

Summary Notes
Pacific States/British Columbia Oil Spill Task Force Coordinating Committee
Meeting with U.S. Coast Guard Pacific Area and U.S. EPA Regions 9 & 10

May 18, 2012
Long Beach, California

Participating: Larry Dietrick and Betty Schorr for the Alaska Department of Environmental Conservation; Dale Jensen and Nhi Irwin for the Washington Department of Ecology; Mike Zollitsch for the Oregon Department of Environmental Quality; Scott Schaefer for the California Office of Spill Prevention and Response; Curtis Martin for the Hawaii Department of Health; CAPT John Caplis for the U.S. Coast Guard Office of Response; CDR Marty Smith for U.S. Coast Guard District 14; Tim Holmes for U.S. Coast Guard District 11; Lance Richman for EPA Region 9; CAPT Greg Buxa, CDR Gus Bannan and Stephen Danscuk for the U.S. Coast Guard Pacific Area; Sarah Brace and Jean Cameron for the Pacific States/ British Columbia Oil Spill Task Force

Participating by phone: Josie Clark for EPA Region 10

Review USCG Pacific Area/OSTF Memorandum of Understanding

- Stephen Danscuk reviewed the 2008 Memorandum of Understanding (MOU) between the U.S. Coast Guard Pacific Area and Pacific States/British Columbia Oil Spill Task Force, noting that the MOU recognized a long-standing partnership and established a mechanism to continue it. This meeting is held annually pursuant to that MOU.
- Jean Cameron noted that EPA regions 9 & 10 have also been invited to participate for the last few years, since the focus of the meeting is for state and federal agencies with oil spill responsibilities to share information and explore opportunities for cooperation.

Updates (activities, initiatives, personnel changes of interest)

CAPT John Caplis, U.S. Coast Guard (USCG) Office of Response

- CAPT Caplis noted that retired RADM Mary Landry is serving as the Director of Incident and Preparedness Directorate in a civilian capacity. As such, she is responsible for policies governing Marine Environmental Response, Search and Rescue, Contingency Planning and Exercises.
- In other personnel changes at Headquarters, VADM John Currier is relieving retiring VADM Sally Brice-O'Hara as Vice Commandant and VADM (sel) Pete Neffenger is relieving retiring VADM Brian Salerno as Deputy Commandant for Operations.
- CAPT Caplis noted that Senior Coast Guard staff will participate in Spill of National Significance (SONS) training on August 8th. This training is for senior level staff and will include training on the National Contingency Plan.
- He also noted that the Incident Management Handbook is being updated; this process will include an opportunity for the states to provide comments.

Scott Schaefer, California Office of Spill Prevention and Response (OSPR)

- Scott reported that he's still in "Acting" status as the OSPR Administrator, awaiting final confirmation by the Governor. He also reported that Chris Graff, who is "Acting" as Deputy Administrator, plans to retire at the end of June.
- He reported that the number of spills of one barrel or larger to marine waters was reduced by 50% over the last year, while the number of Loss of Power incidents has increased. OSPR and the USCG are working with incoming vessels on the topic of fuel switching and the impact of low-sulfur fuel on their equipment.
- Scott noted that AB 2005 has been introduced in the California Assembly to ease the state's contingency plan requirements for large yachts.

- Noting the financial problems of California's Oiled Wildlife Care Network (funded by interest on the response fund, but interest rates are very low), he reported that funding is being proposed from the nontank vessel fee and from the state's per-barrel fee on oil.
- Regarding bunkering, Scott noted that OSPR will get 16 FTEs to monitor bunkering operations statewide. He also explained that OSPR staff is participating in training sessions for bunkering operators instead of conducting drill. They are promoting face-to-face meetings of the Persons-In-Charge.
- Scott also noted that OSPR staff is training to the U.S. Coast Guard and FEMA Professional Qualification Standards.
- OSPR is hosting workshops in Northern and Southern California that will address the following topics: OSRO rating renewals; streamlining the Nontank vessel contingency plans; potential amendments to the Drills & Exercises regulations; and unannounced drills to test Spill Management Team capabilities.
- Scott reported that the Inland Response Fund, which only receives funds from settlements, may run out of money in the next fiscal year.
- OSPR and the State Lands Commission will host the 2012 Prevention First conference October 23-24, 2012. The Pacific Coast Harbor Safety Committees will hold their annual summit on October 25, following that conference.

Tim Holmes, USCG District 11

- Tim reported that RADM Karl Schultz will replace RADM Castillo. CAPT Jason Fosdick will replace CAPT P. J. McGuire as chief of the D11 Prevention Branch and CAPT Kelly Hatfield will be the chief of the Response Branch.
- He also noted that the Region 9 RRT would be meeting in Oakland and that the MEXUSPAC Joint Response Team met in San Diego regarding updates to the MEXUSPAC Annex based on the MEXUS Gulf exercise.

Lance Richman, EPA Region 9 - RRT9 Coordinator

- Lance explained that Lisa Jackson, the EPA Administrator, and ADM Papp, the U.S. Coast Guard Commandant, have been sued by three environmental organizations for failing to follow Section 7 of the Endangered Species Act (ESA) and Subpart J of the National Response Plan – which cover consultation regarding possible impacts of oil spill response actions to ESA listed species – when developing the Area Contingency Plan, the California Dispersant Plan and the Regional Contingency Plan for Region 9. The lawsuit basically affects the pre-spill planning phase, he noted; the existing response phase is OK.
- The consultation guidelines outline an informal process whereby the action agencies (EPA/CG) request lists of potentially affected endangered species and their critical habitats within the pre-designated zones for dispersant use. These requests are to be submitted to the U.S. Fish and Wildlife Service (USFW) and the National Marine Fisheries Service (NMFS). Based on the lists, EPA develops a biological assessment regarding impacts on listed species and their habitats. When EPA submits that biological assessment to the Service agencies, that step initiates a formal process leading to a biological opinion that may include mitigation requirements.
- Lance reported that the first court hearing on the suit is scheduled for June 18, 2012.

CDR Marty Smith, USCG District 14

- CDR Smith reported that the District is working with the Sectors to address the issue of ESA consultation and Section 7. Their dispersant use pre-approval agreements and checklists will be reviewed. He referred the group to this National Response Team link:
<http://www.nrt.org/production/NRT/NRTWeb.nsf/PagesByLevelCat/Level2ESAMOU?Opendocument>.
- CDR Smith noted that the District is updating Area Plans with regard to assignments to ICS positions, including incident communications to media and stakeholders.
- He reported that debris from the Japanese tsunami has not yet shown up in the NW Hawaiian islands; nevertheless, the Regional Response Team is reviewing the Area Plan process for handling derelict vessels.

Curtis Martin, Hawaii Department of Health

- Curtis explained that responders in Hawaii are watching dispersant policy developments with regard to potential impacts on the habitat of the monk seal, which is listed as an endangered species.
- He also noted that recent spills at storage tanks have highlighted concerns regarding SPCC standards for containment systems; he's working with EPA on this issue.

Mike Zollitsch, Oregon DEQ

- Mike reported that marine debris from the Japanese tsunami is becoming a major concern in Oregon, so state agencies are developing plans based on their respective authorities.
- He explained that DEQ's Emergency Program has developed expedited enforcement options for their SOSCs that will allow them to "write a ticket" in the field for small spills, as opposed to using a more complicated fine process. This new program will begin on July 1st.
- DEQ staff participated in the District 13 Area Command training in January as well as in FEMA's Emergency Support Function 10 workshop.
- Mike also reported that the NW Area Committee has established a task force focused on abandoned and derelict vessels.

Dale Jensen and Nhi Irwin, Washington Department of Ecology

- Dale stated that he appreciated being able to attend the National Response Team meeting held in Portland on May 4th.
- Regarding Ecology's Spills Program, he explained that they had faced a 15% reduction in funding over the past three years, and future funding remains uncertain due to ongoing budget shortfalls in Washington State. The primary impacts on their program have been reductions in staff available to conduct vessel inspections or to participate in Table Top Exercises. As a result, the program's focus is on spill response and on inspecting OSRO gear and personnel.
- Ecology is currently updating their MOA with District 13, Dale noted.
- He also noted that Washington's pre-booming regulations have been very effective, especially the pre-loading conference requirements. He also noted good compliance rates with the regulations.
- Dale explained that the rulemaking process for HB 1186 is ongoing; the final Workgroup meeting will be in June. The next step will be the formal rulemaking process with filing notice in June. The draft regulations based on the work from the Rule Advisory Committee will be posted on the web. There will be an opportunity to give public comments during the official public comment period. He noted that the topics covered by the new regulations include Vessel of Opportunity Systems, volunteer management, BAT/BAP planning standards, and increases in NRDA fines for small spills.

U.S. Coast Guard District 13

- CDR Bannan reported that District 13 is planning an equipment deployment drill in the Strait of Juan de Fuca in cooperation with the Canadian Coast Guard and in conjunction with the Coast Guard Summit.
- D13 is planning a NW Oil Spill Control Class in Port Angeles August 24th.

Josie Clark, EPA Region 10

- Josie reported that Region 10 is also working on ESA issues, as well as on the Inland Subarea Plan. They're also developing SCAT protocols for inland areas.
- She noted that their Canadian partner agency, Environment Canada, has seen all its response staff in British Columbia cut and replaced with staff from Montreal. She's concerned about the impacts on international agreements.
- Josie also noted that the Area Committee's webinars have been popular.

Larry Dietrick and Betty Schorr, Alaska DEC

- Larry reported that Alaska is dealing with Arctic issues at the state, national and international levels. The Legislature has created a “Northern Waters Task Force” focused on Arctic issues, and the State is evaluating shipping trends and risks, especially with regard to the Aleutians. ADEC is tracking the Nontank Vessel contingency plan requirements of the U.S. Coast Guard, particularly with regard to Alternative Compliance standards. They’re also tracking the Port Access study for the Bering Straits.
- He also noted that Alaska has an ongoing concern regarding the possibility of a cruise ship grounding similar to the *Costa Concordia* tragedy in Italy, since there is so much cruise ship traffic in Alaska. The SE Alaska Subarea Committee is evaluating its plan with regard to that topic.
- Larry noted a recent incident on the North Slope that involved a drilling mud blowout.
- The Alaska Division of Oil and Gas is following the issue of subsea containment technology and standards.
- Regarding Shell Oil’s proposal to explore for oil in the Beaufort and Chukchi, Larry noted that Shell is bringing response equipment and staff with them with a primary focus on immediate containment and control. The NW Alaska Subarea plan has been updated with a focus on developing nearshore tactics for remote areas. Shoreline cleanup will be marine based, not land based, since there is no infrastructure in place.
- Larry explained that all Arctic drilling/exploration activities must be closed for the winter by September 28th. He also noted that the proposed Shell platform will be 70 miles offshore in the Chukchi; all access will be by helicopter. He further explained that Shell proposes to run a pipeline 80 miles overland from the Chukchi to Pump Station 1 on the North Slope.
- CANUSNORTH will conduct a transboundary drill in August.
- Alaska is coordinating with the Canadian Arctic provinces; some Arctic deepwater drilling is likely off Canada.

Stephen Danscuk, CAPT Greg Buxa, and CDR Gus Bannan for the USCG Pacific Area

- Steve reported the following Pacific Area Senior personnel changes:
 - VADM Paul F. Zukunft relieved VADM Manson Brown on April 27, 2012. VADM Zukunft previously served as the Assistant Commandant for Marine Safety, Security and Stewardship at CG HQ; he was also an FOSC for the Deepwater Horizon spill. He has served as the commander for D11 and has also served in D14.
 - VADM Brown will be assuming duties as the Deputy Commandant for Mission Support in Washington DC.
- Other Pacific Area leadership changes include:
 - RADM Jose Castillo will be taking over as the Deputy Pacific Area Commander on June 1; he’s replacing RADM Christopher Colvin who is retiring. RADM Castillo was previously the 11th CG District Commander.
 - CAPT June Ryan assumed duties as the new Pacific Area Chief of Staff this past month, replacing CAPT Charlie Diaz, who has retired.
 - CAPT Matt Bell relieved CAPT Matt Bliven as Chief of Pacific Area Response. CAPT Bliven moved over to duties as the America's Cup Coordinator for the CG.
- Steve reported the following significant cases/issues were reported to the group:
 - The Japanese Tsunami Marine Debris is an ongoing issue of concern.
 - The sinking of the *Ryou-un Maru* on 0APR12 was a derelict vessel that became a hazard to navigation.
 - The lawsuit against the U.S. Coast Guard and EPA by (see EPA R9 report above) for alleged violations of the Endangered Species Act and failure to meet formal consultation requirements for Region IX Contingency Plan and use of Dispersants was by the Center for Biological Diversity, the Surfrider Foundation and Pacific Environment. It is an ongoing issue that is being addressed.
 - The successful Nome, Alaska refueling by the *T/V Renda* (RS) assisted by the *CGC Healy* in January of 2012 resulted in 1.3 million gallons of fuel being successfully transferred without a spill.
 - PacArea approved several vessel removal operations, including the *Davy Crockett* on the Columbia River and the *Sound Developer* in Cordova AK (NOV 2011)

- Several explosions have occurred on refrigerated containers serviced at a facility in Cat Lai Vietnam. The cause is suspected to be counterfeit refrigerant. Unfortunately, several people around the world died when attempting to service the cooling systems.
- The U.S. Coast Guard has assisted with the investigations of the Costa Concordia and Costa Allegra incidents by interviewing survivors. The Cruise Line industry is recommending that cruise ships conduct lifeboat drills before departure, with the CG witnessing some of these pre-departure drills.
- Pacific Area is working on the National Ocean Stewardship Policy/Coastal and Marine Spatial Planning process for Hawaii, the West Coast and Alaska.
- Pacific Area has also been participating in the USCG/AWO Regional Quality Steering Committee meetings.
- Steve reported that Pacific Area completed their last assessment of voluntary compliance with the West Coast Offshore Vessel Traffic Risk Management Project Workgroup's recommended distances offshore during the first week of August 2011; it showed an apparent 96% compliance with recommended distances.
- He also noted a variety of successful Federal prosecutions for environmental crimes associated with illegal bilge oil bypasses, especially in American Samoa. These are violations of both MARPOL and APPS.
- Pacific Area is currently working with D14 and the South Pacific Regional Environmental Programme (under Secretariat for the Pacific Communities) on development/updates to the Pacific Plan (PACPLAN). A workshop is planned for later this year.
- USCG Staff symbols changes should make it easier to understand what office we're dealing with (ex: Marine Environmental Response is now CG-MER instead of CG-533).
- Steve noted the following issues "on the horizon":
 - Coordination on marine debris issues is ongoing among federal agencies; NOAA will track the debris, the USCG will respond to any navigation hazards posed by the debris, and EPA will deal with waste management.
 - The America's Cup races in San Francisco Bay (World Series races this summer/fall, challenger trials/races next summer. The final races will be in the fall of 2013.)
 - The U.S. Coast Guard is likely to face more budget cuts in the near future, with likely reductions in travel.
 - On the Pollution Prevention front, on 01AUG12 the North American Emissions Control Area (ECA) comes into effect, mandating that ships switch to Low Sulfur Fuel at 200 nm. The U.S. EPA is responsible for enforcement; they will ask the U.S. Coast Guard to inspect fuel usage in the U.S. EEZ during routine inspections or boardings.

Jean Cameron, the Pacific States/ British Columbia Oil Spill Task Force (25)

- Jean noted the transition process to hire Sarah Brace, the next Executive Coordinator for the Oil Spill Task Force.
- She also reported the following projects undertaken by the Task Force over the past year:
 - The task Force hosted a "Summit" for the Harbor Safety Committees of the Pacific U.S. in late October of 2011;
 - They continued to promote improvements in spill response planning for the U.S. borders with Canada and Mexico;
 - They petitioned the U.S. EPA, the Bureau of Ocean Energy Management and the Pipeline and Hazardous Materials Safety Administration to increase the limits of liability for regulated facilities; and
 - They initiated a project to produce a training video on "Best Practices" for fueling vessels;

Discussion Topics

- Clean Pacific Conference debrief:
 - Everyone thought it was a "really good" conference and the TradeFair Group process is helpful.

- The group recommended outreach to under-represented groups, such as the nontank vessel operators, oil marketing groups, and tribes. The Pacific NW Economic Region was suggested as a group to include in future conference planning.
 - The British Columbia Ministry of Environment recommended that better instructions be given to speakers. They also recommended setting up the visual displays so that speakers can more easily see them.
 - Scott Schaefer recommended that the General Session for the state/provincial and federal agency updates should begin at 8:30 and run for 3 hours with one break.
 - It was also recommended that the Program Committee review the session grid early in the process to look for possible conflicts, e.g., avoiding scheduling popular topics at the same time.
- Deepwater Horizon follow up - any changes to UC/ICS?
 - The Coordinating Committee noted the importance of maintaining the integrity of Unified Command (UC) and ICS, pointing out that the role of the Responsible Party is a unique aspect of UC in oil spills. The differences between the Stafford Act/National Response Framework and OPA 90/ National Contingency Plan need to be clarified in FEMA ICS training, as well as for local governments.
 - Larry Dietrick reported that Alaska is developing a 4-hour course for Crises Management Teams; he will provide in more information on this course.
 - Dispersant use policies
 - Curtis Martin pointed out the importance of expediting the RRT consultation process.
 - Transboundary issues (Canada or Mexico)
 - See the D12, D11, ADEC and Oil Spill Task Force reports above.
 - Arctic issues
 - See the ADEC report above.
 - Mutual Aid and the Equipment Surging Workgroup
 - Linda Pilkey-Jarvis, Manager of the Preparedness Section at the Washington Department of Ecology, is on the U.S. Coast Guard's Equipment Surging Workgroup and will keep the other Task Force members advised. The workgroup is starting up again after a short delay and will be looking at the finalizing the charter. It was asked that Linda send the draft charter to the Coordinating members for input.
 - Larry Dietrick emphasized the critical importance of building adequate spill response capacity on every U.S. coast rather than relying too heavily on mutual aid. Considering the oil spill risks in the Gulf of Mexico, he noted that the Gulf region's response capacity was woefully lacking.
 - Loss of Power issues
 - See the OSPR report above.
 - Japanese Tsunami Marine Debris
 - See the Pacific Area, D14 and Oregon reports above.

Potential Collaborative projects

- It was agreed that collaboration on a wide range of topics is ongoing at the state/District level and should continue.
- On behalf of the USCG Pacific Area, Stephen Danscuk will coordinate with Sarah Brace for the Pacific States/British Columbia Oil Spill Task Force pursuant to the MOU.