

Summary Notes¹
Pacific Oil Spill Prevention Education Team (POSPET) Meeting
October 11, 2005
Washington Department of Ecology
Lacey, WA

Attending: Eric Olsson, Washington Sea Grant; Mary Ellen Voss, Washington Department of Ecology; Kristen Feindel, Oregon Marine Board; Chris Wilke, Puget Soundkeeper Alliance; John Boettner, Washington Dept. of Natural Resources; Andy Suhrbier, Pacific Shellfish Institute; Peter Anderson, Oregon Department of Environmental Quality; Kurt Torgerson, US Coast Guard Auxiliary, Sector Portland; and Jean Cameron, Pacific States/BC Oil Spill Task Force. **Attending by speaker phone:** Vivian Matuk, California Coastal Commission and Mike Richards, Georgia Strait Alliance

Discussion Notes

WELCOME AND ACKNOWLEDGEMENTS:

- Eric Olsson, POSPET Chair, welcomed participants and asked Jean to present POSPET Certificates of Appreciate to Mary Ellen Voss of the Washington Dept. of Ecology and Rob Hughes of the California Office of Spill Prevention and Response for their efforts to develop and print the *Spills Aren't Slick* decals and signs, which Rob shipped to all POSPET members (see page 6 below for more details on that project).
- Eric also noted that POSPET provides a forum for cooperative efforts to reduce small oil spills and other environmental impacts of recreational boating and marinas, and that such cooperation reduces costs and improves the efficiency of all its members' endeavors. POSPET members "take away what they need and contribute what they can," he said.

UPDATES ON MEMBER'S SPILL PREVENTION PROJECTS AND EDUCATIONAL ACTIVITIES:

Washington

- **Eric Olsson** reported that his recent work on behalf of **Washington Sea Grant** had included providing "spill kits" and outreach to groups such as the Pacific Harbormasters and shellfish growers. In addition to decals and spill prevention information, the kits include absorbent pads and gas nozzle collars, otherwise called "fuel bibs." Air pollution and waste disposal issues associated with these fuel bibs are regulated by counties in Washington, he explained.
- **Andy Suhrbier of the Pacific Shellfish Institute** worked with Eric to distribute 180 spill kits and 80 *Spills Aren't Slick* signs after Linda Pilkey-Jarvis of Ecology gave a presentation on spill response and reporting. FYI, the Institute's website is www.pacshell.org.
- **Mary Ellen Voss of the Spills Program at the Department of Ecology** noted that the Dalco Passage oil spill in Puget Sound one year ago had provided impetus for more outreach and interaction with concerned citizens, as well as for the promotion of the *Spills Aren't Slick* campaign and the OILS 911 reporting number. She also noted that she's interested in coordinating with other POSPET members on outreach at boat shows and fairs in Washington.
- **John Boettner of the Washington State Department of Natural Resources (WDNR)** John pointed out that WDNR has a mandate to generate revenue from state owned aquatic lands (SOALs) in a manner that is a public benefit; revenue can be from sources such as marina leases, aquaculture, geoduck harvesting, etc. Funding generated by WDNR goes to support schools, grants for environmental restoration and public access, etc. The various activities employed to generate revenue can put WDNR in conflict with other mandates such as: "Ensuring environmental protection," and sometimes requires balancing priorities to achieve a

¹ NOTE: This is a meeting summary and is not intended as a verbatim record of all presentations or comments made during the meeting.

public benefit. As a proprietary authority WDNR does not impose environmental standards through regulatory actions, however they can attach lease conditions based on initial permit reviews by Ecology and Fish & Wildlife, and specify additional safeguards to reduce or eliminate environmental liability. However, there are no permit reviews required for lease renewals. A list of 299 WDNR marinas has been generated and supplied to Mary-ellen Voss and Eric Olsson to help dispense POSPET educational materials (hopefully they have thrown out the early version and have started using the updated web link supplied.).

- **Chris Wilke of the Puget Soundkeeper Alliance (PSA)** explained that PSA received a grant to work with King County's Environ Stars program - which focuses on Household Hazardous Waste and Small Quantity Generators – to expand that program to marinas. He's collaborating with the NW Marine Trade Association to develop a Clean Marina Program; Ecology, DNR, and Washington Sea Grant will participate on a steering committee for this effort. Four marinas have been certified so far, and Chris believes that others will see the value of reduce liability and good exposure that comes from being certified.
 - Chris also handed out copies of PSA's *Sound Information: A Boater's Guide* which provides information on Puget Sound and pollution prevention with a focus on oil and fuel, sewage, plastics and trash, cleaning products, and boater maintenance.

Oregon

- **Kristen Fiendel, the Clean Marina Coordinator for the Oregon Marine Board**, provided attendees with a list of dates and locations for the Clean Marina Program "kickoff workshops." Workshops will be held in Newport, Coos Bay, St. Helens, Portland, Astoria, and at various other locations to be determined.
 - Handouts at the workshops will include free bilge socks and copies of the Clean Marina Guidebook which lists the Clean Marina BMPs and provides checklists.
 - As noted on the handout, the Marine Board's "Clean Marina program is a voluntary program encouraging marina operators to protect water quality by using environmentally sound operating and maintenance procedures." Marinas become state-certified as Clean Marinas if they are in compliance with environmental regulations and use a high percentage of environmentally sensitive practices. Marinas first sign a pledge to work towards certification within a year; Kirsten will then provide them with technical assistance to reach that goal.
 - Kristen explained that a stakeholder advisory group helped develop the program and will also help with the marina inspections for certification, as will Oregon Sea Grant and the USCG Auxiliary. Once a marina is certified, they'll be able to fly the Oregon Clean Marina flag and use the logo in their ads. They'll also be listed by the state, and will receive a dockside fuel kit like the one used in the Florida program, she said.
 - Kristen provided POSPET members with copies of the Clean Boaters Guide which was developed as part of this program. The guide includes the OILS-911 number as well as information regarding spill prevention, sewage management, boat cleaning with least toxic products, vessel maintenance, fish cleaning, garbage and litter control, and aquatic nuisance species. Emergency numbers are provided for all Oregon counties as well as state and national numbers, and a list of boat waste collection facilities is included.
 - The Oregon Marine Board's clean boating website is <http://www.boatoregon.com/Clean/index.html>
- **Pete Anderson of Oregon DEQ** explained that he provides technical assistance for small quantity generators and for Household Hazardous Waste (HHW) collection efforts, although recently he's been working primarily on the Portland Harbor Superfund site. He plans to begin HHW outreach programs in Astoria and the Columbia River Slough area.

- **Kurt Torgerson of the US Coast Guard (USCG) Auxiliary, Sector Portland**, noted that the Auxiliary's role had changed since 9/11 to include more "first response," which includes the Northwest Waterway Watch Program. Volunteers with access to a water view register with this program to report oil spills or vessels in distress. They are not required to take any action, just to report and to help define the nature of an event. For more information, go to www.cgaux1307.org.
 - Kurt also noted that the USCG auxiliary helps provide boater education in Oregon, which now requires that everyone 45 years old or younger be certified. In addition, they hand out safe boating literature at the Oregon Boat Show and the Oregon Sportsman Show and can include information on clean boating. They also provide new boat owners with safety kits through boat dealers.
 - The USCG Auxiliary also helps staff the Environmental Awareness Booth at the Oregon Museum of Science and Industry.
 - He also handed out copies of the *Federal Requirements and Safety Tips for Recreational Boats*.

California

- **Vivian Matuk of the California Coastal Commission** gave an update on the Contra Costa County "Keep the Delta Clean" program, which had produced the *Sacramento – San Joaquin Delta Map for Recreational Boating* featuring marinas, environmental services, and used oil collection centers.
 - She explained that the Delta provides drinking water to more than 20 million Californians and irrigation water for 7 million acres of farmland, as well as recreational opportunities. The six Delta counties have about 174,000 registered boats and over 150 marinas.
 - The Coastal Commission partnered with the Contra Costa County Watershed Program and the California Dept. of Boating and Waterways on this public education project. Vivian also noted that both marina operators and boaters were involved in project development.
 - Five thousand boater kits were developed and distributed during the 2005 boating season as part of this project. Five thousand boater kits more will be distributed during the 2006 boating season. A photo of this kit is available at <http://www.coastal.ca.gov/ccbn/ccbndx.html>. (Go to the KEEP THE DELTA CLEAN SECTION (left buttons), scroll down and check the green box. Note that some brochures are missing in that picture, including: the West marine discount coupon, the personal flotation devices brochure, the ABC of the California Boating Law, the Tide Tables, and the brochure about non-native invasive species.)
 - The Delta maps were included in the boater kits, and all items promoted the 1-800-CLEANUP number and www.Earth911.org as resources for information on environmental services by zip code.
 - Vivian noted that the Delta Program had sought to provide fuel bibs to the five pilot marinas, but the California Dept. of Toxic Substances and the Air Resource Board said that these marinas would need to get a special permit in order to collect the used fuel bibs since fuel falls in a different RECRA category. Now the Delta program has 5,000 fuel bibs stored in a warehouse until these objections are resolved.
 - Vivian explained that five marinas in the Delta agreed to participate in a pollution prevention project; they ranged in size from a large marine with more than 200 slips to a small one with only ten slips. Absorbent pad exchange programs were set up in each of the five pilot marinas. Three of the five marinas are becoming CA Certified Used Oil Collections centers. These marinas will be collecting from boaters and the

public for free Household Hazardous Wastes such as used oil, saturated oil absorbents, empty used oil containers, and batteries. The program is also evaluating other pollution prevention systems, such as fish cleaning stations, pet waste stations, and a recycling program.

- 18,000 maps were printed on waterproof paper at a cost of less than \$1 each.
- The Coastal Commission also trains Dockwalkers each year; 60 new Dockwalkers were trained for the Delta project, primarily from USCG Auxiliary members. Altogether, 500 Dockwalkers have been trained since 2000. Once trained, Dockwalkers distribute the boater kits and complete surveys of the boaters they encounter. West Marine is a sponsor of this program and includes discount coupons in the boater kits. More information on this program can be found at <http://www.coastal.ca.gov/ccbn/ccbndx.html>

British Columbia

- **Mike Richards of the Georgia Strait Alliance** explained that their Clean Boating Program provides boater kits which include absorbent pads with information on their safe use and disposal, plus a guide to clean boating. See their website at <http://www.georgiastrait.org>.
 - His group distributed 1500 kits this year, Mike reported, primarily to marinas and yacht clubs in the Greater Victoria area. Vancouver and Nanaimo will be targeted in future campaigns.
 - High school students helped with the distribution and were able to get credit for their work.
 - Mike noted that “green marinas” are not a major focus in British Columbia, but he is working with trade associations and the Pacific Yachting magazine to develop an award for the marina with the best environmental record.

MORE ON BEST MANAGEMENT PRACTICES AND CLEAN MARINA PROGRAMS:

- Vivian Matuk noted that she has a database of about 13 Clean Marina program nationwide based on a survey conducted by the San Francisco Bay Keepers. She will send a copy to POSPET members.
- Members noted that Florida reduces its lease fees for certified Clean Marinas and is working to get marina insurers to reduce their fees too.
- The group discussed various issues associated with maintaining spill response kits at marinas, such as the need for a regular inventory and control of the kit contents. The question was also raised as to whether marina operators or boaters using a marina should be encouraged to respond to a spill if they don't have HAZWOPER training. Kurt Torgerson explained that they could deploy boom, as long as they didn't directly come into contact with the product.
- Vivian noted that California uses the term “Best Recommended Practices” instead of “Best Management Practices” in order to reduce the state's liability.
- Jean also provided copies of brochures from the Texas General Land Office regarding their Bilge Reclamation Project and from California Sea Grant regarding nontoxic antifouling strategies.

PRESENTATION ON WA DNR's DERELICT VESSEL PROGRAM BY JOHN BOETTNER:

John explained that WDNR is authorized by the legislature to manage aquatic land in the interest of the citizens of Washington State. Through leases of facilities on, over, and under aquatic lands, WDNR generates revenue to support school systems and a grant program to restore habitat, provide public access, etc.

The scope of Dept of Natural Resources management activities on aquatic land includes aquaculture, geoduck resource harvest, and other activity that makes WDNR the party most at risk to impacts from sunken derelict vessels. The case was made to the legislature to invoke legislation to protect DNR assets in early 2000. In 2003, RCW 79.100 was passed to help provide funding

through yearly vessel registration fees in addition to a \$5 surcharge on the cost to obtain a foreign vessel identification document to be dispensed by DNR to remove derelict vessels. The money generated amounts to about 400,000 dollars per year. The Washington State boating community is largely supportive of the program, and find the registration tax relatively painless.

- Derelict vessels in Washington waters are prioritized for removal as follows:
 1. Vessels in imminent danger of sinking;
 2. Vessels posing a direct threat to human health or safety;
 3. Vessels posing a direct threat to the environment;
 4. Vessels posing a direct threat to navigation; or
 5. Vessel meets the definition of “derelict” or “abandoned” but does not meet any other criteria.
- Vessels up to 200’ in length are removed in order of priority; there are currently 101 vessels on the list.
- He explained that certain public entities, as defined in the law, can take temporary possession and custody of vessels meeting the definitions of “derelict” or “abandoned.” These “Authorized Public Entities” (APEs) include WDNR, WDFW, Port Districts, Parks & Recreation Commission, Metropolitan Park Districts, and any city/town/county with ownership, management or jurisdiction over aquatic lands. This authority is permissive – authorized public entities do not have a duty to exercise the authority. They can request that DNR act as the lead. If an APE is unable or unwilling to act on their behalf, the only options open to a private land owner fall under trespass or common law.
- An APE can take temporary possession of a vessel in immediate danger of sinking, breaking up or threatening to impact human health/safety, the environment or navigation. The vessel is held by the APE and the owner must be notified as soon as possible. The process of taking custody takes 30 days, and requires four types of notification. (Letter to last know address of owner and lien holders registered with any state or federal agency; boat posting notice; newspaper publication notice; DVRP website posting notice). A further 20 days should be allowed before vessel disposal or sale—the previous owner has a statutory right to file a lawsuit to redeem the vessel or dispute the amount of costs they owe. Requiring individual vessels get salvage insurance is a good way way to resolve funding issues with sunken vessels, help to resolve owner liability. Also, insurance requirements can be required as a condition of marina leases.
- Up to 75% of the cost of vessel removal and disposal by an APE can be reimbursed by DNR. The remaining 25% can be provided by the public entity in the form of funds or “in-kind” services (personnel time, equipment use). The timeframe for reimbursement is based on the vessel priority category and the DVRA fund balance. The 25% in kind service can be shared between APEs; for instance, 12.5% provided by a park service, and 12.5% from a city or county.
- There are two methods that can use for fund reimbursement: APEs can apply for an Assurance of Funds (IAA) or submit a Request for Reimbursement after the fact. The former provides an assurance of reimbursement good for two years; the latter are held and assessed at the end of each quarter. Reimbursements are assessed based on: whether the APE followed the procedures laid out in RCW 79.100, the Derelict Vessel Removal Account (DVRA) fund balance, and the priority rating of the vessel.
- Vessels are removed from the water in the most appropriate manner (tow, lift out/beach). Sunken vessels are raised by a combination of air-lift bags and high-pressure pumping. Pollutants are removed and disposed of meeting all state and federal laws, rules and regulations. The vessels are then demolished with heavy plant and cutting equipment and land filled appropriately.
- Vessels can be scuttled with the appropriate EPA permit Vessel scuttling is currently discouraged by WDNR; however, there are groups advocating for sinking vessels such as recreational dive groups who desire to use them for dive parks. The popular City of Edmonds

Dive Park has been reported to have been turned into an array of sunken vessel type of theme park (but not through regulatory approval or concurrence from WDNR).

- In cases where scuttling has been authorized, the results have often been less than satisfactory. In one instance a scuttled vessel came to rest in a nearshore eelgrass bed when it was supposed to sink in deeper water; in another recent incident, a scuttled vessel destined for Washington State waters ended up in Canada!
- Even though other states use vessel scuttling as a means of derelict vessel removal management, John has advocated for removal of vessels to the uplands. For one thing, we have no idea of the long term consequences from vessel scuttling. If vessel scuttling is found to have adverse effects they will not be easily remediated, and the question of acting in the public interest is compromised by converting aquatic lands into wrecking yards for vessels.
- The other controversy behind sinking vessels arises from artificial reefs and the apparent productivity resulting from placing ships, or other hardened structures (i.e., quarry spall artificial reefs, etc.) in contrast to the seemingly lesser biologically colonized mudflat habitats. However, a WDFW sponsored program for building artificial reefs has been abandoned after witnessing reef dwelling fish populations collapsed in spite of the prevalence of artificial and natural reef habitat; this led scientists to conclude that artificial reefs might change habitat, but they do not enhance fisheries populations.
- Currently, DNR discourages scuttling derelict vessels; however, recent actions taken by EPA to promote the recent "Ships to Reefs" proposals to dispose of military vessels may ultimately decide.
- John showed a slide of the vessel Laverne, a converted from a minesweeper to a live-aboard vessel. After sinking at its mooring, this vessel went through a Coast Guard cleanup (the photo of the 55gal drum was submitted as part of a FOIA request subsequent to the cleanup). If this incident serves as an example of the impacts from sunken vessels, 6 months after a Coast Guard clean up of the vessel later oil was observed floating to the surface, and still remained present a year later. Chronic spills such as observed in this incident are considered just as damaging to the environment as a large spill event.
- In another example of a vessel salvage operation, John showed a vessel removed from a subtidal depth in lower Puget Sound. This example showed the level of detail required for salvage and oil spill response. Two barges were needed for staging salvage equipment and disposing materials. A backhoe with a modified claw was most efficient during lower tides, a bucket was the only means of removal around the clock. The condition of the engine stringers with oil still covering the surfaces showed how oil kept the timbers preserved but contaminated. If we were not able to remove the entire vessel superstructure, we were instructed to remove everything down to the mudline, then leave the remnants (and the liability of the remaining hazardous materials). The successful removal of the superstructure allowed removal of all materials and restoration of the aquatic bedland. Two fuel tanks shown here removed about 110 gallons of fuel, and point out the importance of the oil spill response team (not to mention the derelict vessel removal program!).
- For more information on Washington's program, check the DVRP website at www.dnr.wa.gov/htdocs/aqr/derelict_vessel/index.html or contact Rick Mraz at (360) 902-1100 or (360) 902-1574, or DVRP@wadnr.gov.
- Info on DVRP website includes:
 - Information on the program
 - Derelict Vessel Reporting form and reporting procedures, applications for reimbursement of removal and disposal costs
 - The current DVRA fund balance
 - The current Derelict Vessel Inventory status
 - Guidelines for authorized public entities
- Kristen Feindel reported that the State Marine Board has authority and funds for vessel removal in Oregon.

UPDATES ON POSPET PROJECTS

"Spills Aren't Slick" campaign

- Mary Ellen Voss reported that she had contacted 321 marinas, ports, or tribal organizations in Washington and 129 agreed to distribute the *Spills Aren't Slick* materials. She sent them posters and a few decals, and invited them to request more material as needed. She coordinated with State Parks and DNR on this distribution. In addition, Ecology did a news release indicating that the *Spills Aren't Slick* materials were available. Mary Ellen noted that most of the *Spills Aren't Slick* contacts were in the Puget Sound area, so she developed a statewide map of boat launches and marinas, and has given a list of marinas and 50 signs to each regional office.
- Eric reported that he's distributed the *Spills Aren't Slick* material directly to groups like the Pacific Harbormasters.
- Chris Wilke noted that the Puget Soundkeeper Alliance has distributed decals to boaters and will provide the posters to marinas as part of their Clean Marina outreach.
- Mary Ellen also reported that Ecology's spills data for 2001-2004 indicated an increase in the number of reported spills from pleasure craft (195) and the number from fishing vessels (88). She will be interested to see if the *Spills Aren't Slick* campaign results in more reporting.
- POSPET members discussed whether additional *Spills Aren't Slick* materials would be needed soon, and felt that this would probably not be the case for a couple more years. Chris Wilke will consider applying for a grant to cover printing next time, since we'll have good cost data from this year, as well as graphics which are already done. Vivian Matuk will provide a pdf on her website which people can download in order to print paper posters for interior use.
- Mary Ellen circulated draft copies of the *Spills Aren't Slick* brochure, which OSPR and Rob Hughes have also agreed to print.² It was noted that it would be nice to have them in time for the January boat shows.
- Brainstorming, members thought that maybe future outreach materials could include floating key chains or T-shirts.

POSPET Web page

- Jean explained that she needed to add the April meeting notes and regularly updates the membership list.
- POSPET members asked if the POSPET page could include logos and weblinks for the member organizations; Jean will check on this.
- It was also recommended that the *Spills Aren't Slick* pdf could be posted on the site so both POSPET members and the general public could print posters for interior uses.

OILS 911 usage report

- Jean reported that from July 2004 through August of 2005, a total of 454 spills had been reported on the 1-800-OILS-911 number. 151 calls were made in British Columbia, 22 in Washington, 9 in Oregon, and 272 in California. She hopes that the new *Spills Aren't Slick* campaign materials will improve the call numbers in Washington and Oregon.

Regulatory Climate

- Eric reported that the Washington Legislature had passed a mandatory boater education requirement.
- Kristen explained that the Oregon Marine Board uses an on-line exam for boater certification. In addition, the USCG Auxiliary and the US Power Squadron both provide training courses.

² In a 10/25/05 phone conversation, Rob Hughes stated that he's developing the brochure PDF for Mary Ellen's approval and hopes to have the final brochures printed after than.

New POSPET initiatives

- Vivian recommended that POSPET focus on more spill prevention information, not just spill reporting. The group agreed, and noted that spill prevention outreach is the primary focus of what our members do, and what we learn from one another. In addition, the *Spills Aren't Slick* brochure will include spill prevention information that wouldn't fit on decals or posters.
- Vivian noted that the Boat US Foundation has information on spill prevention tools. Their website is <http://www.boatus.com/foundation/>

Outreach campaign to Target Audiences

- It was noted that people who live aboard their boats or in houseboats should be good ambassadors for spill prevention and clean boating outreach and would be effective "Dockwalkers."

NEXT POSPET MEETING

Before adjourning, the group agreed that the next POSPET meeting would be March 9, 2006 in Lacey, WA. Everyone thanked Mary Ellen for hosting again!