
21 qualifications as they've evolved in the AIMS manual.

22 LURILLA Lee: Okay, that's fine.

23 LARRY DIETRICK: I'm making arrangements to
24 have one brought over and then we'll get them for all
25 the Task Force members.

1 BRIAN ROGERS: Simon and then Ernie.

2 SIMON LISIECKI: If an entity was going to
3 contract with a SEAPRO or a spill response organization,
4 they would be, by having that organization respond with
5 them, they're probably for all practical purposes going
6 to get nearly all of these individuals, except for the
7 QI, obviously. And I think that if someone wanted to go
8 and come up with these other new plans, I don't see how
9 they could really sort of identify less than the number
10 of people that are mentioned, the eight plus one. So I
11 think that -- sort of intuitively, I think, from a
12 practical purpose you're going to have to have all those
13 people if you want to go with your own plan. Because --
14 correct me if I'm wrong -- I think that you get those
15 people anyway if you sign up with a co-op.

16 BRIAN ROGERS: Ernie.

17 ERNIE PIPER: I think that -- let's take it
18 backwards. Rather than having DEC require that these
19 specific positions be filled within your plan, and you
20 demonstrate that you're filling them, I think it's
21 reasonable and it meets Senator Pearce's point, which is
22 a good one, that the RP just has to be prepared to
23 operate within the command structure that is the
24 standard in the state and with the Coast Guard. And
25 that's ICS. So whether I call my planning section chief

1 "planning section chief," as long as I demonstrate that
2 those functions that are involved in the plan can be
3 covered, then whatever plan I present meets the
4 standard.

5 But I don't want to get into a situation where
6 because I don't have a planning, logistics and ops chief
7 and a finance chief in the way that it's designated in
8 that plan, that I'm somehow determined not to be able to
9 do it.

10 Do you see what I'm saying, Larry? I think a
11 reg can say you shall be prepared to demonstrate to us
12 how you will function in this management system that we
13 use at the state and federal level. And unless you can
14 demonstrate that you can do that -- and I don't know how
15 you could demonstrate it anything short of showing that
16 you have those one plus eight functions covered -- but
17 it's a little different than saying you shall have those
18 things and that's their name.

19 LARRY DIETRICK: Yeah. I mean, ICS is -- I
20 mean, it is modular and is a functional approach. But
21 you cannot -- if you're an existing regulated facility
22 in the state of Alaska, you can't get your plan approved
23 without using the ICS. So, I mean, I think what you're
24 saying in principle is right, but I think the fact of
25 the matter is it's because you're required by statute to

1 use the ICS. I don't think we have any structures out
2 there from any companies right now that look different
3 than the five box, basic five-box configuration of an
4 ICS. I mean, I guess it's theoretically possible, but
5 they all fall out into an incident commander or command
6 staff, operations, planning, logistics and finance. I
7 mean, that's...

8 ERNIE PIPER: Ernie Piper again.

9 BRIAN ROGERS: Go ahead, on the response.

10 ERNIE PIPER: Does the reg say capital I,
11 incident, capital C, command, and capital S, or does it
12 have small, an incident management system? And then
13 it's the unified plan that makes reference to the
14 incident command system. Am I --

15 LARRY DIETRICK: The statute says ICS, and the
16 unified plan has adopted -- that's what I'm about to say
17 here, is this is the latest working model right here and
18 that's what we'll send out to it. So this is the
19 working model for Alaska. This is in the public domain
20 now. It was done by state and federal industry work
21 groups for Alaska. And the theory here is -- that
22 underlying structure that you're talking about is all in
23 here, but because we put it in the public domain, each
24 company can now go put their own chartreuse cover on it
25 with their logo, and the guts will be the same but they

1 can put their own individual line up here and that, in
2 essence, will meet the incident management and command
3 team planning requirements under an ICS. And we'll all
4 be using standardized terminology, standardized
5 resources, nomenclature, the whole nine yards.

6 I don't know if that answers your question,
7 but -- I mean, if you go to a spill in Alaska, it will
8 fall out with an incident commander and staff, and you
9 will -- operations, there will be an operations chief.
10 And you may have -- your representative may not be
11 called the operations chief, but he will probably
12 undoubtedly be working one of those four ICS boxes.

13 BRIAN ROGERS: Bob Heavilin, then Sandra and
14 then Rick.

15 BOB HEAVILIN: Yeah, Bob Heavilin.

16 I guess I agree with -- I mean, if a company
17 puts together their incident management team and
18 identifies those people from within their company who
19 are going to fill those positions, that's satisfactory,
20 right? I mean, if a company identifies various
21 people -- individuals within their company that are
22 going to fill the various positions within an IMT,
23 that's good, right?

24 LARRY DIETRICK: Uh-huh. Yeah, I mean, if
25 Ernie's got his second lieutenant, he's capable of

1 filling the logistics or the planning chief role, that's
2 fine.

3 BOB HEAVILIN: Exactly.

4 And now we have this document here, the blue
5 document. It doesn't mean that if somebody else is
6 using this, say, strictly NIIMS, or that their company
7 has put together a plan using ICS, but that it's not
8 identical to that, that that's going to be a problem.
9 You're just saying that this one's available, but if you
10 want to change the cover and put your company's logo on
11 the front, that's all good and well, too?

12 LARRY DIETRICK: Uh-huh.

13 BOB HEAVILIN: Correct?

14 LARRY DIETRICK: Yeah, because by doing that,
15 you're -- this is an IC -- this is the latest version of
16 the oilized ICS, and it's still the basic five-box
17 structure. It's just everything's explained in detail,
18 so...

19 BRIAN ROGERS: Sandra.

20 SANDRA JACKSON: That's what I was wondering.

21 BRIAN ROGERS: Okay. Rick.

22 RICK HARRIS: I guess I'm just seeking
23 clarification.

24 We're using people and functions kind of
25 interchangeably. Now, this five-box structure, can one

1 individual perform more than one duty within this? I
2 mean, if that's the case, then Lee said -- he defined
3 nine, and I said -- you know, I mean, that all makes
4 sense. I mean, if you have a spill, you want to have a
5 safety officer. I think even SEAPRO and others require
6 that. If we just say you need to have these functions
7 assigned to someone, but -- and if it's just that, I
8 don't have a problem with it. But if I've got to have
9 nine people, you know, particularly in the first day or
10 on the first shot out, I'm a little concerned. So I
11 guess I'm -- as I say, we keep going back between people
12 and functions, and if you can have functions and an
13 individual can do more than one of those functions, then
14 I'm satisfied, then I can figure out how I'm going to do
15 it. But if I'm being told that I have to have five or
16 nine positions, then I get a little bit more nervous --
17 five or nine specific people.

18 BRIAN ROGERS: Charlotte, and then Stephanie
19 and then Larry.

20 RICK HARRIS: Can I get an answer to that? I
21 hate to --

22 BRIAN ROGERS: Okay. Larry.

23 LARRY DIETRICK: Well, number one, ICS is -- it
24 is modular. So the theory on this is you start out with
25 that one person. And that person would be the incident

1 commander, okay? That's the way this works. And that
2 person performs every function that's required of an
3 incident at that point in time. It's his job, though,
4 as the incident escalates, to identify when he needs
5 another resource and for what. And so, as the incident
6 escalates, your structure ramps up, and so it isn't too
7 long before he would probably -- it would probably be
8 two hours into an event, you start out with one person,
9 where you'd be designating an operations chief that you
10 would need full time.

11 So it's built that the first person does
12 everything, but then as you exceed the capacity of one
13 person, you turn on the other parts of the organization
14 that you need to deal with it and it just keeps
15 unfolding in that manner.

16 RICK HARRIS: And so then my response to you is
17 I have a plan, and I say, I will have these -- this --
18 these functions all covered. I mean, I've listed them
19 and I say I will have them covered. I don't have to
20 have names or -- other than the initial incident
21 commander listed, and then would everything else be okay
22 without specific names? I mean, I know the functions
23 that I have to have covered, and I may assign one
24 individual two or three functions.

25 LARRY DIETRICK: Well, I think the intent of

1 defining the minimum here, to define the minimum core
2 team that you're going need for an event. I mean, it
3 may be that, you know, for purposes of SB273, what's a
4 minimum core team that you should identify that you have
5 available to respond to a spill?

6 Now, it's granted you might have a real small
7 spill and you will only need one person, and you have a
8 real large one and you'll need ten times what you've
9 identified. So it's the core team, the starter team
10 here that I think we're trying to settle on, is what
11 would be required for identification up front by nontank
12 vessels.

13 RICK HARRIS: Could I have one more?

14 What you're asking, then, is that we have to
15 have people in those functions. I mean, I feel like
16 we're kind of dancing around a little bit.

17 LARRY DIETRICK: You have to have the people or
18 access to that capability.

19 RICK HARRIS: So, in my plan, you're going to
20 want to see something that says I have physical bodies
21 that will be able to fill at least those five boxes
22 within a certain period of time. You're going to want
23 to make sure that I can attest to you that I will have a
24 finance guy and a few other people.

25 LARRY DIETRICK: In the actual plan, it's my

1 understanding what you'll be attesting to is that you
2 have access to people that can perform those functions
3 if you have a spill. And so, if it's a PRAC, and you
4 contracted with an IMT, then the validation becomes
5 whether or not the validation -- or whether the PRAC is
6 registered and has a planning officer that meets the
7 criteria, operations and logistics, et cetera. Or, if
8 you so choose, to satisfy that capability with internal
9 resources, you can do that.

10 BRIAN ROGERS: Charlotte.

11 CHARLOTTE MacCAY: Mark was articulating what I
12 had to say earlier better than I did, but I still also
13 don't understand -- do you want names for those
14 positions?

15 LARRY DIETRICK: Yeah, we want the resources
16 identified. It could be a contractor with --

17 CHARLOTTE MacCAY: For each position?

18 LARRY DIETRICK: I mean, when you go through a
19 PRAC, for example, you're going to be contracting with a
20 PRAC and you'll have some sort of contractual document
21 with your contractor that says he has four people on
22 board, and he'll have the names of the four people, any
23 one of which can play operations chief. And that would
24 be fine. If it's an internal and you were going to
25 identify internally who it was, then whoever that person

1 was is who it will be.

2 CHARLOTTE MacCAY: But you're not saying, Joe
3 is operation chief, Al is safety officer, so-and-so is
4 finance officer?

5 LARRY DIETRICK: Well, you would be making the
6 decision as to who would be -- has the capability of
7 performing those functions, and represent them in the
8 submission.

9 CHARLOTTE MacCAY: But are you requiring me to
10 give you one name for each function?

11 LARRY DIETRICK: Uh-huh.

12 CHARLOTTE MacCAY: And you cannot combine those
13 functions if you choose? We're trying to figure out how
14 much flexibility we have, and we're not understanding
15 you very well as far as how prescribed this team is, as
16 we're trying to maintain the flexibility to join modules
17 or overlay or switch to whatever we feel necessary. And
18 I know the answer is doing it on-site, we've done it
19 somewhat as is with our own people, and I know it can be
20 done. But I'm trying to figure out if you're saying,
21 Joe will have this position, Al will have this position,
22 and you're not combining Joe and Al's position.

23 LARRY DIETRICK: What we're saying is --

24 CHARLOTTE MacCAY: How prescribed is it?

25 LARRY DIETRICK: -- you go for two -- what do

1 we have on the board there, two -- that's the size of
2 the starter team that we're -- that Brian is trying to
3 get us to vote on.

4 CHARLOTTE MacCAY: And that's two specific
5 names?

6 LARRY DIETRICK: And Lee mentioned -- Lee makes
7 good arguments for having you pre-identify a full core
8 team of nine people, which is -- which would be a
9 minimum core team under ICS.

10 CHARLOTTE MacCAY: And are we held to keep
11 those people in those positions, or can we move them
12 around as we see fit?

13 LARRY DIETRICK: If they're qualified to move
14 around, you can move them around. But you would need
15 nine people to be able to field the team, a nine core --
16 nine-person core team.

17 BRIAN ROGERS: Stephanie.

18 STEPHANIE MADSEN: This is Stephanie Madsen,
19 and I am really confused.

20 I guess we're going back and forth here. And
21 this is exactly the reason why I think we need it
22 explained. I don't know what document you've got in
23 front of you.

24 LARRY DIETRICK: Right.

25 STEPHANIE MADSEN: So -- but it sounds like to

1 me it was a plan that industry and DEC came up with that
2 is a document that suffices. If you want to do your own
3 plan, you put your own cover on it, you identify your
4 people, you're covered for your incident command system.
5 I guess this is just something that we have access to
6 now that the industry group has already done it. Is
7 that what's in front of you?

8 LARRY DIETRICK: No. Take this off the table.
9 Okay? What you brought up -- this just has all the
10 qualifications, roles and responsibilities, the ICS
11 positions per se. Okay? So it answers all those
12 questions you asked this morning.

13 STEPHANIE MADSEN: But that is just an
14 approved, DEC-approved plan. I mean, it's not
15 regulations, it's not this is what is definitely
16 required. You said this came out of a working group.

17 LARRY DIETRICK: Right.

18 STEPHANIE MADSEN: So this is the recommended,
19 this is what has already made -- gone past DEC scrutiny
20 as qualifying?

21 LARRY DIETRICK: This is a definition of what
22 an oil -- of what an incident command system for oil
23 spill response looks like in Alaska. Okay?

24 STEPHANIE MADSEN: Okay.

25 LARRY DIETRICK: So when we're talking ICS,

1 you're talking about one box on the top and four boxes
2 underneath. Planning, operations, logistics and
3 finance. That's all this is.

4 So when you're talking about what size team --
5 you could have a thousand people working under an ICS
6 team. But what's a minimum core team that you need to
7 have to be able to react to a spill? Can you have one?
8 And under ICS principles -- not just this blue book but
9 ICS principles -- the first person there does
10 everything. As the first person there that's the
11 incident commander, one of the things you have to do is
12 immediately make decisions on where they need additional
13 resources to perform additional functions that are now
14 beyond our capability. And that's how the thing
15 unfolds. So if the first thing he identifies is my
16 safety officer -- I need a safety officer. Okay. He
17 activates a safety officer and brings him into the
18 command. The safety officer starts performing safety
19 officer functions. If the next thing he overdoses on,
20 because he's only one person, then is operations, he
21 orders up his operations chief and brings him on.

22 STEPHANIE MADSEN: Okay. Let's go back,
23 though. Let's say --

24 LARRY DIETRICK: Planning, et cetera, et
25 cetera.

1 STEPHANIE MADSEN: Let's say that Stephanie
2 Madsen is the qualified person, and I'm also the
3 incident commander. Okay? I know what my
4 qualifications are because, as an incident commander,
5 we're saying that it's defined in 33 CFR. So I know --

6 LARRY DIETRICK: The qualified individual is,
7 not the incident commander.

8 STEPHANIE MADSEN: Okay. So the qualified
9 individual is defined in 33 CFR. I can be the incident
10 commander, as a qualified individual. I can be one
11 person and fill two slots.

12 What we're trying to decide today is, from
13 DEC's perspective, what is the core team; and we've got
14 three options up there. I guess -- so, from my
15 perspective, I need to know, one, what is going to be
16 the core team, which we're deciding. And then, two,
17 once we define the core team, how do I know if the
18 person that I put in these core positions is going to be
19 considered qualified by DEC. Do I have to then go to
20 that book and determine that Stephanie Madsen is no
21 longer qualified because I don't know anything about
22 safety? So I have to get somebody that has different
23 qualifications to be the safety officer. And what's
24 unclear to me -- as I understand it, what we're doing is
25 we're trying to define the core start-up team that would

1 meet DEC's approval in the contingency plan process.

2 LARRY DIETRICK: Right.

3 STEPHANIE MADSEN: Okay. What I'm struggling
4 with is, how do I know what the qualifications are for
5 that core team, because I understand that the only one
6 that's defined is the qualified individual, and the rest
7 of them are in that blue book. So, does DEC use that
8 blue book to look at my person to determine whether my
9 person is qualified or not?

10 LARRY DIETRICK: Yeah, this would be the
11 closest thing that's available on the market right now
12 to judge that qualification.

13 STEPHANIE MADSEN: And what makes that the
14 final rule? The final say?

15 LARRY DIETRICK: Well, it's not regulatory, and
16 so it's a guideline.

17 STEPHANIE MADSEN: Okay. Well, then I propose
18 that we look at the core five, not core nine.

19 BRIAN ROGERS: Charlotte, and then Gene and
20 then Heather.

21 CHARLOTTE MacCAY: I think, as is often the
22 case, we're looking at our liabilities and
23 vulnerabilities here from a violation standpoint, and
24 it's not clear to us how prescribed what you're asking
25 us to be is, and how much to the letter we have to

1 adhere to it when the situation arises.

2 If we have listed certain people for these
3 positions, but for whatever reason they're not
4 available, they're stuck out on a ship, whatever, what
5 allows us to bring other people into those functions or
6 not, and do they have to be on this list that has been
7 prescribed in this process. And that's why we're
8 raising concerns about not being too prescribed.

9 Yes, we need to be prepared for ICS. I don't
10 think anyone's fighting that. And we need to have given
11 it some thought and see that we have some people
12 available. And if they're not, we are held to them, and
13 if it's a violation if we do not use those people we
14 have listed, or are not using them in a certain way that
15 you interpret, how is -- that's, I think, what we're
16 all -- where we're coming from.

17 BRIAN ROGERS: Gene.

18 GENE BURDEN: Just to follow up on that. Maybe
19 you need to refresh my memory, too, Larry, on this. But
20 I don't think the department goes in and renders any
21 kind of judgment on the qualifications of who the supply
22 person is, or who the public information officer is in
23 the contingency plan holder's plan. You are really
24 looking -- who the parties have assigned to that
25 position, isn't that correct? You don't really -- so

1 there's no evaluation process that's applied in the oil
2 sector, and I wouldn't see -- I don't think DEC would be
3 interested in trying to pass judgment on the
4 qualifications of -- and maybe some misunderstanding in
5 terms of the terminology. Qualified individual is
6 actually sort of separate and apart. Think of separate
7 and apart --

8 LARRY DIETRICK: Yes.

9 GENE BURDEN: -- from the ICS system. And so,
10 that's got some specific characteristics that you can
11 determine whether or not somebody's a qualified
12 individual.

13 The ICS system is really pretty much up to the
14 C-plan applicant to dedicate who they want. And I've
15 found, from Tesoro's standpoint, I think that we've seen
16 flexibility on the part of the department for, you know,
17 having backups or substitutes, or if somebody's on
18 vacation and we have an incident, part of our planning
19 process is to identify who those -- who those backup
20 individuals are. And I've not seen the department be
21 real prescriptive in that area at all.

22 SIMON LISIECKI: There's no names at all.

23 SANDRA JACKSON: It's just function.

24 GENE BURDEN: Just the functions.

25 BRIAN ROGERS: Heather, then Ernie and then

1 Jeff and then Captain Page.

2 HEATHER McCARTY: This is Heather McCarty. My
3 question goes along with what we've just been talking
4 about to some extent.

5 If this became part of statute, what we're
6 talking about now, we decide on what format we want it
7 to be in. It doesn't mean that the parts of that plan
8 that you're holding there, that you're referring to,
9 becomes part of statute as well. The only thing that
10 becomes part of statute is that we, as operators, are
11 required to follow an ICS system and to put together an
12 IMT to meet those requirements. Is that right?

13 LARRY DIETRICK: Uh-huh.

14 HEATHER McCARTY: That's all it's going to say.
15 So if we want to know what the details are, we go to
16 these recommendations, but that's not going to be part
17 of statute.

18 LARRY DIETRICK: It's just a resource document.

19 GENE BURDEN: So really the question before the
20 group is whether the parties would have to commit to
21 have X number of positions in their ICS -- I'm sorry for
22 coming in late, but that's what it sounds like. Is that
23 what we were debating?

24 BRIAN ROGERS: We're going back and forth
25 between positions and names. Ernie? Yeah, and

1 functions, yes.

2 ERNIE PIPER: Again, there's ICS, and then
3 there's dogmatic ICS. And I don't think that we want to
4 get into a situation where it's left open that incident
5 command system procedures and protocol become a pathway
6 for enforcement or determining the adequacy of cleanup.
7 If the IAP isn't filled out in the exact way that that
8 regulatory agency wants it filled out, what happens
9 then? If somebody isn't designated in the right spot,
10 what happens then?

11 I think that the core functions that are
12 identified are it, and ICS is the only way to go if you
13 want to effectively manage your spill. By the same
14 token, having the department rigidly prescribe what it
15 is you have to do to meet their picture of spill
16 response, down to the title and -- is probably farther
17 than I think that we want to go.

18 BRIAN ROGERS: Jeff?

19 JEFF THOMPSON: I was just going to make the
20 general observation from what little I know about ICS,
21 it's prescriptive by nature. You're being asked to
22 prescribe what's going to happen with your ICS. And I
23 guess if the conundrum is just putting a name to that
24 function, then that's what we need to determine. But I
25 don't see us getting away from ICS in terms of we're

1 going to have to use ICS as far as being C-plan
2 submitters, because that's the system that's been
3 identified that's effective for dealing with oil spill
4 incidents.

5 Now, I was just going to ask Larry, the book
6 you have there, that's base on the NIIMS?

7 LARRY DIETRICK: Uh-huh.

8 JEFF THOMPSON: And that's pretty much the
9 standard, isn't it? I mean, this is all pretty much
10 standardized, as far as the national -- as I understand
11 it -- the national response plan, relates to the Alaska
12 response plan, to the subarea of -- the ten subarea
13 plans, it's all based on this. This is all hierarchy

14 And as far as the functions, they are very
15 prescriptive in terms of how this is going to be done,
16 for a couple of reasons. Number one being uniform. In
17 other words, that someone from another part of the
18 country is going to understand what your ICS is because
19 it follows this fundamental model. For example, in
20 other words, if I have to pull in -- if I have a huge
21 spill and need to pull in assets from Louisiana, those
22 folks are going to understand our ICS because their ICS
23 knowledge is fundamentally the same as mine.

24 LARRY DIETRICK: That's correct.

25 JEFF THOMPSON: And as such, it is

1 prescriptive. So, I think we need to keep that in mind
2 as we try to make this determination for this particular
3 recommendation.

4 BRIAN ROGERS: Captain Page?

5 CAPTAIN ED PAGE: I think I agree with
6 everybody. It's not -- prescriptive by nature. I guess
7 I would use it like it's a standard of care. There's an
8 expectation that this is not a regulation, as Stephanie
9 was concerned about. It was developed over the years
10 with the oil industry, for tanker type, large oil
11 spills, with the Coast Guard, with the industry. It's a
12 national program. And we applied this model -- and
13 actually, the genesis of it was during the Exxon Valdez
14 spill, we started doing the ICS, and we tried several
15 different organizations and then this is the one we
16 ended up with. And it's since been modified beyond
17 that.

18 But from a federal on-sea coordinator
19 perspective, when I was in that capacity, my benchmark
20 as to whether the response was adequate or not was if
21 the responsible party showed up and was able to run the
22 organization, plug in people. We didn't care ahead of
23 times as far as who the names were, or whatever. But
24 when they showed up, I expected them to be conversant on
25 ICS and expect to have people to fill those positions

1 and represent their interests. If not, then we -- the
2 term, federalize a spill, that's when you start
3 federalizing a spill, if you feel they can't adequately
4 manage a spill.

5 The real objective is to get the oil out of the
6 water as fast as possible and minimize the consequences.
7 History is showing you need some type of organization to
8 be somewhat effective in that. There's some people now
9 that concentrate more on organization than picking up
10 the oil. But the reality is you want organization that
11 helps ensure that you get effective spill response.

12 So, one way of getting the confidence of the
13 State and the Coast Guard on-sea coordinator, is you
14 come in, you know what ICS is, and you have people that
15 run the organization. Otherwise, what's the benefit of
16 being incompetent? Otherwise, the State and the Coast
17 Guard will run your oil spill response and it will be
18 very, very expensive.

19 And so, it's not an absolute thing, but to have
20 some guides saying we expect you to have an ICS
21 knowledge and ability to run the organization I think is
22 a prudent thing, but not to get too terribly specific on
23 it. That is a guideline, and that might be -- that will
24 only be used in its entirety for a major oil spill,
25 which none of you folks will ever get. A fish boat will

1 never be in that category. But maybe Simon might be
2 worried about the whole book. No offense, Simon. But,
3 you know, you'll never have to use the whole book, quite
4 honestly. But there are some slices, aspects that you
5 probably will. I hope that clarifies to some extent the
6 ICS thing.

7 BRIAN ROGERS: Is the question that if you're
8 contracting for your incident management, you just have
9 to do the incident commander -- a qualified individual
10 and incident commander; but if you're doing equivalent
11 resources, you have to lay out in more depth what your
12 incident management team will be in the five- or
13 nine-box model. Is that the issue? Or, it seems to me
14 that the group, in going back and forth, we're partly
15 dealing with some entities that are going to be
16 contracting for basically all of incident management,
17 and others who are trying to provide it in-house.

18 BRIAN ROGERS: I have Stephanie, Heather, Ernie
19 and Gene.

20 STEPHANIE MADSEN: This is Stephanie Madsen.

21 I guess my concern is, how do we demonstrate
22 that we are familiar with the ICS? I mean, if we hire
23 somebody that's already approved by DEC and is on their
24 list, that's one way to comply. But if we're wanting to
25 do alternative compliance and hold that in-house, it is

1 still unclear to me, other than giving you my five
2 names, or however many core people, how I demonstrate,
3 to DEC's acceptance, how I'm going to comply.

4 And I guess that's kind of where I started with
5 this whole thing, is that I'm looking at maintaining all
6 my options. And if one of my options is alternative
7 compliance, how do I get past DEC's scrutiny that my
8 management team is appropriate and not subject to their
9 having a bad day and no, they don't like my team?
10 That's kind of where I am. I understand, and you've
11 summarized it very well, that we have to demonstrate a
12 knowledge of ICS system. But I'm not clear, if I want
13 to do that on my own, in-house, other than providing the
14 core names, how I'm able to demonstrate that.

15 BRIAN ROGERS: Heather.

16 HEATHER McCARTY: No one's going to tell
17 Stephanie?

18 BRIAN ROGERS: You want to let Larry answer
19 that first?

20 HEATHER McCARTY: Yeah, I'd like to know.

21 LARRY DIETRICK: Maybe I can give a counter
22 model. We inherited the NIIMS ICS system because it was
23 created for the wildfires, okay? ICS is an emergency
24 response management system, that's all it is, okay? And
25 the wildfire guys developed it first. It's National

1 Interagency Incident Management System, or something.
2 Anyhow, it's the acronym for the wildfire model, and
3 they've developed all the standards and whatnot. And
4 so, the oil world went to that as the solution for
5 fixing the problem in '89. And there's a little bit of
6 truth in that and there's a little bit of overkill, too.

7 But let me point out the wildfires example of
8 how they would deal with qualifications and training.
9 This is how fine-tuned their system is in the wildfire
10 world. Each position has minimum class requirements,
11 okay? ICS level courses, 101, 201, 203, 204. It's got
12 experience requirements. Each person that works in the
13 ICS has got a personalized booklet, okay, where you have
14 to log your experience in participating in the role of
15 situation unit leader or operations chief or planning
16 chief. So you have a history of all of your experience
17 in there. Plus, you have all of the curriculum, all of
18 the formal training that you're required to take.

19 And for you to elevate, say, up the chain of
20 command in the ICS and wildfire world, you start out at
21 the bottom of the structure, you accumulate experience,
22 you accumulate time on the job, you accumulate course
23 work, and you work your way up to, say, a section chief,
24 like the planning chief. You can't then go to an
25 incident commander until you've had time in each of the

1 section chief jobs. You would have had to have logged
2 time, I think it's like a year or two, as a planning
3 chief, as an operations chief, as a logistic chief, as a
4 finance chief, before you could become then incident
5 commander. So, it's an incredibly formalized, very
6 detailed, they've not got qualifications and training
7 that they abide by rigidly, and you don't go from one
8 position to another unless you pass those -- have those
9 credentials and pass muster.

10 Now, what do we have in the oil world so far?
11 Well, the oil world is way, way, way away from that.
12 And we've argued this with the west coast states and
13 everything. The oil world can't even agree on what the
14 qualifications should be, okay, for people working in
15 the ICS for an oil spill response versus wildfire. And
16 this is the first place where we've summarized what we
17 think the qualifications might be. But there's nowhere
18 in the country yet where they've agreed as to what the
19 qualifications and training hierarchy should be for oil
20 spill response in an ICS, to the point where either the
21 Coast Guard or anybody else has put it into a regulatory
22 format, or really even into a single document. And we
23 haven't adopted the wildfire model at all. So the rigor
24 in the oil world ain't there.

25 You go to a spill or drill in Alaska and if you

1 can identify the five boxes, roughly, you're kind of
2 doing good. That's about the level at which we can
3 execute it. And it's because we don't have the
4 qualifications and training, and the time and the formal
5 training that one is required to have in each of the ICS
6 positions underneath, and then have accumulated in all
7 the positions above it, that it doesn't work too well
8 yet in the oil world. So, what've you got here, in
9 terms of checkoffs here, is very crude, okay? And these
10 qualifications, they're as close as anything that exists
11 as far to what it might take to be qualified.

12 So, it's pretty rudimentary, and it's not
13 regulatory at all. And if you say that Sandra is your
14 ops chief, and Sandra said she was to three oil spill
15 drills, she's probably as experienced as anybody in that
16 arena. I mean, that's the likelihood of it.

17 BRIAN ROGERS: So, clearly we need more spills
18 so people can get more experience.

19 LURILLA LEE: That's what I was going say.

20 LARRY DIETRICK: I don't know if that will help
21 your question here, but we're way away from --

22 STEPHANIE MADSEN: Well, I guess, you know,
23 what I heard you say is that, you know, right now, after
24 we decide what our core is, I just have to give you my
25 qualified individual's name and tell you that I have it

1 under control for the rest of them and that I will have
2 those functions covered, and you'll approve my plan.

3 LARRY DIETRICK: Yeah, I think that's what
4 we're trying to do, is settle on what a minimum core
5 team ought to be that you all people ought to know
6 about, have access to, and know who you're going to call
7 to get that team so you can get started on a response.
8 That's critical to begin with.

9 STEPHANIE MADSEN: Yeah, right there.

10 BRIAN ROGERS: Can somebody capture that one?

11 RICK HARRIS: I wrote something down to try it.
12 Let me read it and see if this is right. It basically
13 says, the C-plan should identify by position -- and I
14 said and/or name -- the qualified IC and QI. I mean,
15 those are the two names I think you're after.

16 LARRY DIETRICK: Yeah. Definitely need to have
17 a QI.

18 RICK HARRIS: And in addition, the following
19 function should be assigned to individuals -- to
20 individual or individuals within the IMT. And then you
21 can list -- in that case you can list all nine. I don't
22 have a problem. I think you ought to throw a safety
23 officer in and the others. So, you could have somebody
24 that's incident com -- or you could have somebody
25 performing both the safety officer function and another

1 function in the field. Depending upon the magnitude of
2 the spill. I mean, so I added all nine, but I mean it's
3 actually not nine, it's seven, because we pulled the two
4 off.

5 HEATHER McCARTY: Second.

6 BRIAN ROGERS: That motion has been moved and
7 seconded, but we do have Ernie, Gene and Simon taking
8 the floor. Okay, that second didn't count? Then go
9 ahead, Heather is first.

10 HEATHER McCARTY: I get the feeling this is an
11 educational process as well as a decision-making
12 process. So, I apologize beforehand for asking dumb
13 questions, but I think we're all sort of behind the
14 curve -- I mean, some of us are behind the curve on
15 this.

16 What are the legal requirements -- this is my
17 question to DEC or whoever. What are the legal
18 requirements currently for tank vessels in this arena?
19 Is there a similar requirement for tank vessels? And if
20 so, what is it?

21 LARRY DIETRICK: Yeah. This is Larry Dietrick.

22 Yes, there is, but again, we're not -- we're
23 trying to, I think, design here a generic starter team
24 for everybody, period. If you go into a plan here that
25 Simon's got, okay, you're talking about an individual

1 plan that's gone through an individual plan review now
2 that has scenarios in it to which they design then the
3 response management team and response capability.

4 HEATHER McCARTY: I see.

5 LARRY DIETRICK: We're not developing scenarios
6 here for a worst case spill at all here. But he would
7 have a management team that would be quite extensive.
8 It would be in the ICS format and it would all be
9 submitted for review.

10 HEATHER McCARTY: Just to help me understand a
11 little bit. So, the individual plans are approved -- in
12 the tanker world, in the tank vessel world.

13 LARRY DIETRICK: Yes.

14 HEATHER McCARTY: Okay. So there's no generic
15 requirement as we are looking at here. But they know,
16 when they submit their plan, that it needs to adhere to
17 the ICS format?

18 LARRY DIETRICK: Yes.

19 HEATHER McCARTY: Okay.

20 LARRY DIETRICK: And in some cases now, I
21 should mention that the crude oil industry does have
22 links with SERVS in Prince William Sound, and with
23 CISPRI. And so then there's an integration then
24 between, in some cases, what the co-op teams provide
25 versus their own internal management teams. And in the

1 case of 72 hours, you have a SERVS starting out team,
2 and then it's replaced by an owner vessel company team
3 at the 72-hour margin and whatnot.

4 HEATHER McCARTY: Thank you.

5 BRIAN ROGERS: Ernie?

6 ERNIE PIPER: Well, I would go to the first
7 part of that declarative sentence and then go from
8 there. You have to have in your C-plan, you ID by
9 position and name the qualified individual and the
10 incident commander. And then, the plan holder has to
11 demonstrate that the members of the management team --
12 and you can identify who those are -- through experience
13 or documented training, are conversant and can actively
14 participate in the incident command system used by the
15 state and federal governments in a major incident. Or
16 in an incident.

17 And I think that that gets to the point that
18 Senator Pearce made, which is you really ought to do
19 that way, to the point that Larry and Captain Page made,
20 which is we're going to decide whether you guys know
21 what you're doing based on whether you can participate.
22 But it eliminates going to the extent of saying that
23 unless you have these boxes filled and follow the ICS
24 form 204 and 201 the way that that implies, that you're
25 not in compliance.

1 Larry, is that -- does that satisfy you, or no?

2 LARRY DIETRICK: Well, yeah, I mean, we don't
3 have a prescriptive 204, 205 formula right now. I mean,
4 there's versions of that, but saying to demonstrate with
5 appropriate training, experience and spills or drills is
6 okay.

7 ERNIE PIPER: Right, because that shows that in
8 my plan -- well, Stephanie, here's what I'm getting at.
9 So, in the plan you say, here's my qualified individual,
10 here's my incident commander. These individuals, one,
11 two, three, four, five, are members of our management
12 team. They hold this, this, and this. And the kinds of
13 training that are available in ICS, from small to large,
14 allow you to pick from that menu and demonstrate that
15 you have documented training in it, or -- and/or
16 experience. So that DEC and the Coast Guard know that
17 when everybody shows up, they're going to be able to
18 all -- we're all going to be able to function together.

19 BRIAN ROGERS: Gene, then Simon, then
20 Charlotte, then Lee. And Captain O'Hara.

21 GENE BURDEN: Okay. DEC shall specify the
22 requirements for qualification as an incident management
23 team. I think that's poorly stated and not what we want
24 to recommend. I think that's sort of on your
25 wavelength, Ernie. I jotted down that the Task Force,

1 just as a straw man, recommends that the NIIMS ICS model
2 be used to standardize incident command positions by the
3 C-plan applicant, and that the C-plan applicant has
4 responsibility to demonstrate that they have incident
5 command and support positions identified and staffed in
6 the event of an accident, period.

7 BRIAN ROGERS: Simon.

8 SIMON LISIECKI: Ernie and Gene have stated it
9 quite adequately. I have nothing to add to that.

10 BRIAN ROGERS: Charlotte.

11 CHARLOTTE MacCAY: Go ahead. I forgot what I
12 had to say.

13 BRIAN ROGERS: Lee.

14 LEE EGLAND: Lee Eglund. I was going to
15 somewhat mirror Gene's. I don't think because we're not
16 there yet, as Larry mentioned, as far as setting
17 qualifications, that we want to go down that path. It's
18 strictly a matter of -- and I'll defer to Gene's
19 language and that I think that does it, other than do
20 you need to identify how many positions need to be in
21 there?

22 BRIAN ROGERS: Captain O'Hara.

23 MIKE O'HARA: Ditto.

24 BRIAN ROGERS: Eric.

25 ERIC BRITTEN: Just in my propensity to state

1 the obvious, let me see if I understand what we're
2 saying here. We're basically saying, you file your plan
3 with DEC, they're not going to review the qualifications
4 of the people who you say are there; they're going to
5 rely upon you, as the plan holder, to have people who
6 are qualified. And where the rubber really meets the
7 road is what Captain Page said. If your people get
8 there and they are identified as totally inept at doing
9 what they're doing, not trained, don't have the
10 qualifications, your bill just -- your ticket just
11 starts to run. And that's the enforcement part, right?
12 It's the what happens if you don't.

13 GENE BURDEN: Or if there's a drill and that's
14 discovered, then you might end up with some sort of
15 consent order where you have a certain time frame to get
16 people trained.

17 ERIC BRITTEN: But the way I read it, we're not
18 looking for those qualifications. You're just saying,
19 these people are qualified, we have confidence in their
20 ability to do it, and when either the tests or the
21 reality occurs, you'll see if these people are
22 qualified.

23 BRIAN ROGERS: So, can we say that the NIIMS
24 ICS model should be used to specify the positions by the
25 C-plan applicant. At a minimum, the applicant must

1 identify the QI and IC by name; may be the same person.

2 SANDRA JACKSON: I'll second.

3 BRIAN ROGERS: Is that what you're looking for?

4 Does anyone object to that? Larry?

5 LARRY DIETRICK: How does the NIIMS model
6 specify positions? I understand the second sentence.

7 The first sentence. I mean, NIIMS --

8 GENE BURDEN: Yeah, it would be the
9 standardized, the ICS approach or methodology, the NIIMS
10 model. That's all it does, doesn't it?

11 LARRY DIETRICK: Well, NIIMS just says, you
12 know, if you have a release and you respond, you know,
13 follow this structure in these positions. But what it
14 doesn't say is what a minimum sized team should be to
15 pre-identify for a response. I mean, it's a given you
16 start out with one and you ramp up as necessary to deal
17 with the event.

18 BRIAN ROGERS: So, what's a better way of
19 saying that?

20 LARRY DIETRICK: What you're saying here, then,
21 is our core team is two people. We're not specifying a
22 generic minimum sized core team then. That's the way I
23 read that.

24 GENE BURDEN: I think -- I'd suggest that we
25 just -- I'm plagiarizing some language out of 13. If we

1 just say the NIIMS model be used to standardize incident
2 command positions by C-plan applicants.

3 RICK HARRIS: Can we say functions as opposed
4 to -- I mean, when you say positions, that implies to me
5 a person. I mean, are we talking about a person, or are
6 we talking about a function?

7 GENE BURDEN: I think we're talking about
8 positions. That's the way it's referenced in NIIMS.

9 CHARLOTTE MacCAY: Some of the functions are
10 sometimes joined together by one person, and that's why
11 he's worried about --

12 RICK HARRIS: I'd like to have the finance
13 chief and the -- you know, for him to be able to do two
14 functions.

15 GENE BURDEN: I don't have any problem --

16 RICK HARRIS: And so, I guess what I'm saying
17 is when I see positions, then I start -- I see that as a
18 person. So if I'm wrong in that way, that's fine.

19 GENE BURDEN: We could say position and/or
20 functions, because some people will have for it for each
21 position and might break it out as functions.

22 BRIAN ROGERS: Okay. So, where we are now is
23 the NIIMS ICS model should be used to specify -- to
24 standardize incident command positions and/or functions
25 by C-plan applicant. At a minimum, the applicant has to

1 identify the QI and IC by name. The QI and IC may be
2 the same person.

3 Does that satisfy everyone in the room?

4 Everyone on the Task Force at least?

5 LARRY DIETRICK: Read your first sentence
6 again.

7 BRIAN ROGERS: The NIIMS ICS model shall be
8 used to standardize incident command positions and/or
9 functions by a C-plan applicant. At a minimum, et
10 cetera.

11 LARRY DIETRICK: I'd just point out, you should
12 change it to AIMS, though, because that is -- NIIMS is
13 wildfires.

14 BRIAN ROGERS: A-I-M-S?

15 LARRY DIETRICK: A-I-M-S.

16 ERNIE PIPER: Well, now that's going to be
17 another discussion.

18 BRIAN ROGERS: Is that correct? Is that a
19 new -- is that opening a new issue?

20 GENE BURDEN: Why not use NIIMS?

21 LARRY DIETRICK: AIMS is NIIMS.

22 BOB HEAVILIN: One thing to remember --

23 GENE BURDEN: Why not say command system and --

24 BOB HEAVILIN: I think you just want to stick
25 with NIIMS, and I think you can probably get rid of the

1 word "model," because ICS is the incident command
2 system. NIIMS is the overarching five components, one
3 of which is ICS. And also remember that the governor
4 did an administrative order a couple years ago that said
5 NIIMS ICS would be the system used for all response by
6 all agencies in Alaska, in their response and in their
7 planning.

8 HEATHER McCARTY: Then we don't need this.

9 CAPTAIN ED PAGE: What happened, though, is
10 that AIMS is, as Larry pointed out, is the oilized or
11 the modified NIIMS. If you go NIIMS, you're talking
12 about fires, wildfires.

13 BOB HEAVILIN: But you've also said that if you
14 use -- if a company wants to use NIIMS, that's fine.
15 Right?

16 CAPTAIN ED PAGE: Well, sure. I guess the
17 point, again, is that NIIMS was designed and is -- if
18 you took strict NIIMS, is really is geared for
19 wildfires. What we've done, through the Coast Guard and
20 through ADEC, is come up with a system that puts it on
21 the water. But either one is fine. NIIMS is used
22 interchangeably, I don't think it's a problem.

23 I guess I'd be a little more concerned, you
24 talk about the two positions, yet we've talked at length
25 about five and nine. It would seem that at a minimum

1 you maybe want to mention the RP should be prepared to
2 staff an ICS organization, and just leave it at that.
3 You're not being prescriptive as far as identifying the
4 bodies and whatever. But you're leaving that like you
5 only need one. But as a practical matter, they need to
6 know there's more commitment than that. And that's a
7 good kind of between. You don't throw out the nine and
8 three. And then on five, you don't to go a one. You
9 kind of say, by the way, that's not the end of it,
10 there's more to it than that, be prepared to do an ICS.

11 BRIAN ROGERS: Gene.

12 GENE BURDEN: Hopefully not extending
13 discussion on this too much, but one of the things I
14 raised earlier in this process is that a lot of the
15 folks here have never had to prepare contingency plans,
16 they're not familiar with ICS --

17 HEATHER McCARTY: Right.

18 GENE BURDEN: -- and I still advocate some
19 commitment, maybe it's joint commitment from DEC and
20 maybe the Coast Guard, to conduct one or more --
21 one-day'ers that can be free to the new people covered,
22 to go through ICS 101, whether it's NIIMS or whatever
23 you call it.

24 CAPTAIN ED PAGE: Excellent idea.

25 GENE BURDEN: And I'd like to throw that out as

1 sort of a collateral recommendation maybe at this point.

2 CAPTAIN ED PAGE: I'll commit to that. I mean,
3 you know, as far as -- it's a gap we haven't identified.
4 We haven't worked with that. And in the likelihood of
5 this happening, and the complexity is much less,
6 generally speaking, for this group, and so don't have to
7 go through days and days of training. One day --

8 GENE BURDEN: It can save these folks a lot of
9 money and time, because if they could sit down with you
10 and the department and sort of get a 101 on this, then
11 they'd know, you know, how far this goes and how far it
12 doesn't go, and know what their flexibilities are.

13 BRIAN ROGERS: So, I'll put that down as 28.
14 We'll hold off on discussion on that.

15 CAPTAIN ED PAGE: I don't know how you
16 incorporate it into the law.

17 BRIAN ROGERS: We're on number 13 still, and
18 here's the proposed -- here's the proposed language for
19 number 13. Is there further discussion on that one?

20 Stephanie.

21 STEPHANIE MADSEN: Well, I guess this is my
22 ignorance in understanding C-plans, but what I'm worried
23 about is getting my C-plan approved. And when I see a
24 statement about the responsible party has to be prepared
25 to staff ICS organization, I mean, how am I going show

1 that? How do you want me to show that? And here I get
2 back to my broken record on demonstrating. And I need
3 very clear guidelines on how I need to demonstrate to
4 DEC that my C-plan is accepted. Aside from the fact
5 that if I have a spill, I better be organized and ready
6 to go. But, you know, I have a document that I have to
7 get approved by DEC. And everything was clear to me up
8 until we are preparing -- you know, that I know at a
9 minimum I have to have that. But then you add I have to
10 also be prepared to staff, well, that's the ICS 101.

11 CAPTAIN ED PAGE: I see your point.

12 STEPHANIE MADSEN: So I get concerned about
13 very clear things that I have to incorporate in my
14 C-plan so I can get it approved. And then overarching,
15 I need to be able to understand, you know, ICS and
16 respond accordingly. But that's really two different
17 things. As a responsible party, I have these
18 obligations; and then I have to demonstrate to DEC that
19 I have these things prepared and ready to go.

20 CAPTAIN ED PAGE: Take out "prepared," and just
21 say it's anticipated to have -- should anticipate having
22 additional people, or something like that.

23 GENE BURDEN: And maybe I'm reading too much
24 into it, but I sort of had the assumption that if our
25 direction to the department is to use the ICS system,

1 that would be implicit. Yeah, it would be implicit that
2 the applicant would demonstrate that they have the
3 resources available to implement that system.

4 BRIAN ROGERS: Charlotte.

5 CHARLOTTE MacCAY: I think that last sentence
6 kind of bothered what we were calling anecdotal comments
7 in there.

8 CAPTAIN ED PAGE: And it is?

9 CHARLOTTE MacCAY: And I think it's true and we
10 needed to hear it, and I think it needs to be stricken
11 out of the recommendations per se. But I think we all
12 need to keep it in the back of our mind.

13 BRIAN ROGERS: In keeping it in the back of
14 your mind, do you want it in the explanatory text that
15 that's likely to be out there? There's not consensus on
16 that issue.

17 Larry?

18 LARRY DIETRICK: Well, I think, again, what
19 we're trying to carve out here is what it takes to
20 implement SB273, response planning standard. So what
21 we're defining here is -- you're right, I think
22 Stephanie is right. What we're trying to define is what
23 you got to give to the department to get your review and
24 approval done. Okay. Now, is what we're defining here
25 everything you're going to need in the event of a spill?

1 STEPHANIE MADSEN: No.

2 LARRY DIETRICK: Well, no. I mean, our starter
3 kit here with 15 percent is so low, okay? And even Doug
4 Lentsch's 40-person team for a 200,000-gallon spill is
5 so low, but that's -- you know, and so everybody needs
6 to recognize that. But what we are trying to do is
7 define what the requirements are for you to get your
8 approval. We need to be explicit about that.

9 Right now, when I read that, that means your
10 plan, when you send it in, I'm going to look for two
11 names. I'm going to look for a QI, and I'm going to
12 look for an incident commander. And it could be the
13 same.

14 CAPTAIN ED PAGE: That's what SOPEP has
15 already.

16 LARRY DIETRICK: No. SOPEP is a little light
17 on that. It could be that if they so indicated, but
18 they're not required to.

19 So, you can have that last statement in there,
20 and that's kind of a statement of intent. But if you
21 ask me, okay, what does that mean, as Stephanie's
22 question is, what do I have to send to Larry to get his
23 approval? Well, be prepared to staff ICS organization.
24 Well, I don't know. I mean, if we want you to do
25 something, to demonstrate that to us, then we need to

1 say what that is, otherwise my expectation here is we
2 get two names.

3 BRIAN ROGERS: Rick?

4 RICK HARRIS: And that's where I come back to
5 where -- and if I know I'm talking about functions and
6 not people, I'm happy to throw on -- because I'd like to
7 be able to pick this document up and know that I have
8 seven functions that are laid out. And just to say what
9 those functions are. I mean, I need to have these
10 functions covered. I need to have a safety officer, I
11 need to have a -- or not a safety officer, but someone
12 carrying -- performing the safety duties, the logistics
13 duties, the da-doo, da-doo, da-doo. I don't have a
14 problem listing those five, seven, whatever, if those
15 are the things that you're going to look for. I think
16 it clarifies for me what I need to look for, without
17 having to wade through the blue book and trying to make
18 sense of it. This helps set the stage for me. So, I
19 actually feel comfortable listing what is there, as long
20 as it's clear that they're not necessarily people.
21 They're functions. Somebody could be doing two or maybe
22 even three of them, depending upon the size of the
23 spill.

24 STEPHANIE MADSEN: You can do that, Rick. You
25 can put more people in your plan.

1 RICK HARRIS: I don't want people.

2 STEPHANIE MADSEN: Functions.

3 RICK HARRIS: I just want to know what's
4 supposed to be done.

5 BRIAN ROGERS: Lee.

6 LEE EGLAND: Lee Egland. Interesting
7 conversation. To me, it's real simple. It's either, we
8 either have to -- if you're going to identify, you may
9 not have to pay for it. But if it has to be under
10 contract, when you go to someone to provide this
11 contingency plan for you, whether you identify somebody
12 is one thing. I mean, you can just put Erst-O'Brien in
13 there, no big deal. You've identified a spill
14 management team.

15 But -- and this is the way I'm reading Gene's
16 version -- which is okay -- is that there's two people
17 that have to be identified. That's who you're going to
18 have to contract for. All right? And if you don't have
19 them, you may have to pay for those people. Maybe not
20 the QI, necessarily. That's going to be the company
21 rep. But in this scenario, it could be the incident
22 commander.

23 The bottom portion of it says you have to be
24 prepared to identify other functions. Which is okay,
25 but to me that means they don't have to be under