

ALASKA LEGISLATURE SPECIAL COMMITTEE/SUBJECT FILES 8672

2840 SCOMM 123 TASK FORCE ON MOTORIZED OIL TRANSPORT, 2000

Figure G-2: Spill Trajectory Hour 12



Kazakof Spill

Estimate for: Hr 12

Prepared: 1357, 2/5/98

MASS Analysis

NOAA/HAZMAT/MASS (206) 526-6317



These estimates are based on the latest available information. Please refer to the trajectory analysis briefing and your Scientific Support Coordinator (SSC) more complete information.

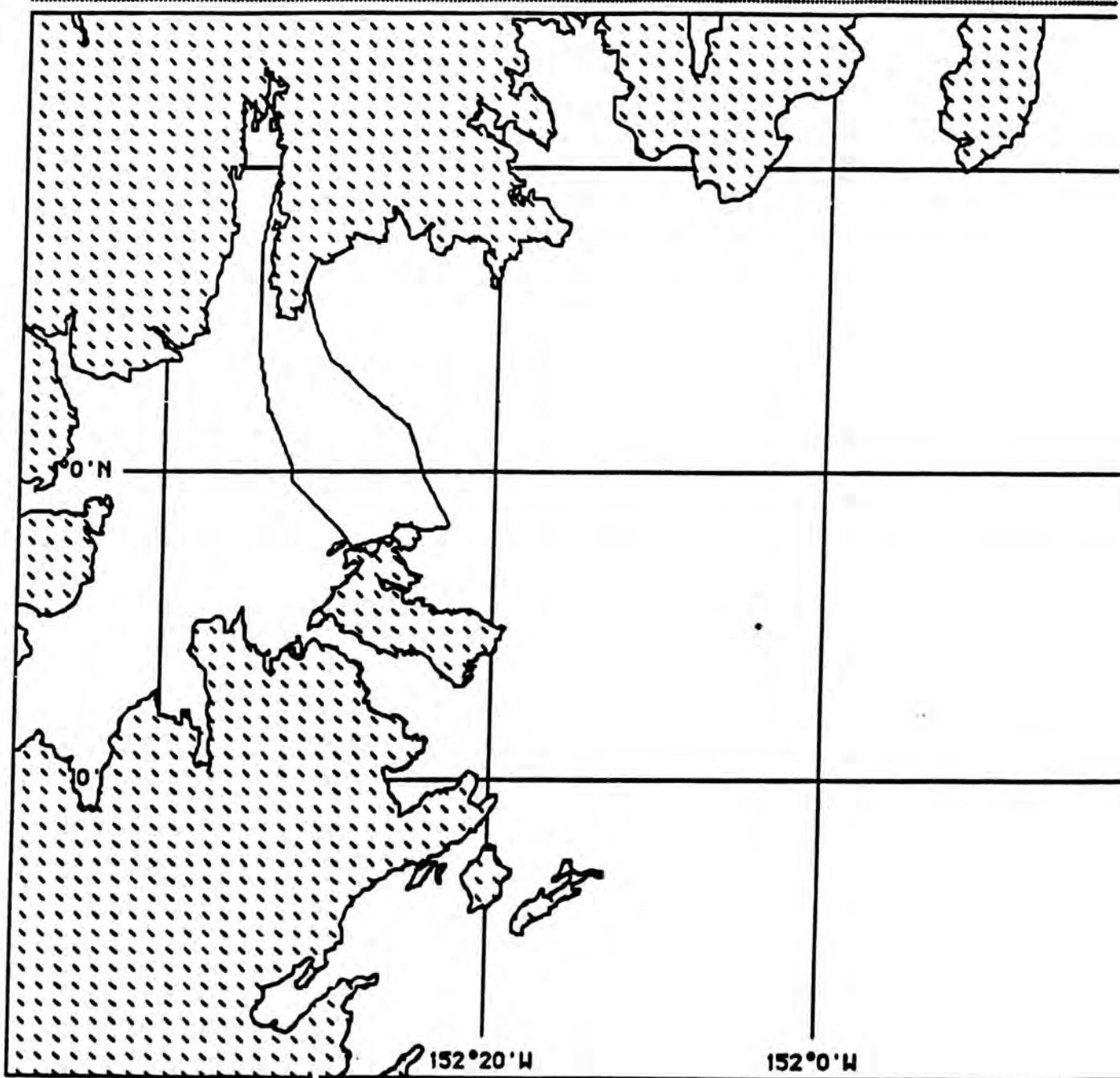


Figure G-3: Spill Trajectory Hour 24



Kazakof Spill

Estimate for: Hr 24

Prepared: 1357, 2/5/98

MASS Analysis

NOAA/HAZMAT/MASS (206) 526-6317



These estimates are based on the latest available information. Please refer to the trajectory analysis briefing and your Scientific Support Coordinator (SSC) for more complete information.

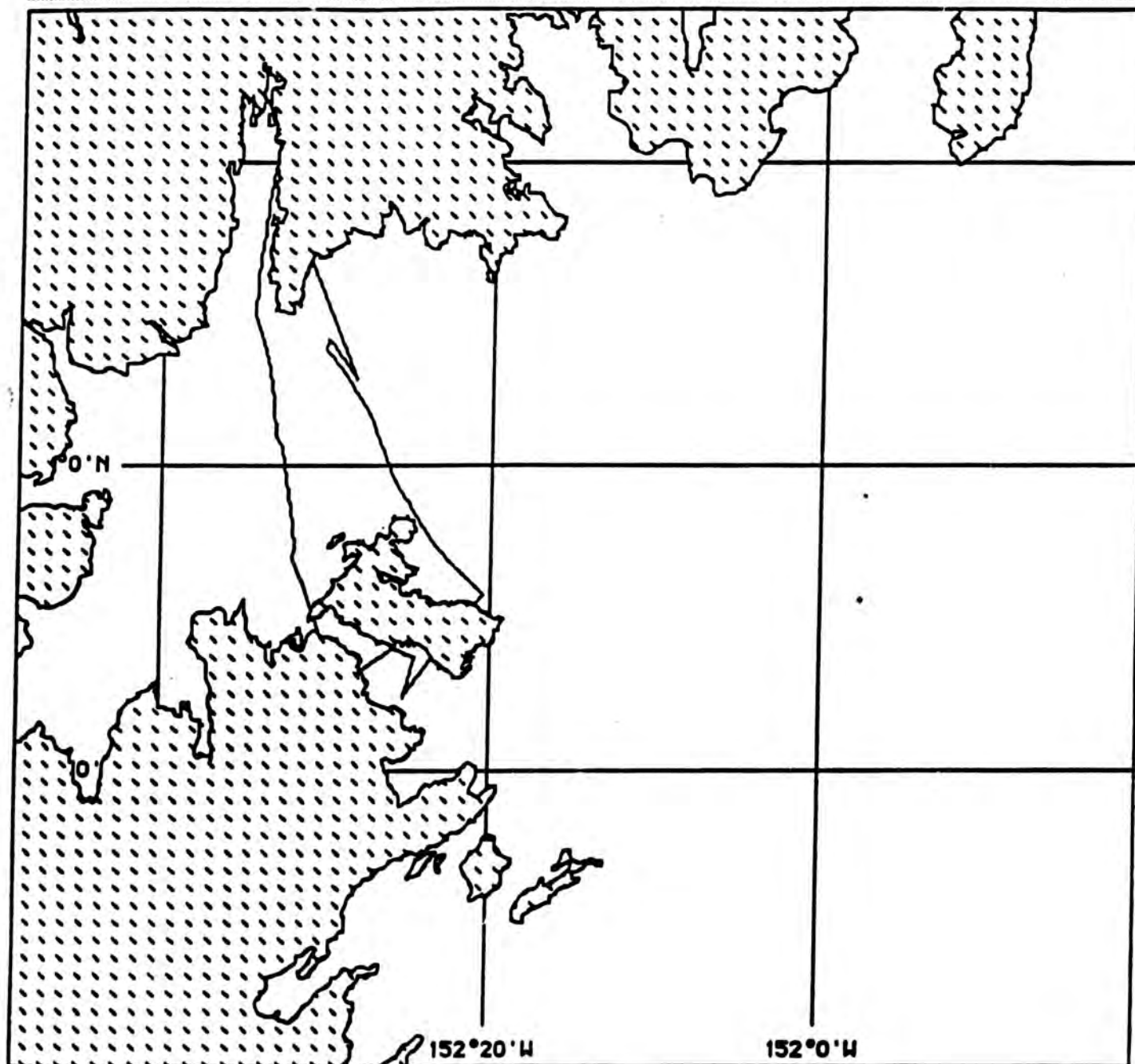


Figure G-4: Spill Trajectory Hour 48



Kazakof Spill

Estimate for: Hr 48

Prepared: 1357, 2/5/98

MASS Analysis

NOAA/HAZMAT/MASS (206) 526-6317



These estimates are based on the latest available information. Please refer to the trajectory analysis briefing and your Scientific Support Coordinator (SSC) for more complete information.

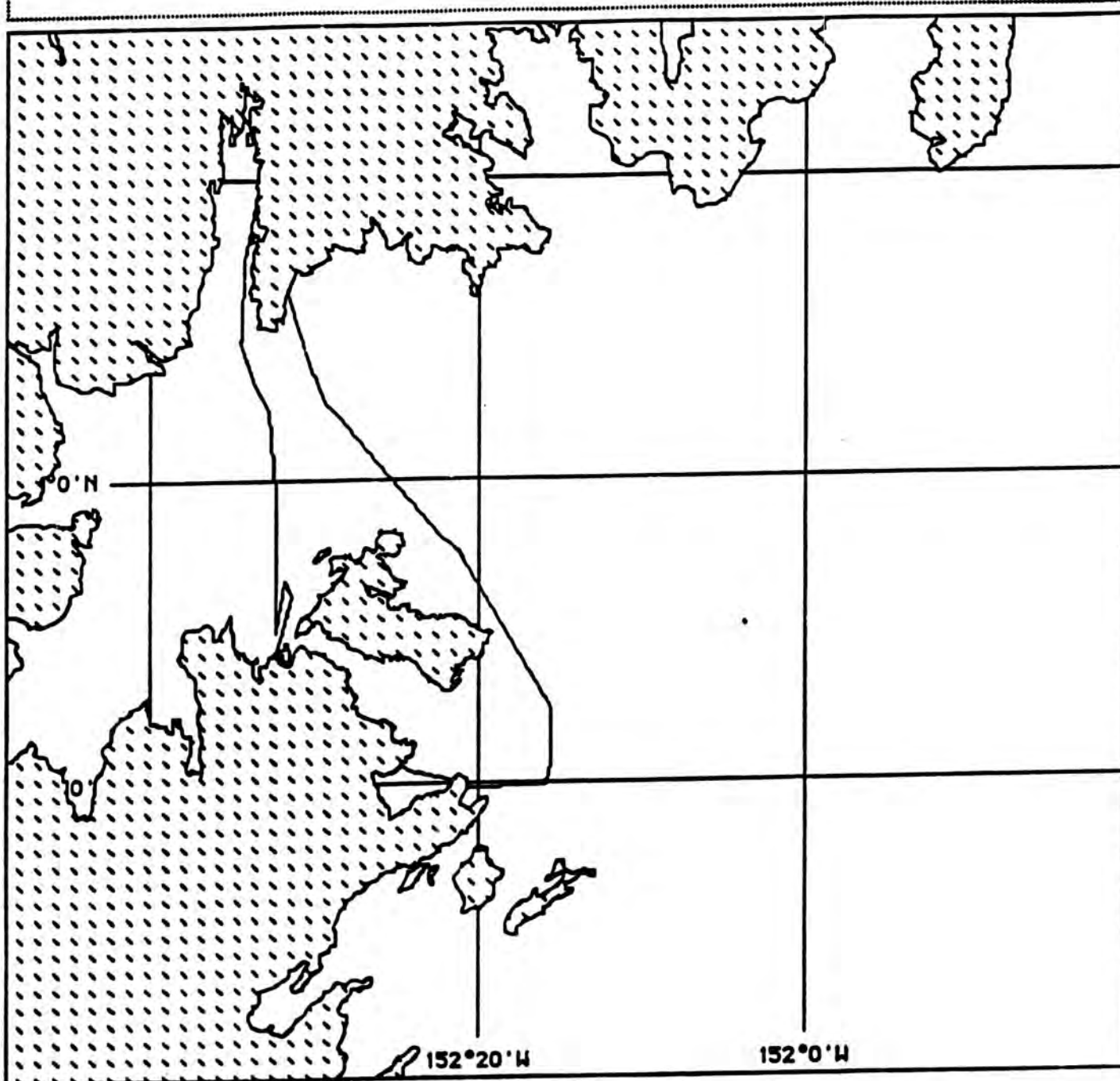


Figure G-5: Spill Trajectory Hour 72



Kazakof Spill

Estimate for: Hr 72

Prepared: 1357, 2/5/98

MASS Analysis

NOAA/HAZMAT/MASS (206) 526-6317



These estimates are based on the latest available information. Please refer to the trajectory analysis briefing and your Scientific Support Coordinator (SSC) for more complete information.

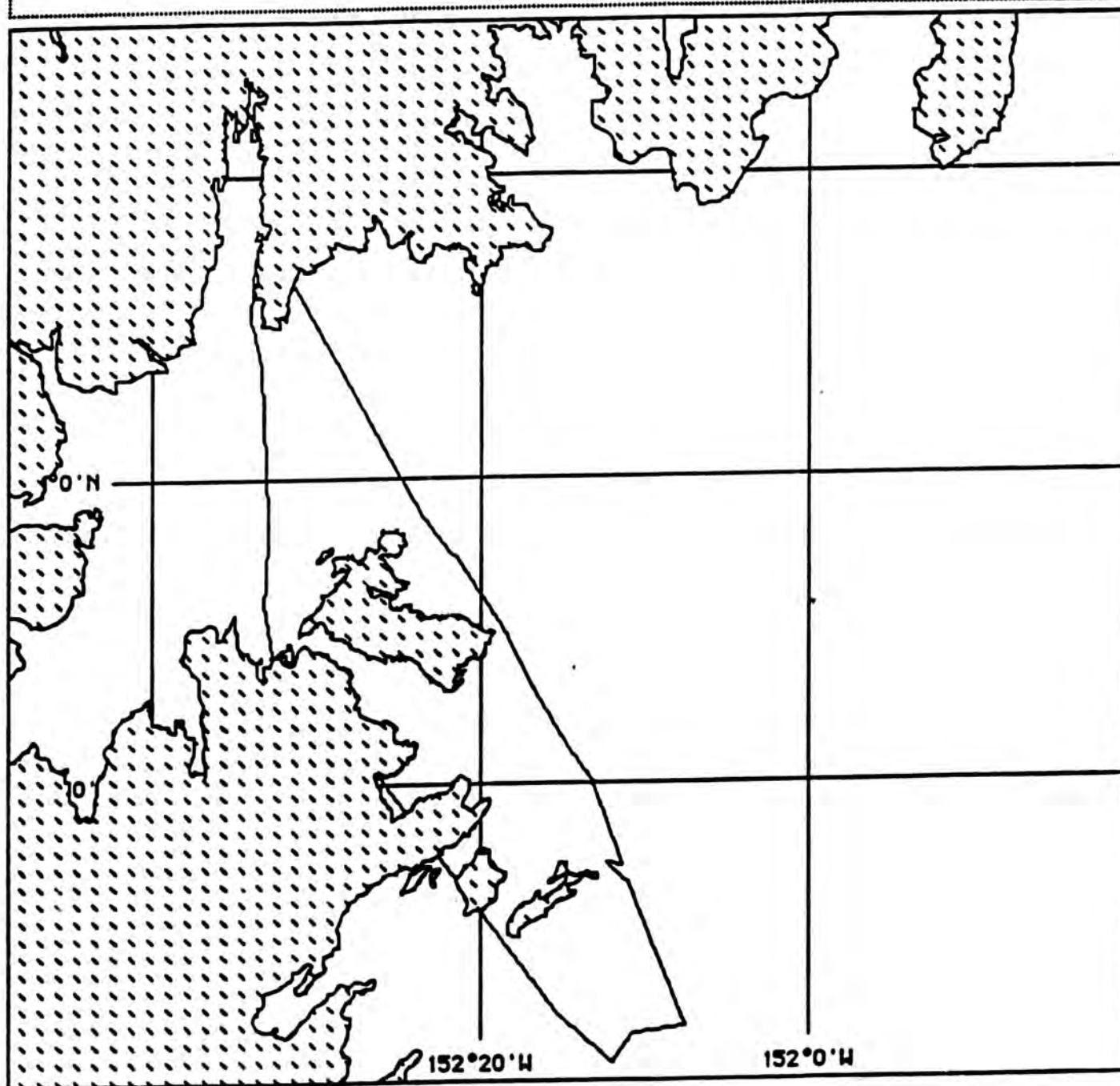


Figure G-6: Spill Trajectory Hour 96



Kazakof Spill

Estimate for: Hr. 96

Prepared: 1357, 2/5/98

MASS Analysis

NOAA/HAZMAT/MASS (206) 526-6317



These estimates are based on the latest available information. Please refer to the trajectory analysis briefing and your Scientific Support Coordinator (SSC) for more complete information.

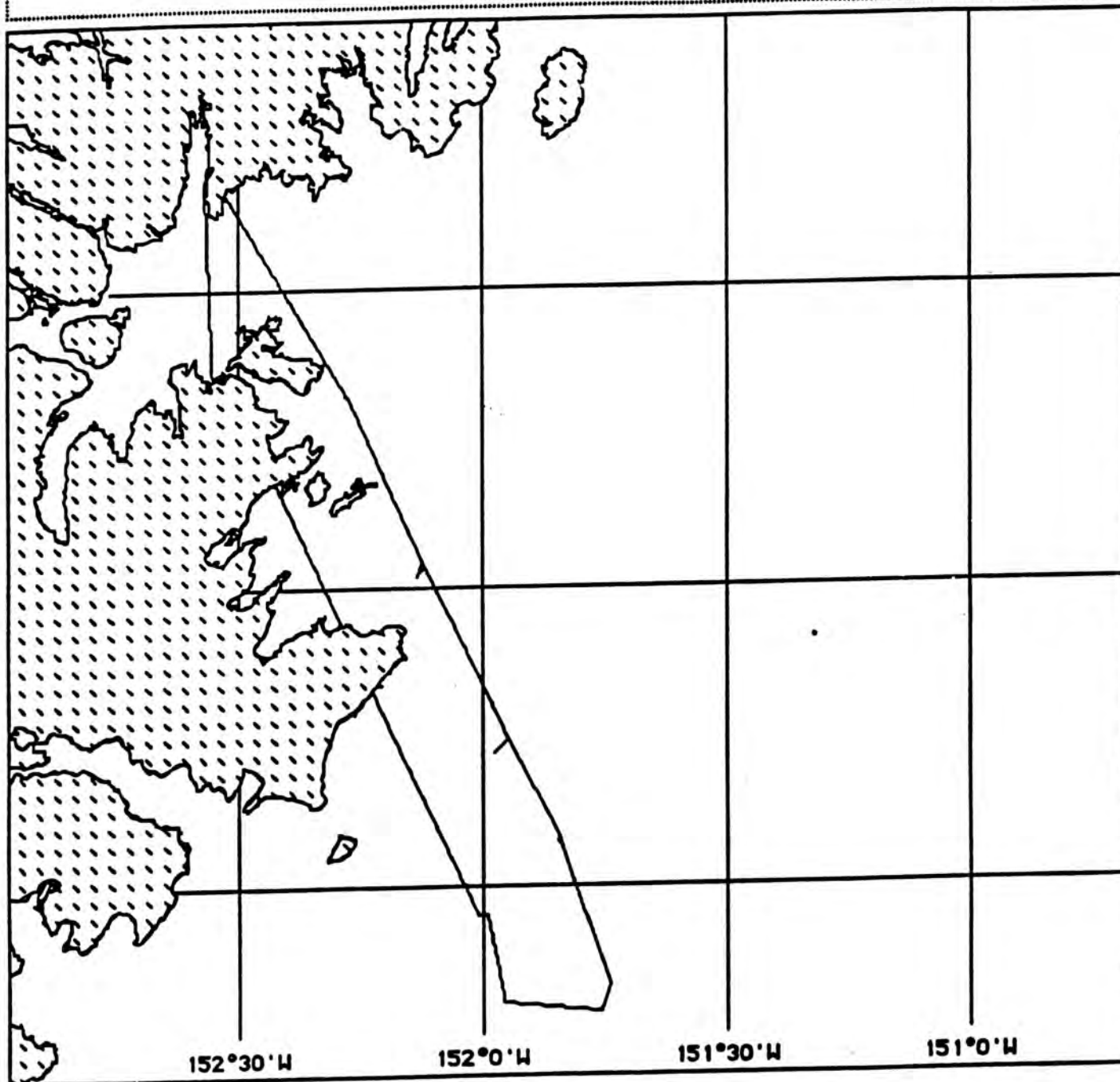


Figure G-7: Oil Budget Table

Oil Budget Table

ADIOS™ 1.1.3



Oil Name: FUEL OIL NO.6

API: 11.8

Pour Point: between 24.8 F and 59.0 F

Emulsification Const: 18% evaporated

Wind Speed: Constant at 50 kn

Wave Height: Default values

Water Temperature: 45 F

Instantaneous release of 150000 gal

*Insufficient emulsification data, answers may be inaccurate.

Time hours	Total Released gallons	Evaporated percent	Dispersed percent	Floating percent
0	150,000	0	0	100
3	150,000	0	0	100
6	150,000	1	0	99
9	150,000	3	1	96
12	150,000	5	2	93
15	150,000	7	3	90
18	150,000	9	5	86
21	150,000	10	7	83
24	150,000	12	8	80
30	150,000	15	11	74
36	150,000	17	14	69
42	150,000	18	17	65
48	150,000	19	20	61
60	150,000	20	24	56
72	150,000	21	28	51
84	150,000	22	32	46
96	150,000	23	36	41
108	150,000	24	39	37
120	150,000	24	41	35

SCENARIOS: PART TWO - TYPICAL DISCHARGE

Situation. At 0500, June 15, USCG Air Station Kodiak receives a call from the salmon tender F/V ROTTEN LUCK stating that the vessel had collided with another vessel, F/V BAD DAY, in the channel at the mouth of Larsen Bay. Both vessels have sustained damage and are leaking oil. All crewmembers were successfully removed from the vessels by another boat fishing nearby. The two vessels have onboard an estimated total of 12,500 gallons of diesel fuel and 600 gallons of lube and hydraulic oils, which is rapidly leaking at an undetermined rate. There is a westerly wind at 20 knots.

Notifications. MSD Kodiak is notified of the situation by the Air Station at 0515. MSD Kodiak notifies MSO Anchorage, ADEC and the Kodiak Emergency Services Director. MSO Anchorage and ADEC notify other state and federal agencies. Because it is a relatively small spill of non-persistent oil, it is determined that the initial response team will be limited to MSD Kodiak.

At 0700, an Incident Command Center is established at MSD Kodiak.

Initial Response Actions. MSD Kodiak requests transport via Coast Guard helicopter. He gathers basic equipment (including the "consumables" supplement to the KIB equipment package in Larsen Bay) and is transported to the scene. He arrives by 0900.

By the time MSD Kodiak arrives on-scene, mobilization of local (Larsen Bay) resources has already begun, as local residents initiate defensive booming of important subsistence areas. The MSD Kodiak Supervisor (first responder on-scene) will serve as FOSC representative for the duration of the response, and will advise the local responders to deploy defensive boom at the sensitive areas identified by the local community in the KSCP Sensitive Areas document. The FOSC notifies the Responsible Parties of their responsibilities to contain and remove the spill, and informs them that he can use government property to accomplish this objective and then bill them for the clean up, or they may replace his equipment in kind. The vessel masters acknowledge that they have limited resources and indicate that they are willing to fulfill their obligation under law.

The LOSC (back in Kodiak) contacts the state (ADEC) to get permission to activate the local response agreement with Larsen Bay so they can deploy the boom in the KIB equipment package (approximately 3000 feet).

Equipment Mobilization and Deployment. In considering the size and type of spill and the resources at risk, the FOSC representative (in consultation with ADEC, the LOSC and local community) determines that the preferred strategy is to keep all oil offshore until it can evaporate or dissipate. The primary objective of the response is to ensure that the least possible amount of oil reaches the shoreline.

Because the spill is moderate in size and the Responsible Parties' resources are finite, response equipment is limited to that which is located in Larsen Bay (either at the cannery or in the KIB Equipment package). Equipment is deployed via the local response agreement between the Borough and Larsen Bay, using 3 skiffs as work vessels.

First, boom (and sorbents) are deployed around the leaking vessels, which are still floating. Responders then begin defensive booming of streams. Only hazwoper-trained individuals may deploy boom around the vessels, and individuals who undertake defensive booming at the stream mouths must also have had a minimal level of hazardous materials training. The FOSC will ensure that only properly trained individuals engage in boom deployment. The first protection priority (identified by the local community and LOSC) is to keep the oil out of Larsen Bay by booming across the bay. The other major priority is to boom off or protect Brown's lagoon (see discussion of sensitive areas below).

By Hour 6 of the response (1100), boom has been deployed around the vessels. By Hour 8 (1300), Larsen Bay has been boomed, and by Hour 10 (1500), Brown's lagoon has been boomed.

By late afternoon, reports begin to come in that there is evidence of some oil reaching the shoreline. ADEC dispatches an investigator that evening to verify this report. ADEC Environmental Health personnel will also sample local shellfish to determine whether they are safe for consumption.

Wildlife and Sensitive Areas Protection. Local protection priorities in Larsen Bay include the clam beds and salmon streams in Brown's Lagoon and Larsen Bay. Brown's Lagoon has been identified by the local community as a protection priority, and this area is also considered to be important wildlife habitat by USFWS.

The FOSC representative requests that the LOSC contact the Alutiiq museum to get an archaeologist to consult on protecting nearby cultural and historical sites.

Sea otter concentrations and herring spawning are two major considerations this time of year (summer), and Brown's lagoon is important for both of these activities. The LOSC communicates with Larsen Bay and also the USFWS to identify additional protection priorities, which are forwarded to the FOSC. Brown's lagoon is the only place in the immediate vicinity with an anadromous stream.

In the days following the spill, USFWS will contact the Coast Guard to determine whether any wildlife has been oiled.

Clean Up and Recovery. Collected oil is left in the booms until it evaporates or dissipates. Any oiled sorbent materials are collected by the USCG MSD and properly disposed of.

Federal/State Subarea Contingency Plan – Coastal Scenarios

Subarea	Incident Location	Vessel Info	Type of Product	Amount	Time of Year	Weather/Currents	Brief Description
Southeast Alaska							
Worst Case Discharge	Cozian Reef, Hoonah - Peril Strait	Tank Barge	No. 6 Fuel	20K bbls	Nov 26 0130	30 knot winds, strong tidal currents	Tug loses propulsion, barge goes aground.
Maximum Most Probable Discharge	Pt Whidbey - entrance to St James Bay	Tank Barge	Diesel Fuel, Gasoline	25.6K bbls	Jun 15 0300	Strong storm, northerly winds	Barge runs aground.
Average Most Probable Discharge	KPC facility, Ketchikan	Tank Barge	#6 Fuel Oil	20 bbls	Aug 15 1200	Flood tide, 0.27 knots	Transfer hose ruptures
Prince William Sound							
Worst Case Discharge	Naked Island (eastern tip)	Tanker Vessel	ANS Crude Bunker C	2.2M bbl 12K bbl	Nov	NE Winds @ 40 kts Seas 10-15 ft, Air Temp 35 F	Steering failure, escort vessels unable to vessel goes aground
Maximum Most Probable Discharge	Bligh Reef	Exxon Valdez					
Average Most Probable Discharge	Valdez Tesoro Dock	Tank Barge	Diesel Fuel	1,050 gals	June	SW winds at 10 kts, seas 1-2 ft, Air Temp 60 F	Cargo transfer hose fails, causing loss of product
Cook Inlet							
Worst Case Discharge	Perl Rock (Kennedy Entrance)	Tanker Vessel	ANS Crude	380K bbl	Apr 15	SW Winds @ 40 kts Seas 10-30 ft; Temp 40 F	Boiler failure, complete loss of power, vessel goes aground
Maximum Most Probable Discharge	Granite Point Platform	Offshore Platform	Crude Oil	5.5K bbls/day	Sep 1	SW Winds @ 15 kts Seas 3 ft; Temp 45 F	Wellhead blowout
Average Most Probable Discharge	Pickworth Dock, Port of Anchorage	Fuel Vessel	Diesel Fuel	50 bbls	Mar 15	W Winds @ 15 kts; sea state 30% coverage open pack ice; Temp 35 F	Valve failure; fuel released into Cook Inlet
Kodiak							
Worst Case Discharge	Perl Rock Scenario						
Maximum Most Probable Discharge	Kazakof Bay, Afognak Island	M/V Logship	Bunker Fuel	150K gals	Mar 15	Winds 50 mph, with gusts to 90 mph	Severe windstorm, vessel driven onto rocks
Average Most Probable Discharge	Larsen Bay	Fishing Vessel & F/V Tender	Diesel Fuel Lube Oils	12.5K gals 600 gals	Jun 15	W Winds @ 20 kts	Collision at sea.
Aleutian							
Worst Case Discharge (Draft)	Pribilof Islands	M/V	Bunker Fuel Diesel Fuel	120K gals 30K gals	Late July	SE winds @ 20 kts; Temp 48 F	Boiler explosion
Maximum Most Probable Discharge	(To be developed)						
Average Most Probable Discharge	(To be developed)						

Federal/State Subarea Contingency Plan – Coastal Scenarios

Subarea	Incident Location	Vessel Info	Type of Product	Amount	Time of Year	Weather/Currents	Brief Description
Bristol Bay							
Worst Case Discharge							
Maximum Most Probable Discharge							
Average Most Probable Discharge							
Western Alaska							
Worst Case Discharge							
Maximum Most Probable Discharge (old plan)	Naknek	Tanker Barge	Arctic Diesel	1,000 bbls	Jul 1	E Winds @ 10 kts; River current 3 kts; Temp 65 F	Collision with fishing vessel.
Average Most Probable Discharge							
Northwest Arctic							
Worst Case Discharge (old plan)	Cape Blossom Kotzebue	Tanker Barge	Diesel Fuel	20K bbl	Jun 15	W Winds @ 10 kts; seas light chop; Temp 45 F Scattered ice floes	Fire on board barge.
Maximum Most Probable Discharge							
Average Most Probable Discharge							
North Slope							
Worst Case Discharge	26 miles NE of Cape Halkett	Exploratory Well	ANS Crude	5K bbl/day	Sep 15	E Winds @ 5 kts; Seas calm; Temp 30 F	Well blowout
Maximum Most Probable Discharge	Barter Island Long Range Radar Site	Fuel Barge	Arctic Diesel	500 bbls	Aug 1	E winds @ 10 kts; Seas calm; Temp 50 F	Vessel struck submerged object
Average Most Probable Discharge	Barrow (fuel truck)						
Interior (no coastal scenarios)							

Pertinent Definitions:

Worst Case Discharge:

In the case of a vessel, a discharge in adverse weather conditions of its entire cargo.
(CWA, Section 311(a)(24))

Maximum Most Probable Discharge:

The maximum most probable discharge scenario in most cases will be based on the largest recorded spill size for the area. The maximum most probable discharge will take into account such factors as the size of the largest recorded spill, traffic flow through the area, hazard assessment, risk assessment, seasonal considerations, spill histories and operating records of facilities and vessels in the area. (COMDTNOTE 16471M, 30 Sep 92)

Average Most Probable Discharge:

The most probable discharge scenario is based on the size of the average spill in the area.
(COMDTNOTE 16471M, 30 Sep 92)

SCENARIOS: PART ONE - MAXIMUM MOST PROBABLE DISCHARGE

Situation. In the early morning hours of March 15, a severe windstorm parts the mooring lines of M/V LOGSHIP, which is anchored in Kazakof Bay near the Silver Bay Logging Camp on Afognak Island. While attempting to get underway, the vessel is pushed onto the rocks. At 0300 Air Station Kodiak receives notification via VHF from the vessel's master. The master states that the hull has come into contact with the rocks, but the extent of damage is uncertain. The master feels that the vessel is not in danger of sinking and is not taking on water in any of the manned spaces.

Vessel particulars:

M/V LOGSHIP

Flag: Korean

Owner: Korean Lumber Corp., Inc.

Agent: North Pacific Maritime, Ketchikan

Status: 40% loaded with logs for Japan

Fuel: 150,000 gallons Bunker fuel

Tank configuration: unknown

Weather: winds are initially 50 mph with gusts to 90 mph. Winds diminish as the day progresses. Skies are clear with no precipitation.

Tides: Highs - 3:02 a.m., 8.6 feet and 3:15 p.m., 8.2 feet

Lows - 9:07 a.m., 0.6 feet and 9:16 p.m., 0.7 feet

Sunrise: 7:12 a.m.; Sunset 6:11 p.m.

Hour 0-9*: Initial Response Team (0300 to 1200)

*Note: For this scenario, the initial response team extends until hour 9, instead of hour 6 as indicated in the ramp up section, because the spill is discovered after dark and little action occurs until sunrise.

Notifications. Upon notification, Air Station Kodiak notifies MSD Kodiak, which then notifies MSO Anchorage. An initial command center is started in Anchorage at 0500, with plans to move the command center to Kodiak sometime in the afternoon. MSD Kodiak notifies the Kodiak Police Department and the police dispatch notifies the Kodiak Emergency Services Director and other local responders. MSO Anchorage notifies ADEC and federal stakeholders. Once notified, ADEC begins to notify other state agencies (ADNR, ADF&G, DES).

Initial Response Actions.

MSD Kodiak requests immediate transportation via USCG helicopter to the vessel with plans to set up a forward command post at the logging camp or onboard the vessel. The exact location will be determined once the MSD party arrives on-scene.

Within ADEC, response personnel communicate with natural resource trustee agency leadership to identify response priorities for booming and containment.

MSD Kodiak response personnel arrive on-scene at 0600 via USCG helicopter, advise the vessel master of the legal responsibilities for spill response, and instruct the vessel master to continually sound his tanks to check whether any oil has begun to leak. On-scene weather is high winds (steady at 40 mph with gusts to 80 mph). Skies are dark but begin to lighten by 0630. MSD Kodiak personnel are initially unable to visually detect a sheen. However, tanks are sounded and determined to be leaking bunker fuel. By hour 6, a sheen is visible.

Locally, in Kodiak, response personnel (at the direction of the Emergency Services Council) work to ensure that mechanisms are in place to prioritize protection of locally-important resources. Local responders (KIB) work to ensure that state agency protection priorities are aligned with those of the local community. The Borough or the ESC contact the City of Ouzinkie to notify them of the situation and to discuss protection of subsistence areas.

ADEC has one Environmental Health person located in Kodiak, and he is dispatched to the scene until ADEC spill response personnel arrive.

Command Center Establishment. The Incident Command will start to form in Anchorage, with plans to move the command center to Kodiak if the situation warrants. The KIB Assembly Chambers is selected as the site for the command center, if and when it is moved to Kodiak. Borough personnel begin to assemble the resources necessary to set up operations at the command center, such as telephones, fax machines, computers, and other office equipment. The Borough communications trailer is set up to enhance communications. The command center is designed to accommodate approximately 50 people, although not all of them will work out of the Assembly Chambers. The LOSC will also begin to consider alternate locations for a long-term command center, should the response run for a period of several weeks or months. The Resources Section of the KSCP and the Communications Plan in the Resources Section outline office and communications equipment needs for the command center, and these lists will be used as a guideline in setting up the command center in Kodiak.

A forward command post is also established near the spill site as a headquarters for on scene response personnel. The forward command post is established at the logging camp on Afognak (Silver Bay Logging). Initial response personnel, consisting of MSD Kodiak and additional Coast Guard responders, agree that it is a priority to establish a communications link between the forward command post and the command center as early as possible. This is initially accomplished by using the telephones at the logging camp.

ICS Mobilization. By 0800, the ICS begins to form as additional personnel are called on-scene (transported via USCG helicopters) and to the command center. Agency involvement is still limited primarily to ADEC and the USCG. MSO Anchorage has already set up an IC, which is being moved to a command center in Kodiak.

By approximately 0900, the KIB had been notified of the situation and of the need to establish a command center in Kodiak. The Emergency Services Director calls an Emergency Services Council meeting. The ESC is the policy-making board for emergency response in Kodiak, and the only ones with the authority to reassign personnel during an emergency response. The Emergency Services Director (LOSC) contacts Kitoi Bay Hatchery and the City of Ouzinkie regarding equipment mobilization, and the LOSC begins to work on identifying sensitive areas in cooperation with ADF&G and USFWS.

The Coast Guard sends a C-130 to Anchorage to transport USCG personnel, leaving only a skeleton crew at MSO Anchorage to answer phones, etc. One or two command-level people also remain in Anchorage. Other USCG personnel continue working with KIB to set up the command center in Kodiak and mobilize resources. The FOSC begins mobilizing members of the Pacific Strike Team from CA with bunker fuel response equipment. The strike team responds with approximately 6 people, and they will arrive on-scene with most of the necessary equipment and resources to conduct all vessel lightering operations. The strike team will arrive in their own C-130 around sunset.

Staging Areas. Shoreline areas near the logging camp and spill are designated for use as staging areas. Because of the high winds, response equipment (boom, etc.) which arrives on-scene via helicopter will not be deployed immediately. Until the conditions die down, this equipment will be staged in a shoreline area accessible to both helos and landing craft. An equipment check-in point is established at the staging area to track equipment and staffed with USCG personnel. MSD Kodiak response personnel or the LOSC contact the logging camp and request use of the logging camp's oil spill response equipment. They also request personnel support (primarily administrative and organizational) from the logging camp until additional responders arrive on-scene. The SOSC agrees to allow the logging camp to release equipment as necessary. The logging camp releases its equipment, but the Silver Bay containment boom and sorbents are determined to be of limited value to this spill response as it is designed for diesel/gasoline spills, and this incident involves Bunker "C" oil, which is not easily contained by boom.

Equipment Mobilization and Deployment. Weather conditions (primarily winds) are too severe during hours 0-9 to consider deploying equipment. The FOSC recognizes that the RP does not have the resources to respond to the spill and initiates the necessary paperwork to release and mobilize federal resources to supplement the response, thus federalizing the spill response. A federal project number is assigned in order to fund response operations. Responders begin to mobilize equipment from the USCG base and Anchorage, in anticipation of calmer seas. The petty officer at MSD Kodiak acquires as much containment boom as is locally available, and will begin loading this equipment on Coast Guard helicopters as soon as the winds die down to a safe level. The MSD staff is also beginning to call for USCG boats to deploy the boom as soon as the weather abates.

The LOSC contacts the state (ADEC) to get permission to mobilize the KIB-owned equipment staged in Ouzinkie by activating the response agreement with Ouzinkie. Permission is obtained and the Ouzinkie spill response equipment is mobilized to the staging area at the logging camp using local fishing vessels and skiffs from Ouzinkie. Because the Ouzinkie equipment is owned by the KIB, it may be released by the LOSC without initiating additional contracts. The equipment packages fit onto most fishing vessels. The on-scene coordinators also contact CISPRI and initiate a contract to use CISPRI resources. CISPRI gets approval from its Board of Directors to release equipment for the non-member, and then begins to mobilize resources. CISPRI personnel explain to the government response agencies that some of their equipment may not be as effective in responding to this spill, because Bunker C fuel differs in chemical and physical properties from other crude and non-persistent oils, which are more commonly transported by CISPRI members.

CISPRI mobilizes their response vessel, the BANDA SEAHORSE, within an hour of approval, and begins to transport additional response equipment via aircraft. The Unified Command contacts SERVS in order to initiate contracts with local response vessels. The LOSC begins to implement a volunteer action plan to coordinate volunteers as they arrive on-scene.

Hour 9-96: Transitional Response Team

Weather: Winds are diminishing and by Hour 12, they have decreased to 25 knots.

Quantity of oil spilled: Still unknown. Tanks are definitely leaking bunker fuel. Vessel is stable and in no immediate threat of sinking. By hour 12, the oil has traveled almost as far as the Triplets Islands (see attached trajectory).

On-Scene Response. By approximately noon (hour 9), we start to see increased activity and equipment mobilization. At this point, the MSD Kodiak responder is the sole FOSC representative on-scene in Afognak. No other state or federal agencies have arrived on scene yet, and there are no other vessels on scene.

USCG personnel request that the NOAA Scientific Support Coordinator develop a spill trajectory. Although the amount of spilled oil is still uncertain and weather conditions are dynamic, a reasonable trajectory is completed by 1200, based on information gathered since 0500. (See spill trajectory attached)

Borough personnel will provide assistance with setting up the command center, providing logistical support, office space, communications equipment, and other locally available resources. The LOSC and borough personnel also begin to look for a backup location for the command center to be moved as the response continues over the long term. The local government (KIB) sets up a public information center in town at the Kodiak Library to address public concerns. The Coast Guard also has their own Public Affairs people who begin to work on public outreach and coordinate media coverage. During the first few days of the response, several different public information outlets may be established. However, as the ICS forms, a joint information center with federal, state and local public affairs representatives will be formed.

By 1200, ADFG begins to coordinate their efforts with other natural resource agencies and the local government/community to identify sensitive areas at risk.

By 1200, ADEC personnel have attempted to contact the Responsible Party's Protection & Indemnity club, begun to ramp up state resources, and continued to contact other state agencies. ADEC assigns response personnel to ICS positions, mostly into the planning section, some with some assigned to operations. ADEC tries to include ADFG and ADNR representatives with ADEC personnel on the initial flight to Kodiak and begin to deploy on-scene.

As they arrive at the command center, ADEC personnel begin to formulate a Sitrep, which is the situation report sent by ADEC to the other state resource agencies, federal agencies, and Juneau ADEC office, summarizing state actions so far. The ADEC public information office

in Juneau uses the Sitrep to develop an initial press release. The Coast Guard will generate a POLREP, which is also a situation report, for essentially the same purposes as ADEC's Sitrep.

Early in the response (by hour 12, 1500) the Unified Command contracts with an archaeologist, because there are several important historical sites adjacent to the spill, such as Monk's Lagoon. The LOSC suggests that the Alutiiq museum may be able to provide the necessary expertise. The Unified Command also initiates contracts with wildlife response organizations and other specialists in order to mount an effective response.

By 1600 - 1800, as flying conditions improve and it becomes easier to transport people and equipment (helos can land), ADEC responders (with possibly one or two ADFG/USFWS responders) begin to arrive on-scene (logging camp on Afognak Island) to initiate containment and response activities and to identify wildlife protection priorities. Volunteer responders arriving on-scene in vessels are directed by the LOSC to work through the volunteer coordination center in Kodiak. Two CG helicopters are used to transport personnel and equipment, which continues in earnest between 1600 and 1800. By 1800, one helicopter full of ADEC responders (6-10) has landed, and several loads of equipment, including light sets, portable generators and other support equipment have arrived on-scene. The initial ADEC team brings a "crash kit" of office and planning supplies, laptop computers, and other office equipment, and they also bring their own PPE, mustang suits, etc. The limited support equipment which arrives in the helicopters is used to set up a forward command post, and oil spill response equipment is stored at the staging area overnight. Due to the large amount of equipment being mobilized, several trips between Kodiak and the staging area are required. Equipment transport is prioritized according to the needs on-scene, with operational equipment such as boom, anchors and PPE prioritized over other support equipment. Coast Guard and privately contracted vessels are also used to transport equipment to the scene. Transit time from Kodiak is approximately 12 hours, but these vessels are able to operate after dark (when USCG helicopters are no longer flying.)

As the weather calms and the response proceeds (Day 2), additional personnel begin to arrive on-scene. The Kodiak USCG air station continues to provide the primary logistics support for transporting and staging equipment. The USCG VOSS system and additional oil spill response equipment from the MSD Kodiak and other commercial/industry sources in Kodiak is transported on-scene from MSD Kodiak on a CG cutter, which arrives in Kazakof Bay by 2200 .

By daybreak on Day 2, ADEC has begun to make logistical arrangements to transport personnel and resources from Anchorage. As ADEC and other agency personnel arrive on-scene and in Kodiak, the command center in Kodiak is beginning to come together and the ICS continues to form and expand.

By 1800, the response has begun to coalesce and the ICS continues to expand. An initial incident action plan has been developed. At this point, Ouzinkie community members are anxious to begin deploying response equipment to protect local streams and subsistence use areas. However, due to the sustained winds and dwindling daylight hours, the Unified Command decides to delay boom deployment until dawn.

Once the command center is up and running, the ICS will continue to grow and specialize, with regular briefings and situation reports. As early as possible, the Public Information Officer(s) will work with communications and computer experts to establish an internet site to keep the public up-to-date on response activities, spill trajectory, and other situation specifics. The Unified Command web site established during the M/V KUROSHIMA spill was considered to be a public relations success and would be used as a model for future medium to large sized spills in the Kodiak Subarea.

Equipment Mobilization and Deployment. By hour 12 or so, there is approximately 3000 feet of boom available on-scene (KIB boom from Ouzinkie and boom from the logging camp) and ready to deploy as soon as the weather permits. Coast Guard buoy tenders back in Kodiak are being loaded with as much boom as is locally available and begin to travel to the scene. It will take about a half a day for the buoy tenders to arrive on-scene, and meanwhile USCG helicopters are bringing the MSD boom to the staging area. The vessels and helos will also be loaded with equipment such as PPE, which would be staged on the beach as it arrives. The winds do not die down until 1600 or so, and until this point it is not possible for a helicopter to land.

The FOSC may direct the RP to contract with SERVS or Chadux, both of whom train local fishing vessels for oil spill response. The LOSC will work with the RP and Unified Command to coordinate all volunteers arriving on-scene.

Equipment deployment does not commence until daybreak of the second day (hour 28); however by the afternoon of day 1, crews have begun to stage boom and other equipment at certain key shoreline locations which are accessible on the Kodiak road system. The KIB-owned equipment staged at Ouzinkie, as well as other containment boom maintained by the village are mobilized to be ready for deployment at first light. The City of Ouzinkie has approximately 3,000 to 4,000 feet of boom on hand, which will be used to boom the city harbor. There is another 3,000 feet of boom in the KIB equipment package staged at the village, which will also be used in the response, and MSD Kodiak is able to mobilize approximately 4,000 feet of boom as well by hour 18. Some of this KIB and MSD boom will be used to boom off the salmon streams near Ouzinkie, and the rest will be used to boom off the streams prioritized by the sensitive areas group (See Wildlife Response discussion).

Communications. At this point (hour 12), radio communications from Afognak to the command center in Kodiak are still complicated and not reliable. It will take a few days for a communications system to support the on-scene response to evolve, and in the meantime response personnel use VHF radios and Coast Guard high sites to communicate with the evolving command center. CISPRI has portable, self-contained communications units set up with a portable repeater, phone and fax, which can be sent to the scene with initial responders.

Wildlife Protection and Response. ADEC and the FOSC have both notified the appropriate Natural Resource Trustee Agencies. USFWS, ADNR, NMFS and ADFG wildlife experts begin to arrive at the command center with other ADEC personnel. The FOSC initiates contracts with seabird and sea mammal responders, including the WRRT (Wildlife Rapid Response Team from Homer), IBRRC (International Bird Rescue and Research Center), and International Wildlife Research (for sea otters & marine mammals). Arrival times for wildlife responders are estimated to be early afternoon of Day 2.

According to the trajectory, oil hits the Triplets by Hour 12 (1500), endangering a seabird colony in that area. Due to the high winds, the birds have congregated on the water in the lee of the island, and are therefore safe from the immediate impacts of the oil. Should the wind shift or die down, however, this population would remain in danger.

At this time of year, there are otter populations feeding in the open water and they are also at risk of being oiled. Wildlife responders prepare to capture and treat oiled wildlife as sea and wind conditions die down, and undertake the necessary paperwork to obtain hazing and capture permits.

If local residents arrive on-scene (via private vessels) anxious to assist with wildlife protection and rescue, they are directed through the planning section (volunteer coordinator) to the contracted wildlife response groups. Volunteers are dissuaded from interfering with ongoing wildlife response operations.

As wildlife responders arrive on-scene with hazing kits and other support equipment, LOSC representatives assist them with logistical considerations as they set up a station at the forward command post. The logistics section works with wildlife responders to identify potential locations for wildlife collection, cleaning and rehab stations and the Incident Commander (FOSC) begins to direct the development of a disposal plan for any dead wildlife.

Once the weather has abated enough to begin boom deployment (morning of Day 2), Ouzinkie harbor and the nearby salmon streams are boomed (approximately 4,000 feet of boom total). USCG response equipment (approximately 10,000 ft. containment boom, sorbent material, a VOSS, and several small skiffs) from Kodiak arrived in Kazakof Bay via Coast Guard cutter the evening prior. Next, boom will be deployed at the Monashka Bay creeks (Monashka and Pillar Creeks), Island Lake Creek (if the surf is not too high), and the Buskin River, in that order. The next protection priorities identified are the lagoon on Long Island, the two lagoons on the backside of Spruce Island and, if threatened, the Women's Bay and Chiniak salmon streams, beginning with the Russian River and Sargent Creek and moving sequentially toward Chiniak. Monk's Lagoon would also be a protection priority for natural resource and historical reasons, and boom may be deployed there as well.

Because most of the salmon streams identified above are road accessible, land-based crews will deploy the boom at the bridges at each of these streams. While the mouths of the streams may not be protected with this strategy, it will allow for the greatest number of streams to be protected with a limited amount of boom (approximately 50 feet per stream). If the trajectory proves to be incorrect or if the wind shifts, booming strategies will be revised to protect additional areas at risk.

It is possible that the amount of oil which actually reaches as far as Monashka Bay or even the Chiniak salmon streams is extremely minimal, as much of the oil may accumulate on Spruce Island. However, even if the perceived risk is minimal, defensive booming of the salmon streams on the Kodiak road system will be carried out during day 2.

As the winds die down the next day (hour 28 and on), wildlife responders consider the viability of hazing threatened wildlife populations. This decision is made on a site-by-site basis, contingent upon a variety of considerations and supported by the necessary permits. The major

priorities for wildlife responders continue to be capturing and treating injured wildlife and collecting carcasses before they can be consumed by other animals.

By Hour 28-30, wildlife collection points have been established near the City of Kodiak harbor and also near the spill site. ADFG and USFWS biologists identify oiled carcasses and record the appropriate data before freezing or disposing of the animals. A disposal plan is coordinated with the local landfill, and freezer vans are set up at each of the collection points as well as at the landfill. If the number of dead animals exceeds the capacity of the landfill, arrangements will be made to dispose of the animals in alternate locations. Injured or oiled wildlife are handled by the contracted rehabilitation organizations according to their internal operating procedures. Wildlife responders may set up rehabilitation and cleaning stations in Kodiak, or they may arrange to transport oiled wildlife to Homer or Anchorage. Any sea otters killed by the oil will be necropsied before disposal.

Sensitive Areas Identification and Protection. As soon as it is apparent that oil is in the water (hour 6), the local government begins to consult with the Natural Resource Trustee Agencies regarding sensitive area protection priorities. It is likely, given the weather conditions, that no boom will be deployed until daybreak of the second day (hour 28), therefore these individuals consult the trajectory for hour 24 as they begin to identify protection priorities and sensitive areas at risk.

In recommending sensitive areas for protection, the local government and resource agencies use the prioritization scheme in the Sensitive Areas section of the KSCP, balancing natural resource population information with human use and subsistence considerations. The resource agencies provide information on marine mammal populations and rookeries, seabird concentrations, and shoreline sensitivity. Local residents and the local government provide input on human use, recreation, and subsistence areas.

While it seems certain that no boom will be deployed until at least day 2, protection priorities are pre-identified and submitted to the Operations Section by approximately hour 18 (2100 on Day 1). Depending upon how early these areas are identified, response equipment may be pre-positioned at those streams and shoreline areas which are road accessible.

The resource trustees and local government representatives determine that the most effective use of boom would be to deploy exclusionary and deflective boom at all the major road-accessible salmon streams downstream from the spill site. In addition to providing salmon habitat, these streams are identified as sensitive areas due to their recreational and subsistence use (because of proximity to road system). It is suggested that boom be deployed at the heads of bays but due to the high winds and rough seas, and the limited number of trained personnel, this option is tabled for reconsideration when the weather abates.

The local government indicates that it is a local priority to protect the area around Ouzinkie Narrows and to boom off the village harbor in order to protect the salmon stream it contains. There are two other salmon streams in the vicinity of Ouzinkie and they, too, are identified as booming priorities because of their high subsistence fishing use. The local government next identifies Monashka Bay as a protection priority, because it is an important recreational area and also a vulnerable tidal flat. Monashka Bay is selected as a protection priority, with emphasis on the two salmon streams it contains (Monashka Creek and Pillar Creek).

After Monashka Bay, the salmon stream in Mill Bay (Island Lake Creek) is identified as a booming priority, as long as the surf is not too high in Mill Bay. After that, booming priorities continue stream by stream moving toward Chiniak. Once all threatened salmon streams are protected, protection priorities will extend to entire beaches, with emphasis on areas that are commonly used for recreation or subsistence. Because of the potential for high surf at Mill Bay beach, it is designated as a potential collection area, depending on how much oil reaches that far down. Although it is terribly unpleasant to consider "sacrificing" a beach, it is apparent that Mill Bay is a natural collection beach and that it would be feasible to use the beach for collection purposes due to its easy road and vehicle access.

Based on the spill trajectory, Ugak Island is identified as a protection priority because it is a marine mammal haul out, although it may be a difficult area to protect because of deep water and rough surf.

Clean up and Recovery. From Day 2 (hour 28) on, as people arrive on scene and boom deployment is accomplished, the focus of the response will begin to switch from protection to oil removal and recovery. After the initial influx of containment boom and other initial response equipment, storage equipment is transported to the scene. Temporary storage bladders are transported from MSD Kodiak, and a local barge *Anna Lee* with a storage capacity of over 100,000 gallons, is contracted by the FOSC and dispatched to the scene (ETA sundown day 2). Recovery concerns will include protecting resources, and addressing issues such as lightering and salvage. The Pacific Strike Team will be able to provide some lightering expertise. Navy SUPSALV should be consulted for salvage issues, or the RP may choose to contract with a private salvage company to remove the vessel from the rocks.

After Day 3 or so (hour 52), disposal will become an issue. Bunker oil is extremely problematic from a removal standpoint, as skimmers are not effective in separating bunker oil from water. Bunker C has the consistency of peanut butter or "flubber", and it is extremely hard to collect, load, and generally difficult to deal with. Oily wastes, debris and recovered bunker fuel are transported to Kodiak for disposal.

Mill Bay, Abercrombie Beach, or another shoreline with road access may be selected as a keeper/collection beaches because it is possible to get heavy equipment onto the beach for removal. Landing craft will bring oil and debris to the shore, where it will be loaded into dumpsters or totes and transported from the beach for ultimate disposal. The RP (Incident Commander) is responsible for developing and implementing a disposal plan which complies with existing local, state and federal laws and regulations. ADEC and the Kodiak Island Borough will oversee this process. Shoreline Cleanup and Assessment Teams are organized and deployed to assess shoreline impacts and make recommendations regarding additional cleanup.

Personnel Considerations. Initially, lodging and food are provided by the Silver Bay Logging Camp and supplemented with supplies from Ouzinkie. The school at the logging camp is used for temporary lodging and to cook meals for responders.

Figure G-1: Spill Trajectory Hour 6



Kazakof Spill

Estimate for: Hr 6

Prepared: 1357, 2/5/98

MASS Analysis

NOAA/HAZMAT/MASS (206) 526-6317



These estimates are based on the latest available information. Please refer to the trajectory analysis briefing and your Scientific Support Coordinator (SSC) for more complete information.

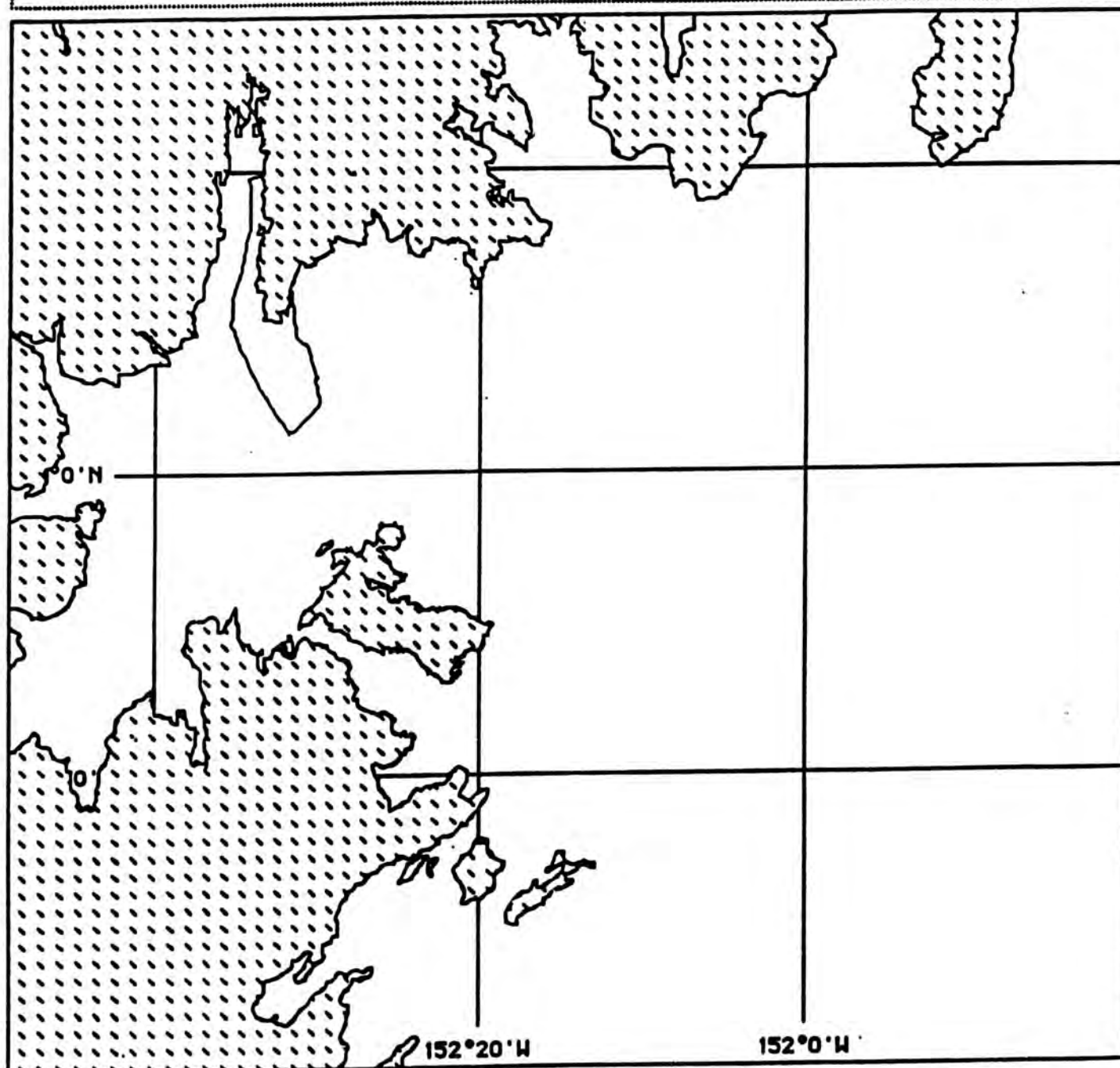


Figure G-2: Spill Trajectory Hour 12



Kazakof Spill

Estimate for: Hr 12

Prepared: 1357, 2/5/98

MASS Analysis

NOAA/HAZMAT/MASS (206) 526-6317



These estimates are based on the latest available information. Please refer to the trajectory analysis briefing and your Scientific Support Coordinator (SSC) more complete information.

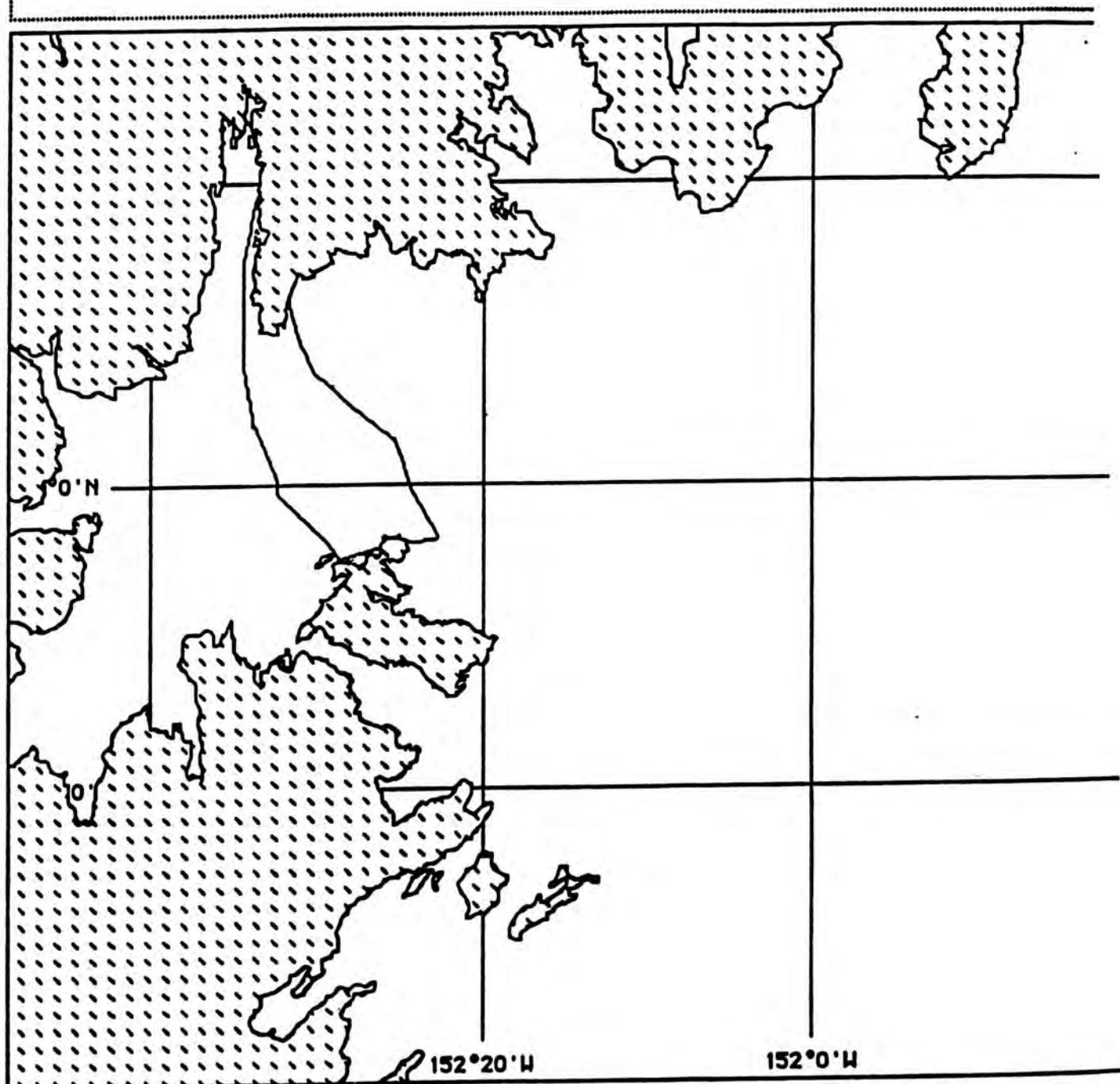


Figure G-3: Spill Trajectory Hour 24



Kazakof Spill

Estimate for: Hr 24

Prepared: 1357, 2/5/98

MASS Analysis

NOAA/HAZMAT/MASS (206) 526-6317



These estimates are based on the latest available information. Please refer to the trajectory analysis briefing and your Scientific Support Coordinator (SSC) for more complete information.

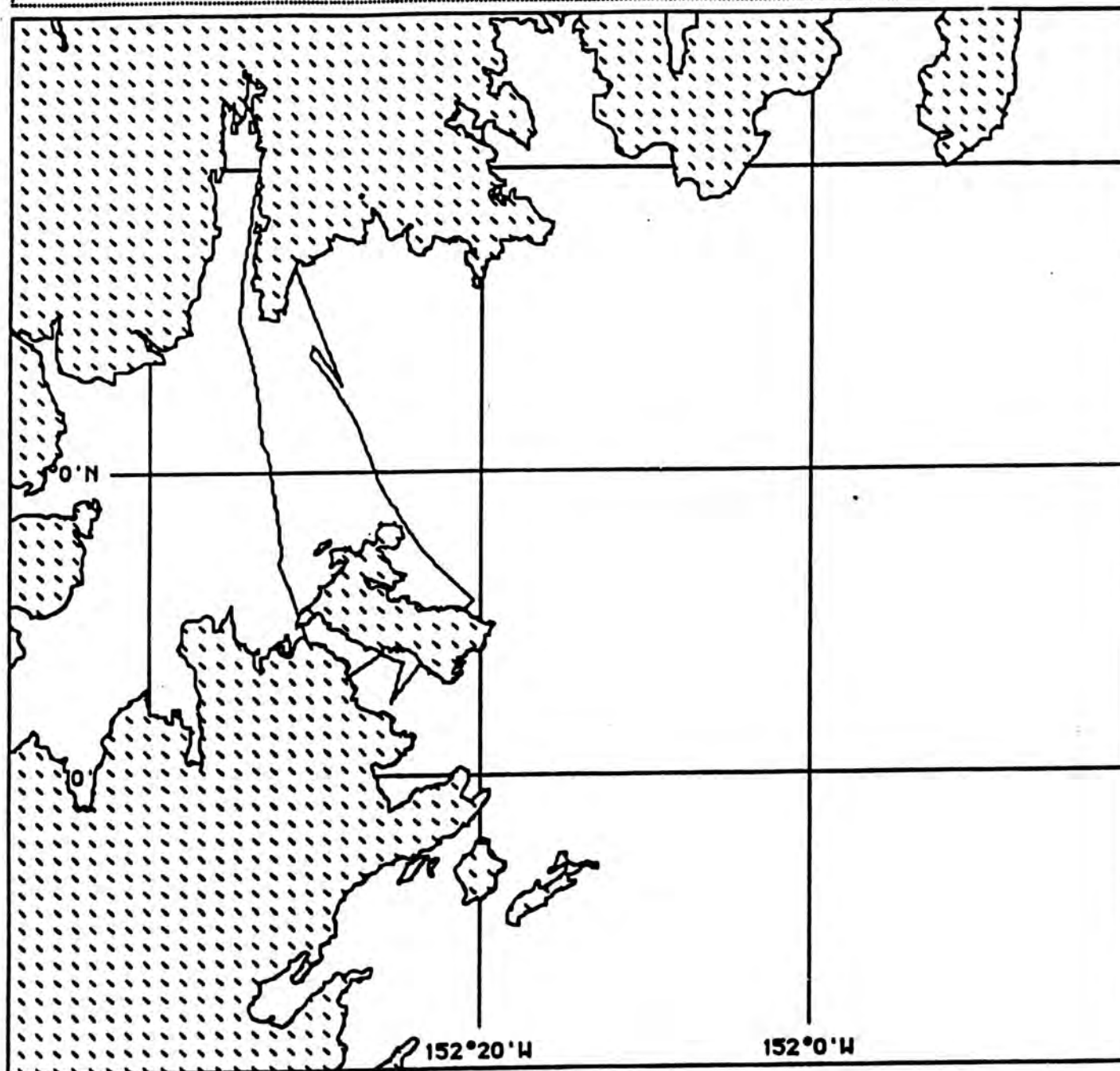


Figure G-4: Spill Trajectory Hour 48



Kazakof Spill

Estimate for: Hr 48

Prepared: 1357, 2/5/98

MASS Analysis

NOAA/HAZMAT/MASS (206) 526-6317



These estimates are based on the latest available information. Please refer to the trajectory analysis briefing and your Scientific Support Coordinator (SSC) for more complete information.

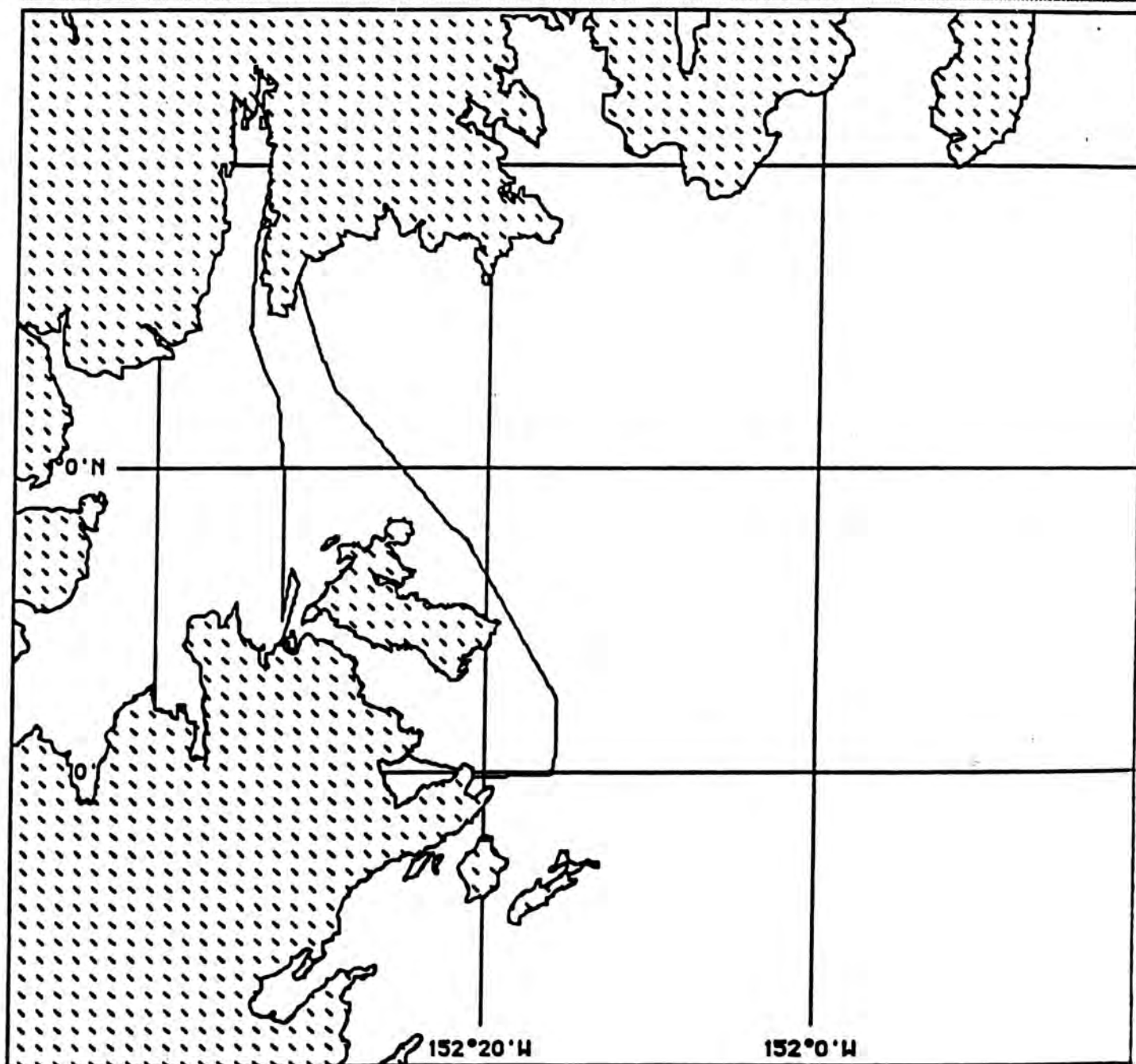


Figure G-5: Spill Trajectory Hour 72



Kazakof Spill

Estimate for: Hr 72

Prepared: 1357, 2/5/98

MASS Analysis

NOAA/HAZMAT/MASS (206) 526-6317



These estimates are based on the latest available information. Please refer to the trajectory analysis briefing and your Scientific Support Coordinator (SSC) for more complete information.

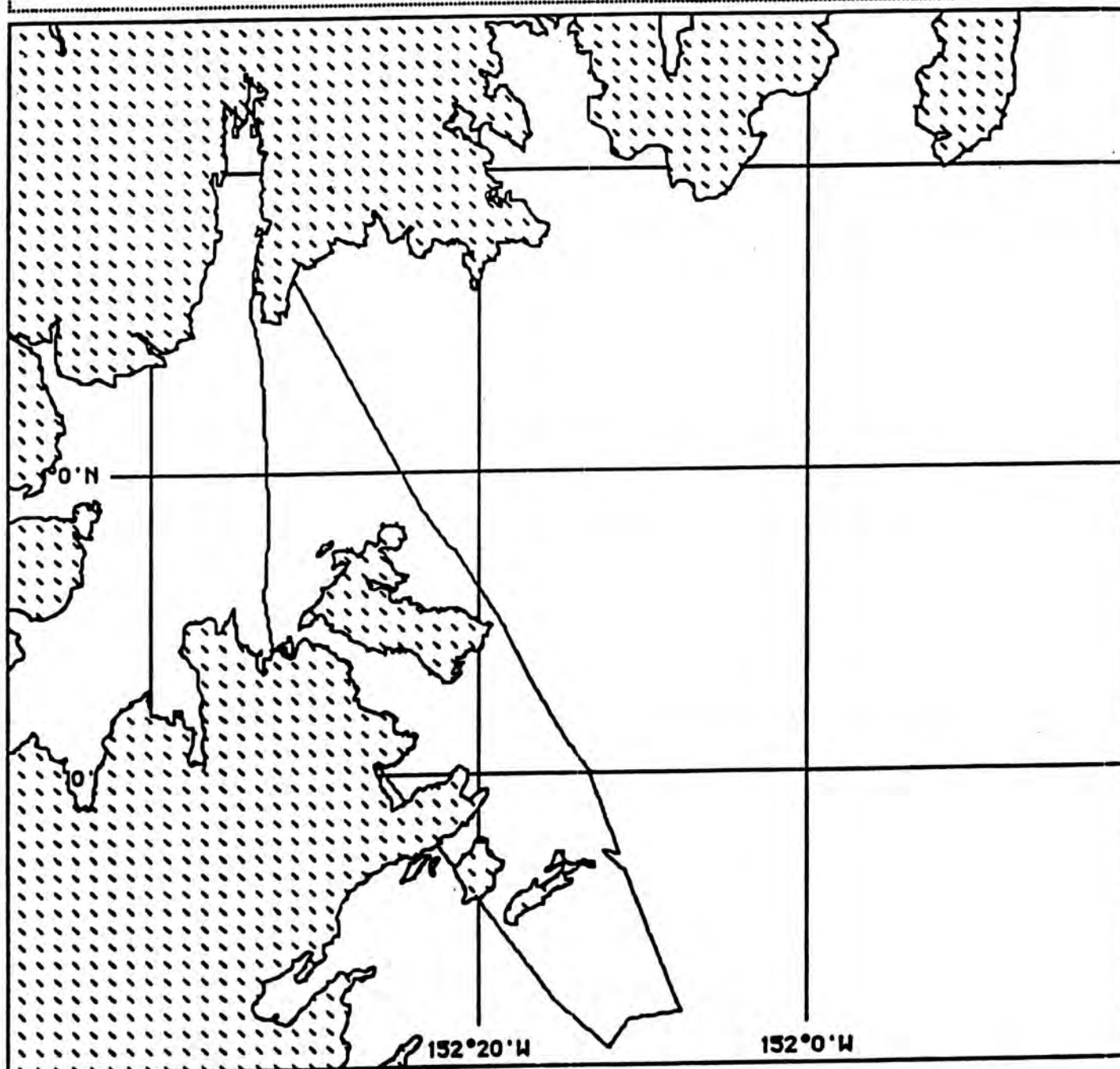


Figure G-6: Spill Trajectory Hour 96



Kazakof Spill

Estimate for: Hr. 96

Prepared: 1357, 2/5/98

MASS Analysis

NOAA/HAZMAT/MASS (206) 526-6317



These estimates are based on the latest available information. Please refer to the trajectory analysis briefing and your Scientific Support Coordinator (SSC) for more complete information.

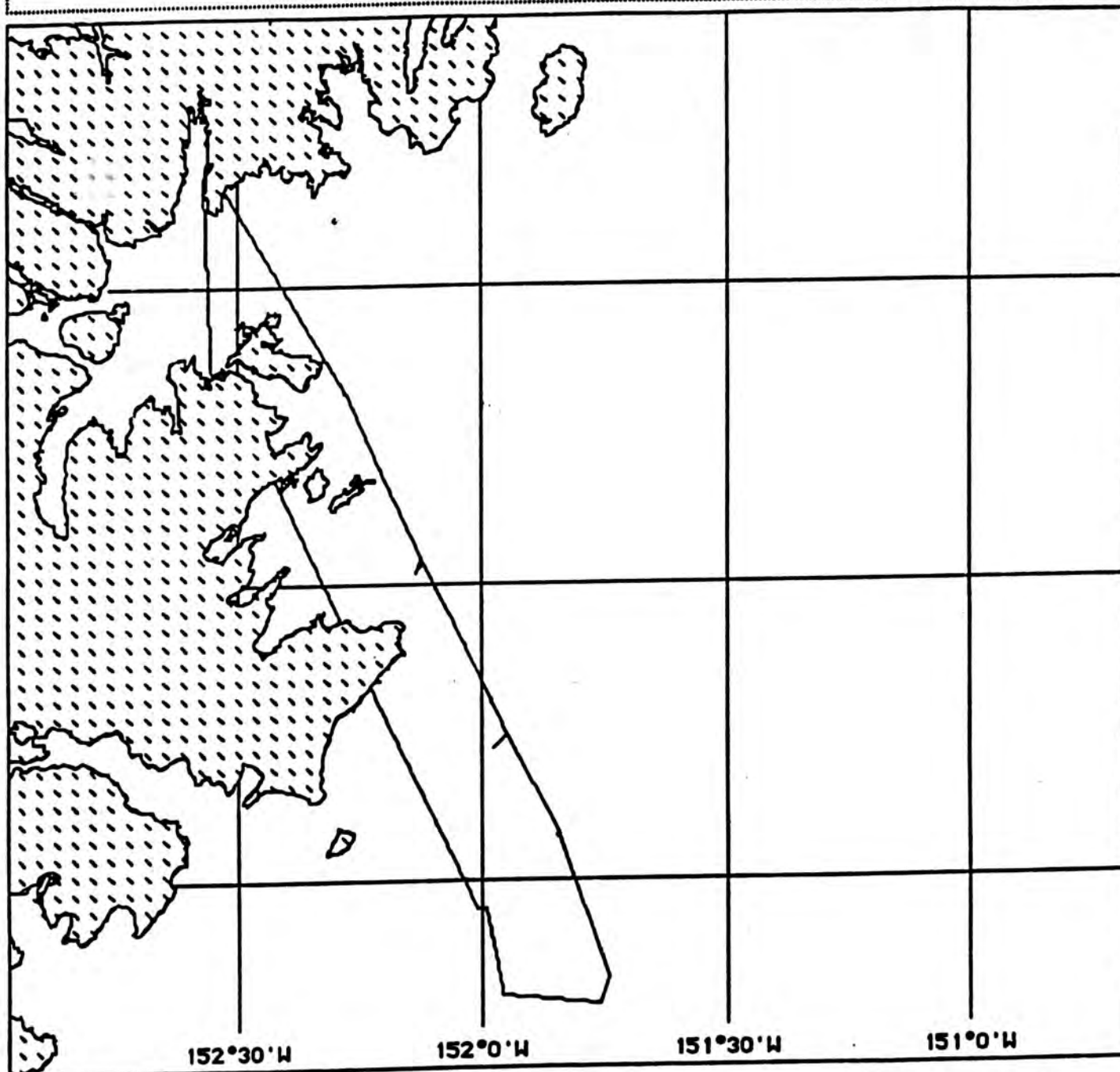


Figure G-7: Oil Budget Table

Oil Budget Table

ADIOS™ 1.1.3



Oil Name: FUEL OIL NO.6

API: 11.8

Pour Point: between 24.8 F and 59.0 F

Emulsification Const: 18% evaporated

Wind Speed: Constant at 50 kn

Wave Height: Default values

Water Temperature: 45 F

Instantaneous release of 150000 gal

*Insufficient emulsification data, answers may be inaccurate.

Time hours	Total Released gallons	Evaporated percent	Dispersed percent	Floating percent
0	150,000	0	0	100
3	150,000	0	0	100
6	150,000	1	0	99
9	150,000	3	1	96
12	150,000	5	2	93
15	150,000	7	3	90
18	150,000	9	5	86
21	150,000	10	7	83
24	150,000	12	8	80
30	150,000	15	11	74
36	150,000	17	14	69
42	150,000	18	17	65
48	150,000	19	20	61
60	150,000	20	24	56
72	150,000	21	28	51
84	150,000	22	32	46
96	150,000	23	36	41
108	150,000	24	39	37
120	150,000	24	41	35

SCENARIOS: PART TWO - TYPICAL DISCHARGE

Situation. At 0500, June 15, USCG Air Station Kodiak receives a call from the salmon tender F/V ROTTEN LUCK stating that the vessel had collided with another vessel, F/V BAD DAY, in the channel at the mouth of Larsen Bay. Both vessels have sustained damage and are leaking oil. All crewmembers were successfully removed from the vessels by another boat fishing nearby. The two vessels have onboard an estimated total of 12,500 gallons of diesel fuel and 600 gallons of lube and hydraulic oils, which is rapidly leaking at an undetermined rate. There is a westerly wind at 20 knots.

Notifications. MSD Kodiak is notified of the situation by the Air Station at 0515. MSD Kodiak notifies MSO Anchorage, ADEC and the Kodiak Emergency Services Director. MSO Anchorage and ADEC notify other state and federal agencies. Because it is a relatively small spill of non-persistent oil, it is determined that the initial response team will be limited to MSD Kodiak.

At 0700, an Incident Command Center is established at MSD Kodiak.

Initial Response Actions. MSD Kodiak requests transport via Coast Guard helicopter. He gathers basic equipment (including the "consumables" supplement to the KIB equipment package in Larsen Bay) and is transported to the scene. He arrives by 0900.

By the time MSD Kodiak arrives on-scene, mobilization of local (Larsen Bay) resources has already begun, as local residents initiate defensive booming of important subsistence areas. The MSD Kodiak Supervisor (first responder on-scene) will serve as FOSC representative for the duration of the response, and will advise the local responders to deploy defensive boom at the sensitive areas identified by the local community in the KSCP Sensitive Areas document. The FOSC notifies the Responsible Parties of their responsibilities to contain and remove the spill, and informs them that he can use government property to accomplish this objective and then bill them for the clean up, or they may replace his equipment in kind. The vessel masters acknowledge that they have limited resources and indicate that they are willing to fulfill their obligation under law.

The LOSC (back in Kodiak) contacts the state (ADEC) to get permission to activate the local response agreement with Larsen Bay so they can deploy the boom in the KIB equipment package (approximately 3000 feet).

Equipment Mobilization and Deployment. In considering the size and type of spill and the resources at risk, the FOSC representative (in consultation with ADEC, the LOSC and local community) determines that the preferred strategy is to keep all oil offshore until it can evaporate or dissipate. The primary objective of the response is to ensure that the least possible amount of oil reaches the shoreline.

Because the spill is moderate in size and the Responsible Parties' resources are finite, response equipment is limited to that which is located in Larsen Bay (either at the cannery or in the KIB Equipment package). Equipment is deployed via the local response agreement between the Borough and Larsen Bay, using 3 skiffs as work vessels.

First, boom (and sorbents) are deployed around the leaking vessels, which are still floating. Responders then begin defensive booming of streams. Only hazwoper-trained individuals may deploy boom around the vessels, and individuals who undertake defensive booming at the stream mouths must also have had a minimal level of hazardous materials training. The FOSC will ensure that only properly trained individuals engage in boom deployment. The first protection priority (identified by the local community and LOSC) is to keep the oil out of Larsen Bay by booming across the bay. The other major priority is to boom off or protect Brown's lagoon (see discussion of sensitive areas below).

By Hour 6 of the response (1100), boom has been deployed around the vessels. By Hour 8 (1300), Larsen Bay has been boomed, and by Hour 10 (1500), Brown's lagoon has been boomed.

By late afternoon, reports begin to come in that there is evidence of some oil reaching the shoreline. ADEC dispatches an investigator that evening to verify this report. ADEC Environmental Health personnel will also sample local shellfish to determine whether they are safe for consumption.

Wildlife and Sensitive Areas Protection. Local protection priorities in Larsen Bay include the clam beds and salmon streams in Brown's Lagoon and Larsen Bay. Brown's Lagoon has been identified by the local community as a protection priority, and this area is also considered to be important wildlife habitat by USFWS.

The FOSC representative requests that the LOSC contact the Alutiiq museum to get an archaeologist to consult on protecting nearby cultural and historical sites.

Sea otter concentrations and herring spawning are two major considerations this time of year (summer), and Brown's lagoon is important for both of these activities. The LOSC communicates with Larsen Bay and also the USFWS to identify additional protection priorities, which are forwarded to the FOSC. Brown's lagoon is the only place in the immediate vicinity with an anadromous stream.

In the days following the spill, USFWS will contact the Coast Guard to determine whether any wildlife has been oiled.

Clean Up and Recovery. Collected oil is left in the booms until it evaporates or dissipates. Any oiled sorbent materials are collected by the USCG MSD and properly disposed of.

DEC home | air | water | land | food | oil, chemicals | public facilities, businesses | pollution prevention |

Alaska Department of Environmental Conservation

Alaska's Oil Spill Safety Net

Task Force on Motorized Oil Transport

Response Planning Standard Work Group
September 6, 2000 Meeting Summary
Nontank Vessel Issues
Anchorage Legislative Information Office
9:30 - 12:00, 1:30 - 5:00

Task Force members present:

RPS Work Group Co-chair Lee Eglund; and members Jim Carter, Scott Carter, Ernie Piper, Bob Heavilin, Doug Lentsch, Simon Lisiecki, Charlotte MacCay, Heather McCarty, Dave Owings, Jeff Thompson, Denise Henderson (for Rep. Kott), and Kristopher Knauss (for Sen. Pearce)

Task Force members on teleconference: RPS Work Group Co-chairs Gene Burden, John Hansen

DEC staff present:

Larry Dietrick, Susan Harvey, Steve Provant, Ken Rogowski, Larry Iwamoto

Task Force Facilitation:

Brian Rogers, Judith Erickson; Gregg Erickson, Deborah Vogt on teleconference

Task Force Technical Assistance:

Paul Fuhs

Members of the public also attended

Response Planning Standard Work Group Recommendations:

The RPS Work Group reached consensus on the following recommendations for how nontank vessels will meet the 15 percent RPS established by SB 273.

1. In virtually all cases, tank vessels carry more petroleum and petroleum products than non-tank vessels. The RPS Work Group does not believe additional control and containment equipment is necessary in areas where there is good geographic distribution of equipment stockpiled under the tank vessel program. Southeast, Cook Inlet, Prince William Sound and Kodiak either have or are phasing in adequate equipment for non-persistent and persistent fuels. New equipment, however, will be required in "gap areas," where a) non-tank vessels operate but tank vessels do not operate, or b) where persistent oil is being carried by non-tank vessels and tank vessels carry only non-persistent fuels.
2. At its August 23 meeting, after reviewing the distribution of existing equipment and the capacity of the largest persistent fuel carrying vessels operating various areas, the RPS Work Group determined that there are two gap areas: Western Alaska and Seward.
3. The RPS Work Group recommends that primary and secondary response hubs be established in a cascading response system. Primary hubs will have control, containment and portable recovery equipment such as skimmers; secondary hubs have only control and containment equipment. The work group considers the equipment located in the secondary response hubs as a starter kit, with more equipment to arrive later on-scene as needed.
4. Secondary response hubs will maintain containment boom sufficient to extend three times the length of the largest vessel operating in the area. Appropriate means will be provided for deploying the containment boom.
5. Cleanup equipment maintained at primary hubs will be appropriate to the type of oil to be recovered, persistent or non-persistent. Cleanup equipment maintained at primary hubs shall be mobile and designed to fit in usually available aircraft, probably a DC-6 as there are only two Hercules-type aircraft in Alaska and they are not always available. The Work Group adopted a planning-standard wave height of 3 feet or less. The Work Group recommends that skimmers have a daily nameplate recovery capacity equal to 15 percent of the capacity of the largest vessel in the area. For example, if the largest vessel carries 30,000 barrels of fuel, then

skimming equipment with a nameplate capacity of 4500 barrels per day is required. Temporary storage capacity must be provided equal to the expected EDRC (effective daily recovery capacity) of the chosen skimmer.

6. The Work Group recommends that Anchorage and Dutch Harbor be the designated primary response hubs for Western Alaska, and that secondary response hubs be established for Western Alaska at Adak, Atka, Akutan, and St. Paul. The Work Group recommends that a secondary response hub be established at Seward.
7. The RPS Work Group believes that schedules established under the tank vessel program for acquiring new equipment and placing it in service are sufficiently rapid for the additional equipment required to implement the non-tank program.

Discussion:

RPS Alaska Railroad recommendations: Brian Rogers, facilitator, gave a brief summary of the RPS Work Group's August 30 meeting, where participants reached consensus on four recommendations for the Alaska Railroad. The recommendations can be viewed in the summary for that meeting, available on the web site (www.state.ak.us/dec/nontank).

Contingency plan review: DEC staff Larry Dietrick, Larry Iwamoto and Susan Harvey provided the work group with a brief review of federal and state response planning and contingency plans (C-plans). Dietrick noted Alaska has one unified plan and 10 subarea plans. The subarea plans contain region-specific information. Iwamoto reviewed the planning status of the unified and subarea plans and discussed the on-scene coordinator's relationship to these plans.

Harvey said the goal of industry C-plans is to document and demonstrate there are sufficient resources to contain, clean-up and mitigate potential oil discharges and protect environmentally-sensitive areas. She described what is required by DEC regulation to be included in a C-plan.

For SB 273 vessels, Harvey said DEC envisions a more streamlined contingency plan process. Instead of the four part plan required now for the regulated community, a C-plan for SB 273 vessels would require two parts: a response action plan and a prevention plan. Harvey said the response action plan would address three issues: initial notification, which could be satisfied with a SOPEP; membership in a co-op or equivalent capability; and spill management capability. For smaller vessels, Harvey said the spill management capability might entail identification of one person in a company as the qualified individual (QI) to manage the spill. Larger companies might require a more sophisticated team. Any other requirements of C-plan holders, such as salvage fire fighting and lightering, would have to be identified in the plan. The Contingency Plan Work Group will address these issues at a future meeting.

The prevention plan portion of the C-plan would be a "plan by rule." After prevention measures are adopted in state regulation, the vessel owner would be required to notify DEC that those requirements have been met. A certificate of financial responsibility is also required by law. Harvey said DEC could potentially handle the use of best available technology (BAT) for prevention requirements by updating the response action plan and prevention rules every three to five years.

Harvey said DEC has not addressed spill drills and inspections. If the newly-regulated vessels belong to co-ops, DEC will drill the co-ops once or twice a year. If an individual party doesn't choose to join a co-op, the party will have to show DEC, through drills, how it will carry out its response. Harvey noted the contingency planning work group will address inspections. She said inspections are used to verify the information contained in a C-plan. Harvey said vessel owners could be required to submit their C-plan data to DEC and sign under affidavit that the information is correct. DEC would conduct spot check inspections to make sure all plan elements were onboard.

Generic spill scenarios in subarea plans: Larry Iwamoto, DEC, handed out a map illustrating the location of the generic coastal spill scenarios. He said these scenarios are general descriptions, or storybooks, of how government would now respond to an unregulated incident. There are Federal/State subarea contingency plan coastal scenarios for the worst case discharge, maximum most probable discharge and average most probable discharge.

Primary Response Action Contractor (PRAC) briefing: Chadux General Manager Bob Heavilin, SEAPRO General Manager Dave Owings and CISPRI General Manager Doug Lentsch gave presentations on their respective co-ops. The managers reviewed their areas of operation, membership and fees, equipment, programs, contractual relationships and current projects.

Vessel data collection update: Brian Rogers reported to the work group that he is still working primarily with the data supplied by the marine pilots organizations. Data recently received from Task Force members and from the Financial Responsibility forms submitted to DEC will be entered into the data base shortly.

Future Action: The work group has not yet decided what threshold conditions would require an equipment hub to be upgraded from a secondary to primary hub. Committee members suggested the following factors might be considered in setting the threshold: vessel traffic and frequency, operating season, and port calls. Once the vessel data collection is complete a subgroup of the RPS work group will meet and try to reach agreement on the threshold question. The subgroup will work with the co-chairs on a method to get consensus on the recommendation from the full work group.

How to report a spill

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Last modified: September 9, 2000

Response Planning Standard Work Group

September 6, 2000 Meeting Summary

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Anchorage Legislative Information Office

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Discussion:

RPS Alaska Railroad recommendations: Brian Rogers, facilitator, gave a brief summary of the RPS Work Group's August 30 meeting, where participants reached consensus on four recommendations for the Alaska Railroad. The recommendations can be viewed in the summary for that meeting, available on the web site (www.state.ak.us/dec/nontank).

Contingency plan review: DEC staff Larry Dietrick, Larry Iwamoto and Susan Harvey provided the work group with a brief review of federal and state response planning and contingency plans (C-plans). Dietrick noted Alaska has one unified plan and 10 subarea plans. The subarea plans contain region-specific information. Iwamoto reviewed the planning status of the unified and subarea plans and discussed the on-scene coordinator's relationship to these plans.

Harvey said the goal of industry C-plans is to document and demonstrate there are sufficient resources to contain, clean-up and mitigate potential oil discharges and protect environmentally-sensitive areas. She described what is required by DEC regulation to be included in a C-plan.

For SB 273 vessels, Harvey said DEC envisions a more streamlined contingency plan process. Instead of the four part plan required now for the regulated community, a C-plan for SB 273 vessels would require two parts: a response action plan and a prevention plan. Harvey said the response action plan would address three issues: initial notification, which could be satisfied with a SOPEP; membership in a co-op or equivalent capability; and spill management capability. For smaller vessels, Harvey said the spill management capability might entail identification of one person in a company as the qualified individual (QI) to manage the spill. Larger companies might require a more sophisticated team. Any other requirements of C-plan holders, such as salvage fire fighting and lightering, would have to be identified in the plan. The Contingency Plan Work Group will address these issues at a future meeting.

The prevention plan portion of the C-plan would be a "plan by rule." After prevention measures are adopted in state regulation, the vessel owner would be required to notify DEC that those requirements have been met. A certificate of financial responsibility is also required by law. Harvey said DEC could potentially handle the use of best available technology (BAT) for prevention requirements by updating the response action plan and prevention rules every three to five years.

Harvey said DEC has not addressed spill drills and inspections. If the newly-regulated vessels belong to co-ops, DEC will drill the co-ops once or twice a year. If an individual party doesn't choose to join a co-op, the party will have to show DEC, through drills, how it will carry out its response. Harvey noted the contingency planning work group will address inspections. She said inspections are used to verify the information contained in a C-plan. Harvey said vessel owners could be required to submit their C-plan

data to DEC and sign under affidavit that the information is correct. DEC would conduct spot check inspections to make sure all plan elements were onboard.

Generic spill scenarios in subarea plans: Larry Iwamoto, DEC, handed out a map illustrating the location of the generic coastal spill scenarios. He said these scenarios are general descriptions, or storybooks, of how government would now respond to an unregulated incident. There are Federal/State subarea contingency plan coastal scenarios for the worst case discharge, maximum most probable discharge and average most probable discharge.

Primary Response Action Contractor (PRAC) briefing: Chadux General Manager Bob Heavilin, SEAPRO General Manager Dave Owings and CISPRI General Manager Doug Lentsch gave presentations on their respective co-ops. The managers reviewed their areas of operation, membership and fees, equipment, programs, contractual relationships and current projects.

Vessel data collection update: Brian Rogers reported to the work group that he is still working primarily with the data supplied by the marine pilots organizations. Data recently received from Task Force members and from the Financial Responsibility forms submitted to DEC will be entered into the data base shortly.

Future Action: The work group has not yet decided what threshold conditions would require an equipment hub to be upgraded from a secondary to primary hub. Committee members suggested the following factors might be considered in setting the threshold: vessel traffic and frequency, operating season, and port calls. Once the vessel data collection is complete a subgroup of the RPS work group will meet and try to reach agreement on the threshold question. The subgroup will work with the co-chairs on a method to get consensus on the recommendation from the full work group.



Federal/State Oil Spill and Hazardous Substance Release Contingency Planning

Larry Iwamoto

State of Alaska

***Department of Environmental Conservation
Division of Spill Prevention and Response***



Government Planning

- ***Oil Pollution Act of 1990***
- ***Alaska Statutes***

- ***Joint Planning Efforts***
 - » ***AK Federal/State Unified Plan***
 - » ***Subarea Plans***
 - » ***Geographic Response Strategies***



Government Planning

FEDERAL

**NATIONAL CONTINGENCY
PLAN**

**REGIONAL CONTINGENCY
PLAN**

**AREA CONTINGENCY
PLANS**

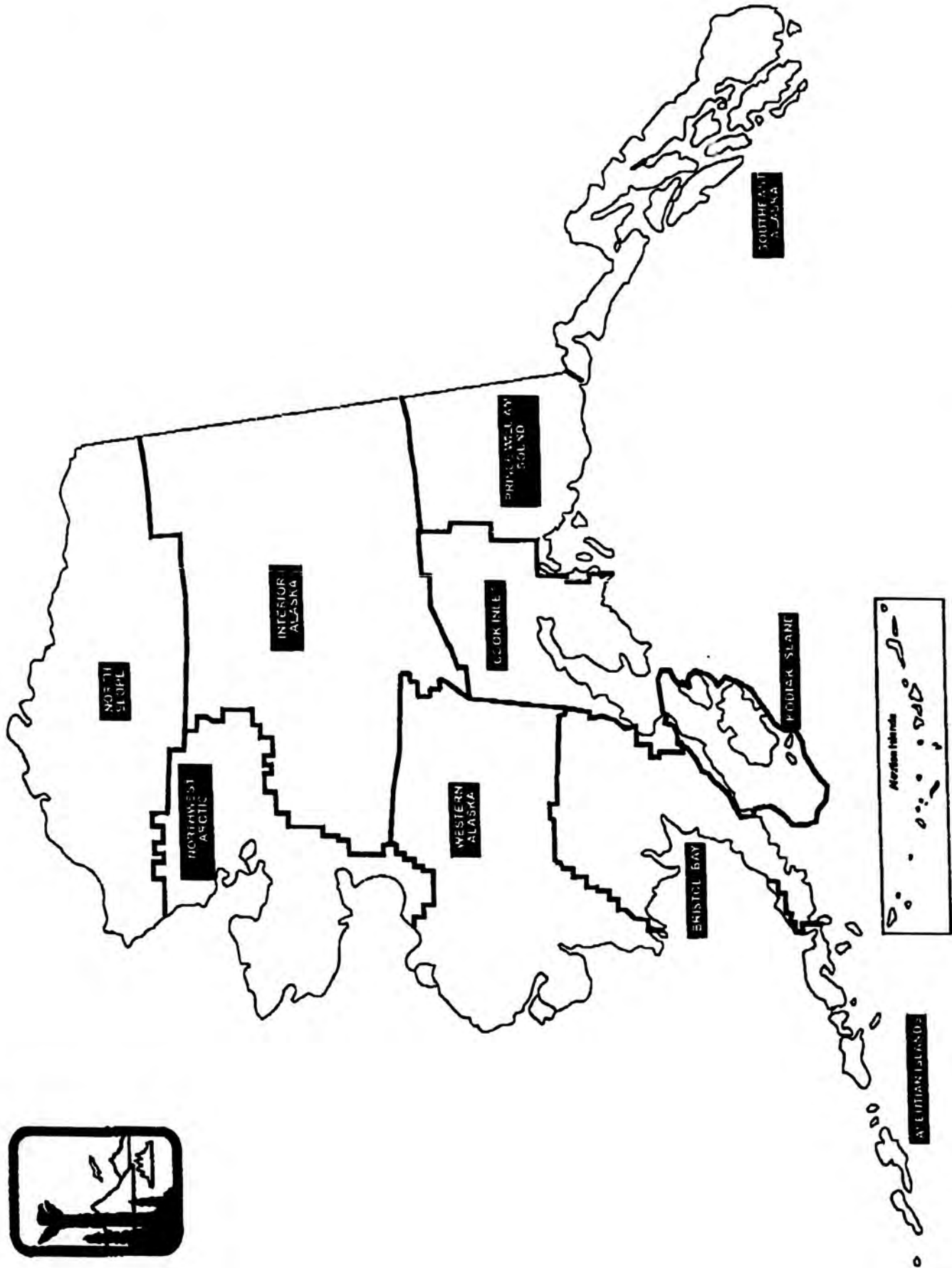
**UNIFIED
PLAN**

**SUBAREA
PLANS**

STATE

**STATE MASTER
PLAN**

**REGIONAL MASTER
PLANS**



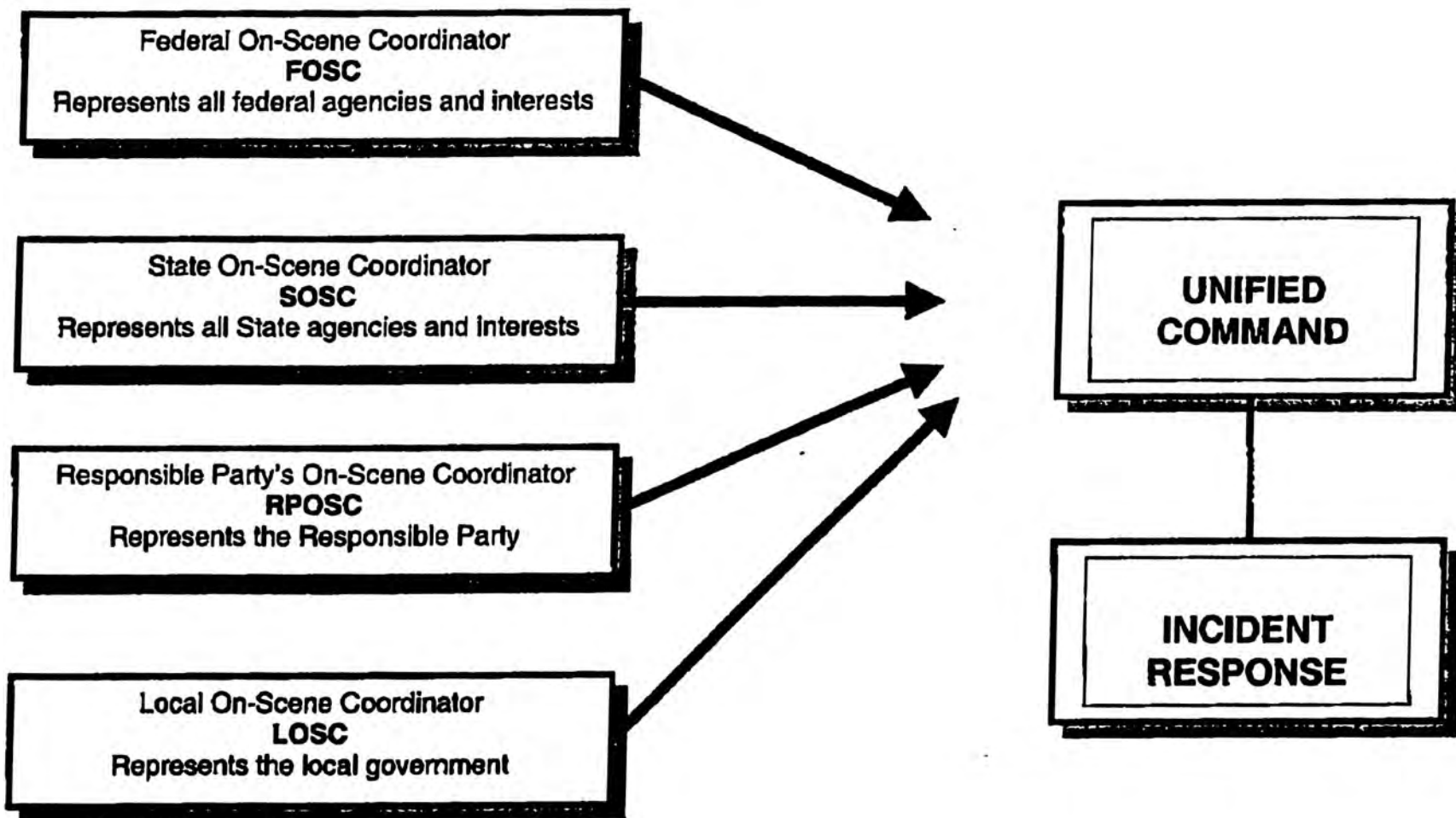


Overall Planning Status

- ***Unified Plan (May 1994)***
 - » ***Change 2 Published (Sep 1999)***
- ***Subarea Plans***
 - » ***Prince William Sound (July 1997)***
 - ***Change 1 (July 1999)***
 - » ***Cook Inlet (July 1997)***
 - » ***Southeast Alaska (July 1997)***
 - » ***Kodiak (July 1998)***
 - » ***Aleutians (Sep 1999)***
 - » ***North Slope (February 2000)***
 - » ***Bristol Bay, Western AK, NW Arctic (12/00)***

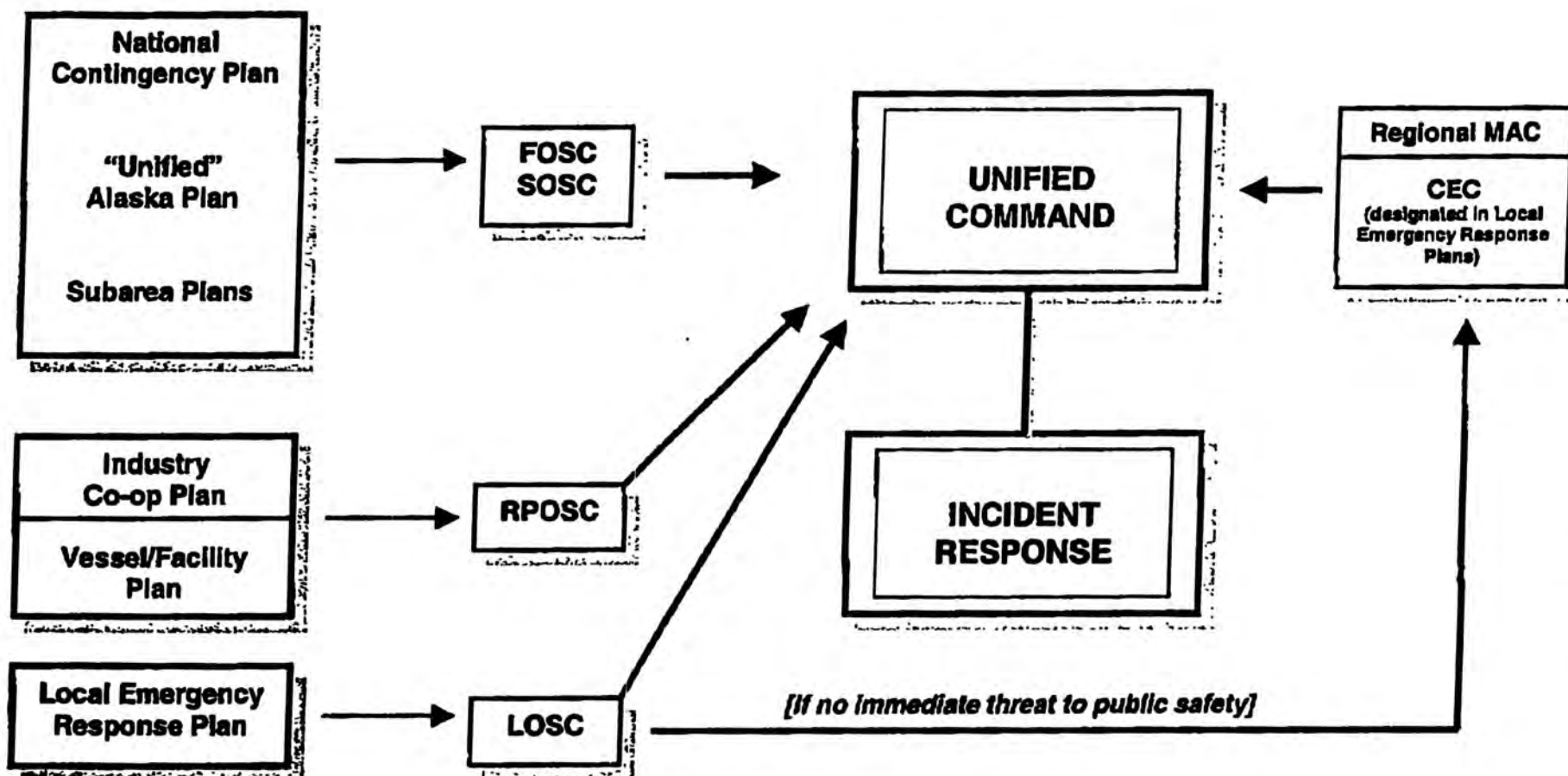


Unified Command





On-Scene Coordinator's Relationship to Plans



FOSC: Federal On-Scene Coordinator (US Coast Guard/EPA)
 SOSC: State On-Scene Coordinator (ADEC)
 LOSC: Local On-Scene Coordinator (while immediate threat to public safety exists)
 CEC: Community Emergency Coordinator
 RPOSC: Responsible Party On-Scene Coordinator (Spiller Designee)



ARRT Website

- ***Unified Plan***
- ***Subarea Plans***
- ***AIMS Guide***
- ***Wildlife Protection Guidelines***

<http://www.akrrt.org/plans.html>



MEMBERSHIP FULL MEMBER

A full member can be either a vessel or a facility that operates within a Cost Participation Area within the state of Alaska.

Vessels: Primary business is the transportation, storage or transfer of petroleum products.

Facilities: Primary business is the storage of petroleum products.

Full members have voting privileges.

ASSOCIATE MEMBER

An associate member can be either a vessel or a facility. An associate member can be inside or outside of a Cost Participation Area within the state of Alaska.

Vessels: Primary business is from other than the transportation, storage or transfer of petroleum products whether inside or outside of a Cost Participation Area.

Facilities: Primary business is from other than the storage or transfer of petroleum products and is normally outside of a Cost Participation Area.

Associate members do not have voting privileges.

Note: Other factors may be a consideration in membership classification.

For more information contact:
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General Manager
via E-mail at
bheavilin@chadux.com or
phone us at **907.278.3365**



ALASKA
CHADUX
CORPORATION



721 West 1st Avenue
Anchorage, Alaska 99501
907.278.3365 24-Hour Contact
907.278.3330 Facsimile

ACTIVATION

Upon the request of a member or agency, Chadux can mobilize and deploy its equipment and personnel.

The **RESPONSIBLE PARTY (RP)** will direct the response to a spill. Chadux, under the direction of a RP, will position its equipment to control, recover and temporarily store recovered product.

Chadux may be activated 24 hours a day seven days a week by calling 907.278.3365.



EQUIPMENT

Oil spill and wildlife response equipment is maintained in a state of readiness and available for use by Chadux members. Chadux equipment is strategically stored near Cook Inlet, Prince William Sound, and Unalaska. Chadux's equipment is staged in geographic locations referred to as Cost Participation Areas (CPA's). To respond outside of Chadux's CPA's, equipment from Chadux's Anchorage base is available.

MISSION STATEMENT

To assist members with oil spill preparedness and response resources.

The services will be provided statewide within the inland waters of Alaska.



OPERATING PRINCIPALS

- Operate Safely.
 - Control Costs.
 - Generate Margins.
 - Customer Service.
-

CLASSIFICATIONS

Chadux is registered as a Primary Response Action Contractor (PRAC) by the Alaska Department of Environmental Conservation and an Oil Spill Removal Organization (OSRO) by the USCG.

RESPONSE PERSONNEL

Chadux provides, at a Member's request, oil spill response personnel. Currently, two 16-person teams are available on a 24-hour basis. The teams can provide a variety of operations including:

- Mobilization and deployment of Chadux containment boom.
 - Operation of skimmers and recovery equipment.
 - Demobilization and decontamination.
-



RESPONSE SERVICES

Safety of personnel is always the primary objective for Chadux responders.

Services available to member companies on a 24 hour basis:

- Provide response equipment that includes boats, containment boom, skimmers and temporary storage.
 - Qualified wildlife response team and equipment.
 - Spill response expertise.
-

SCOMM

123:11

**TASK FORCE ON MOTORIZED OIL TRANSPORT
PREVENTION WORK GROUP**

Co-Chairs: Eric Britten, Heather McCarty, Mike O'Hara

Meeting on September 27, 2000

Anchorage Legislative Information Office

10:00 a.m. to noon and 1:00 p.m. to 4:00 p.m.

REVISED DRAFT AGENDA

Goal: To determine a prevention program for nontank vessels in Alaska and whether a system of prevention credits is feasible.

Prevention credit program proposals

Reduction in response planning standard (RPS)

Reduction in insurance rates; insurance premium tax credit

Tax credits

Reduction in penalties for spills

State award program

Other proposals

Work Group recommendation to Task Force

State Prevention Measures

Review list crafted at 9/1/00 meeting

List measures by vessel type

System for industry prevention proposals

Prevention measure scoring system

Work Group recommendation to Task Force

Inspections

Work Group recommendation to Task Force

Liability Issues

Review of questions posed to Attorney General

Information Relating to Tax Credits for Nontank Vessels

Prepared by Deborah Vogt
Information from the Alaska Department of Revenue
Income and Excise Audit Division FY99 Annual Report
Prepared for the Task Force on Motorized Oil Transport

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

Taxes directly paid:

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

Taxes indirectly paid:

- Insurance Premium Tax
- Motor Fuel Tax

2. Corporate Income Tax (AS 43.20)

Who pays

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

Corporations that are organized as "Subchapter S" corporations do not pay income tax in Alaska. There are approximately 14,000 corporations that file reports with the Alaska Department of Revenue each year. Of these, 5500 are "S" corporations. "S" corporations are generally closely held or family corporations. Undoubtedly some of the non-crude vessel companies are "S" corporations.

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

How much is paid?

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

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

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

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

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

How is the tax calculated?

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

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

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

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

4. Motor fuel tax (AS 43.40).

The motor fuel tax on marine fuel is \$.05 per gallon, and has been since 1977. The tax is collected from fuel distributors, of which there are about 300 for all fuel types (marine, highway, and aviation). There are no statistics on the number of ultimate consumers of marine motor fuel. Marine fuel tax taxpayers paid \$6,631,548 in FY99

(it is possible that some of this fuel, while purchased as marine fuel, was not actually sold for marine transportation).

No credits are currently in place for the motor fuel tax; however, there is an existing mechanism for consumer refunds. Consumers can claim a refund for fuel tax paid if the tax was paid by the distributor on the fuel, and the fuel was used for an exempt purpose (e.g., home heating, charitable institutions, etc). Consumers can also claim a partial refund for off-highway use. The use of these provisions is negligible.

While a portion of the aviation motor fuel tax is shared with local municipalities (when the municipality owns the airport), none of the marine motor fuel is shared with municipalities.

5. Insurance Premium Tax.

[Information about the Insurance Premium Tax will be provided to the Task Force separately.]

6. Existing credits.

Education credits. Taxpayers can claim as a credit against a variety of taxes including the corporate income tax, the fisheries business tax and fisheries landing tax, 50% of the first \$100,000 contributed to educational institutions, and 100% of the next \$100,000 so contributed. The credit is limited to 50% of the tax liability. In the case of the fisheries taxes, the credits do not affect the share of tax received by a municipality. Corporate income tax taxpayers claimed \$1.6 million in education credits in FY99; fisheries business tax taxpayers, \$0; and fishery resource landing tax taxpayers, \$165,000. The fisheries taxpayers may also contribute to a scholarship fund called the Winn Brindle memorial scholarship account and claim a credit up to 5% of the tax liability; fisheries business taxpayers claimed \$231,329 in credits, and landing tax taxpayers claimed \$16,528. Education credits are not available under the motor fuel tax.

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

Prevention Considerations

Following are recommendations for consideration by the Prevention Sub-Committee that I raised during the September 20, 2000 meeting. Due a prior commitment I will not be able to participate in your upcoming subcommittee meeting. Gene Burden

Propose that there be several "guiding principles" for prevention, i.e.:

- Prevention is a desirable objective and should be incorporated into the guidance provided to the non-tank shippers;
- All companies should comply with existing state and federal laws; however the Task Force is not recommending mandatory prevention actions beyond those required by existing federal and state laws;
- The quantification of benefits from prevention measures is recognized to represent a cumbersome process for the Department as well as the applicant and the recommendations that follow are intended to reflect a common-sense methodology for recognizing the prevention efforts;
- C-Plan applicants may adopt prevention measures that go beyond required actions. Such actions should be described to the Department with a proposed quantification and explanation of the percentage of reduction in spill risk expected from the voluntary preventive measure(s);
- The Department shall extend credits in response to the recognized prevention efforts that are commensurate with the projected spill risk reduction;
- The array of incentives at the outset of this program are presented in Table One below with proposed credits described;
- The Department shall propose additional incentives beyond those presented in Table One to the Legislature by January 15, 2002;
- The Department shall publish the prevention actions and resulting credits on a minimum of once per year; and
- The opportunities for prevention actions and credits should be extended to oil and oil product transporters.

Table One: Proposed Prevention Reduction Methodology¹

	Prevention Measure(s) Projected % Reduction in Spill Risks		
	Tier 1 Reduction 10 – 30%	Tier 2 Reduction >30 – 60%	Tier 3 Reduction >60%
1. Implement a spill prevention plan for each vessel	Once each 4 years		Once each 6 years
2. Implement a spill prevention plan for each facility	Once each 4 years		Once each 6 years
3. Implement a spill prevention plan for each pipeline	0.9 X specified penalty regime		0.5 X specified penalty regime
4. Implement a spill prevention plan for each port	The "Alaska" Award		The "Alaska Governors Award for Environmental Excellence" or whatever you want to call it!!!
5. Implement a spill prevention plan for each state	Reduce state marine fuel tax obligation by 25%		Reduce state marine fuel tax obligation by 75%

¹ Recommend three categories of prevention with reasonable ranges which will preclude expectations that extremely precise measurements are required...or possible!!

² This will require a change in current statute which specifies C-Plans each 3 years.

Sec. 46.03.758. Civil penalties for discharges of oil.

(a) The legislature finds that

(1) recent information discloses that the discharge of oil may cause significant short and long-term damage to the state's environment; even minute quantities of oil released to the environment may cause high mortalities among larval and juvenile forms of important commercial species, may affect salmon migration patterns, and may otherwise degrade and diminish the renewable resources of the state;

(2) the exact nature and extent of oil pollution can be neither documented with certainty nor precisely quantified on a spill-by-spill basis; however, in light of the magnitude of harm which may be caused by oil discharges, and the vital importance of commercial, sport, and subsistence fishing, tourism, and the state's natural abundance and beauty to the economic future of the state and its quality of life, it is the judgment of the legislature that substantial civil penalties should be imposed for the discharge of oil in order to provide a meaningful incentive for the safe handling of oil and to insure that the public does not bear substantial losses from oil pollution for which, because of its subtle, long-term, or unquantifiable nature, compensation would not otherwise be received; and

(3) the handling of oil in large quantities is a hazardous undertaking that poses a significant threat to the economy and environment of the state, which can be substantially reduced only by the taking of rigorous safety precautions involving considerable expense; conversely, persons handling oil in smaller amounts pose a correspondingly lower risk to the economy and environment of the state, and are capable of safe oil handling practices at correspondingly lower costs; in order to provide an incentive that is effective, but not punitive, it is necessary and appropriate that the assessment of civil penalties for discharges of small quantities of oil be left for case-by-case judicial determination, while ensuring, through the penalty provisions of this section, that the handling of oil in large quantities occurs in a manner that will not impair the renewable resources of the state.

(b) No later than the 10th day after the convening of the Second Session of the Tenth Alaska Legislature, the department shall submit to the legislature regulations establishing the following schedule of fixed penalties for discharges of oil:

(1) subject to (2) of this subsection, the penalties for the following categories of receiving environments may not exceed

(A) \$10 per gallon of oil which enters an anadromous stream or other freshwater environment with significant aquatic resources;

(B) \$2.50 per gallon of oil which enters an estuarine, intertidal or confined saltwater environment; and

(C) \$1 per gallon of oil which enters an unconfined saltwater environment, public land or freshwater environment without significant aquatic resources;

(2) for discharges of oil that are caused by the gross negligence or intentional act of the discharger, or when the court finds that the discharger did not take reasonable measures to contain and clean up the discharged oil, the penalty shall be determined by multiplying the penalty established under (1) of this subsection by a factor of five.

(c) Regulations adopted under (b) of this section shall become effective 60 days after submission to the legislature, unless disapproved by a special concurrent resolution introduced in either house, and concurred in by a majority of the members in joint session within 60 days of the submission of the regulations. The department may periodically revise regulations adopted under (b) of this section. Revised regulations shall be submitted to the legislature no later than 10 days after the convening of the appropriate regular session of the legislature, and are subject to disapproval as specified in this subsection.

(d) The schedule shall vary according to the toxicity, degradability and dispersal characteristics of the oil. The schedule shall also vary according to the sensitivity and productivity of the receiving environment. Variations

under this subsection may be by subcategories of receiving environments, specific receiving environments, or both. The maximum penalties established in (b) of this section shall apply to discharges in the most sensitive and productive of receiving environments within each category of receiving environment, and the penalty shall decrease for less productive or sensitive receiving environments.

(e) If a discharge of oil in excess of 18,000 gallons not permitted under applicable state and federal law occurs within the territorial jurisdiction of the state, or into or upon the adjacent outer continental shelf of the state, the following persons, in addition to the person causing or permitting the discharge, are jointly and severally liable to the state, in a civil action, for the full amount of penalties established in the regulations adopted under this section:

(1) if the discharge occurs from any commercial or industrial facility other than a vessel or offshore platform, the owner, lessee or permittee, and operator of the facility;

(2) if the discharge occurs from a vessel,

(A) the owner and operator of the vessel; and

(B) the owner of the oil carried as cargo on the vessel at the time the vessel was loaded, if the loading occurred within the territorial jurisdiction of the state, or at a deep-water port or other offshore storage facility adjacent to the state; however, if the owner of the oil temporarily transfers ownership of the oil to another person, and the transfer has the purpose or effect of evading the vicarious liability imposed by this section, the transferor shall be considered the owner of the oil for the purposes of this subsection; and

(3) if the discharge occurs from an offshore platform, the lessee or permittee of the tract or acreage upon which the platform is situated, and the operator of the platform.

(f) The court shall deduct from the penalties for which the person charged is liable under (e) of this section that amount of oil which was removed from the environment as a result of a clean up operation undertaken in conformity with applicable state and federal law, unless the oil was removed by an agency of state, local or

federal government. The dispersal of oil through the use of chemical agents or other means is not considered removal for the purposes of this subsection. The court may estimate the amount of oil removed.

(g) Except as provided in (f) and (j) of this section, the entire penalty specified in the regulations shall be imposed, except that a person who discharges oil into a receiving environment may demonstrate, by a preponderance of evidence, that mitigating circumstances relating to the effects of the discharge would make imposition of the full penalty inappropriate. In determining whether mitigating circumstances exist, the court shall recognize that scientific knowledge pertaining to oil spills is very limited and if there is insufficient knowledge either to predict a base case or to show mitigating circumstances varying from that base case, the administratively established schedule of penalties shall apply. If mitigating circumstances are proven by a preponderance of the evidence, the court may reduce or totally eliminate the penalty, in accordance with the purposes of this section.

(h) A person otherwise liable for penalties under (e) of this section is not liable if the person demonstrates, by a preponderance of the evidence, that the discharge occurred solely as a result of

(1) an act of God;

(2) an act of a third person with intent to cause a discharge, unless the third person is a person with whom the person charged is made jointly and severally liable under (e)(1) - (3) of this section;

(3) a negligent or intentional act of this state or the United States; or

(4) an act of war.

(i) Notwithstanding AS 46.03.875, a person liable under this section is not also liable for the discharge of oil under AS 46.03.760 (a). A person causing or permitting a discharge of oil of 18,000 gallons or less not permitted under applicable state or federal law is liable for that discharge under the penalty provisions of AS 46.03.760 (a); however, the court may impose a penalty of less than \$500 for the discharge.

(j) The court may reduce the penalty imposed under this section if the person charged demonstrates, by a

preponderance of the evidence, that the discharge was caused solely by a negligent act of a third person, unless the third person is a person with whom the person charged is made jointly and severally liable under (e)(1) - (3) of this section.

(k) [Repealed, Sec. 19 ch 59 SLA 1986].

(l) In this section

(1) "adjacent outer continental shelf" means that portion of the outer continental shelf that would be within the territorial jurisdiction of the state if its boundaries were extended seaward to the outer margin of the outer continental shelf;

(2) "confined saltwater environment" means a bay, sound, or other partially enclosed saltwater body in which flushing through tidal or current action is significantly restricted;

(3) "discharge of oil" means the entry of oil into or upon the water or public land of the state, except oil discharges into an enclosed and impervious oil spill containment area, regardless of causation;

(4) "intertidal" means the ocean area between highest high water and lowest low water of tidal action;

(5) "offshore platform" means an offshore structure, whether floating or temporarily or permanently secured to the floor of the ocean or other water body, which is used primarily for the exploration for or production of oil or natural gas;

(6) "oil" means petroleum and any substance refined from petroleum, except crude oil;

(7) "operator" means the person who, through contract, lease, sublease, or otherwise, exerts general supervision and control of activities at the facility; the term includes, by way of example and not limitation, a prime or general contractor, the master of a vessel and the master's employer, or any other person who, personally or through an agent or contractor, undertakes the general functioning of the facility;

(8) "vessel" means any form or manner of watercraft, whether or not capable of self-propulsion, except

offshore platforms.

Sec. 46.03.759. Civil penalties for discharges of crude oil.

(a) A person who is found to be liable under any other state law for an unpermitted discharge of crude oil in excess of 18,000 gallons is, in addition to liability for any other penalties or for damages or the cost of containment and cleanup, liable to the state in a civil action for a civil penalty, up to a maximum of \$500,000,000, in the amount of

(1) \$8 per gallon of crude oil discharged for the first 420,000 gallons discharged; and

(2) \$12.50 per gallon of crude oil discharged for amounts discharged in excess of 420,000 gallons.

(b) In determining how many gallons of crude oil have been discharged for purposes of assessing a penalty under (a) of this section, the court shall deduct the number of discharged gallons of crude oil that the defendant proves were removed by the defendant from the environment within the first 36 hours after the discharge as a result of a cleanup operation undertaken in conformity with applicable state and federal law. The dispersal of oil through burning, the use of chemical agents, biological additives, or sinking agents, or other means is not considered removal for the purposes of this subsection.

(c) Subject to the \$500,000,000 maximum set under (a) of this section the court shall assess four times the penalty set out in (a) of this section if the court finds

(1) the discharge was caused by the gross negligence or intentional act of the defendant;

(2) the defendant did not take reasonable measures to contain and clean up the discharged oil; or

(3) the defendant did not act or respond in accordance with an approved oil discharge prevention and contingency plan.

(d) Notwithstanding AS 46.03.875, a person liable for civil penalties under this section is not also liable for the discharge of the crude oil under AS 46.03.760 (a). A person causing or permitting a discharge of crude oil of

18,000 gallons or less not permitted under applicable state or federal law is liable for that discharge under the penalty provisions of AS 46.03.760 (a); however, the court may impose a penalty of less than \$500 for the discharge.

(e) The court may reduce the penalty imposed under this section if the defendant demonstrates, by a preponderance of the evidence, that the discharge was caused solely by a negligent act of a third person unless the third person is a person with whom the defendant was found jointly and severally liable for the discharge under other state law.

(f) A person otherwise liable for penalties under this section is not liable if the person demonstrates, by a preponderance of the evidence, that the discharge occurred solely as a result of

- (1) an act of God;
- (2) a negligent or intentional act of the State of Alaska or the United States; or
- (3) an act of war.

(g) In this section, "discharge" means entry of crude oil into or upon the water or public land of the state, regardless of causation, except discharges into an enclosed and impervious oil spill containment area.

Sec. 46.03.760. Civil action for pollution; damages.

(a) A person who violates or causes or permits to be violated a provision of this chapter other than AS 46.03.250 - 46.03.314, or a provision of AS 46.04 or AS 46.09, or a regulation, a lawful order of the department, or a permit, approval, or acceptance, or term or condition of a permit, approval, or acceptance issued under this chapter or AS 46.04 or AS 46.09 is liable, in a civil action, to the state for a sum to be assessed by the court of not less than \$500 nor more than \$100,000 for the initial violation, nor more than \$5,000 for each day after that on which the violation continues, and that shall reflect, when applicable,

- (1) reasonable compensation in the nature of liquidated damages for any adverse environmental effects

caused by the violation, which shall be determined by the court according to the toxicity, degradability and dispersal characteristics of the substance discharged, the sensitivity of the receiving environment, and the degree to which the discharge degrades existing environmental quality;

(2) reasonable costs incurred by the state in detection, investigation, and attempted correction of the violation;

(3) the economic savings realized by the person in not complying with the requirement for which a violation is charged.

(b) Except as determined by the court under (e)(4) of this section, actions under this section may not be used for punitive purposes, and sums assessed by the court must be compensatory and remedial in nature.

(c) The court, upon motion of the department or upon its own motion, may defer assessment of all or part of that portion of the sum imposed upon a person under (a)(3) of this section conditioned upon the person complying, within the shortest feasible time, with the requirement for which a violation is shown.

(d) In addition to liability under (a) - (c) of this section, a person who violates or causes or permits to be violated a provision of AS 46.03.740 - 46.03.750 is liable to the state, in a civil action brought under AS 46.03.822, for the full amount of actual damages caused to the state by the violation, including

(1) direct and indirect costs associated with the abatement, containment, or removal of the pollutant;

(2) restoration of the environment to its former state;

(3) amounts paid as grants under AS 29.60.510 - 29.60.599 and as emergency first response advances and reimbursements under AS 46.08.070(c); and

(4) all incidental administrative costs.

(e) A person who violates or causes or permits to be violated a provision of AS 46.03.250 - 46.03.314,

AS 46.14, or a regulation, a lawful order of the department, or a permit, approval, or acceptance, or term or condition of a permit, approval, or acceptance issued under AS 46.03.250 - 46.03.314 or AS 46.14 is liable, in a civil action, to the state for a sum to be assessed by the court of not less than \$500 nor more than \$100,000 for the initial violation, nor more than \$10,000 for each day after that on which the violation continues, and that shall reflect, when applicable,

(1) reasonable compensation in the nature of liquidated damages for any adverse environmental effects caused by the violation, that shall be determined by the court according to the toxicity, degradability and dispersal characteristics of the substance discharged, the sensitivity of the receiving environment, and the degree to which the discharge degrades existing environmental quality; for a violation relating to AS 46.14, the court, in making its determination under this paragraph, shall also consider the degree to which the discharge causes harm to persons or property; this paragraph may not be construed to limit the right of parties other than the state to recover for personal injuries or damage to their property;

(2) reasonable costs incurred by the state in detection, investigation, and attempted correction of the violation;

(3) the economic savings realized by the person in not complying with the requirement for which a violation is charged; and

(4) the need for an enhanced civil penalty to deter future noncompliance.

(f) As used in this section, "economic savings" means that sum which a person would be required to expend for the planning, acquisition, siting, construction, installation and operation of facilities necessary to effect compliance with the standard violated.

Questions from Task Force's Prevention Workgroup

- 1. Question: If the State of Alaska adopts a requirement set out under a current federal regulation as a mandatory requirement under a new state regulation, will the vessel owner or operator (whomever is the subject of the regulation) be subject to penalties by both the State and the Federal Government for failure to meet the terms of the regulation?**
- 2. Question: If State of Alaska adopts a oil pollution prevention requirement as part of a prevention credit program, but does not make it mandatory under State regulations, will there be penalties assessed by the State for failure to meet the requirement?**
- 3. Question: If the Task Force develops a list of prevention measures and adopts a prevention program whereby a vessel owner or operator who performs a certain number of measures (non-mandatory) gets an award or some recognition for doing so, will this create a "standard of care" such that the vessel owner or operator who does not perform any measures will automatically be seen as negligent when that owner or operator has an oil spill even though that owner or operator was fully in compliance with the law?**

Components of a Prevention Credits Program

Draft, October 21, 2000

[components involving DEC]

Procedural provisions

1. A nontank vessel owner or the owner's representative will submit an affidavit to the Department of Environmental Conservation, attesting to the existence of prevention measures with respect to a particular vessel. The initial affidavit may be filed at any time. Subsequent affidavits may be required at the time the vessel's contingency plan is reviewed.
2. The affidavit must contain a statement that the vessel and its crew comply with all applicable federal and international law. In addition to any other penalty that would apply under those laws, the failure to comply with those laws with respect to the vessel would result in the revocation of any prevention credit granted to the owner of the vessel.
3. By applying for prevention credits, the vessel owner consents to inspection, by the state or the Coast Guard, of the vessel for the existence of prevention equipment and of the owner's records pertaining to the prevention equipment or prevention procedures. The vessel owner must retain those records for at least three years after any tax credit or refund is claimed.
4. The DEC will issue a numbered certificate for the vessel that will identify the class of vessel for which the certificate is issued, and list the prevention measures that have been claimed by the owner. The certificate will state the tax and penalty reductions to which the owner is entitled pursuant to those measures, according to the schedule set out in [statute/regulation]. [See attached table setting out three alternative systems.]
5. The certificate is valid until the contingency plan under which the vessel operates expires. The certificate will be reviewed when the contingency plan is reviewed, and new certificate will be issued when the new contingency plan is approved.

Reduction in penalty for oil discharge.

6. The statutory penalty for the discharge of oil by a vessel that has been issued, or has submitted an application for, a current prevention measure certificate is entitled to a reduction in the statutory penalty for that discharge in the amount stated on the certificate.

[Components involving Department of Revenue]

Tax refund and credit.

7. Motor Fuel Tax refund. The owner of a vessel with a current prevention measures certificate is entitled to a refund of Alaska motor fuel taxes in the amount stated on the certificate, if Alaska motor fuel tax has previously been paid (by the distributor or vendor) on the fuel.

8. The vessel owner may claim a refund by submitting invoices for fuel, together with a copy of the prevention measures certificate, to the department within one year of the purchase of the fuel.

9. Fisheries Business Tax, Fisheries Business Landing Tax credits. The owner of a vessel that has had a prevention measures certificate in effect for the entire tax year is entitled to a credit, in the amount stated on the certificate, against the fisheries business tax due as a result of the fisheries resource processed or landed by that vessel. The amount of tax shared with a municipality will not be affected by this provision.

Prevention Measures - Weight and Applicability

Prevention Measures*	Relative Weight of Measure	Fishing Vessels	WL	Fish Processors Tenders	WL	General Cargo	WL	Cruise Ships	Container Ships
1 Emergency towline or dedicated mooring line with on-board means for deployment	2	Yes	2	Yes	2	Yes	2	Yes	2
2 Emergency on-board dewatering or petroleum pumps	2	Yes	2	Yes	2	Yes	2	Yes	2
3 On-board storage bladder or dedicated tank	2	Yes	2	Yes	2	Yes	2	Yes	2
4 Non-contiguous tank location on vessel	3	No	0	No	0	Yes	3	Yes	3
5 Redundant propulsion systems	3	Yes	3	Yes	3	Yes	3	Yes	3
6 Redundant/integrated navigation systems	1	Yes	1	Yes	1	Yes	1	Yes	1
7 Use of an Alaska marine pilot when not otherwise required by law	2	No	0	No	0	Yes	2	Yes	2
8 Maintaining a transponder, AIDS or other vessel location/identification technology onboard	2	Yes	2	No	0	Yes	2	Yes	2
9 Use of advanced anchoring systems or placement of mooring buoys	1	No	0	Yes	1	Yes	1	Yes	1
10 Compliance with bridge safety management practices, meeting International Safety Management Code (ISMC) requirements before July 2002, licensing, certification, training beyond fed/Intl. requirements	1	No	0	No	0	Yes	1	Yes	1
11 Participation in risk assessment process for operations	2	Yes	2	Yes	2	Yes	2	Yes	2
12 Membership in a marine safety organization	1	Yes	1	Yes	1	Yes	1	Yes	1
13 Tugboats staged/on standby	2	No	0	No	0	No	0	Yes	2
14 Additional staged equipment onshore to improve RPS	1	Yes	1	Yes	1	Yes	1	Yes	1
15 Weather/oceanographic equipment and systems	1	No	0	No	0	Yes	1	Yes	1
16 Enhanced maintenance	1	Yes	1	Yes	1	Yes	1	Yes	1
17 Ice classification	2	No	0	No	0	Yes	2	Yes	2
18 Specialized onboard training programs in prevention and response	2	Yes	2	Yes	2	Yes	2	Yes	2
19 Mooring plan	1	No	0	Yes	1	Yes	1	Yes	1
20 Others as proposed by operators	1	Yes	1	Yes	1	Yes	1	Yes	1
Total possible score for vessel category	33		20		20		31	33	33

Bold = measure included in "Top Five"

* See text for discussion of spot/voyage charters

Yes = applicable to this category of vessels

No = Not applicable to this category of vessels

U. S. COAST GUARD NEWS

MEDIA ADVISORY

USCG Headquarters, Washington DC

Sept. 22, 2000

Contact: Dan Dewell, 202 267-2304

PLEASE DO NOT PUBLISH BEFORE

10:30 A.M. MONDAY, SEPT. 25, 2000

U.S. COAST GUARD UNVEILS INCENTIVE PROGRAM FOR SAFE SHIPS

Reductions in Port State Control examinations and streamlined inspection procedures are among the rewards that await the owners of non-U.S. registered commercial ships who call on U. S. ports -- if they measure up in a new quality incentive program announced by the U.S. Coast Guard.

Rear Adm. Robert North, Assistant Coast Guard Commandant for Marine Safety and Environmental Protection, announced the program Monday afternoon in Athens, Greece (5:30 p.m. local time in Athens) at a shipping industry conference, "Shipping Risk Management Forum 2000." Dubbed "QUALSHIP 21," the program is part of the U. S. Coast Guard's effort to eliminate substandard shipping and reward high-quality vessels. A similar program is being considered for U. S. registered vessels.

In the past, the U. S. Coast Guard has aggressively enforced safety standards with a primary focus on identifying poor-quality vessels. This strict enforcement will continue and has paid off. Coast Guard safety experts say the quality of vessels visiting U.S. ports has improved over the last six years. In fact, hundreds of vessels are typically found with few or no deficiencies. QUALSHIP 21 is intended to reward such high-quality ships and provide incentives to others to improve.

Some of the QUALSHIP 21 criteria are, the vessel:

- Must be a non-U.S. flagged ship;
- Must have no substandard vessel detentions in the U.S. within previous 36 months;
- Must have no marine violations or serious marine casualties, and no more than one ticket in the U. S. within the previous 36 months;
- Must have a successful Port State Control (PSC) exam within previous 12 months;
- Must not be owned or operated by any company that has been associated with any PSC detention in U.S. waters within the previous 24 months;
- Must not be classed by, or have their statutory Convention Certificate issued by, a targeted class society;
- Must not be registered with a Flag State that has a detention ratio more than 1/3 of the overall U.S. detention ratio and the vessel's Flag State must have at least 10 distinct arrivals in each of the previous 3 years;
- The vessel's Flag State must have submitted their Self-Assessment of Flag State Performance to the IMO and provided

a copy to the U. S. Coast Guard.

* Incentives for QUALSHIP 21 vessels include:

ALL SHIPS

- A U. S. Coast Guard QUALSHIP 21 Certificate;
- Vessel names posted on U.S. Coast Guard's Port State Control Website;

TANK SHIPS

- U. S. Certificate of Compliance will be valid for two years;
- Less thorough mid-period exam will replace the annual tank ship exam;
- Increased flexibility for tanker owners with two-year certificates;

FREIGHT SHIPS

- Two years of limited Port State Control oversight;

PASSENGER VESSELS

- No reduced Port State Control exams, but will receive QUALSHIP 21 Certificates and recognition on a U. S. Coast Guard QUALSHIP 21 web page.

Vessel owners will not need to apply for QUALSHIP 21 designation. The U. S. Coast Guard will develop a preliminary list of eligible vessels and send letters to those vessel owners to notify them of this initiative and their opportunity to participate. Vessel owners that believe that they have ships eligible for designation, but do not see their vessels on the QUALSHIP 21 Web Page (to be posted March 2001) should notify the Coast Guard.

For additional information on QUALSHIP 21 please contact: Commandant (G-MOC-2), U. S. Coast Guard, 2100 Second Street SW, Washington DC 20593. Phone 202 267-2978. Email fldr-G-MOC@comdt.uscg.mil

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Prevention Measures	Fishing Vessels	Fish Processors	General Cargo	Cruise Ships	Container Ships			
Emergency towline or dedicated mooring line with on-board means for deployment								
Emergency on-board dewatering or petroleum pumps								
On-board storage bladder or dedicated tank								
Non-contiguous tank location on vessel								
Redundant propulsion systems								
Redundant/integrated navigation systems								
Use of an Alaska marine pilot when not otherwise required by law								
Maintaining a transponder, AIS or other vessel location/identification technology onboard								
Use of advanced anchoring systems or placement of mooring buoys								
Use of routes that avoid proximity to shoreline hazards and env. sensitive areas								
Vetting program								

Prevention Measures	Fishing Vessels	Fish Processors	General Cargo	Cruise Ships	Container Ships			
Compliance with bridge safety management practices, meeting International Safety Management Code (ISM) requirements before July 2002, licensing, certification, training beyond fed/intl. requirements								
Participation in risk assessment process for operations								
Membership in a marine safety organization								
Tugboats staged/on standby								
Additional staged equipment onshore to improve RPS								
Weather/oceanographic equipment and systems								
Enhanced maintenance								
Ice classification								
Specialized onboard training programs in prevention and response								

Prevention Work Group
September 27, 2000 Meeting Summary
Anchorage Legislative Information Office
10:00 - 12:00, 1:00 - 4:00

Task Force members present: Prevention Work Group Co-chairs Eric Britten, Heather McCarty, and Mike O'Hara; and members Sen. Drue Pearce, Jim Carter, Scott Carter, Doug Lentsch, Charlotte MacCay, Stephanie Madsen, Jeff Thompson, and Lurilla Lee (for Kris Mullan)

USCG representatives: Capt. William J. Hutmacher, Lt. Commander Al Echols

DEC staff: Larry Dietrick, Susan Harvey, Holly Hill, and Asst. Attorney General Breck Tostevin

Task Force Facilitation: Brian Rogers, Judy Erickson

Task Force Technical Assistance: Paul Fuhs

Members of the public also attended

Recommendations to the Task Force

The Prevention Work Group reached consensus on recommendations for a prevention credit program for nontank vessels, but left the decision of how and whether to implement a program up to the full Task Force. These recommendations do not apply to tank vessels; the work group reached consensus that such programs for tank vessels are outside the purview of the Task Force on Motorized Oil Transport.

1. Reduction in civil penalties for oil spills: The work group recommends that a prevention credit program provide for a reduction in per-gallon statutory civil penalties for nontank vessel and the Alaska Railroad as a reward for adopting prevention measures approved under the program.

2. C-Plan review: The work group recommends that a prevention credit program provide for a reduction in the frequency that the Dept. of Environmental Conservation (DEC) reviews nontank vessel contingency plans as a reward for adopting prevention measures approved under the program.

3. Full Deployment spill drills: If full-deployment spills drills are required under the nontank program, the work group recommends that DEC reduce the number of these drills for operators who adopt prevention measures approved under the program.

4. Tax Credits: The work group recommends the Task Force consider a prevention credit program that includes tax credits against the state motor fuel, fisheries business and fisheries landing taxes. Any prevention program tax credit against the fisheries business and fisheries landing taxes should only apply to the state's share of those taxes, and should not result in any reduction in revenue to local governments. If tax credits are a part of a prevention credit program, the work group recommends a reduction in the insurance premium tax be considered as part of the program, provided that the insurance industry is willing to reduce insurance premiums for operators adopting prevention measures approved under the program.

5. Reduction in the response planning standard: At this time the Prevention Work Group does not recommend that DEC consider any reduction in the response planning standard in a prevention credit program for nontank vessels or the Alaska Railroad. The work group recommends, however, that DEC revisit this issue in the future.

6. Recommended prevention measures by vessel type: The work group recommends that the voluntary prevention measures listed in the table below be considered for approval for the type of vessels indicated. A measure added by the work group allows industry to propose additional prevention measures to DEC.

7. Clear definitions of prevention measures: Work Group members recommend that each approved prevention measure be clearly defined in regulation.

8. Liability issues: The work group recommends the Department of Law draft and the Task Force recommend to the Legislature statutory language insuring that failure to adopt any of the voluntary prevention measures could not be used against a vessel owner in a state legal proceeding.

9. Inspection: The work group recommends that seeking a prevention credit from the state for prevention measures associated with a vessel, grants the state the right to inspect that vessel to insure compliance.

10. Penalty for fraud: The work group recommends that a vessel owner that misrepresents prevention measures in an affidavit for prevention credits be subject to prosecution by the state.

11. Review of Task Force recommendations: The Prevention Work Group recommends that all Task Force recommendations be reviewed periodically by the Department of Environmental Conservation.

Work in progress:

Voyage charters: A prevention credit program might not be practical to implement for the voyage charter industry because each individual vessel calls at Alaska ports infrequently. Charlotte MacCay, the Task Force member representing voyage charter interests, will report back to the full Task Force on whether the industry wishes to be included in a prevention credit program.

Insurance reductions: Insurance industry representatives have been asked to report to the Task Force on the potential for a formalized reduction in insurance premiums based on prevention measures.

State Recognition Program: The Work Group discussed creation of a state program to recognize companies that adopt prevention measures above and beyond compliance with federal and international law. No consensus was reached on a program for nontank vessels. The facilitation team will draft a proposal for a state recognition program and present it to the Task Force on November 6.

Federal Vessel Standards: At its September 1 meeting, the Prevention Work Group adopted a recommendation to the Task Force that all affected nontank vessels must comply with existing federal and international requirements. That recommendation was presented to the Task Force at its September 20 meeting.

At its September 27 meeting, the Work Group discussed whether federal vessel requirements should be adopted as state law. Asst. Attorney General Breck Tostevin explained that if the state adopts the federal requirements, they can be enforced under state law as well as federal law. Alternatively, he said the state can require that vessel owners simply certify that they meet the federal requirements. Under this second proposal, if the state finds a vessel owner in violation of federal requirements, the violation could be forwarded to the U.S. Coast Guard for prosecution. The Work Group did not reach consensus on this issue and will forward it to the Task Force for resolution.

Implementation of a prevention credit program: The Work Group asked the facilitation team to consider three specific proposals for implementing a prevention credit program, and to prepare information on how each could be implemented for the November 6 Task Force meeting.

The proposals are:

• ***A Tiered System:*** Task Force member Gene Burden submitted a proposal to the Prevention Work Group for a system that would extend credits for recognized prevention measures commensurate with the projected spill risk reduction. Burden's proposal included "rewards or incentives" based on three tiers of risk reduction—10 to 30 percent, 30 to 60 percent, and greater than 60 percent reduction. This proposal requires that each voluntary prevention measure be evaluated for how much it is expected to reduce the risk of a spill, and that a schedule of risk-reduction percentages be adopted.

• ***Single Trigger System:*** This proposal would allow for a prevention credit if a vessel owner adopted the required number of approved prevention measures. This system could also be tiered, allowing a larger credit for a vessel owner that implements a greater number of prevention measures.

• ***Specified Five Measure System:*** Under this proposal, the top five prevention measures for each vessel type would be identified. This list would exclude those measures that could only be achieved in new vessel construction, such as prevention measures 4, 5, 6, 9 (advanced anchoring systems), and 19. A prevention credit would be granted to a vessel owner that adopted all five of the measures. Under this proposal, a company constructing a new vessel that included the five prevention measures plus additional measures could negotiate with DEC for a greater prevention credit.

	Prevention Measures	Fishing Vessels	Fish Processors Tenders	General Cargo	Cruise Ships	Container Ships	Voyage Charters *
1	Emergency towline or dedicated mooring line with on-board means for deployment	Yes	Yes	Yes	Yes	Yes	
2	Emergency on-board dewatering or petroleum pumps	Yes	Yes	Yes	Yes	Yes	
3	On-board storage bladder or dedicated tank	Yes	Yes	Yes	Yes	Yes	
4	Non-contiguous tank location on vessel	No	No	Yes	Yes	Yes	
5	Redundant propulsion systems	Yes	Yes	Yes	Yes	Yes	
6	Redundant/integrated navigation systems	Yes	Yes	Yes	Yes	Yes	
7	Use of an Alaska marine pilot when not otherwise required by law	No	No	Yes	Yes	Yes	
8	Maintaining a transponder, AIDIS or other vessel location/identification technology onboard	Yes	No	Yes	Yes	Yes	
9	Use of advanced anchoring systems or placement of mooring buoys	No	Yes	Yes	Yes	Yes	
10	Compliance with bridge safety management practices, meeting International Safety Management Code (ISMC) requirements before July 2002, licensing, certification, training beyond fed/Intl. requirements	No	No	Yes	Yes	Yes	
11	Participation in risk assessment process for operations	Yes	Yes	Yes	Yes	Yes	
12	Membership in a marine safety organization	Yes	Yes	Yes	Yes	Yes	
13	Tugboats staged/on standby	No	No	No	Yes	Yes	
14	Additional staged equipment onshore to improve RPS	Yes	Yes	Yes	Yes	Yes	
15	Weather/oceanographic equipment and systems	No	No	Yes	Yes	Yes	
16	Enhanced maintenance	Yes	Yes	Yes	Yes	Yes	
17	Ice classification	No	No	Yes	Yes	Yes	
18	Specialized onboard training programs in prevention and response	Yes	Yes	Yes	Yes	Yes	
19	Mooring plan	No	Yes	Yes	Yes	Yes	
20	Others as proposed by operators						Yes
	Yes = applicable to this category of vessels						
	No = Not applicable to this category of vessels						
	* See text for discussion of voyage charters						

Prevention Work Group Draft Report

I. Goals: To determine a prevention program for nontank vessels in Alaska and whether a system of credits is feasible.

II. Identification of factors contributing to a spill. The prevention work group discussed at some length what factors can lead to an oil spill. Among the factors identified, human error was considered to be the most likely cause of a spill. Human error factors include fatigue; lack of established procedures, inexperience; lack of training; and lack of awareness of weather or sea conditions. Mechanical errors that could contribute to a spill include running aground; loss of steering; collision and poor vessel maintenance.

III. Issues surrounding prevention measures. As in all aspects of the work of this Task Force, the broad spectrum of entities covered by the legislation raised concerns. In talking about requiring prevention measures, concern was raised that the cost of prevention measures would be harder for some entities to bear than others. Similarly, concern was raised that should a voluntary system of rating and awards be adopted, the respective ease or difficulty with which various groups could gain points might reflect badly on certain industries. There was discussion about some equipment that might be useful for prevention but which might better be required as response equipment.

IV. Current prevention requirements. MARPOL (The International Convention for the Prevention of Pollution from Ships, requires vessels to have an International Oil Pollution Prevention Certificate (IOPP). This certificate requires an oil/water separator for the discharge of bilge. The International Safety of Life at Sea (SOLAS) safety requirements include fire prevention and control measures that can relate to oil spill prevention. The Standards of Training, Certification & Watchkeeping (STCW) require standard training for crew of international vessels. Coast Guard navigation safety regulations have certain requirements for vessels above a certain size, including requiring radar, and certain maneuverability capabilities.

V. The *Intertanko* decision limits permissible prevention requirements. The group discussed the fact that federal pre-emption limitations on state regulation of vessels (as discussed in the recent so-called *Intertanko* decision, *U.S. v. Locke*, ___ US ___ (March 6, 2000)) restrict a state's ability to require many prevention measures. The Attorney General's office reported that the decision may provide some latitude in enacting some requirements, particularly those related to the unique circumstances of particular waterways (such as Prince William Sound). But the decision specifically rejected other measures such as manning and training requirements. Presumably, under the decision, voluntary measures could be adopted as could a system of public recognition (awards) for use of voluntary measures.

VI. The Prevention Work Group recommends only one mandatory prevention measure. The work group recommends that: "All affected nontank vessels must comply with existing federal and international requirements." The work group recommends that existing federal and international requirements be adopted by reference in state law and regulations. The recommendation recognizes that more extensive mandatory provisions might run up against the *Intertanko* decision. This recommendation would allow the state to take action for violation of federal or international requirements.

VII. The Prevention Work Group approved the following list of recommended prevention measures for nontank vessels.

These prevention measures would be voluntary:

- emergency towline or dedicated mooring line with on-board means of deployment
- emergency on-board dewatering or petroleum pumps
- on-board storage bladder
- non-contiguous tank location used on vessel
- redundant propulsion systems
- redundant navigation systems
- use of an Alaska marine pilot when not otherwise required by law
- maintaining a transponder, AIDIS (automated identification system) or other vessel location/identification technology on-board
- use of advanced anchoring systems or placement of mooring buoys
- use of routes that avoid proximity to shoreline hazards and environmentally sensitive areas
- vetting program
- compliance with bridge safety management practices, meeting International Safety Management Code (ISM Code) requirements before July 2002, licensing/certification/training beyond federal/international requirements
- participation in risk assessment process for operations
- membership in marine safety organization

VIII. The Prevention Work Group reviewed the recommended measures.

A subcommittee of the Prevention Work Group reviewed the list suggested prevention measures. In recognition of the differences among nontank vessels, the group discussed the feasibility of each measure for each of five classes of vessel: catcher boats, processors, cargo ships (including bulk ships, "reefers" and specialty ships such as LNG ships); cruise ships and container ships. The subcommittee suggested three additional possible prevention measures: ice classification; personnel training; and maintenance. Each class of vessel was asked to review these lists and report back to the committee with recommendations.

IX. The subcommittee reviewed issues of liability.

Many members of the subcommittee expressed continuing concern about issues of liability. DEC and the Attorney General's office requested that members put their questions in writing so that the AG's office could be asked to answer them.

X. The subcommittee recommends that the Task Force's report to the Legislature recognize recent progress in prevention and safety measures.

Members of the subcommittee related that the public impression that rogue ships endanger the waters is a misconception. There have been many changes in the last few years, such as the Port State Control Program. These improvements should be noted in the Task Force's report.

XI. The Work Group and the subcommittee explored several ways to provide incentives for adopting prevention measures.

- The reduction of insurance rates; perhaps accomplished by state tax credits to insurers that provide lower rates to vessels that adopt prevention measures. Credits would be against the Insurance Premium Tax
- The reduction of co-op fees
- Tax credits against taxes (other than the Insurance Premium Tax) paid by members of the group.
- Awards for adoption of prevention measures -- like United States Coast Guard's five star program
- Reduction in penalties for a spill
- Reduction in the response planning standard

Of these, an award or recognition for the adoption of measures was viewed as most realistic and Above and Beyond Compliance.

XII. Prevention measures should be self-reported.

The subcommittee envisioned a self-assessing or self-reporting system whereby vessels would report to DEC (and perhaps the Coast Guard) the prevention measures they had adopted. While there would be no direct certification system, spot checks could be made and the Coast Guard could verify that the measures were in place during routine inspections.

Prevention Work Group

Recommendations: Nontank Vessel Prevention Credit Program

On September 27, the Prevention Work Group reached consensus on recommendations for a prevention credit program for nontank vessels, but left the decision of how and whether to implement a program up to the full Task Force. These recommendations do not apply to tank vessels; the work group reached consensus that such programs for tank vessels are outside the purview of the Task Force on Motorized Oil Transport.

1. Reduction in civil penalties for oil spills: The Prevention Work Group recommends that a prevention credit program provide for a reduction in per-gallon statutory civil penalties for nontank vessel as a reward for adopting prevention measures approved under the program.

2. C-Plan review: The work group recommends that a prevention credit program provide for a reduction in the frequency that the Dept. of Environmental Conservation (DEC) reviews nontank vessel contingency plans as a reward for adopting prevention measures approved under the program.

3. Full Deployment spill drills: If full-deployment spills drills are required under the nontank program, the work group recommends that DEC reduce the number of these drills for operators who adopt prevention measures approved under the program.

4. Tax Credits: The work group recommends the Task Force consider a prevention credit program that includes tax credits against the state motor fuel, fisheries business and fisheries landing taxes. Any prevention program tax credit against the fisheries business and fisheries landing taxes should only apply to the state's share of those taxes, and should not result in any reduction in revenue to local governments. If tax credits are a part of a prevention credit program, the work group recommends a reduction in the insurance premium tax be considered as part of the program, provided that the insurance industry is willing to reduce insurance premiums for operators adopting prevention measures approved under the program.

5. Recommended prevention measures by vessel type: The work group recommends that the voluntary prevention measures listed in the table below be considered for approval for the type of vessels indicated. A measure added by the work group allows industry to propose additional prevention measures to DEC.

6. Clear definitions of prevention measures: Work Group members recommend that each approved prevention measure be clearly defined in regulation.

7. Liability issues: The work group recommends the Department of Law draft and the Task Force recommend to the Legislature statutory language insuring that failure to adopt any of the voluntary prevention measures could not be used against a vessel owner in a state legal proceeding.

8. Inspections: The work group recommends that seeking a prevention credit from the state for prevention measures associated with a vessel, grants the state the right to inspect that vessel to insure compliance.

9. Penalty for fraud: The work group recommends that a vessel owner that misrepresents prevention measures in an affidavit for prevention credits be subject to prosecution by the state.

The Work Group requested that the facilitation team staff consider three specific proposals for implementing a prevention credit program and prepare information on how each could be implemented. Facilitation staff met with representatives of DEC and with technical staff, and developed the programs outlined below. The Prevention Work Group asked that the proposals be presented to the Task Force as a whole, which would decide which program, if any, should be adopted, and whether any modifications should be made to a system that is adopted.

Staff was asked to develop proposals to implement the following prevention credit approaches.

- **A Tiered System:** Task Force member Gene Burden submitted a proposal to the Prevention Work Group for a system that would extend credits for recognized prevention measures commensurate with the projected spill risk reduction. Burden's proposal includes "incentives or rewards": based on three tiers of risk reduction—10 to 30 percent, 30 to 60 percent, and greater than 60 percent reduction.

- **Single Trigger System:** This proposal would allow for a prevention credit if a vessel owner adopts the required number of approved prevention measures.

- **Specified Five Measure System:** Under this proposal, the top five prevention measures for each vessel type would be identified. This list would exclude those measures that could only be achieved in new vessel construction. Prevention incentives would be granted to vessel owner that adopts all five of the measures. The owner of a new vessel that includes the five prevention measures plus additional measures could negotiate with DEC for a greater prevention credit.

Components of a Prevention Credits Program

1. **Assigning a relative weight to the proposed prevention measures.** Staff reviewed the 20 prevention measures identified by the Prevention Work Group, and assigned each a relative weight from 1 to 3 points, with one point being the least significant and 3 points being the most significant. Staff concluded that it was not practicable or possible to determine the actual reduction in the risk of a spill that would result from the adoption of a measure (as suggested in the proposal for a tiered system), but that the comparative importance of the measures could be identified. The proposed relative weight of each measure is set out in the table below; a vessel that achieves all of the measures would attain 33 points.
2. **Determining the "Top Five" measures.** Staff looked at the measures with a weight of 2 or 3. After eliminating those measures that could only be achieved in a new vessel (measures 4, 5, and 17) and those measures that were inapplicable to some classes of vessels (measures 7, 8, and 13), there were five remaining measures with a weight of 2 or higher. Those measures, numbers 1, 2, 3, 11 and 18, were identified as the "Top Five."
3. **Applying the weighted measures to the classes of vessel.** The work group had analyzed the applicability of each measure to each class of vessel (see recommendation 5 above). The table below shows the available points for each class of vessel.