

Oil Spill Task Force

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Docket Management Facility (USCG – 1998-3417)
U.S. Department of Transportation, Rm. PL-401
400 7th St. SW
Washington, DC 20590-0001

Re: 33 CFR 155: Salvage and Marine Firefighting Requirements Proposed Rule

Dear Madam/Sir,

These comments are submitted on behalf of the Pacific States/British Columbia Oil Spill Task Force, whose membership includes the oil spill regulatory agencies of Alaska, British Columbia, Washington, Oregon, Hawaii, and California. The Task Force member agencies appreciate this opportunity to comment on the proposed rule for Salvage and Marine Firefighting Requirements and applaud the US Coast Guard (USCG) for taking steps to implement Section 155 of 33 CFR, which truly focuses on oil spill prevention. Our comments below are organized in two sections: specific comments on the draft rule language, followed by general observations and recommendations.

Specific Comments on the Draft Rule

- Section 155.140 (b) incorporates National Fire Protection Association standards by reference. We urge the US Coast Guard to ensure that any firefighting standards thus incorporated include standards which are specific to the unique nature of firefighting on vessels. In order to do so, we recommend that the USCG develop a Marine Firefighting Certification Program that includes training standards.
- Section 155.1040 indicates that this rule applies to petroleum groups I through IV. Group V oils will only be covered by the original OPA 90 language. Only three elements of the salvage services outlined in Table 155.4030(b) are specific to the type of oil cargo carried by a tank vessel: external emergency transfer operations, emergency lightering, and subsurface product removal. It is unreasonable to exclude Group V oils, since all other operations apply to tank vessels carrying such oils, and since those vessels also carry fuel products which can pollute the environment.
- Section 155.4025 gives Definitions and establishes criteria for written contractual agreements, including a pre-signed written funding agreement to prevent delays at the time of an incident caused by funding negotiations. We strongly endorse this requirement, but recommend that the final rule encourage conformity with international standards by referencing the Lloyd's Open Forum and Special Compensation P&I Clause (SCOPIC).
- Regarding Section 155.4030(b), the Table of Salvage and Marine Firefighting Services, we note that such generic response time standards are not always appropriate to local situations.

Within our area of operations, for instance, the recommended standards are completely inappropriate for the Straits of Juan de Fuca and offshore areas of the State of Washington, as explained in their comment letter. Such response times may be inappropriate for the river and near-shore areas of the internal waters of Alaska, Oregon, and California as well, and would leave coverage gaps within the Hawaiian archipelago. We recommend that the USCG evaluate the entire coastline of the US, including Alaska and Hawaii, to determine whether the offshore areas as proposed in this rule provide adequate coverage.

- The Pacific States/BC Oil Spill Task Force has just completed the West Coast Offshore Vessel Traffic Risk Management Project, which included a three year study of the risks of drift groundings from offshore vessel traffic transiting coastwise off the West Coast of the US and Canada, between Cook Inlet and San Diego. As part of that study, the National Oceanic and Atmospheric Administration provided us with historic wind data for five offshore areas, and extrapolated that data to establish vessel drift rates. Assuming the lowest drift rate of 2% of wind speed, which is appropriate for laden tank vessels that have little windage exposure, we have developed the following table to indicate how fast a laden tank vessel would drift ashore under both worst case and average wind conditions:

DISTANCE OFFSHORE/HOURS TO GROUNDING

**Wind Region
Drift Rates in knots***

Alaska & Columbia River wc = .8 av = .2	50 miles/62.5 hours	40/50	30/37.5	20/25	10/12.5
	50 miles/250 hours	40/200	30/150	20/100	10/50
Puget Sound & San Francisco wc = .7 av = .3	50/71.4	40/57.1	30/42.9	20/28.6	10/14.2
	50/166.6	40/133.3	30/100	20/66.6	10/33.3
Point Arguello wc = .5 av = .3	50/100	40/80	30/60	20/40	10/20
	50/166.6	40/133.3	30/100	20/66.6	10/33.3

* one knot/hour is approximately one mile per hour, so the distance from shore is divided by the drift rate to determine total time to reach shore

wc = drift rate in knots under worst case wind conditions

av = drift rate in knots under average wind conditions

PLEASE NOTE: This chart assumes direct drift onshore without consideration of wind direction or the affect of ocean currents. Also please note that NOAA's drift speed data was identical for offshore Alaska and off the Columbia River. It was also the same for offshore areas of Puget Sound and San Francisco.

According to this table, any tank vessels operating in areas closer to shore than 10 miles may not be covered by the 12 hour standard, depending upon local wind conditions. In the Columbia River, for instance, where strong winds affect the federally designated Scenic Area of the Columbia River Gorge, there would be little time to rescue a drifting tank barge. Considering this, prompt action to report a loss of power or steering to the COTP and activate a salvage contract should be required in these rules.

- Section 155.4050 recommends criteria to be used by a plan holder in determining the adequacy of the salvage and firefighting providers. The Task Force members recommend that the USCG develop a Salvage Responder Certification Program, similar to its OSRO program, rather than leaving this determination solely to the planholder. Such a certification program should be supplemented by development of various guidance matrices covering bollard pull to vessel size, fire control methods to fire type, and cargo pump capacity to cargo tank size. For the record, we include as an appendix to these comments a chart developed for the West Coast Offshore Vessel Traffic Risk Management Project noted above which ties bollard pull to vessel size and sea-state. We also include a chart that outlines time considerations for a rescue tug to be manned and to reach ocean buoys from their homeports; similar information should be considered by planholders as they contract for services. We further recommend that resource providers demonstrate familiarity with Unified Command and ICS concepts as a criterion for contracting, and that salvage contracts be exercised on a regular basis.
- Section 155.4055 establishes a waiver procedure and time limits if planholders are unable to find providers that can meet the response time requirements. We note that rescue towing and fire suppression contracts could be delayed as much as three to four years under the proposed rules; considering how long this part of OPA 90's mandates has been delayed already, we find this proposed delay unacceptable. Any waiver recommendations by a COTP should be coordinated with state officials and Harbor Safety Committees. Further, the USCG should track these waiver requests and consider funding dedicated resources if enough requests of a certain type come in for a specific area; e.g., if enough plan holders say they cannot meet the rescue tug response times for a certain area, then arrangements should be made for a dedicated rescue tug supported by federal funding.

General Observations and Recommendations

The member agencies of the Pacific States/BC Oil Spill Task Force note the comments submitted by the American Waterways Operators and INTERTANKO that the need for the proposed rule has not been demonstrated. While we applaud tank vessel operators in the US for significantly reducing the number of spills, the risk of vessel casualties resulting in oil spills still exists, however minimal. In the past couple of weeks, the fuel tanker NINO was washed onto the beach south of the Mbashe River off the Dwesa Nature Reserve in South Africa, and could have had a deadly impact on marine life down the coast to Port Elizabeth. Are we to assume that the same type of incident cannot happen on the US coast? As part of the West Coast Offshore Vessel Traffic Risk Management Project, the US and Canadian Coast Guards collected reported casualty data for an eight year period. 800 casualties were recorded, but we noted that foreign flag vessels are not required to report outside of the 12 mile boundary, so this number was probably low. USCG Pacific Area staff extrapolated 96 incidents which met the criteria for this study; of these 15 were tank vessels. These tank vessel casualties occurred within 9 to 200 nm offshore. Not only are these regulations mandated by the US Congress, and long delayed, but they are still necessary to oil spill prevention.

We do agree with AWO and INTERTANKO comments on one aspect, however, i.e. that tank vessels should not be alone in bearing the responsibility for ensuring salvage and firefighting coverage. Far more casualties occur which involve cargo, passenger, and fishing vessels over 300 gross tons, and these should be covered as well. Since the USCG does not require oil spill contingency plans for these vessel types, we recommend that the USCG work through the Area Planning process to identify available salvage resources. The USCG should also establish its own Basic Ordering Agreements with salvors to cover non-tank vessels until such time as contingency planning regulations are extended to this vessel type. We further

encourage the USCG to approach salvage planning on a regional basis which can accommodate unique issues of response time standards as well as availability of response resources, and which may provide cost efficiencies by evaluating salvage needs beyond each COTP area. There may be a number of approaches which could work to improve salvage capability, including dedicated resources, establishing minimum distances offshore for vessel traffic, and cooperative funding with states to provide for stand-by tugs during severe weather events.

Finally, we note the need for USCG coordination with the Canadian Coast Guard. Not only is there an existing agreement which requires the USCG to give the CCG an opportunity to adopt similar regulations in the Puget Sound area (the Canada/United States Cooperative Vessel Traffic Service Agreement for the Juan de Fuca Region), but doing so would also level the playing field for US ports vis-à-vis Canadian ports.

Thank you for the opportunity to comment on these proposed rules. If you have any questions regarding these comments and supporting material, please contact me at the phone number or addresses above.

Sincerely yours,
(submitted electronically)
Jean R. Cameron
Executive Coordinator

**APPENDIX A
EMERGENCY TOW VESSEL CAPABILITY MATRIX (BOLLARD PULL IN TONS)**

Study	Assisted Vessel Type/Size (deadweight tons)	Moderate Weather Seas 10-20', Winds 20-40 kts.	Very Rough Weather Seas > 20', Winds > 40 kts.
Washington State Office of Marine Safety (Allan) Emergency Towing System Task Force Report, 1994 ¹	All Types up to 180,000 Tons	100	150
Canadian Council of Ministers of the Environment (Allan & Dickins) A Review of Escort, Rescue and Salvage towing Capability in Canadian Waters, 1995 ²	265,000 Ton Tanker	42 (South BC) – 70 (North BC) South BC = West Coast of Vancouver Island North BC = Queen Charlottes & North	120 (South BC) – 220 (North BC)
Alaska Department of Environmental Conservation Best Achievable Technology, 1997 ³	265,000 Ton Tanker	Not Addressed	90-125
Enhanced Puget Sound International Tug of Opportunity System (ITOS), 1998 ⁴	<u>Tanker/Bulker</u> <40,000 40,000 – 75,000 75,000 – 125,000 125,000 – 250,000 <u>Container/Cruise/Car Carrier</u> <40,000 40,000 – 75,000 75,000 – 125,000 125,000 – 250,000 <u>Reefer/RORO/Log</u> <40,000 40,000 – 75,000 <u>Fishing</u> <40,000	35-39 40-59 >60 >60 >60 40-59 >60 >60 >60 35-39 40-59 35-39	40-59 >60 >60 >60 >60 40-59 >60 >60 40-59
United Kingdom Emergency Towing System, 1998 ⁵	265,000 Ton Tanker	Not Addressed	125

¹ Worst Case Planning. Planning factor was the capability to effectively respond to 99% of vessels adrift in severe conditions (slightly less than Very Rough above).

² Worst Case Planning. Planning factor was the capability to effectively respond to 94% of vessels adrift in severe conditions (slightly less than Very Rough above).

³ Worst Case Planning. Planning factors based on tank vessel and tow vessel operator experience and actual towing tests.

⁴ All Case Planning. Planning factors based on tow vessel operator experience.

⁵ Worst Case Planning. Planning factors based on actual emergency towing experience.

APPENDIX B

Estimated Tug Distances and Times from Selected West Coast Ports

Location	Latitude (degrees- minutes- seconds North)	Longitude (degrees- minutes- seconds West)	DeciLat (Degree)	DeciLong (Degree)	Estimated distance from harbor entrance (nautical miles)	Estimated time from harbor entrance
San Diego, at Pt. Loma	32-39-54	117-14-30	32.66500	-117.24167	5.5	.5 hour
LA/LB at Pt. Fermin	33-42-20	118-17-36	33.70556	-118.29333	5.5	.5 hour
San Francisco sea buoy	37-45-0.0	122-41-36	37.75000	-122.69333	18	2 hours
Columbia River entrance buoy ("CR")	46-11-05	124-11-03	46.18472	124.18417	64	6 hours; 2 to man a tug and 4 hours travel time from Rainier
Puget Sound at "J" Buoy	48-29-12	124-43-42	48.48667	-124.72833	See note 1 below	5-6 hours from Port Angeles, 10- 12 from Seattle, 8 -10 from Vancouver
Valdez at Cape Hinchenbrook	60-14-18	146-38-48	60.23833	-146.64667	See note 2 below	1 hour from Hinchenbrook, 5-6 from Valdez

1. 55 miles from Port Angeles, 63 miles from Victoria, 95 miles from Anacortes, 125 miles from Seattle
2. 10 miles from Hinchenbrook Island, 62 miles from Port Valdez