

ALASKA LEGISLATURE SPECIAL COMMITTEE/SUBJECT FILE 8672
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TRAINING GUIDELINES

This annex explains training requirements developed by the Alaska Department of Labor for oil and hazardous materials spill responders. They come from Occupational Safety and Health Standards for Hazardous Waste and Emergency Response (AS 10.0101 (e)). The annex also lists some of the places where this training can be obtained.

STATE REQUIREMENTS FOR HAZARDOUS MATERIAL RESPONDERS

(e) Training

1. General

A. All employees working on site (such as, but not limited to equipment operators, general laborers and others) exposed to hazardous substances, health hazards or safety hazards, and their supervisors and management responsible for the site, must receive training meeting the requirements of this subsection before they are permitted to engage in hazardous waste operations that could expose them to hazardous substances, safety or health hazards, and they shall receive review training as specified in this subsection.

B. Employees shall not be permitted to participate in or supervise field activities until they have been trained to a level required by their job function and responsibility.

(2) Elements to be covered. The training must thoroughly cover the following:

- A. Names of personnel and alternates responsible for site safety and health;
- B. Safety and health and other hazards present on the site;
- C. Use of personal protective equipment;
- D. Work practices by which the employee can minimize risks from hazards;
- E. Safe use of engineering controls and equipment on the site;

- F. Medical surveillance requirements, including recognition of symptoms and signs which might indicate overexposure to hazards; and,
- G. The contents of subdivisions (vii) through (x) of the site safety and health plan set forth in (b)(4)(B) of this section.

3. Initial training.

A. All site workers (such as equipment operators, general laborers, surveyors, ground water monitors and supervisory personnel) engaged in hazardous substance removal or other activities at work sites covered under (s)(1)(A)-(C) of this section which expose or potentially expose workers to hazardous substances and health hazards must receive a minimum of forty (40) hours of instruction off-the-site, and a minimum of three (3) days actual field experience under the direct supervision of a trained, experienced supervisor.

B. Effective September 1, 1991, off-the-site training required under (e)(3)(A) of this section is increased to eighty (80) hours of instruction for all site workers required to enter the innermost zone of a hazardous waste site, and receive three (3) days actual field experience under the direct supervision of a trained, experienced supervisor. This requirement does not apply to truck drivers and equipment operators who may only occasionally enter the innermost zone for a specific limit task. Such workers will be required to receive the forty (40) hours of training specified in (e)(3)(A) of this section.

(4) Management and supervisor training. On-site management and supervisors directly responsible for, or who supervise employees engaged in, hazardous waste operations must receive forty (40) hours initial training, and three (3) days of supervised field experience and at least eight additional hours of specialized training at the time of job assignment on such topics as, but not limited to, the employer's safety and health program and the associated employee training program, personal protective equipment program, spill containment program, and health hazard monitoring procedure and techniques. Effective September 1, 1991, the initial training must be increased to eighty(80) hours of instruction.

5. Qualifications for trainers. Trainers must be qualified to instruct employees about the subject matter that is being presented in training. Such trainers must have satisfactorily completed a training program for teaching the subjects they are expected to teach, or they must have the academic credentials and instructional experience necessary for teaching the subjects. Instructors must demonstrate competent instructional skills and knowledge of the applicable subject matter. Disputes regarding the qualifications of an instructor must be referred to the department for determination of the instructor's qualifications.

6. Training certification. Employees and supervisors who have received and successfully completed the training and field experience specified in (1) through (4) of this subsection must be certified by their instructor or the head instructor and trained supervisor as having successfully completed the necessary training. A written certificate must be given to each person so certified. Any person who has not been so certified or who does not meet the requirements of (9) of this subsection is prohibited from engaging in hazardous waste operations.

7. Emergency response. Employees who are engaged in responding to hazardous emergency situations at hazardous waste clean-up sites that may expose them to hazardous substances must be trained in how to respond to such expected emergencies.

8. Refresher training. Employees specified in (1) of this subsection, and managers and supervisor specified in paragraph (4) of this subsection must receive eight (8) hours of refresher training annually on the items specified in (2) and (4) of this subsection, any critique of incidents that have occurred in the past year that can serve as training examples of related work, and other relevant topics.

9. Equivalent training. Employers or employees who can show by documentation or certification that an employee's work experience and training has resulted in training equivalent to that training required in (1) through (4) of this subsection shall not be required to provide the initial training requirements of those subsections to such employees. However, certified employees or employees with equivalent training new to a site must receive appropriate, site specific training before site entry and have appropriate supervised field experience at the new site. Equivalent training includes any academic training or the training that existing employees might have already received from actual hazardous waste site work experience. Any

problems or questions about whether the work experience or training meets the requirements of (1) through (4) of this subsection must be referred to the department [of Labor] for determination.

TRAINING RESOURCES

Some of the organizations that offer First-Responder training in Alaska include:

University of Alaska-Anchorage
Mining and Petroleum Training Service
155 Smithway, Suite #104
Soldotna, AK 99669
(907)262-2788

U.S. Environmental Protection Agency
Region 10
Seattle, WA

America North, Inc.
201 E. 56th Street, Suite #200
Anchorage, AK
(907)562-3452

VRCA
5333 Fairbanks Avenue, Suite #10/11
Anchorage, AK
(907)562-3700

Hartech Management Consultants
2121 Abbott Road, Suite #G
Anchorage, AK

University of Alaska-Fairbanks
Mike Odom
(907) 474-5497

Many companies such as Alyeska Pipeline Service Company and VECO conduct training for their own employees. Sometimes their classes have room to accommodate others.

The State Division of Forestry runs numerous Incident Command training seminars each spring in preparation for fire season. For information contact Jim Cuckuit at the Alaska Department of Natural Resources in Fairbanks: (907) 451-2676.

The Alaska Department of Environmental Conservation is also developing ICS and First Responder training programs. For more information about ADEC's training program or more specific information about training requirements, contact Tim Bigelow at (907) 465-2640.

- **EMERGENCY HIRING & PROCUREMENT**
- **DRAFT COMMUNITY REIMBURSEMENT
POLICY**

ADMINISTRATIVE GUIDELINES

These procedures apply to the Administrative Section of the State's Incident Command Organization.

EMERGENCY CONTRACTING AND HIRING PROCEDURES

Emergency Procedures exist for hiring, contracting and procurement. Below are guidelines for these procedures.

Emergency Contracting

There are two types of emergency contracting, A or B. The key considerations are:

- are people or property at risk, and
- how quickly must the hire or contract be executed.

If people or property are at risk then the procedure to be used is Type A. If no life or property are at risk and regular agency procedures need to be expedited, then Type B procedures will be used.

TYPE A: Emergency Procurement Characteristics And Procedures (LIFE OR PROPERTY AT RISK)

Characteristics Of Type A

- May be declared by the responsible agency official after a written determination is made that outlines the factual basis for the declaration.
- Must be documented, justifiable expenses.
- Does not require a Request for Alternate Procurement (RAP) and no one outside of the responsible agency needs to approve them.
- Limited to the supplies, services, professional services or construction required to meet the emergency.
- May be made directly by an agency. The agency can use any reasonable means to make the procurement.

Procedures

Step 1. The person authorized to make the purchase will write down the reason why the purchase was made from a particular contractor and make that writing a part of the permanent file. An acceptable reason might be something as simple as that the contractor was the first person located that could provide the product or service needed to deal with the emergency.

Step 2. The agency official responsible for procurement will complete and forward to the chief procurement officer a Procurement Form 02-115 for each emergency procurement. The record must set out:

- 1) the contractor's name
- 2) the amount and type of the contract
- 3) a listing of the supplies or services procured under the contract; and
- 4) the identification number of the procurement file.

TYPE B EMERGENCY CHARACTERISTICS AND PROCUREMENT

Characteristics:

- When procurement through competitive sealed bidding is impracticable or contrary to the public interest.
- Subject to the monetary limits discussed in the RAP.
- Not enough time exists to use the normal bid process, but there is sufficient time to generate and process a Request for Alternate Procurement (RAP). If the amount is for less than \$10,000 the RAP may be approved by the Commissioner of the department making the procurement. If the amount is for more than \$10,000 the RAP must be approved by the chief procurement officer. The chief procurement officer is the director of the Division of General Services & Supply.
- Limited to the supplies, services, professional services or construction required to meet the emergency.
- Made directly by an agency. The agency will use the procurement procedures set out in the RAP recommendation.
- The person making the purchase must write down the reason why the purchase was made from a particular contractor and make that writing a part of the permanent file.

- The agency official responsible for procurement must complete and forward to the chief procurement officer a Procurement Form 02-115 for each emergency procurement. The record must set out:

- 1) the contractor's name;
- 2) the amount and type of the contract;
- 3) a listing of the supplies, or services procured under the contract; and,
- 4) the identification number of the procurement file.

EMERGENCY HIRING

1. Personnel Officer on the scene

The personnel officer at the scene may do an emergency hire.

2. Personnel Officer not on scene

You are required to contact your agency personnel officer before you can make an emergency hire.

If no options are available or practical to immediately bring a personnel officer to the scene and the mission of the Department is threatened by not having the work completed, VERBAL APPROVAL CAN BE OBTAINED from the personnel officer.

Three steps must be taken to secure needed personnel to respond to emergency conditions. Those steps are:

1. Identify the type of work that needs to be done and the classification of the employees needed to do the work.
2. Find qualified candidates.
3. Appoint candidates to fill the positions.

30 Day Appointment:

The Personnel Rules allow managers to appoint employees without the use of eligible lists for up to 30 calendar days (2 AAC 07.190). The only procedural requirement which must be met for emergency employees is a requirement that a report describing the circumstances of the appointment be filed with the Director of

Personnel, Department of Administration.

More than 30 days:

If personnel are needed to respond to the emergency for more than 30 days, a nonpermanent position may be established. The Director's approval is required to establish the position. An eligible list will not be needed to fill the position if the nonpermanent position is for less than 120 days and an emergency employee is available to fill the position.

STEPS REQUIRED TO SECURE NECESSARY PERSONNEL IN EMERGENCY CONDITIONS

- A. Identify the type of work that needs to be performed and the classification of the employees that are needed to perform the work.

Although expedited procedures can be used to appoint emergency and nonpermanent personnel, several basic requirements must be met to insure that qualified candidates are selected and appropriately paid for their work. Upon arrival at the scene of the emergency each responding department should:

1. Prepare a list of jobs which need to be completed.
2. Contact the departmental personnel office for an assignment of the appropriate classification for each job. If the emergency will require the department to hire a large number of employees, a personnel professional should be brought on scene to help establish positions, find and sign up employees with needed skills.

- B. Find Qualified Candidates

In emergency situations managers will not be required to hire off of eligible lists. In the absence of lists, the problem managers will face is how to find employees who can do the work. While the manager is free to look for qualified personnel wherever they can be found, the following resources are available.

1. Local job service offices have ready access to people who are looking for work. These officers do an initial screening to fit the person to the job and can often provide the manager with qualified candidates.
2. The Division of Personnel has offices in Anchorage, Juneau and Fairbanks.
3. Native corporations and associations often have lists of members who are looking for employment.

C. Appoint Candidates to Fill the Positions

State employees must be appointed before they can be paid. Each agency's personnel office can provide managers with the forms which must be completed before a candidate can be properly appointed and paid. Reports must be certified by the Commissioner or designee under AS 39.25.020(2) as the appointing authority and must be received by the Director of Personnel **within 15 working days** of the appointment.

(These procedures were taken from "Standard Operating Procedures 02-85-2-1, effective February 1, 1985 Alaska Department of Administration.)

Draft Guidelines for Community Reimbursement for Spill Response

Community Participation (w/o LEPC)

Statutory References

AS 46.08.070

The department may reimburse a municipality for actual expenses, other than normal operating expenses, incurred in the abatement of a release or a threatened release of oil or a hazardous substance if:

- 1) the municipality has entered into an agreement with the commissioner under AS46.09.020(e); and
- 2) the commissioner determines that the expenses were for a necessary emergency first response to a release or threatened release that posed an imminent and substantial threat to the public health or welfare, or to the environment.

AS 46.09.020(e)

The commissioner shall enter in agreement with the Environmental Protection Agency, and may enter into agreements with other persons and municipalities, in order to

- 1) facilitate a coordinated and effective hazardous substance release response in the state;
- 2) provide for cooperative hazardous substance release notification procedures; or
- 3) provide for cooperative review of hazardous substance release response contingency plans submitted to the department.

ADEC Procedures/Guidelines

1. Determinations

The State On-Scene Coordinator (SOSC) must make a written determination that the statutory requirements for municipality, community and village reimbursement have been met.

This determination must be submitted to the ADEC commissioner or his/her designee for approval.

2. Notification

The SOSC shall distribute written notification(s) to affected municipality(ies), community(ies) and village(s) that a determination has been made and approved that the statutory requirements for reimbursement application have been met. Notification shall include a copy of departmental requirements for application for Oil and Hazardous Substance Release Response Funds (OHSRRF) under this section.

The SOSC shall have sole authority to determine the affected municipality(ies), community(ies) and village(s) for notification.

This does not exclude other municipality(ies), community(ies) and village(s) from application for once the determination has been made.

A municipality, community or village should not construe notification or completion of an application as an approval or commitment for reimbursement. Until a signed reimbursement agreement has been executed, the State assumes no liability for reimbursement.

3. Application for Reimbursement

Any municipality, community or village seeking future reimbursement for the OHSRRF under this section must make written application to the SOSC for funds once steps 1) and 2) have been completed.

The application for Reimbursement must address the following elements:

- A) Work Plan with Detailed Methods and Objectives by following Categories
 - Investigation
 - Containment
 - Cleanup
 - Assessmen.
 - Monitoring
 - Restoration
 - Administration, Training, Indirect, Overhead
- B) Safety Plan
- C) Project Manager(s) for overall project and each category of the work plan.
- D) Time lines anticipated for accomplishment of work plan by category.
- E) Budget for each category of the work plan defined by the following types of expenditures. Note the State will not reimburse normal operating expenditures.
 - (a) Personal Services
 - Overtime and Employer Costs for Operating Employees by Name
 - New Employee Costs
 - (b) Travel
 - (c) Contractual
 - Subcontracts and the projected cost of the contracts must be identified must be identified. Subcontractors not listed in the application will not be eligible for reimbursement without prior written approval by the State
 - (d) Supplies
 - (e) Equipment
 - All equipment with a unit cost in excess of \$500.00 must be identified. Equipment purchases in excess of \$500.00 not listed in the application will not be eligible for reimbursement without prior written approval by the State.
- F) Accounting and reporting method(s) are in place which will provide for sufficient documentation to meet the State's requirement for reporting and reimbursement from the OHSRRF.

4. Application Approval

The State On-Scene Coordinator (SOSC) shall review each application and prepare a written determination that the application:

A) Work Plan

- (1) The proposed work plan is for emergency first response to a release or threatened release that poses an imminent and substantial threat to the public health or welfare, or to the environment;
- (2) The proposed work plan is part of a coordinated and effective oil or hazardous substance release response in the state;

- B) Safety issues are addressed adequately within the application.
- C) Project Manager(s) are identified for each element of the work plan.
- D) Time lines identified within the work plan are compatible with the State plan.
- E) The budget clearly identifies expenditures associated with accomplishment of the work plan. No expenditures are projected which would not be appropriate for OHSRRF reimbursement. All subcontracts and equipment purchases are specifically detailed.
- F) Accounting and reporting method(s) will provide for sufficient documentation to meet the State's requirement for reporting and reimbursement from the OHSRRF.

The SOSC may contact the municipality, community or village for additional information prior to making a determination on the application.

The SOSC may approve all or a portion of each application. A written determination of the approval or disapproval shall be prepared.

A municipality, community or village should not construe notification of approval as a commitment for reimbursement. Until a signed reimbursement agreement has been executed, the State assumes no liability for reimbursement.

5) Reimbursement Agreement

The SOSOC shall prepare a written reimbursement agreement for each approved application. The agreement shall contain the following elements:

- A) Authority for Agreement
- B) Purpose
- C) Amount
- D) Work Plan
- E) Time Period
- F) Insurance, Indemnity and Release of State Liability
- G) Cancellation
- H) Documentation Requirements and Instruction for Reimbursement
 - a) Original Invoice
 - b) Narrative Summary of Accomplishments within the Scope of the Work Plan including field notes
 - c) Frequency of Request
 - d) The amount expended for this period and to date
 - I) by budget category
 - II) supported by legible copies of all contracts, invoices, checks, approved time sheets, and purchasing documents
 - III) with a summary of each personal services position by name and compensation, each purchase in excess of \$10,000, each contract in excess of \$20,000.
- I) Reimbursement Approval

Prior to reimbursement the State OSC shall review and approve each reimbursement request. Reimbursement shall be denied for unbudgeted expenditures, inappropriate expenditures, illegible documentation, failure to provide documentation or failure to accomplish work plan objective.
- J) Drug Free Work Place
- K) Option to Audit
- L) Date and Approval Information

The SOSOC shall provide the municipality, community or village with two original agreements for execution.

Once approved by the municipality, community or village, both originals should be returned to the SOSC for State approval.

6. Notice to Proceed

After State approval a written notice to proceed shall be sent by the SOSC to the municipality, community or village along with an original executed agreement.

A municipality, community or village should consider notification to proceed accompanied by the executed agreement a commitment for reimbursement under the terms of the executed agreement.

- **PLAN AUTHORITIES**
- **ADEQUACY OF CLEANUP**

LEGAL AUTHORITIES

AUTHORITY

The State Oil and Hazardous Substance Discharge Prevention and Contingency Plan (State Master Plan) was prepared by the Department of Environmental Conservation as required by AS 46.04.200-210. The State Emergency Response Commission approves the plan as required by AS 46.13.045.

Under the Alaska Statutes 46.03.020(10)(A) and 44.46.020(2), the Alaska Department of Environmental Conservation is empowered to adopt regulations providing for the control, prevention and abatement of all forms of pollution.

PURPOSE OF THE PLAN

In 1980 the Legislature enacted legislation which defined the State's policies regarding oil spills. The purpose of this law is to provide protection to Alaskans from damage of oil spills and to provide the ability to clean up a spill and restore damaged areas.

The findings and intent section of Chapter 116 SLA 1980, "An Act relating to the prevention and control of oil pollution; and providing for an effective date" clearly sets forth state policy:

Section 1. FINDINGS AND INTENT. (a) The legislature finds that:

(1) it is a matter of the highest urgency and priority to protect Alaska's coastal and inside water, estuaries, wetlands, beaches and land from the damage which may be occasioned by the discharge of oil;

(2) the storage, transfer, transportation and offshore exploration for and production of oil within the jurisdiction of the State are hazardous undertakings; oil discharges may cause both short-term and long-term damage to the environment and the beauty of the State, to owners and users of affected property, to public and private recreation, to residents of the State and other interests deriving livelihood from fishing, hunting, tourism and related activities;

(3) assuring sufficient capability, among industrial and commercial interests, and the State and Federal governments, to contain and clean up discharges of oil is of vital public interest; weather conditions, logistic constraints and the relative paucity of labor and equipment resources in the State

increase the difficulty of oil discharge containment and cleanup in Alaska, making imperative an active State role;

it is the policy of the State that, to the maximum extent practicable, prompt and adequate containment and cleanup of oil discharges is the responsibility of the discharger; it is therefore of the utmost importance to assure that those engaged in oil storage, transfer, transportation, exploration and production operations have sufficient resources and capabilities to respond to oil discharges, and to provide for compensation of third persons injured by those discharges; and

(4) the State should continue its cooperative relationships with appropriate federal agencies, protecting its legitimate interests while working to remove any duplicative or potentially conflicting regulatory activities.

(b) The legislature intends by the enactment of this legislation:

(1) to exercise the police power of the State through the Department of Environmental Conservation by conferring upon the Department the authority and capability to deal with the hazards and threats posed by oil storage, transfer, transportation, exploration and production operations in a manner which is not inconsistent with the National Contingency Plan (33 U.S.C. sec. 1321(c) and to encourage and ensure, in accordance with 33 U.S.C. sec. 1321, cooperation with the United States Coast Guard and other State and Federal departments and agencies;

(2) to require, through the maximum practicable use of private services and resources, the prompt containment and cleanup of oil discharges;

(3) to provide assurance that persons suffering damage from oil discharges will be compensated promptly;

(4) to provide for the inspection and supervision of oil transportation, transfer, storage and offshore exploration and production activities, and to guarantee the prompt cleanup of oil discharges and the payment of costs incurred as a result of the oil discharges; and,

(5) that oil discharge containment, cleanup or contingency measures which are undertaken, directed, or authorized by the Department of Environmental Conservation would supplement and support federal cleanup and containment actions under 33 U.S.C. Sec. 1321.

In 1989 Senate Bill 264 was enacted by the Alaska Legislature to require the Department to:

- establish an oil and hazardous substance response office and a response corps of trained individuals and volunteers who are available to respond and to set up response equipment depots.

In 1989 Senate Bill 261 was enacted by the Alaska Legislature to further strengthen the state's capability to deal with oil spills:

Findings and purpose. (a) The Legislature finds that the March 24, 1989 oil spill disaster in Prince William Sound demonstrates a need for the State to have an independent spill containment and cleanup capability in the event of future discharges of oil or a hazardous substance.

(b) It is the purpose of this Act to provide assurance to the people of the State that their health, safety and well-being will be protected from the adverse consequences of oil and hazardous substance releases of a magnitude that presents a grave and substantial threat to the economy and the environment of the State.

Summary of Senate Bill 261:

1. Requires DEC to develop, annually review and revise state oil and hazardous substance discharge and prevention contingency plans (State and Regional Master Plan);
2. Requires DEC to develop regional oil and hazardous substance discharge and prevention contingency plans;
3. The State Master Plan must, among other things, clarify and specify the respective responsibilities of each of the following in assessment, containment and cleanup of a catastrophic oil discharge or of a significant discharge of a hazardous substance into the environment of the state:
 - a) agencies of the state;
 - b) municipalities of the state;
 - c) appropriate federal agencies;
 - d) operators of facilities; and,
 - e) private parties whose land and other property may be affected by a spill.
4. Requires DEC to request or schedule unannounced oil spill drills to test facility and vessel c-plans.

In 1990 the law was revised again with the passage of HB 566. In order to meet the goal of protecting Alaska's people and

environment, HB 566 set forth required Plan elements:

1. to take into consideration the elements of an oil discharge contingency plan approved or submitted for approval under AS 46.04.030;
2. to include an incident command system that clarifies and specifies the respective responsibilities of each of the following for emergency response, assessment, containment and cleanup of various types and sizes of discharges of oil or a hazardous substances:

agencies of the state;
municipalities;
appropriate federal agencies;
operators of facilities; and,
private parties whose land and other property may
be affected by oil or hazardous substance
discharges;

3. to identify actions necessary to reduce the likelihood of catastrophic oil discharges and significant discharges of hazardous substances.

The following pages contain a copy of the portion of the Alaska Administrative code regulations concerning oil discharge reporting, and cleanup.

sive odors. Odorous oils may be used only on rural surfaces where the odor is less likely to be noticeable and pedestrian traffic is minimal;

(9) no oil or other petroleum-derived dust retardants may be allowed to enter the water of the state or enter upon private property. (Eff. 4/15/73, Register 45)

Authority: AS 46.03.020(10)
AS 46.03.740

18 AAC 75.060. PENALTIES. A person who violates any provision of this chapter is guilty of a misdemeanor and upon conviction is punishable by a fine of not more than \$25,000 or by imprisonment for not more than one year, or both. Each unlawful act or each day of violation constitutes a separate offense. (Eff. 4/15/73, Register 45)

Authority: AS 46.03.020(10)
AS 46.03.760

18 AAC 75.070. DEFINITIONS. Relocated to 18 AAC 75.900, 4/23/77.

Article 2. Discharge Reporting, Cleanup, and Disposal

Section	Section
80. Discharge notification required	145. Adequacy of cleanup
90. Interim reports	146. Interference with cleanup prohibited
100. Final reports	150. Falsification
110. Report information required	160. Local control
120. Posting of information required	170. Penalties
130. Disposal of hazardous substances	180. Use immunity
140. Cleanup	

18 AAC 75.080. DISCHARGE NOTIFICATION REQUIRED.

(a) A person in charge of a facility or operation shall notify a field office, or the central office of the department, of any discharge of a hazardous substance at or from the facility or operation, in the following manner:

(1) For any discharge of a hazardous substance other than oil, notification must be made as soon as the person has knowledge of the discharge.

(2) For any discharge of oil to the water of the state which is in excess of 55 gallons (208 liters), or which causes a film, sheen, or discoloration affecting 1000 square feet (93 square meters) or more of the water surface, or causes a sludge or emulsion to be deposited beneath the surface of the water, notification must be made as soon as the person has knowledge of the discharge.

(3) For any discharge of oil to the waters of the state other than those falling under (a)(2) of this section, notification must be made

18 AAC 75.090 ENVIRONMENTAL CONSERVATION 18 AAC 75.110

within 24 hours of knowledge of the discharge, except that discharges of less than one-half pint (0.5 liters) and which cause a film, sheen, or discoloration affecting less than 100 square feet (9.3 square meters) of the surface of the water must be reported within seven days.

(4) For any discharge of oil solely to the land of the state in excess of 55 gallons (208 liters), notification must be made within five hours of knowledge of the discharge.

(5) For any discharge of oil solely to the land of the state greater than 10 gallons (38 liters), but 55 gallons (208 liters) or less, notification must be made within 24 hours of knowledge of the discharge.

(6) For any discharge of oil of 10 gallons (38 liters) or less, solely to the land of the state, notification must be made within seven days of knowledge of the discharge.

(b) The notification must include, to the extent known, the information required by 18 AAC 75.110.

(c) If a person is a person in charge solely under 18 AAC 75.900(9)(c), responsibility under this section is satisfied if notification of the discharge in conformity with this section is in fact provided by another person in charge. (Eff. 4/23/77, Register 62)

Authority: AS 46.03.020(10)
AS 46.03.755

18 AAC 75.090. INTERIM REPORTS. After notification of the discharge has been made to the department, the department will, in its discretion, require interim reports until cleanup has been completed. (Eff. 4/23/77, Register 62)

Authority: AS 46.03.020(10)
AS 46.03.755

18 AAC 75.100. FINAL REPORTS. A written final report must be submitted for all discharges of a hazardous substance within 15 days after cleanup has been completed, or, if no cleanup occurs, within 15 days of the discharge. The reports must be submitted to the nearest regional office of the department. (Eff. 4/23/77, Register 62)

Authority: AS 46.03.020(10)
AS 46.03.755

18 AAC 75.110. REPORT INFORMATION REQUIRED. Written reports required by 18 AAC 75.090 and 18 AAC 75.100 must contain the following:

- (1) date and time of discharge;
- (2) location of the discharge;
- (3) person or persons causing or responsible for the discharge;

- (4) type(s) and amount(s) of hazardous substance(s) discharged;
- (5) cause(s) of the discharge;
- (6) environmental damage caused by the discharge, to the extent ascertainable;
- (7) cleanup actions undertaken;
- (8) location and method of ultimate disposal of the hazardous substance and contaminated cleanup materials, including date of disposal;
- (9) actions being taken to prevent recurrence of the discharge; and
- (10) other information the department requires in order to fully assess the cause and impact of the discharge. (Eff. 4/23/77, Register 62)

Authority: AS 46.03.020(10)
AS 46.03.755

18 AAC 75.120. POSTING OF INFORMATION REQUIRED.

(a) An informational placard provided or approved by the department, which includes telephone numbers and addresses of department offices must be displayed in conspicuous locations on the following:

- (1) tanker trucks containing more than 500 gallons of a hazardous substance, in addition to that required to operate the vehicle;
- (2) tugboats, tankers, and all other vessels transporting a hazardous substance as cargo over waters of the state;
- (3) vehicles carrying or towing a hazardous substance as cargo off-road over frozen or nonfrozen ground;
- (4) facilities that have an aboveground storage capacity in excess of 1000 gallons of a hazardous substance; and
- (5) facilities that have an underground storage capacity in excess of 1500 gallons of a hazardous substance.

(b) The placard must be displayed by September 1, 1977.

(c) Persons who wish to substitute a placard for that provided by the department must have the placard previously approved by the department. The placard, if so approved, must contain the words: "form approved by the Alaska Department of Environmental Conservation." (Eff. 4/23/77, Register 62)

Authority: AS 46.03.020(10)
AS 46.03.755

18 AAC 75.130. DISPOSAL OF HAZARDOUS SUBSTANCES. (a) Prior approval by the department is required for the ultimate disposal of a hazardous substance, and soil, cleanup materials, or other substances contaminated with a hazardous substance. Approval under this section may be granted orally by the regional supervisor or the supervisor's designee.

(b) As used in this section, "ultimate disposal" includes disposal into or upon the waters or the surface or subsurface land of the state, and open burning. (Eff. 4/23/77, Register 62)

Authority: AS 46.03.020(10) AS 46.03.710
AS 46.03.140 AS 46.03.740

18 AAC 75.140. CLEANUP. (a) Immediately upon becoming aware of a discharge of a hazardous substance to the water or land of the state, persons responsible for that discharge shall clean up and dispose of the material collected using methods for which prior approval, oral or written, has been given by the regional supervisor or the supervisor's designee. The discharge must be cleaned up to the satisfaction of the regional supervisor or the supervisor's designee.

(b) Upon request, the department will waive the requirements of (a) of this section if, in the opinion of the department, it is technically impracticable to clean up the discharge, or if the cleanup effort would result in greater environmental damage than the discharge itself. (Eff. 4/23/77, Register 62)

Authority: AS 46.03.020(10)

18 AAC 75.145. ADEQUACY OF CLEANUP. (a) If the department determines that cleanup activities are inadequate, the department will, in its discretion, and unless the U.S. Coast Guard or U.S. Environmental Protection Agency otherwise directs under the authority of section 311(d) of the Federal Water Pollution Control Act Amendments of 1972 (33 U.S.C. 1321(d)), either order the person engaged in cleanup operations to cease cleanup activities, or authorize other agents to begin cleanup activities, or both.

(b) Cleanup activities will be considered inadequate if

(1) containment equipment is not deployed and used to intercept and concentrate oil discharges in their patterns of movement, unless environmental conditions exceed the limitations of the equipment;

(2) exclusion equipment is not deployed and used to protect sensitive environmental zones, unless environmental conditions exceed the limitations of the equipment;

(3) the area affected by the oil discharge is increasing at an avoidable rate despite containment and removal activities, unless environmental conditions exceed the limitations of the equipment, or unless immediate containment would pose greater environmental risks than to allow the discharge to temporarily spread;

(4) the containment and exclusion equipment being used is not functioning effectively because of existing weather and oceanographic conditions, and other containment and exclusion equipment

is reasonably available which can function effectively in existing weather and oceanographic conditions;

(5) containment, exclusion, and lightering equipment is not deployed and operational within its response times specified under 18 AAC 75.325;

(6) major items of cleanup equipment, including skimmers, lightering pumps, and sorbent are not operational, or not operating at efficiencies within their capabilities;

(7) supplies of sorbent material become depleted, and available sources of replacement are not being utilized; or

(8) available personnel or equipment resources are being unused or mismanaged, or additional personnel or equipment is required but not being provided. (Eff. 9/16/77, Register 63)

Authority: AS 30.25.040
AS 30.25.070
AS 46.03.020(10)

Editor's notes. — Under the authority 75.145(b)(5)'s reference to 18 AAC 75.310 of AS 44.62.125(b)(6), the regulations attorney has corrected 18 AAC 110 (July 1989) to read "18 AAC 75.325," as of Register 110 (July 1989).

18 AAC 75.146. INTERFERENCE WITH CLEANUP PROHIBITED. No person may interfere with, hinder, or obstruct oil discharge cleanup operations conducted under this chapter. This prohibition does not apply to the U.S. Environmental Protection Agency or the U.S. Coast Guard acting under the authority of sec. 311(c) or (d) of the Federal Water Pollution Control Amendments of 1972 (33 U.S.C. 1321(c) or (d)). (Eff. 9/16/77, Register 63)

Authority: AS 30.25.040
AS 30.25.070
AS 46.03.020(10)

18 AAC 75.150. FALSIFICATION. No person may falsely state information required by this chapter. (Eff. 4/23/77, Register 62)

Authority: AS 46.03.790(d)

18 AAC 75.160. LOCAL CONTROL. Nothing in this chapter preempts local or other governmental control as stringent as or more stringent than the requirements of this chapter. (Eff. 4/23/77, Register 62)

Authority: AS 46.03.870

18 AAC 75.170. PENALTIES. A person who violates any provision of secs. 80 — 160 of this chapter is punishable by the appropriate

PUBLIC INFORMATION AND NEWS MEDIA RELATIONS

Oil and hazardous substance spills generate a great deal of public attention and media coverage, particularly if a spill is large or the substance spilled is especially dangerous. This attention, reflecting legitimate public concern, may be local and statewide or even national or international in scope. While containment and cleanup are the first priorities of a response, a prompt and effective public information effort is critical on several fronts:

1. Fast, accurate information must be provided to protect public health and obtain public cooperation, and to assist in guarding against further environmental damage.
2. Clear communication by State authorities is essential for the delivery of accurate information to avert misinformation or rumors sometimes engendered by an emergency.
3. The State must immediately establish and maintain its position as chief articulator of an incident. As statutory guardian of public health and resources, it is the State's role--not the role of the spiller or others--to deliver public statements regarding the effects of a spill, including evaluations of a spill's size, extent, nature, dangers to public health or resources, details of the response plan, the State's expectations for response plan implementation, degree of success or lack of success of a spill response, and the anticipated long-term effects of a spill.
4. When a spill occurs the state must immediately open communications with affected local communities, conveying facts needed by residents for their own response activities and protection of public health and resources. Initial phone calls to establish communication channels with local governments and appropriate organizations, such as fishermen and Native groups, should be followed by regular updates through spill bulletins, press releases and briefings.

Credibility with the press and the public is the best foundation for an effective public information effort, and the efficient delivery of accurate information is the key to credibility.

Spokesperson and Coordination

Designation of Spokesperson -- The designated State spokesperson is normally the State On-Scene Coordinator (SOSC)/DEC Regional Supervisor. He or she will articulate the State's key policy positions and provide continuity of spokespersonship throughout the spill response. The spokesperson should have experience in media interviews and be capable of delivering clear and frequent explanations of the State's actions during a rapidly-changing emergency.

All information regarding State involvement at the spill site will be documented by staff to the SOSC either at the scene or through his or her regional office, and the SOSC or information officer will disseminate the information appropriate for release. For major incidents requiring participation of higher State executives, the division director or the DEC Commissioner may be designated to make certain State policy announcements. The DEC information officer will be designated by the SOSC, the responsible director or the DEC Commissioner. The information officer will work closely with the SOSC and Commissioner, reiterating the State's positions and policies, delivering them in writing or verbally to the news media and affected communities, and arranging appropriate interviews and press briefings to facilitate the flow of information.

Other agencies outside State government, such as the U.S. Coast Guard, may be important media sources depending upon the severity and location of an incident and the type of response required. For an oil spill in marine waters, for example, the Federal On-Scene Coordinator (FOSC) will provide information on the overall spill response. However, the State On-Scene Coordinator or information officer will remain the source for the State's position on human and environmental effects and State response activities.

The company responsible for the spill or the company's contractor may choose to inform the media of its actions in the spill response, but should defer to the SOSC and FOSC for statements about public health, dangers to resources, extent of the spill, or other issues within State or Federal jurisdiction. Before releasing scientific data or other information that bear upon public concerns about the extent and nature of the spill, the spiller should first submit the information to the SOSC for assessment of its scientific accuracy.

Governor's Office -- A spill of any significant magnitude in Alaska, especially if it has important implications for public health or the environment, will almost certainly generate contacts with the Office of the Governor from the media and

members of the public, and the Governor will likely need to comment on the spill status and response.

The DEC information officer for the spill must establish direct contact with the Governor's press secretary at the outset of a significant incident, provide a flow of accurate and timely information to the Governor's Office, and assist in coordination among the SOS, DEC Commissioner, and Governor for statements to the press. If the spill is a major one, the information officer should coordinate the overall State approach to media relations with the Governor's press secretary. The press secretary will provide guidance on press issues within the Governor's purview.

Alaska Department of Fish & Game (ADF&G) -- The DEC information officer should contact the Chief of ADF&G's public communications section in the earliest stages of any incident that may impact the State's wildlife or fisheries. A close working relationship between the DEC information officer and ADF&G spokespersons will enable ADF&G to deliver media information on the resources within its jurisdiction. In the event of a major incident, ADF&G should provide an information officer as part of the State's public information team to both share the work load and ensure accuracy of information on fish and wildlife resources and ADF&G policy. The Department of Natural Resources (DNR) public information staff likewise should be contacted in any incident in which State park lands or other State lands or resources under DNR jurisdiction are affected.

Alaska Department of Military and Veterans Affairs/Division of Emergency Services (ADMVA/DES) -- In the event of a major incident officially declared an emergency by the Governor, ADMVA/DES will provide emergency services to support the spill response. These services will be in the form of transportation, communications, emergency housing and similar services, and ADMVA/DES should provide public information services to support its activities. If an emergency is declared, the DEC information officer should immediately establish contact with ADMVA/DES public information personnel for information exchange.

Public Information Tools

Staying Ahead of Changing Events -- One of the information officer's precepts for day-to-day effectiveness is to stay ahead of the "information curve." During a rapidly-changing emergency this will become one of his or her most exacting challenges. Not only must this person assemble information quickly, arrange interviews and assist reporters, but also must maintain close contact with the SOS, spill team managers and others outside the

immediate agency to anticipate as much as possible each major development in the spill response that will generate the next wave of public concern or media interest.

These events may come in the form of escalated response actions, the release of new water sample data or wildlife mortality figures, a formal decision delivered by a federal agency to the Governor, or others. When events such as these can be anticipated, press information can be prepared to enable the State to maintain its role of responsible spokespersonship for the incident. Additionally, the information officer must work within media deadlines as much as possible. Much of the national news media is driven by east coast deadlines, a full four hours ahead of Alaska, and this may require special attention. It is a simple fact that information delivered prior to deadlines will be more effectively reported by the press.

To stay ahead of changing events and to meet deadlines, the information officer must assimilate a mass of information from attending staff briefings, reading situation reports and asking many questions. All of this consumes time. Sufficient staff support and resources in the spill information office is essential for answering phones, writing and dispensing bulletins and hosting the press. Obtaining staff resources is thus one of the information officer's first duties when arriving at a spill site.

Staff and Resources -- Within government agencies, public information positions are subject to ironic contradictions: they are among the first to be considered for budget reductions, sometimes last to be added to budgets, and always among the first to be called upon during an emergency that gets press attention. Experienced crisis managers know that when information officers are needed the need can be severe, and that the agency's effectiveness with the media and public is often in direct proportion to the public information staffs' experience and training in complex environmental emergencies. In this state, where such massive volumes of oil are produced and transported, DEC should employ a sufficient number of trained information personnel to meet concomitant risks. Effective communication with the public is indispensable to a successful spill response.

Arriving at a spill site, the information officer must ensure that a **liaison officer/recorder** is assigned from the professional spill response staff to assist in recording and transmitting written information. This staff person is responsible for writing a "spill bulletin" (see below) summarizing salient facts and information about the incident. The bulletin is transmitted, on a frequent basis and usually by fax, to the DEC central office, the Governor's Office, communities, Native groups,

resource organizations and the media. The information it contains is also of obvious usefulness to the information officer.

Additional information officers and clerical staff should be added to handle the work load, as should photographic services, both still and video. An advance agreement should be made with the SOSC and department administration that photos and video footage shot for public information may be used for that purpose, without delay or restriction for legal reviews.

Other resources required for the spill information office include suitable maps of the impacted area, up-to-date media and community contact lists, dedicated phone lines, portable phones or beepers if available, PCs for all writers on staff, fax machine.

Television -- Apart from radio, TV is the most immediate news medium. It is the one by which the greatest number of people will formulate their feelings, plus gain information, about a significant spill. This emotionally-powerful medium is a major influence on public opinion and a key to delivering the State's position on a spill's impacts and how resources are being protected from further damage. The information officer should focus in three ways on this medium:

1. Facilitate TV interviews with the SOSC or other appropriate spokespersons and cooperate with stations and networks for video crews to visit spill sites, accompanying them where possible, to obtain news footage in a manner that is safe and does not interfere with the spill response.
2. For a large spill, immediately activate a professional State video team to shoot broadcast-quality footage from the first days of the incident and utilize the material for the State's own video reports on the spill. For a small spill, request that State field personnel record spill events with department cameras. Super-8 video is one of the preferred small formats to transfer for broadcast without undue quality loss, though others may also be used.
3. Use the video team's footage to produce video news releases on the most important issues and events of the spill and identify a distribution system to deliver these electronically to interested stations and networks. "B-roll" footage should also be provided for stations to use in editing their own news pieces. The footage can be delivered statewide and nationally by satellite link. A private company may be contracted for production and editing, but the State may find it more expeditious to employ its own

production personnel and make use of the small editing facility in the Governor's Office.

Print Media and Wire Services -- Newspapers and magazines often provide more in-depth coverage than television and are sometimes more closely perused by decision-makers, legislators, community officials and other opinion leaders. While TV is viscerally powerful, its images are more fleeting than stories and editorials appearing in print. Thus newspapers and magazines can have a longer-lasting effect, and in a sense the print media write the "history" of a spill -- at least in the public view. AP, UPI, and Reuters wire services, of course, go to electronic media as well as newspapers and are among the first to be contacted with breaking news.

It is critical that accurate factual information be delivered, that appropriate interviews and field visits are facilitated for reporters, and that resulting stories are read carefully to determine whether the facts are being reported. Any inaccuracies should be followed up by the information officer and assistance offered for accuracy.

Radio -- This medium, especially public radio with its well-developed statewide and national networks, plays a more significant role in Alaska news perhaps than in other states. With public radio stations in a number of communities and efficient networking by Alaska Public Radio Network (APRN), radio represents an aggressive and professional news capability. Radio should receive equal notification and information during a spill response.

Access -- The question of media access to spill sites may arise during emergencies, usually because of one of three issues: safety, potential interference with response activities, or admission to private property. In general, it should be the policy of the State to allow free access for the media where public resources are concerned, with reasonable guidelines to protect personal safety and preclude interference. The information officer should work with emergency and spill response personnel to facilitate access where possible. If conditions will not accommodate crowds of reporters, "pool" reporting may be necessary on a temporary basis. In regard to private property (a spill, for instance, on the grounds of a privately-owned refinery or storage facility) reporters or their companies must negotiate their own access. The information officer should obtain permission and State legal counsel before releasing photos or video footage shot on private property, both for purposes of conserving legal evidence and potential violation of owners'

rights.

The Daily Press Briefing -- During a significant spill, with a rapidly-developing situation and the presence of a large number of reporters, a briefing held daily at 8 or 8:30 AM is one of the most useful means of delivering information. This is an opportunity for the SOSC and other spokespersons to brief the press and answer their questions, and for other key staff members to follow up with important data. For example, if applicable, ADF&G should present information on wildlife and fisheries impacts, or public health authorities may offer their findings on contamination of local subsistence foods. It is the information officer's duty to work with the SOSC to prioritize the information according to importance, point out backup factual material and other sources, provide written information for distribution and conduct the press briefing.

Early morning is the best point in the day for the information officer to coordinate the day's press activities and ensure that everyone receives written information and background facts. These press briefings may relieve the SOSC and other spokespersons of some of the pressure of interviews throughout the remainder of the day, as well as free reporters to proceed with field work. The early hour also means that east coast deadlines can be met.

News Releases, Fact Sheets, Background Papers -- News releases should be reserved for announcements of major decisions, policy changes, or new developments. They must report on items that are actually news, should summarize issues clearly and provide quotes from State decision-makers that encapsulate and clarify the State's positions. Distribution should be to affected communities and all response agencies in addition to the media.

Fact sheets should be prepared and updated regularly to present key data needed by the press or the public, such as amounts of oil or hazardous substance spilled or cleaned up or wildlife mortalities. Background papers should be written to amplify and clarify complex issues and the State's related actions and policies.

Desktop publishing technology should be utilized in the public information office from the outset of the spill for rapid production of documents that communicate effectively.

The Spill Bulletin -- This simple but essential publication is one of the key vehicles for conveying information about the spill response. It is produced several times daily by the liaison

officer/recorder, a staff member with technical spill and environmental expertise who works closely with both the information officer and the spill management team. The liaison officer keeps track of the changing status of the response and records the information in brief, summarized informational "bullets". The bulletin is faxed to communities, other response agencies, the Governor's Office, DEC Commissioner's office, director's offices and others who require the information. With SOSOC approval, the bulletin may also be made available to the media through the information officer.

Mapping -- Oil, chemicals or toxic gases often present increasing dangers to resources and public health because of their tendency to move after being released into the environment. The location of the spill, and the changes in location, are thus essential pieces of information for local residents, communities and the media. The spill information office should obtain maps from DEC's technical mapping team and make them available on a continuing basis. They can also be attached to the Spill Bulletin.

Core Public Information Team -- When a spill occurs, the following, as needed, will form a core group to serve as nucleus of a public information team: director of affected division, section chief or regional supervisor, district office manager, on-scene information officer and Commissioner's Office information officer, Governor's press secretary, ADF&G information officer, DES and DNR information officers.

Checklist

No two emergencies are identical. Each event will challenge the information officer's skills in communication, organization, diplomacy and, not least of all, handling one's own personal stress. The individual must design the best response possible, flexibly and creatively, to meet the given situation. The following checklist, intended as an aid to the basics, is offered as a starting point for the spill information officer-in-training. It should be supplemented and re-arranged as needed:

Pre-planning

- Maintain up-to-date information on the major facilities in the state. Include a file of relevant facts on the industries and the major environmental and public health resources near facilities.
- Review major oil and hazardous substance transportation routes and examples of vessel and facility contingency plans.
- At both home and office, keep a kit with communications

information for Alaska locales including community and media contact lists.

- Participate in spill drills.

At the Scene

- Initial coordination with SOSC and spill response team
- Make all notifications, as needed:
 - DEC information officer in Commissioner's Office
 - Governor's press secretary
 - ADF&G public information office and other state agencies as needed (DNR, DES)
 - Coast Guard or EPA press officers
 - Spiller's press officer or press spokesperson: clarify and affirm State's role as chief articulator of impacts on state resources or state residents
- Identify Liaison Officer/Recorder and determine when first Spill Bulletin will be published
- Initiate first press release with basic facts on spill, distribute as soon as possible
- Identify additional staffing, office, equipment needs if any and submit to SOSC or office administrator
- Open communication channels with affected communities, assist SOSC in keeping local community leadership informed
- Log in press calls, record names, phone and fax nos. of reporters
- Initiate video and still photography team
- Arrange to obtain maps from mapping team, with regular updates
- Work with SOSC to set up first press briefing
- Attend key staff coordination and update meetings
- Identify where reporters and TV crews may go, and if necessary assist them in getting there

News Briefings

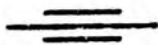
- Coordinate with SOSC: who will be spokesperson(s), subject matter to be covered, other state staff required, backup materials, time limit.
- Develop list of probable questions for SOSC
- At beginning of briefing, introduce yourself and speakers, give titles and spelling of names, indicate subject matter to be covered
- Note or tape questions and answers for follow-up

Type of Information for Release

- Names and contact phones to obtain information on the spill
- Exact location of the incident, including the proper name of site, commercial entity name
- Time and date of incident
- Type of substance spilled, nature of incident (fire, explosion, oil spill, etc.), and size, and effects to date on humans or

OIL SPILL
MEMORANDUM
OF
CO-OPERATION

Between the
Province of British Columbia
the
State of Washington
the
State of Oregon
and the
State of Alaska



June 1989

OIL SPILL

MEMORANDUM OF CO-OPERATION

Whereas the Province of British Columbia (the "Province") and the States of Washington, Alaska and Oregon (the "States") have a mandate to enhance the environment and protect it from oil spills; and

Whereas the Province and the States share and manage common transboundary fish and wildlife particularly in and near the waters of the Pacific Ocean; and

Whereas the Province and the States concur that such fish and wildlife and the supporting environment must be given the fullest protection from damage caused by spills and other discharges of oil; and

Whereas it is paramount to maintain and improve a co-ordinated response to prevent, reduce, or overcome the effects of an oil spill in our respective waters, within the framework of the Canada-U.S.A. Joint Marine Pollution Contingency Plan; and

Whereas the future requires continued need for co-operation in preventing or abating oil spills in the aforementioned waters, including the participation of the Federal Governments of Canada and the United States;

Now therefore, in recognition of the spirit of co-operation which has characterized their efforts thus far, the Province of British Columbia, through its Premier, the Honourable W. N. Vander Zalm, and the State of Washington, through its Governor, the Honourable Booth Gardner, the State of Oregon, through its Governor, the Honourable Neil Goldschmidt, and the State of Alaska, through its Governor, the Honourable Steve Cowper, join together in this memorandum of co-operation pertaining to the resolution of mutual problems of oil spill pollution in the aforementioned waters. In this regard the Province and the States have formed an Oil Spill Task Force to develop co-ordinated programs for oil pollution prevention, abatement and response.

The Task Force is chaired jointly by the British Columbia Deputy Minister of Environment, the Washington Director of Department of Ecology, the Oregon Director of Department of Environmental Quality, and the Alaska Commissioner of Department of Environmental Conservation. To ensure future effective co-ordination of intergovernmental efforts, representatives of each government will be appointed to maintain this memorandum. This responsibility will be included in the job descriptions of these representatives and written notification of their appointment will be provided to all other parties to this memorandum. These representatives will meet annually to review progress and plan future co-operation. Four subcommittees have been established to address:

- (1) Prevention Alternatives
- (2) Technology Sharing
- (3) Emergency Response
- (4) Financial Recovery.

Issues addressed by the subcommittees will include:

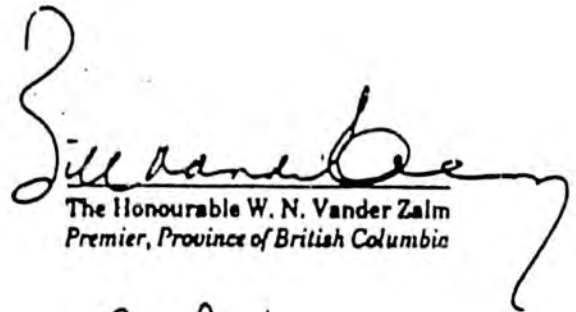
- (1) the creation of a joint emergency response plan;
- (2) an evaluation of capabilities and technologies for spill prevention, response and containment;
- (3) a review of tanker safety, routes and operating requirements;
- (4) an inventory of equipment, material, and personnel available to either the Province or the States for use in oil spill control and clean-up operations;
- (5) joint spill response drills and training.

The duration of this memorandum is intended to be perpetual, but each party may terminate at will its agreement by giving written notice to the other parties.

The parties do not intend by this memorandum to create any separate legal or administrative entity.

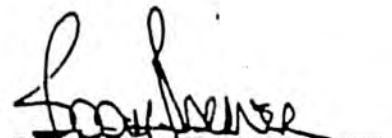
Each party shall bear its own expenses of co-operating pursuant to this memorandum.

Signed this 16th day of June 1989.



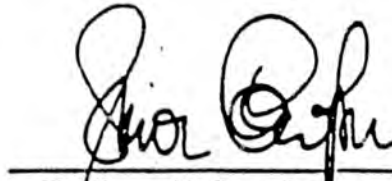
The Honourable W. N. Vander Zalm
Premier, Province of British Columbia

Signed this 16th day of June 1989.



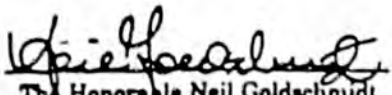
The Honorable Booth Gardner
Governor, State of Washington

Signed this 31st day of August 1989.



The Honorable Steve Cowie
Governor, State of Alaska

Signed this 3rd day of July 1989.



The Honorable Neil Goldschmidt
Governor, State of Oregon

Signed this 9th day of November 1989.

George Deukmejian
The Honorable George Deukmejian
Governor, State of California

- **ADEC/USDOI PIPELINE OFFICE**
- **EPA/OFFICE OF THE FEDERAL
INSPECTOR**
- **OSC DESIGNATIONS FOR TAPS
BY EPA**
- **AK PIPELINE OFFICE/USCG**

INTERAGENCY SUPPORT AGREEMENT/ARRANGEMENTS

The following documents are under review by the Department of Environmental Conservation. Agreements that are outdated or need revising will be renegotiated by the Department during the upcoming year.

- a) Memorandum of Understanding between the Alaska Department of Environmental Conservation and the United States Department of the Interior/Alaska Pipeline Office regarding responsibilities for pipeline related oil spill and other pollutants. ADEC basically will perform in an advisory role to the Alaska Pipeline Office and function as a clearing house for other state agencies.
- b) Delegation of Oil Spill Enforcement Authority to the Agency Authorized Officer for the United States Environmental Protection Agency from the Office of the Federal Inspector for the Alaska Natural Gas Transportation System.
- c) Letter referring to OSC - responsibility delegation by EPA to office of Special Projects, Bureau of Land Management for spills originating from the TAPS Pipeline within its corridor on Federal lands, while the State of Alaska has been designated OSC for all oil spills incidental to the operations and maintenance of the pipeline on State or private lands.
- d) Memorandum of Understanding between the Alaska Pipeline Office and Seventeenth Coast Guard District clarifying objective roles and responsibilities: The APO will perform as OSC for all TAPS related oil spills that enter or threaten inland waters and the U.S.C.G. will be the OSC for all spills that enter coastal waters.

DEPARTMENT OF THE INTERIOR
ALASKA PIPELINE OFFICE
808 E Street, Anchorage, Alaska 99501

STATE OF ALASKA
DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Pouch O, Juneau, Alaska 99811

MEMORANDUM OF UNDERSTANDING BETWEEN THE ALASKA PIPELINE OFFICE, DEPARTMENT OF THE INTERIOR AND THE STATE OF ALASKA, DEPARTMENT OF ENVIRONMENTAL CONSERVATION CONCERNING RESPECTIVE RESPONSIBILITIES IN CONNECTION WITH SPILLS OF OIL AND OTHER POLLUTANTS FROM THE TRANS-ALASKA PIPELINE SYSTEM. THIS MEMORANDUM IS IN CONCERT WITH THE REQUIREMENT FOR FEDERAL-STATE COORDINATION AND CONSULTATION CONTAINED IN EXECUTIVE ORDER 12088.

- I. The Federal government and State of Alaska have concurrent responsibility for oil and hazardous materials spill prevention, control, and clean-up for the Trans-Alaska Pipeline System.
- II. The Clean Water Act of 1977 provides that federal officials in the performance of their official duties are subject to all state requirements respecting control and abatement of water pollution.
- III. This agreement delineates responsibilities of the Alaska Department of Environmental Conservation (ADEC) and the Alaska Pipeline Office (APO) of the Department of the Interior regarding all oil and hazardous material spill prevention, control, clean-up and restoration activities except those affecting marine waters.

- IV. The Alaska Pipeline Office of the Department of the Interior has the responsibility for insuring Permittee compliance with the terms and conditions of the Federal Agreement and Grant of Right of Way for the Trans-Alaska Pipeline in relation to oil and hazardous material spill prevention, control, clean-up and restoration.
- V. In addition, the U.S. Environmental Protection Agency under the Clean Water Act of 1977 (PL 95-217) has responsibility for oil and hazardous material spill clean-up and control into inland waters. EPA has predesignated the Authorized Officer (AO) of the Alaska Pipeline Office as Federal On-Scene Coordinator (FOSC) for all pipeline related spills that get into or threaten to get into inland waters.
- VI. The State of Alaska through the Department of Environmental Conservation has statutory and regulatory responsibilities for oil and hazardous material spills which affect the lands and waters of the State. The Regional Supervisors of the Department have been designated as State Spill Coordinators (SSC) (State equivalent to the Federal OSC) for the lands and waters of the State within their respective regions.
- A. APO and ADEC will keep each other advised of any change or modification in the pipeline or pipeline operation that could influence the magnitude or potential for an oil spill.

- B. APO will perform as OSC¹ and be the single point of contact for Alyeska for all spills of oil or other hazardous materials related to the Trans-Alaska Pipeline that originate on Federal lands. ADEC will perform in an advisory role and as a clearing house for other State agencies. (See also Attachment 1).
- C. The ADEC will perform as State Spill Coordinator and be the single point of contact for Alyeska for all spills of oil or other hazardous materials related to the Trans-Alaska Pipeline that originate on State and private lands. APO will perform in advisory role and as a clearing house for other Federal agency input. (See also Attachment 1).
- D. APO will perform in a monitoring role of all spills of oil or other hazardous materials which threaten or enter navigable waters of the United States regardless of the point of origin or adjacent land ownership, unless the spiller fails to meet the requirements set forth in Section 311 (b) (5) or (c) (1), of PL 95-217 for containment, control, clean-up and disposal of the spilled material and the State (ADEC) is unable to enforce Federal and State requirements upon the spiller, APO would take over and direct clean-up activities. (See also Attachment 1).

¹ The OSC as used herein is as defined in the National Oil and Hazardous Substances Pollution Contingency Plan and is the single point of contact for the spiller (Alyeska Pipeline Service Company) during any spill situation.

- E. The first person on the scene of an oil spill from the APO or the ADEC will perform as OSC irrespective of land ownership until the responsible agency OSC arrives as set forth in Paragraphs A and B above.
- F. The ADEC shall be responsible for taking necessary samples and performing investigative work on any spills on State or private lands. The APO may take samples and perform investigative work to supplement that done by the Department of Environmental Conservation.
- G. APO and ADEC will both prepare enforcement referrals for submittal through respective Federal and State channels regardless of which one is performing the primary monitoring role.
- H. The APO and the ADEC shall provide each other with copies of all reports prepared for any spill to include but not to be limited to sample test results, final reports, and POLREP reports.
- I. Disposal of recovered oil or hazardous materials and oil soaked debris shall be in accordance with ADEC regulations and permits requirements and also with APO requirements on Federal lands.

Nothing herein is intended to conflict with current ADEC or Department of the Interior directives or regulations or the EPA Region X Oil and Hazardous Materials Pollution Contingency Plan for Inland Water. If the terms of this Agreement are inconsistent with existing directives of either of the agencies entering into this Agreement, then those portions of this letter which are determined to be inconsistent shall be invalid; but the remaining terms and conditions of this letter not affected by any inconsistency shall remain in full force and effect.



Commissioner
Department of Environmental
Conservation



Authorized Officer
Alaska Pipeline Office

Date: DEC 8 1978

Date: DEC 5 1978

OIL OR HAZARDOUS MATERIALS SPILL

MONITORING RESPONSIBILITY CHART

The FOSC or SSC have monitoring responsibilities as shown below.

<u>Spill Location</u>	<u>Monitoring Role</u>	
	<u>Principal</u>	<u>Advisory</u>
Spill originates on Federal lands and:		
1. Is terrestrial only	FOSC ¹ (APO)	SSC ¹ (ADEC)
2. Gets into Inland Waters	FOSC ¹ (APO)	SSC ¹ (ADEC)
3. Threatens Inland Waters	FOSC ¹ (APO)	SSC ¹ (ADEC)
Spill originates on State lands and:		
1. Is terrestrial only	SSC ² (ADEC)	FOSC ² (APO)
2. Gets into Inland Waters	SSC ² (ADEC)	FOSC ³ (APO)
3. Threatens Inland Waters	SSC ² (ADEC)	FOSC ³ (APO)
Spill originates on Private lands and:		
1. Is terrestrial only	SSC ² (ADEC)	FOSC ² (APO)
2. Gets into Inland Waters	SSC ² (ADEC)	FOSC ³ (APO)
3. Threatens Inland Waters	SSC ² (ADEC)	FOSC ³ (APO)

¹ See Paragraph B
² See Paragraph C
³ See Paragraph D

Office of the Federal Inspector

Alaska Natural Gas Transportation System

Federal Building, Suite 107
605 4th Avenue
Anchorage, Alaska 99501

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RECEIVED

FEB 05 1982

STATE OF ALASKA
DEPT. OF ENVIRONMENTAL CONSERVATION
ANCHORAGE, ALASKA 99501

Mr. John R. Spencer
Regional Administrator
Environmental Protection Agency
Region X, Mail Stop 613
1200 6th Avenue
Seattle, Washington 98101

Dear Mr. Spencer:

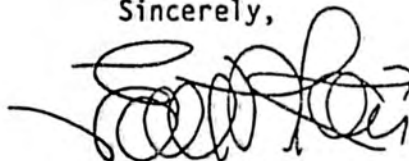
This letter represents the formal transmittal of the enforcement authority for oil spill response as contained in the Clean Water Act to the Environmental Protection Agency (EPA) Region X. As set forth in the enclosed delegation order, the authority for oil spill response was transferred to the Office of the Federal Inspector for the Alaska Natural Gas Transportation System (OFI) via Reorganization Plan No. 1 of 1979. However, the OFI has determined that the delegated enforcement authority can be exercised more efficiently through the use of EPA's resources, experience and expertise.

Accordingly, the order delegates the enforcement authority for oil spill response to the EPA Agency Authorized Officer (AAO) pursuant to the Reorganization Plan. As stated in the order, the AAO in turn will have EPA Region X perform the delegated functions.

As the EPA AAO, I hereby notify the Regional Administrator for EPA Region X that the EPA will be the federal agency primarily responsible for the administration and enforcement of the on-the-scene oil spill response provisions of the Clean Water Act. Consistent with the delegation order, EPA will have the primary oversight authority to respond to oil spills resulting from the construction and initial operation of the the Alaska segment of the Alaska Natural Gas Transportation System which enter or present a threat to the inland navigable waters of the U.S. or their tributaries.

)
Further, the delegation order clearly contemplates the EPA designating the on-the-scene response authority for oil spills with the State of Alaska. The OFI will exercise primarily a consultative role through the EPA AAO and the Regional Response Team.

Sincerely,

A handwritten signature in black ink, appearing to read "Earl N. Kari", written over a horizontal line.

Earl N. Kari
EPA Agency Authorized Officer

Enclosure

cc: J.Rhett, OFI
A.Mathews, OFI

OFFICE OF THE FEDERAL INSPECTOR FOR THE
ALASKA NATURAL GAS TRANSPORTATION SYSTEM

Order No. 4

Delegation of Oil Spill Response Enforcement Authority
to the Agency Authorized Officer For The United States
Environmental Protection Agency.

AGENCY: Office of the Federal Inspector for the
Alaska Natural Gas Transportation System

ACTION: Delegation of Enforcement Authority

SUMMARY: The Office of the Federal Inspector (OFI) is an independent agency of the Executive Branch established by Reorganization Plan No. 1 of 1979, which was put into effect by Executive Order 12142 of June 21, 1979, 44 Fed. Reg. 36927 (June 25, 1979). The OFI has been transferred the enforcement authority of various federal agencies via the Reorganization Plan No. 1 of 1979. This order delegates the enforcement authority for oil spill responses, 33 U.S.C. §1321 et. seq., for the Alaska segment of the Alaska Natural Gas Transportation System (ANGTS) to the Agency Authorized Officer (AAO) for the U.S. Environmental Protection Agency (EPA). The proviso for such a delegation to the AAO is contained in Section 202(a) of the Reorganization Plan No. 1 of 1979.

EFFECTIVE DATE: Upon publication in the Federal Register

FOR FURTHER INFORMATION CONTACT:

Mr. Earl Kari
Agency Authorized Officer
Environmental Protection Agency
605 W 4th Avenue
Anchorage, Alaska 99502
(907) 271-3668

Ms. Marcia D. Connelly
Attorney-Advisor
Office of the General Counsel
Office of the Federal Inspector (ANGTS)
Room 3407, Post Office Building
1200 Pennsylvania Avenue, N.W.
Washington, D. C. 20044
(202)275-1144

SUPPLEMENTARY INFORMATION:

I. Background

The Office of the Federal Inspector (OFI) was established by Reorganization Plan No. 1 of 1979, which became effective via Executive Order 12142 (June 21, 1979). The OFI has the exclusive responsibility for the enforcement of all federal statutes relevant in any manner to the pre-construction, construction and initial operation of the Alaska Natural Gas Transportation System (ANGTS). Enforcement is broadly defined in the Reorganization Plan, Section 102; "enforcement for purposes of this transfer of functions includes monitoring and any other compliance or oversight activities reasonably related to the enforcement process." Section 102(a) of the Reorganization Plan specifically enumerates the oil spill response and containment provisions of the Clean Water Act, 33 U.S.C. §1321 et. seq., as one of the statutes transferred from the EPA to the OFI for enforcement.

The legislative purposes of the oil spill containment provisions include the following: (1) prohibits the unlawful discharge of oil "into or upon navigable waters, adjoining shorelines * * *;" (2) imposes civil and criminal liability for oil spills; (3) designates federal agencies to oversee, monitor and enforce an orderly response to spills, including clean-up, containment and the reclamation of affected areas; and (4) requires the establishment of plans to prevent, contain and respond to spills.

This order delegates the enforcement authority for the oil spill response as required under the Clean Water Act to the Agency Authorized Officer (AAO) for the EPA pursuant to Section 202(a) of the Reorganization Plan. The AAO in turn will have EPA Region X perform the delegated functions. The EPA may coordinate on-the-scene response authority for oil spills with the State of Alaska. This delegation is consistent with the oil spill response provision, 33 U.S.C. §1321(c)(2)(A), which encourages the "assignment of duties and responsibilities among Federal departments and agencies in coordination with state and local agencies..." The OFI's Office of Environment has determined that the delegated enforcement authority can be exercised more efficiently through the use of the EPA's resources, experience and expertise.

The EPA will have the primary oversight authority to respond to oil spills resulting from the construction and initial operation of the Alaska segment of the ANGTS which enter or present a threat to the inland navigable waters of the U.S. or their tributaries. However, responsibility for enforcement of 33 U.S.C. §1321(j)(1)(C) and corresponding regulations, 40 CFR Part 112, relating to the establishment of Spill Prevention Control and Countermeasure Plans will be retained by OFI. EPA will not be delegated any responsibility for the enforcement of 33 U.S.C. §1321(j)(1)(c).

II. Delegation of Enforcement Authority for Oil Spill Response to the Agency Authorized Officer for the U.S. Environmental Protection Agency

(A) The OFI delegates the enforcement authority for oil spill response for the Alaska segment of the ANGTS to the AAO for the EPA. The AAO in turn will have EPA Region X perform the delegated functions consistent with applicable federal laws, including the Alaska Natural Gas Transportation Act, the Reorganization Plan Section 202(c), the Department of Interior Right-of-Way Grant and Stipulations and this

delegation order. The EPA may coordinate on-the-scene response with the State of Alaska. This delegation in no way affects the enforcement authority of the Coast Guard under 33 U.S.C. §1321.

(B) The EPA shall be the federal agency primarily responsible for the administration and enforcement of the on-the-scene oil spill response provisions of the Clean Water Act, 33 U.S.C. §1321 et. seq.

(C) The EPA shall provide the primary organization in response to oil spills resulting from the construction and initial operation of the Alaska segment of ANGTS which enter or present a threat to the inland navigable waters of the U.S. or their tributaries.

(D) The EPA shall receive notification and conduct the initial response for all spills within the ANGTS corridor. Response to all spills shall be processed to completion by EPA in accordance with the Reorganization Plan §202(c), Department of Interior Right-of-Way Grant and Stipulations and this delegation order.

(E) EPA shall process all bills and expenditures which are eligible for reimbursement from the Coast Guard Revolving Fund as stipulated in 33 U.S.C. §1321(k).

(F) The EPA shall notify promptly the EPA AAO of any reported spill and keep the AAO informed of the progress for controlling, containing, cleaning up, disposing and reclaiming the affected areas. The EPA shall provide the OFI with any requested documents relating to a spill, clean-up, reclamation, and claims for reimbursement if requested.

(G) The OFI will be represented on the Regional Response Team (RRT). All coordination and consultation, except as otherwise set forth in this delegation order, will be exercised through the RRT.

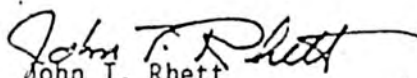
(H) The EPA shall seek the consultation and obtain the concurrence of the OFI prior to the consummation of any agreement which may be made with

the State of Alaska in accordance with the Clean Water Act, § 33 U.S.C. §1321(c)(2)(A), and the National Contingency Plan or any arrangements made with any other entity.

(I) This delegation does not affect any delegation by EPA to the Trans-Alaska Pipeline System (TAPS) AAO for oil spills resulting from the TAPS.

(J) When the OFI is notified by third parties of any spill in the Alaska corridor of ANGTS, the EPA shall be notified promptly.

Dated: February 4, 1982


John T. Rhett
Federal Inspector

U.S. ENVIRONMENTAL PROTECTION AGENCY

REGION X

1200 SIXTH AVENUE
SEATTLE, WASHINGTON 98101



REPLY TO
ATTN OF: MS 423

APR 8 1982

James H. Richardson, Manager
Office of Special Projects
Bureau of Land Management
Alaska State Office
701 C Street
Anchorage, Alaska 99513

Dear Mr. Richardson:

In early December you met with Dr. Gary O'Neal and Jim Willmann of my staff, as well as staff of the Alaska Department of Environmental Conservation (ADEC), to review the past year's operation of the Trans-Alaska Pipeline as it pertains to our On-Scene Coordination (OSC) agreement for oil spill response. It was agreed at that time that revisions to the agreement should be made reflecting new Alaska State oil spill legislation and activities relating to the Alaska Natural Gas Transportation System (ANGTS).

During those discussions it was agreed that your office be On-Scene Coordinator (OSC) for only those oil spills resulting from pipeline failures on Federal Lands. Therefore, I am rescinding immediately our agreement dated August 23, 1977, which designated your office as On-Scene Coordinator for all oil spills originating from the Trans-Alaska Pipeline. In its place, you are hereby designated OSC for only those spills originating from the TAPS Pipeline within its corridor on Federal lands. The State of Alaska ADEC has been designated OSC for all oil spills originating from the pipeline on State or private lands as well as those spills incidental to the operations and maintenance of the pipeline. In addition, the state will serve as EPA's OSC for all spills associated with Alaska Natural Gas Transportation System outside as well as within your designated corridor. This office is presently incorporating these added responsibilities within our agreement with ADEC.

The responsibilities of OSC remain in effect as defined in our earlier designation. It is hoped that the redefinition of areas of responsibilities between your office and ADEC will not only assist you in a more effective response program but clarify more clearly those jurisdictional boundaries to both the public and private sectors.

DEPARTMENT OF THE INTERIOR

ALASKA PIPELINE OFFICE

808 E Street, Anchorage, Alaska 99501

DEPARTMENT OF TRANSPORTATION

SEVENTEENTH COAST GUARD DISTRICT

P.O. Box 3-5000, Juneau, Alaska 99802

MEMORANDUM OF UNDERSTANDING BETWEEN THE ALASKA PIPELINE OFFICE, DEPARTMENT OF THE INTERIOR AND THE SEVENTEENTH COAST GUARD DISTRICT, DEPARTMENT OF TRANSPORTATION CONCERNING RESPECTIVE RESPONSIBILITIES IN CONNECTION WITH SPILLS OF OIL AND OTHER POLLUTANTS FROM THE TRANS-ALASKA PIPELINE SYSTEM UNDER THE FEDERAL WATER POLLUTION CONTROL ACT, AS AMENDED (33 U.S.C. 1321 et seq.) AND THE AGREEMENT AND GRANT OF RIGHT-OF-WAY FOR THE TRANS-ALASKA PIPELINE.

The Alaska Pipeline Office (APO) and the United States Coast Guard (USCG) both have statutory and regulatory responsibilities in connection with spills of oil and other pollutants from the Trans-Alaska Pipeline System (TAPS). The APO has been delegated the responsibility for insuring Permittee compliance with the terms and conditions of the Agreement and Grant of Right-of-Way for the Trans-Alaska Pipeline. In addition, the Environmental Protection Agency (EPA), under the provisions of the Federal Water Pollution Control Act, has designated the Authorized Officer (AO) as Federal On-Scene Coordinator(OSC) for all pipeline related spills. The USCG has responsibility for prevention and control

of oil or hazardous substance spillage under the Federal Water Pollution Control Act, as amended (33 U.S.C. 1321 et seq.) and for coordinating Federal agency response to spills.

To clarify the respective roles and responsibilities where they interface, the Authorized Officer, Alaska Pipeline Office and the Commander, Seventeenth Coast Guard District agree that the following provisions shall be observed in the exercise of their authority and the discharge of their responsibilities.

1. The APO will perform as OSC for all oil spills related to TAPS that enter or threaten to enter Inland Waters.

2. The USCG will perform as OSC for all oil spills related to TAPS that enter Coastal Waters.

3. For purposes of clarification, the delineation between Inland and Coastal Waters shall be as follows:

- a. The Alaska Pipeline Office shall perform as On-Scene Coordinator (OSC) for any spills upstream of the Dayville Road Bridge across the Lowe River and the United States Coast Guard shall perform as OSC for any spills downstream from the bridge. For any spill that originate upstream of the Dayville Bridge but spreads downstream of the

bridge, the Alaska Pipeline Office and United States Coast Guard On-Scene Coordinators shall mutually assess the spill on a case-by-case basis to determine which will perform as the Federal OSC.

b. The dividing line between Coastal and Inland Waters in the vicinity of Prudhoe Bay shall be the interface of marine and fresh water at the mouths of the Sagavanirktok and Kuparuk Rivers. For any spill that originates upstream of that point but spreads downstream and into marine waters, the APO and USCG On-Scene Coordinators shall mutually assess the spill on a case-by-case basis to determine which will perform as the Federal OSC.

4. The first person on the scene of an oil spill from the APO or USCG will perform as OSC, irrespective of location, until the responsible agency OSC arrives as set forth in paragraphs 1, 2 and 3 above.

5. The APO and the USCG will assist, advise, and support each other upon request in any way it can, either directly or through the Regional Response Team.

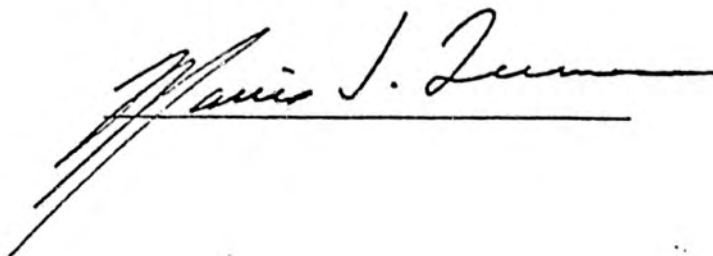
6. Nothing herein is intended to conflict with current USCG or Department of the Interior directives or the Alaska Coastal Region Oil and Hazardous Substance Pollution Contingency Plan.

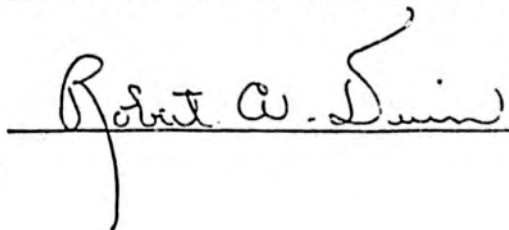
7. This Memorandum of Understanding shall be reviewed annually and shall continue in force until it shall be amended or terminated by mutual agreement.

Done this 26th day of October, 1978.

AUTHORIZED OFFICER
ALASKA PIPELINE OFFICE

COMMANDER
SEVENTEENTH COAST GUARD DISTRICT





- **OIL SPILL PREVENTION STRATEGY**
- **PREVENTION MEASURES**
- **HAZARDOUS SUBSTANCE POLLUTION
PREVENTION OVERVIEW**
- **OIL POLLUTION PREVENTION
WORK PLAN**

OIL POLLUTION PREVENTION PLAN

"A pint of prevention is worth barrels of cure"

I. OIL SPILL PREVENTION STRATEGY

Preventing oil spills is clearly the best path to reducing oil pollution. The state's oil spill prevention strategy is based on a balance between establishing and communicating prevention standards and expectations on the one hand and, on the other, verifying compliance. This strategy relies on a community-wide commitment to take every possible precaution against spills and on stiff penalties for those who fail to prevent them.

The state's comprehensive prevention program includes:

- REGULATIONS Developing, with public and industry participation, meaningful regulations for major oil production and handling operations.
- EDUCATION Developing public and industry prevention education and awareness programs.
- PLANNING Developing prevention plans including:
 - Site assessment
 - Siting criteria
 - Design criteria
 - Operations procedures
 - Staffing and training
- VERIFICATION Developing a range of compliance verification programs, including:
 - Industry Permit and Prevention Plan Review
 - Technical Assistance
 - Inspections
 - Citizen Oversight
- FOLLOWUP ACTIONS including:
 - Spill Reports
 - Corrective Action
 - Enforcement

In addition to state authority there are volumes of Federal regulations and authorities established by the Environmental

Protection Agency, Department of Transportation, Department of the Interior and the U.S. Coast Guard that have application in preventing oil and hazardous substance spills. These are far too numerous to list completely, but include regulations pertaining to all forms of transportation, production of oil on the Outer Continental Shelf beyond state waters, and safe handling, storage and packaging for hazardous materials.

Where the state lacks authority, the state will work to ensure that the federal government implements and enforces federal regulations consistent with the needs and interests of Alaskans.

Regulations alone cannot be expected to prevent pollution. All Alaskans must make a commitment to preventing pollution of our environment. Nonregulatory/voluntary requirements and standards have already been adopted by many of Alaska's citizens and businesses. These efforts need to be recognized, encouraged, and enhanced through technical assistance programs and public education.

The State will continue to encourage industry, through voluntary and regulatory efforts, to adopt the best available prevention standards and technology. State law gives ADEC the option of reducing minimum response planning standards for vessel and facility contingency plans if those plans demonstrate that prevention measures significantly reduce the risk of oil discharges. The purpose of this is to encourage industry to develop and implement prevention technology.

Citizen oversight in planning and regulatory procedures must continue to ensure that government and industry honor their commitments and ensure that communities can make informed decisions about what constitutes acceptable levels of risk.

Regulatory agencies must enforce laws governing the safe handling of oil and other hazardous substances.

Education and public awareness efforts are being carried out through newsletters, inspections, direct contact with operators, answering requests for information, preparing technical bulletins, and through the Pollution Prevention Technical Assistance Hotline at (907) 465-2671 (state business hours).

ADEC and other agencies are considering implementation of many prevention recommendations from citizens, the State Oil Spill Commission, the States/British Columbia Task Force report, and other sources. These recommendations cover such areas as program development, procedural and policy changes, Legislative requests, and agreements with other state and federal agencies.

New legislation (Chapter 191, SLA 1990) has also greatly improved

ADEC's ability to actively work on oil pollution prevention by adding much needed personnel and authority, including the authority to require oil pollution prevention plans and to provide incentives for industry to utilize new technology and innovative prevention techniques. The new legislation also upgrades the approval criteria for facility and vessel, regional and statewide contingency plans.

The State will continue to work with the federal government on issues such as controlling vessel operations to ensure a high level of safety in Alaska's waters.

The state's oil pollution prevention strategy will be carried out through implementation of the PREVENTION WORKPLAN. Prevention initiatives for substances other than oil are listed at the end of this Appendix.

II. PREVENTION MEASURES

The following list of specific spill prevention measures is intended for use as a guide for policy makers and others contributing to the implementation of prevention strategy in Alaska. For further information on any of the specific activities listed, contact the Department of Environmental Conservation, Spill Prevention, Planning and Management Section at (907) 465-2630.

FACILITY, TERMINAL AND VESSEL INSPECTIONS

Local ADEC officials will perform facility, terminal, and vessel inspections as resources allow. Operations with a history of poor safety and/or spills may be subject to more frequent inspections. Both the inspectors and the inspected need to keep in mind that the primary purpose of inspections is to prevent spills. Areas of special concern include:

- Site, Operation, and Contingency Plans
- Secondary Containment
- Operating Procedures
- Equipment Inventory
- Emergency Response Readiness
- Transportation Activities
- Vehicles/Trucks
- Accident/Incident Histories

READINESS DRILLS

As even the best prevention systems are still prone to failure due to operator-error, sabotage, and acts of God, industry and government must maintain the ability to respond quickly and effectively to spills. To be effective, industry, cooperative

response organizations, and local, state, and federal government responder's plans and strategies must be continually drilled, debugged, and updated. Telephone drills, the simplest type of drill, entail testing the notification system. Table-top drills require assembling response organization representatives in one or several locations and can run into the hundreds of thousands of dollars, but do not necessarily require mobilizing equipment or sending people into the field. A full-scale field drill could cost millions. Drills can be announced or unannounced.

SHIPPING SAFETY

The State of Alaska is working closely with the U.S. Coast Guard to improve shipping safety. Marine transportation casualties pose the greatest likelihood of producing catastrophic spills. Therefore, every aspect of shipping warrants a great deal of attention. These aspects include:

Vessel Control and Navigation:

A number of approaches offer promise in reducing the likelihood of shipping casualties related to navigation and vessel traffic, including:

- Radar
- Navigation Aids
- Navigation Risk Analysis
- Escort Vessels
- Tanker Free or Exclusion Zones
- Use of Licensed Pilots
- Weather Forecasting
- Restrictions/Prohibitions of Tanker Travel
 - a) Weather
 - b) Traffic Patterns
 - c) Safety Standards
 - d) Autopilot Systems in Critical Areas

Ship Design and Operations:

According to published accounts, because of rough conditions in the Gulf Of Alaska, the tanker fleet serving Alaska is aging faster than any other fleet in U.S. waters. This fact must be addressed to prevent catastrophes resulting from structural failure. In addition, a number of design modifications could significantly reduce the likelihood of accidental discharges. Ship design and operations are under the jurisdiction of the US Coast Guard, and are the primary responsibility of that agency. Vessel owners and operators can also play a huge role in prevention through voluntary efforts beyond legal requirements. Prevention measures include:

- Training
- Vessel Inspections
- Vessel Retirement
- Pilot Requirements
- Crew Size and training
- Minimum Operating Safety Standards
- Double bottoms, hulls, segregated ballast
- Wing tanks
- Tank Compartmentalization
- Ballast Tank Location
- Vacuum Systems for Oil Containment
- Size limits
- Tank size limits
- Autopilot Alarm Systems
- Electronic Navigation Systems and Warning Devices
- Voyage Data Recorders on all Merchant Vessels
- Emergency Response Systems and On-Board Equipment
- Emergency Towing Packages in case of Vessel Disability
- Minimum Specifications for Crew Sizes
- Crew Conduct and Training
- Drug and Alcohol Testing
- Mandatory Oil Response Training for Tug Crews

STATE AGENCY REVIEWS

Oil spills also result from crude oil exploration, production, and storage, and from petroleum product manufacturing, transportation, storage, transfer, and consumption. State agencies can help prevent spills by closely monitoring those activities and related regulations and documents. Prevention considerations and activities include:

- Contingency Plans
- Permitting
- Leasing
- Agency Regulations
- Incident Diagnostics (Spill Investigation)

EDUCATION, TRAINING, AND CERTIFICATION

Education about oil pollution effects, spill avoidance, and the difficulty of recovering escaped oil will play a key role in prevention. Those who handle crude and refined oil particularly need to be trained in spill prevention and response. Education efforts should target:

- General Public
- Industries
- Government Agencies
- Operations and Response Manuals
- Fuel and Cargo Handling Procedures

RESEARCH/EVALUATION

As long as society consumes oil, oil will be spilled. The following measures for reducing the amount, rate, and patterns of transportation and consumption may reduce the likelihood of spills and should be investigated:

- Energy Conservation: National and State Energy Plans
- Transportation Safety and Alternatives Assessments
- Pipeline Vs. Tanker Routes
- Alternative Energy Development
- Recycling of Oil Products
- Background Monitoring
- Coastal Sensitivity Mapping
- Weather and Ocean Current Patterns
- Facility Design and Construction
- Containment, Clean-up Technology
- Heavy and Other Oil Recovery Methods
- Statewide, Computerized Database
- Data sharing

CITIZEN ROLES

- Consumption Reduction
 - a) Voluntary Efforts
 - b) Add Environmental Costs to Purchase Price
- Recycling Petroleum Products
- Public Policy Participation
- Develop Prevention Statutes/Regulations
- Risk Assessment
- Volunteer Response Activities
- Pleasure Craft Compliance with Hazardous Waste Disposal
- Citizen Advisory and Oversight Councils

INDUSTRY ROLES

- Industry Response Organizations
- "Responsible Party" Leadership
- Vessel & Facility Contingency Plans
- Best Available Technology for Facility and Equipment Design
- Staff Training
- Emergency Response Readiness
- Designated Response Staff
- On-Site and Cooperative Equipment and Response Depots
- Fiscal Responsibility
- Public Policy Participation
- Voluntary and Regulatory Compliance
- Spill Compensation and Insurance Policies

III. HAZARDOUS SUBSTANCE POLLUTION PREVENTION OVERVIEW

Though not part of the oil pollution prevention plan, there are several ongoing and newly initiated programs and activities that directly or indirectly address prevention of hazardous substance pollution. Before a comprehensive approach to planning hazardous substance prevention can be developed, the state must determine how involved it will be in regulating hazardous materials. Currently the state has little authority to regulate storage, shipment and handling of hazardous materials, though many of these activities are regulated under federal law. Until this issue is resolved, the state will focus on non-regulatory means of encouraging prevention of hazardous material pollution. Current prevention related activities are summarized below.

STATE EMERGENCY RESPONSE COMMISSION (SERC)

The Alaska State Emergency Response Commission (SERC) was originally established by the federal government under the Emergency Planning and Community Planning portion (Title III) of the Superfund Amendments and Reauthorization Act (SARA) in 1986. That law gives citizens the right to know what hazardous substances are being used, stored, or manufactured in their communities and encourages them to prepare emergency plans for responding to releases. House Bill 566 passed by the Alaska legislature during the 1990 session established SERC in state statute and provided funding for implementation. The state legislation requires the SERC to implement SARA Title III in Alaska, broadened the definition of hazardous substance to include oil, and calls for local, regional, and statewide plans that are well-integrated and coordinated with each other and with federal and facility and vessel plans.

The SERC has approved the establishment of 5 Local Emergency Planning Committees (LEPCs) and three more have applied for approval. Once formed, the LEPCs will develop Local Emergency Planning Districts (LEPDs) and, subsequently, Local Emergency Response Plans. Prevention of oil and hazardous substance spills will be an important focus in these local plans.

PERMIT REVIEWS

ADEC, ADNRR and ADFG play an active role in ascertaining that proposed waste disposal, construction, mining, oil production and exploration, and other activities are carried out in an environmentally sound manner through reviewing permit applications. These agencies may require hazardous substance pollution prevention plans as a condition of issuing permits if hazardous substances will be present and pose a threat to human life or the environment.

MULTI-MEDIA POLLUTION PREVENTION TECHNICAL ASSISTANCE PROGRAM

In 1990, the Alaska Legislature passed the Management of Solid and Hazardous Waste Act in recognition of business and community need for adequate information about methods to reduce, eliminate or recycle wastes of all types. The act also charged ADEC with providing technical assistance to Alaskans in prevention and reduction of all types of pollution. ADEC has initiated a technical assistance program, and is rapidly increasing its ability to help Alaskans reduce and prevent pollution in a non-regulatory role through free site assessments and assistance in development of pollution prevention plans for individuals and organizations. To streamline the flow of information to the public ADEC operates the Pollution Prevention Technical Assistance Hotline (465-2671 during state working hours) and produces Pollution Prevention Tips.

IV. OIL POLLUTION PREVENTION WORK PLAN

Regulations

Task: Research and evaluate oil pollution prevention measures for possible incorporation into prevention regulations. Develop incentives to encourage incentives to adopt prevention measures beyond those required by regulations.

Lead: ADEC, with contractor assistance and public participation through the working group described below.

Target date: Completion by summer 1991.

Task: Form a public technical work group to encourage participation in reviewing prevention contract work products and formulate ADEC's new oil pollution prevention program. The working group will be made up of five representatives each from agencies, public interest groups, and industry. Input from individual Alaskans is also being solicited.

Lead: ADEC

Target date: Representatives selected. First meeting March, 1991.

Task: Propose oil pollution prevention regulations, including industry incentives.

Lead: ADEC, with public participation

Target date: Summer, 1991.

Task: Conduct a survey of non-crude oil tankers and barges and report to the legislature with appropriate regulatory program recommendations, including oil pollution prevention.

Lead: Primary duty: ADEC, with contractor assistance

Target date: Report to the legislature by July 1991.

Task: Conduct a survey of non-crude oil facilities storing, handling or transporting more than 5,000 bbls and less than 10,000 bbls of refined oil products. The purpose of the study is to evaluate the need to lower the exemption for facilities required to submit oil pollution prevention and response plans under AS 46.04.030 from 10,000 bbls to 5,000 bbls, and to otherwise develop recommendations on how these facilities should be regulated to protect the environment.

Lead: ADEC, with contractor assistance.

Target date: Report to the legislature by January, 1992

Task: Finalize and implement the Underground Storage Tank regulations developed by ADEC during the fall of 1990. These regulations focus almost exclusively on oil pollution prevention and leak detection for buried oil tanks and providing technical and financial assistance to tank owners.

Lead: ADEC, with public review and hearings.

Target date: Final regulations by April, 1991

Task: Work with the US Coast Guard and other agencies to assure that oil pollution prevention regulations outside of the State's authority are promulgated and carried out in a manner consistent with the interests of the State. Examples include inspection frequency and content, design standards, crew size and training, navigation equipment, and vessel escorts for tankers.

Lead: ADEC

Target date: ongoing effort

Education/Technical Assistance

Task: Develop chronic/small spill prevention education strategies for various sectors including programs aimed at operators of fishing vessels, ferries, pleasure craft, ports, cruise ships and small boat harbors and marinas.

Lead: Primary duty: ADEC, USCG

Target date: As resources allow.

Task: Provide technical assistance to owners and operators of regulated and unregulated oil tanks and vessels, including cruise ships, ferries and fishing vessels. Assistance will include development of prevention checklists for use in owner self-inspection.

Lead: ADEC, USCG

Target date: As resources allow.

Task: Maintain the Pollution Prevention Technical Assistance Hotline: 465-2671.

Lead: ADEC

Target date: Established Fall 1990.

Task: Increase financial and technical assistance for assessing and upgrading underground storage tanks.

Lead: ADEC

Target date: Ongoing, as resources allow.

Task: Support the PWS Steering Committee's and CISPRI's development of pollution prevention measures.

Lead: ADEC, CISPRI, PWSSC, RCAC, USCG, Tanker Owners Associations and Industry.

Target date: ongoing effort

Risk Reduction

Task: Review and recommend proposals to reduce tanker transportation related risks.

Lead: ADEC, RCACs, LEPCs, COC, Industry

Target date: 1992

Task: Update vessel traffic systems (VTS) and geographic positioning systems (GPS) to attain "failsafe" goal.

Lead: USCG, ADEC, RCACs and industry.

Target date: Ongoing

Task: Promote switch-over to double hull tanker vessels on a faster schedule than that required by OPA-90.

Lead: ADEC, with contractor and technical workgroup assistance.

Target Date: 1994 (regulations detailing planning standard modification for prevention measures 1991).

Task: Under OPA 90, establish specific escort requirements for tankers and barges vessels transiting high risk areas.

Lead: USCG, ADEC, RCACs, Industry

Target date: 1991

Compliance Verification

Task: Provide ADEC and industry with prevention inspection checklists and training.

Lead: ADEC jointly with USCG.

Target date: 1992.

Task: Increase routine inspections and surveillance of vessels and facilities.

Lead: ADEC jointly with USCG.

Target date: as resources allow.

Task: Develop MOU with USCG and EPA for cooperative vessel and facility inspections to include development of improved vessel structural inspection program.

Lead: ADEC, USCG and EPA.

Target date: Upon adoption of regulations now under development.

Follow-up Actions

Task: Review USCG marine casualty reports for groundings, collisions, near misses, fires, loss of power incidents and storm or other damage reports to identify unsafe practices or equipment and recommend changes in operating procedures and regulations.

Lead: ADEC and USCG.

Target date: Ongoing

Task: Submit the Final Western States/B.C. Oil Spill Task Force report to the state legislature with recommendations for changes in state law and programs that enhance pollution prevention.

Lead: ADEC

Target date: 1991 session.

Task: Take or refer appropriate enforcement action, including civil penalties and damage awards, against violators of oil pollution prevention measures and spiller to reinforce the need to prevent spills and motivate compliance.

Primary duty: ADEC, EPA, and USCG

Target date: ongoing effort, as staffing allows.

**REGIONAL OIL AND HAZARDOUS SUBSTANCE
DISCHARGE PREVENTION AND CONTINGENCY PLAN**

MASTER OUTLINE

Regional Boundary map showing region and neighboring regions

100 Spill Notification Procedures
(modify from State Master Plan)

200 Emergency Resources Lists
(Contact Names & #, Personnel, Equipment, & Facilities)

202.3 Local Government

Borough
First Class Cities
Second Class Cities
Third-Class Cities
Fourth Class Cities
Unincorporated Areas
Village and tribal councils

Industry

Coops
Community Response Centers
Contractors

202.2 State Government

202.21 Alaska Dept. of Environmental
Conservation
202.22 Alaska Dept. of Fish & Game
202.23 Alaska Dept. of Natural Resources
202.24 Alaska Dept. of Health & Social
Services
202.25 Alaska Dept. of Public Safety
202.26 Alaska Dept. of Military &
Veteran's Affairs/DES

202.1 Federal Government
(15 RRT Agencies?)

202.11 U.S. Coast Guard
202.12 U.S. Environmental Protection
Agency
202.13 U.S. Dept. of the Interior
202.14 U.S. Dept. of Commerce
202.15 U.S. Dept. of Agriculture

300 Emergency Response Procedures

(Modify from State Master Plan)

Procedures common to all responders in region

400 Regional Response Organizations

(Should briefly describe each plan, name of pre-designated OSC and emergency phone numbers)

301 Vessel & Facility Plans

Oil Terminal and Tanker Environmental
Oversight and Monitoring Demonstration Program
(Cook Inlet and Prince William Sound)

301.1 Oil Terminal Facilities and Oil Tanker
Operations Association

302 Local Emergency Response Teams

303 Oil Spill Cooperatives

304 Environmental Consultants/Clean-Up Contractors

305 Volunteer Corps

600 Regional Facilities Hazards Profile

401 Off-shore Oil/Gas Production Platforms

402 On-shore Oil/Gas Production Facilities

403 Oil Terminals

404 Refineries

405 Miscellaneous Industrial Facilities

406 Fish Processing Facilities

Other gov't

pools water and wastewater treatment plants

For each facility, list:

Facility location; type;

Emergency Coordinator & Contact #

Hazard profile: inputs, products, by-products;
small, medium, catastrophic discharge;

Affected area/Evacuation needs;
Response capabilities: facility, community;
Response action plan

700 Regional Oil and Hazardous Substance Transportation Pattern

- 501 Ports and Marine Transportation
- 502 Rail Transportation
- 503 Highway Transportation
- 504 Oil/Gas Pipelines
- 505 Air Transportation

For each category, list:

Substances transported
Small, medium, and catastrophic releases
Designated routes, times, procedures for certain substances
Facility, community response capability
Response action plans

800 Regional Environmental Data

900 Regional Description

901 Geography

901.1 Population Centers

902 Geophysical Hazards

904 Climatology and Hydrology

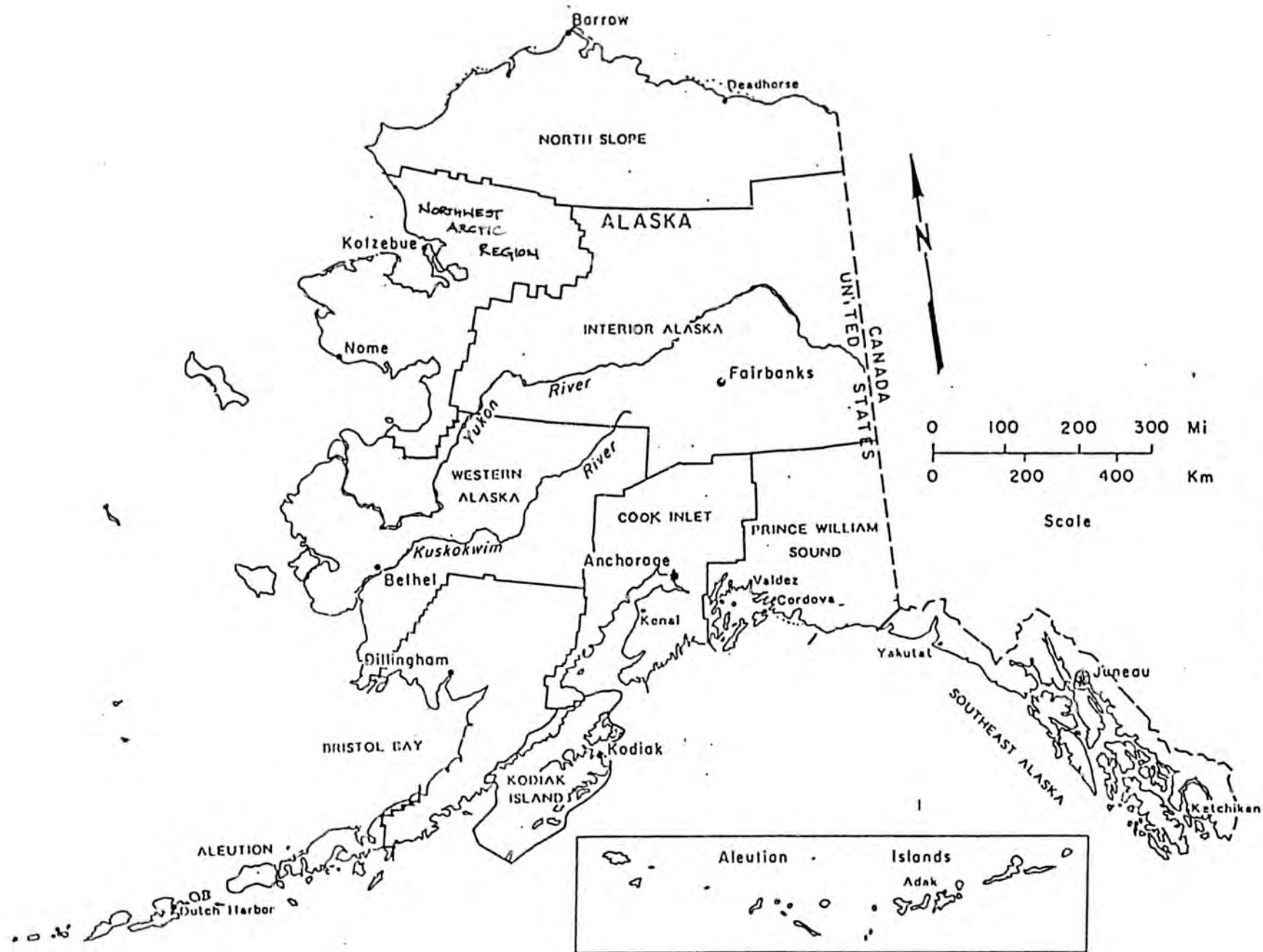
904.1 Tides and Currents

906 Economy

908 Natural Resources

Local Emergency Planning Committees (LEPC's)

Citizen's Advisory Councils



REGIONAL BOUNDARIES MAP