

# ARRT Meeting Minutes from 10-May-01

**Alaska Regional Response Team (ARRT) Meeting  
Treadwell Room - Baranof Hotel  
Juneau, Alaska  
10 May 2001 (10:15-16:20)**

## **1. Welcome/Safety Brief/Introductions.**

{Carl Lautenberger (EPA Co-Chair) and CDR Jean Butler (USCG Co-Chair)}

Co-Chairs Carl Lautenberger and CDR Jean Butler welcomed everyone and invited participants to introduce themselves. Mr. Lautenberger also gave a safety briefing.

## **2. Work Group Reports.**

### **a. Cultural Resources Work Group (CRWG).**

(by Pamela Bergmann, DOI)

**Alaska Implementation Guidelines.** CRWG State and Federal archaeologists met in February to discuss comments that were received by the USCG and EPA CRWG members on the Alaska Implementation Guidelines. The guidelines are intended to help Federal On-Scene Coordinators (FOSCs) in the implementation of the nationwide Programmatic Agreement on the protection of historic properties during emergency response under the National Contingency Plan. CRWG chairperson (Bergmann) and the USCG representative (CDR Butler) also met in April to discuss the comments and proposed revisions to the Alaska Implementation Guidelines. The plan is to provide CRWG members with the revised guidelines sometime during the summer for final review. Once CRWG concurrence is attained the guidelines will be forwarded to ARRT members prior to the next ARRT meeting for consideration and approval. Following ARRT approval, the CRWG will focus its energy on helping Federal OSCs with the implementation of the Programmatic Agreement.

**Chenega Exercise.** DOI-OEPC, USFS, and the Alaska Office of History and Archaeology representatives are working with Chevron Corporation representatives and one of their contractors in designing a training session on historic properties that will be part of an upcoming Chevron exercise to be held the week of June 4, 2001, in Prince William Sound (PWS). There will be a special session on the Endangered Species Act, specifically to look at National Marine Fisheries Service endangered species. There will also be three days of field-testing at five sites in the Chenega area.

**Geographic Response Strategies (GRSs).** USFS, NPS, USFWS, and the Alaska Office of History and Archaeology archaeologists have continued to provide historic properties input into the identification, development, and field testing of numerous GRSs that are being developed in various areas of the state.

**b. Wildlife Protection Work Group (WPWG).**

(by Pamela Bergmann, DOI)

**Wildlife Protection Guidelines for Alaska.** The WPWG plans to begin revisions on the guidelines this summer.

**Pribilof Islands Wildlife Protection Guidelines.** Last week the draft revisions to the guidelines were completed and provided to the Pribilof Islands wildlife protection contacts for final review. The revisions focus on updates to contacts, training information, and procedures for updating the guidelines. The revision is scheduled for completion in June 2001. Once those revisions are completed, they will be provided to USCG, EPA, and ADEC for inclusion in the Aleutians Subarea Contingency Plan. The revised guidelines will also be given to the USCG for inclusion in the ARRT webpage.

**CANUSDIX Wildlife Response Work Group.** Representatives of the Canada/U.S. Dixon Entrance (CANUSDIX) Wildlife Response Work Group have continued to work on draft guidelines. In addition, DOI-OEPC has begun work with the CANUSDIX Work Group, U.S. and Canadian Coast Guard representatives, and SEAPRO on an exercise that will take place in Prince Rupert the week of September 17, 2001. A CANUSDIX Work Group meeting is planned, as well as field checking of potential facilities for conducting migratory bird treatment. There will also be a tabletop exercise that will include components of the wildlife response plan.

**Poster Presentation.** DOI-OEPC did a poster presentation on the joint CANUS planning effort at the 2001 International Oil Spill Conference in Tampa during March, which was well received. There have been numerous requests for the e-mail version of the completed plan because the CANUS process is applicable to other countries.

**c. State/Federal/Tribal Trustee Natural Resource Damage Assessment (NRDA) Work Group.**

(by Pamela Bergmann, DOI)

Ms. Bergmann reported that the Case Manager from the NPFC Natural Resource Damage Claims Division, met with the NRDA Work Group and other Trustee representatives in April where they discussed the latest information on the claims process. There is an opportunity to put together written guidelines for the North Slope with regard to subsistence resources. To date, apparently no claims have been made to the NPFC for loss of subsistence resources or activities.

CAPT Bill Hutmacher stated that an effort is being made to get the NPFC to come back to Alaska, specifically Barrow, to talk to the Alaska Eskimo Whaling Commission, the North Slope Borough, and other interested parties.

**d. Science and Technology Committee Report.**

{by CDR Jean Butler, CGD17 (mor)}

**Dispersant Effectiveness in Cold Water.** CDR Butler (Committee Chair) reported that there are pre-approved areas in the State for using dispersants, but there has been a lot of recent discussion about whether using dispersants in cold water on the Alaska North Slope is a viable answer. That puts the FOSCs in a position where they have permission to use dispersants, with the perception that it's not an effective response tool. The Science and Technology Committee plans to review the latest reports and discuss if there is a need to conduct further field testing to validate the usefulness of Corexit on North Slope crude.

- Mr. Lautenberger suggested that the Science and Technology Committee coordinate with John Whitney (NOAA SSC) and Mark Miller (NOAA) to bring together the author of a news article earlier in the year, as well as representatives in the NOAA HAZMAT, to get at the facts.
- Ms. Bergmann (DOI) stated that her agency would like to be involved in the dispersant review process.
- Betsy Walatka (USFS) said her agency wished to be included, as well.
- Dennis Maguire (APSC) stated that ADEC was present at a field test of Corexit on North Slope crude in the North Sea about three years ago, and it was highly effective in open water.
- Brad. Hahn (ADEC) stated that his department is considering a modeling effort, in cooperation with the Oil Spill Research Institute (OSRI), to look at the net benefit analysis of dispersion decisions. The model will project plume dispersion (both surface and subsurface), break the oil down into 30 different components, and evaluate toxicity. The key for a risk assessment is identifying the consequences of using dispersants or not using them. PWS is unique in that \$129 million has been expended on biological studies since 1992. By tying this data into the model, it may provide a format to actually do some valuable risk assessment efforts. ADEC has a draft concept paper, and once the work group has approved it, Mr. Hahn said he would provide it to the ARRT Coordinator to distribute to members. He added that having support from the stakeholders is critical in making the process work. ADEC intends to work with the Science and Technology Committee on the dispersant issue, and the long-range plan is to look at what improvements can be made to the dispersant use guidelines as a result of the modeling effort.

**4. Unified Plan and Subarea Plans Update.**

(by Larry Iwamoto, ADEC)

Mr. Iwamoto handed out a chart showing the status of the Unified Plan and the Subarea Contingency Plans (the chart available on the ARRT website under the plans section). He pointed out that nothing is planned for the Unified Plan Change 3 at this time, but they probably will solicit comments next year for another change.

For Southeast, ADEC is receiving about \$250,000 under the settlement from Royal Caribbean Cruise Line and they are looking at developing 60 GRSs. The contract, which should be awarded this summer, will allow for 18 months to develop the GRS sites and conduct appropriate testing. The project is scheduled for completion around January 2003. Change 1 to the Southeast Plan would follow.

GRSs are also being developed for PWS, with sites in the Chenega area being tested in June as part of the Chevron exercise. The Central Cook Inlet GRSs are done. Three have been done in the Upper Cook Inlet which will be incorporated into Change 1. The GRS process is ongoing for the Southern Cook Inlet (the Homer area), and those changes will be incorporated in Change 2. Change 1 for Kodiak has been completed, with a target publishing date in June. ADEC will probably start working on Change 1 to the Aleutians Subarea Contingency Plan to incorporate the recently revised Pribilof Islands Wildlife Protection Guidelines. ADEC has begun an initiative to develop GRSs for Western Alaska, Northwest Arctic, and the Aleutians, if the capital improvement funding is approved.

The Bristol Bay, Western Alaska, and Northwest Arctic Subarea plans have all undergone public review, and ADEC anticipates publishing those in June. EPA contractors are working on reformatting the resource sections in order to have a common format, and that also should be done sometime in June.

#### 4. State and Federal On-Scene Coordinator (OSC) Reports.

##### a. Alaska Department of Environmental Conservation (ADEC).

(by Brad Hahn, ADEC)

There were 2,081 spills last year, 300 less than in the previous year, so the prevention efforts are working. ADEC is moving forward with a key prevention effort directed at home heating oil tanks, of which there are about 80,000 in the state. Education and outreach efforts are intended to lower the number of preventable home heating oil spills.

##### **Response Update.**

Mr. Hahn distributed the ADEC *Quarterly Reports of Oil and Hazardous Substance Response* for the quarters ended December 31, 2000 and March 31, 2001. He briefly reviewed four significant spills that occurred over the last six months. Situation reports of for all ADEC response activities are available on-line at <http://www.state.ak.us/dec/dspar/perp/respnew.htm>.

➤ The Sag River DOT spill in December 2000 was an overfill due to a stuck float which resulted in over 7,000 gallons of diesel fuel being lost. A recovery trench was excavated, and approximately 1,000 gallons of free product were recovered. A special thanks to APSC for providing the excavator and ventilation fans. More excavation will occur this summer to get at the contaminated soil.

➤ On February 16<sup>th</sup> about six tons of zinc spilled at the Red Dog Mine. This was the 17th spill from trucks hauling ore material from the Red Dog mine to the Kotzebue Sound port facility. Although seventeen sounds like a lot of spills, it equates to about one spill per 4,000 trips. ADEC met with mine officials, and it appears that they plan to switch all their trucks to closed beds with a hydraulic hopper system. ADEC is pleased to see the mining group move in this direction, because truck rollovers are bound to happen in the future on icy roads.

➤ On February 20<sup>th</sup> there was a GC1 spill at D-Pad that was estimated at 11,500 gallons of crude oil, methanol, and water. There were a lot of complications in this event when a pipe ruptured as workers were trying to thaw

it out with methanol. Field sampling indicates that the cleanup was very good, although boom remains in place, and ADEC will be monitoring the site at break-up. Lessons learned from this spill centered on communications problems.

➤ On April 16<sup>th</sup> there was a 92,000-gallon produced water spill at the central processing facility at Kuparuk. The response was very good. The cause was pipeline corrosion in a culvert under a road where it was difficult to monitor. The spill was about 1% oil content, or about 1,000 gallons of oil. Fortunately, there was natural containment around the pipes. Lessons learned from the previous spill were applied, and it was a positive cleanup.

**Drills & Exercises.** A HAZMAT ammonia training exercise was held in King Salmon at the end of April, in which seven canneries participated. ADEC completed technical assistance evaluations on two of the participating canneries and plans to move forward with these types of events in the Kenai Peninsula, Cordova area, and Southeast.

**Prevention & Response Planning.** Mr. Hahn said ADEC is almost ready to release the *Tundra Treatment Manual*. An electronic copy will be available on their website. The manual is not a regulatory document but rather an ongoing effort to capture best practices with various spills and cleanup efforts on the North Slope.

**b. US Coast Guard OSC for Western Alaska.**

(by CAPT Bill Hutmacher, MSO Anchorage)

**Response Update.**

➤ There were the usual group of fishing vessels groundings, and the tragic sinking of the fishing vessel *Arctic Rose* between the Pribilof Islands and St. Matthew Island during April. All 15 people on board the *Arctic Rose* were lost. Minor by comparison, the vessel went down with 20,000 gallons of diesel. The *Miss Marie* grounded in Makushin Bay on Unalaska Island on 19 January. The crew was evacuated by helicopter, and 1,100 gallons of fuel were salvaged without a spill. The fishing vessel *Excel* grounded on Kodiak Island in February when the operator fell asleep. Three people were evacuated, and the vessel broke in half. No oil was salvaged and only a sheen was visible.

➤ There were two incidents involving big log ships. The *Alum Salarus*, a 600-foot ship on its way to the Far East, lost power between Atka and Adak in heavy seas. The *CGC Alex Haley* was able to tow the ship to the Dutch Harbor area. It was potentially a very bad situation that worked out well. Another log ship, the *Leo Forest*, in transit through Unimak Pass, experienced a major stability problem when the logs shifted and broke loose in 30-40 foot seas. Because the cargo was unbalanced, the master was unable to turn the ship until they encountered calmer seas, and they eventually made it back to the Dutch Harbor area. This was another potentially big problem that was averted.

➤ In February the Dolly Varden pipeline from a platform in Cook Inlet had a small leak that lost some crude into Cook Inlet. Unocal shut the pipeline down and it remains so while the company figures out how to deal with it.

➤ Recently, the USCG went to the Bristol Bay area in response to reports of oil leaking at abandoned canneries.

At Nakeen, the tanks were inside a building with Bunker C pooled outside in an open pit where small animal and bird remains were found. The property owner is currently unknown, and the location is fairly close to a waterway. The USCG will probably mobilize a contractor to clean up the site. South Naknek, an active cannery operated by Trident Seafoods, was the site of waste oil drums that were bulging and leaking. CAPT Hutmacher stated that an excellent source of Bristol Bay cannery history is Bob King, the governor's press secretary, and he has been quite helpful. There has been great cooperation between MSO Anchorage and Leslie Pearson (ADEC Central Area SOSC) and Ed Meggert (ADEC Northern Area SOSC) on these cases.

### **Drills & Exercises.**

- The next scheduled drill is a HAZMAT exercise in Whittier, which is timely since the railcar barge operator has changed and is now Lynden.
- MSO Anchorage has participated in deployment exercises and some of the GRS validation work, specifically at Kotoya Bay Hatchery on Kodiak in October 2000. They have been involved with Cook Inlet Pipeline's tabletop drill, as well as the Mutual Assistance Spill 2000 at Prudhoe.

### **Prevention & Response Planning.**

Part of the prevention effort has been focused on barge and towboat operations on the Kuskokwim River. There has been a proposed change in operating procedures with companies discontinuing using the services of a long-time pilot. The USCG met with all the towboat companies to discuss operating practices and how to prevent casualties, and will be on site for the first pilot trip of the year in a couple of weeks.

### **c. US Coast Guard OSC for Prince William Sound.**

(by LT Virginia Kammer, MSO Valdez)

### **Response Update.**

- There have been no major spills in PWS since the last meeting, however, small spills from TAPS tankers with fractures continue to be a challenge. MSO Valdez is concerned about the aging tanker fleet and is continuing to work with companies on prevention measures. This includes changing operations and more frequent drydock intervals. Spills from the *SeaRiver Benicia* and the *Polar Trader* involved small fractures where the oil that had been loaded leaked into another tank and was discharged with the ballast into PWS inside containment boom. Typically, the incidents involve MSO Valdez personnel working with the crew to find the fracture, as well as other captains of the port on the West Coast who inherit the vessels when they leave Alaska. The most recent spill was on May 8, when the *North Slope* experienced two small fractures in its hull. The ship was allowed to proceed to San Francisco to discharge its cargo and go into drydock in Port Angeles.
- This week, a barge operator overfilled a day tank about 1-1/2 miles off Johnstone Point. The estimated spill was 315 gallons of diesel fuel. It is not known how much fuel got into the water, however most of the spill stayed on deck and USCG responders did not detect any product in the water.

### **Drills & Exercises.**

Prevention efforts involve three upcoming drills. During the Chenega drill in June MSO Valdez will be conducting its own drill to test communications capabilities, in partnership with the Air National Guard and the Civil Air Patrol. On June 26 there is a PREP Industry-Led Area drill scheduled at Mile 15 of the TAPS pipeline out of Valdez, in the Browns Creek area. There is an "CG Away Team" exercise tentatively scheduled this summer with the Holland America cruise ship *Ryndam*.

### **d. US Coast Guard OSC for Southeast Alaska.**

(by LCDR Joe Paitl, MSO Juneau)

LCDR Paitl informed everyone of the upcoming change of command in late June as CAPT Lorigan leaves and CDR Steve Ohnstad arrives. MSO Juneau had no major spills to report.

### **Response Update.**

A phone conference was held last week with ADEC and USFS to discuss follow-up action to last November's 1,000-gallon oil spill in Port Walter. The ground around the tank and the shoreline has been cleaned up. ADEC and USFS plan to remove the unstable tank this spring. The responsible party was a government agency (USFS), however, the pollution fund was opened to recoup USCG costs, about \$77,000.

- Mr. Lautenberger questioned the OSLTF reimbursing costs for the Port Walter cleanup.
- Mike Underhill (DOJ) said there is confusion because, at least with respect to OPA, the government (e.g. public vessels) is not considered a responsible party. The Coast Guard's authority to respond is under 311 of the Clean Water Act, which opens up the pollution fund, and the NPFCA handles how and if they will recover costs from the responsible government agency.
- LCDR Paitl stated that the USFS indicated up front that they would be the responsible party for cleaning up the spill.

### **Drills & Exercises.**

Cruise exercise part II is tentatively scheduled for March 2002. Also planned are "Black Hole" exercises for testing new communications equipment in Southeast.

### **Prevention & Response Planning.**

➤ Pollution prevention efforts have been directed at home heating oil spills. There was a meeting late last year with the home heating oil suppliers to try and establish mutually agreed upon standards of care for home heating oil tanks. The USCG would like suppliers to agree not to fill tanks that have missing vent pipes or other damage or problems. Unfortunately, the meeting was not well attended, and the USCG hopes to push this issue again before the fall.

➤ The USCG's major focus right now in Southeast is cruise vessel pollution, in light of the recently enacted Title 14 of the Murkowski law. The law sets new wastewater standards for effluent discharges from foreign cruise vessels. In support of the law, USCG District 17 kicked off "*Operational Cruisewatch 2001*" to inspect cruise vessels and do testing. Last week, the *Norwegian Sky* discharged treated sewage for about 23 minutes while en route from Juneau to Ketchikan. Sample testing of the tank showed a violation of the Murkowski law standards. Though the cruise industry has a lot of good internal policies, the *Norwegian Sky* incident shows that

increased USCG oversight is necessary.

**e. Environmental Protection Agency (EPA).**

{by Carl Lautenberger and Matt Carr (EPA)}

Matt Carr stated that the EPA normally does about 100 pollution inspections a year, but this year, due to budgetary constraints, the agency will probably do about half that number. The oil program in the EPA is taking a budgetary hit this year.

**Response Update.**

Mr. Lautenberger gave a detailed slide presentation on the response to two North Slope spills.

➤ The first occurred on February 20, 2001 at the BP Western Operating Area facility from a 6-inch diameter high-pressure flow line that carries crude oil from the well pads to a central gathering station. The leak was discovered when a contractor was trying to thaw a line with hot crude oil and methanol. The spill site was approximately 35,000 square feet of gravel pad, gravel road, and the ice of Big Lake. Fortunately, the North Slope has plenty of facilities to deal with contaminated snow. Cleanup was basically done by the end of April, and there has been extensive sampling. As a precaution, BP is booming the area in anticipation of water returning in the spring.

➤ The second major spill was at Kuparuk on April 16, 2001, where 100,000 gallons of produce water with about 1% oil escaped from a 10-inch pipe. The pipeline was shut down within 12 minutes. The cleanup took place in cold, snowy conditions with a lot of work done by hand in order to get under the pipes.

Mr. Hahn said a lesson learned was that the cleanup was probably a little too aggressive in vacuuming; they should have taken the time to skim the oil off the top first. Flushing of the remaining oil is ongoing, after which there will be more surface cleanup.

Mr. Lautenberger said the RRT process was used on this spill, where a surfactant was used (i.e. Dawn dish soap combined with warm water). There are plans to meet this summer with Phillips Petroleum and ADEC representatives to review the effects of the spill and cleanup on the tundra.

**Prevention & Response Planning.**

Inspection season has begun with two significant inspections;

➤ At the Woodbine Seafood Company in Egegik the company has not heeded the EPA's concerns about their level of noncompliance stemming from a previous inspection. Ten days after the inspection, there was a spill at facility (which validated EPA's concerns about the facility). Woodbine also has an old 20,000-gallon riveted tank that is about three-quarters full of Bunker C at the facility. The tank sits on failing cradles about 100 feet from the Egegik River.

➤ The other significant inspection was Osborne Construction in Marshall. EPA has been working closely with Leslie Pearson (ADEC) on this facility. Osborne is under contract to the Alaska Department of Transportation & Public Facilities to build a new airport there. Osborne has a practice of establishing fairly large tank farms that exceed the regulatory threshold for the requirement to have facility response plans. The village public safety

officer notified the EPA in the winter about Osborne's sloppy practices, heavy equipment in poor repair and leaking hydraulic fluid, and low level soil contamination. The inspection revealed no facility response plan or equipment, and personnel were not trained for a response. However, there was no evidence of a catastrophic spill.

➤ Mr. Carr stated that EPA is increasing its capacity in the chemical arena, particularly in emergency HAZMAT response. In general, EPA is moving more toward a focus on emergency response, spurred on by the agency's new obligations under counter-terrorism. There are now four contract people qualified and equipped to do Level A response, and EPA hopes eventually to have six. EPA is leveraging those limited resources by developing a closer working relationship with the State HAZMAT team and the statewide HAZMAT group. As part of that effort, EPA participated in the HAZMAT ammonia training in King Salmon and will be participating at the HAZMAT exercises planned for Whittier and Glennallen.

## **5. Migratory Bird Countermeasures Project.**

(by Pamela Bergmann, DOI)

Pamela Bergmann (on behalf of Catherine Berg) made a presentation on the USFWS project to develop national standards and protocols for keeping oiled wildlife away from an oil spill, dealing with oiled wildlife, and for promoting the welfare of migratory birds during oil spill response.

A standardized approach will (1) help protect the wildlife resources that are at risk; (2) help FOSCs focus on other aspects of the spill response; and (3) help instill public confidence in overall response activities.

Ms. Bergmann reviewed the major steps in this coordination project leading up to an OSRI workshop held during February in Anchorage to produce draft national standards. Workshop participants decided that the phrase "best practices" was the most appropriate descriptor for the document that was produced. Best practices are the methods for the best achievable care for migratory birds during oil spill response. The four principal users of the best practices are Federal and State natural resource management agencies, oiled bird rehabilitators, OSCs, and potentially responsible parties. The document is currently undergoing review internally by the USFWS and other interested parties. Once appropriate comments are incorporated, the best practices will be adopted as USFWS policy. The best practices will be distributed through the National Response System and applied in the area contingency process.

## 6. Alaska Incident Management System (AIMS) Guide Update and Next Steps.

(by Carl Lautenberger, EPA and Larry Iwamoto, ADEC)

The presentations and discussion were intended to look at the next steps, as well as recent applications of the AIMS Guide in Alaska.

- Mr. Iwamoto reported that the AIMS Guide Work Group met yesterday to review preliminary comments which were received from various response agencies in Alaska. During the work group meeting, he and Carl Lautenberger made a presentation on the purpose of the AIMS Guide and its relationship to the Unified Plan.
- Preliminary comments were received from the two RCACs, DOI, USCG, USFS, and ADF&G. There were some overall comments that AIMS may be helpful, however, inconsistencies between the guide and NIIMS ICS were noted. The Natural Resource Trustee Agencies were concerned over the lack of discussion regarding FOSC-Trustee interactions (including cultural resources, endangered species, and NRDA). Consistency concerns were also expressed about the guide and NRT's *ICS/UC Technical Assistance Document*. Several commenters were unclear about the relationship of the guide with the Unified Plan. Also, most did not know much about the guide's use in recent exercises and/or responses. Many were familiar with the crisis management team/incident management team/field response team organization and roles.
- Mr. Iwamoto stated that AIMS is intended to provide a suggested way of managing a response if an organization does not have an existing system. It is intended to improve integration, training, and consistency for the Alaska response community. AIMS does not provide specific guidance on what responders need to do to mitigate a spill and is not a response tactics guide. Further, AIMS was not written to provide specific guidance on government agency coordination, consultation, and performance of certain responsibilities that are discussed in the Unified Plan. *Nothing in the AIMS Guide is intended to be mandatory or regulatory in nature.*
- Mr. Lautenberger noted that apparently not all ARRT members had received their copy of the pocket guide version of the guide that was mailed in October 2000. Additional copies are available upon request from ADEC.
- As a result of the AIMS Guide Work Group meeting, Mr. Lautenberger proposed going forward with responding to the preliminary commenters, making the suggested quick fixes/clarifications to the draft, and then possibly holding a workshop in the fall of 2001. The ultimate outcome of a successful workshop would be material for an AIMS Guide revision. The work group also considered having another meeting with the commenters prior to the proposed fall workshop to discuss any concerns one-on-one.
- The meeting participants discussed the perceived merits and drawbacks of having a separate AIMS Guide for oil and hazardous substance response. The following is a summary of the key points that were raised:
  - ◆ USCG is very concerned about including wording about AIMS guide in the Unified Plan. The main issue is that it will be perceived by industry as the *favored* response management structure in Alaska. The NCP clearly states that the federal government will organize itself to conform with that ever organization the responsible party chooses to use, provided it is an effective organization.
  - ◆ The USCG's Field Operations Guide (FOG) is generally accepted in the Lower 48 as the guide to

use for an ICS. Alaska needs to be concerned with the perception that they are striking off in a different direction from the other states, when the idea is to have a standardized response structure.

- ◆ The National Contingency Plan (NCP) and the NRT guidance on ICS talk about regional differences. The importance of the AIMS guide is that it has taken the existing approaches to ICS and has added clarification for oil spill response in Alaska.
- ◆ There are possible problems if the FOG and the AIMS do not contain the same standardized language/terms. The terminology inconsistencies in the AIMS Guide can and should be worked out in a future workshop.
- ◆ Without a document like the AIMS Guide during a large incident in Alaska there could be two or three response plans in use that are similar in some respects of spill management but different in others. There should be a single management system in effect for all plans.
- ◆ There currently is no single manual in the country, and there is no organization with clear-cut authority to be in charge of developing an "oil-ized" ICS. The Pacific States/British Columbia Oil Spill Task force (PS/BC OSTF) stepped in to get that going with the FOG. Alaska's "Blue Book" is simply a more advanced version.
- ◆ What is ARRT's involvement? The members of the ARRT are involved in area contingency planning, and it is appropriate to get them involved in the planning and response management system. The goal is to have a common denominator that addresses everybody's concerns for Alaska.
- ◆ The AIMS guide is a reference for a response management system, not a plan. So far, industry has found the guide helpful because it contains specific details of how the process has worked in Alaska. One example is that industry often uses a Crisis Management Team (CMT) to support their incident commanders and to deal with the effects of the response on their company. The AIMS Guide recognizes that CMTs exist, the FOG doesn't.
- ◆ Some would like to see the generic FOG at some point merged with the AIMS Guide so everyone is following the same manual when they come together during an incident.

➤ ARRT members agreed that the work group should proceed with planning a workshop in October or November to solicit more in-depth input from the Alaska response community on the AIMS Guide. Ms. Bergmann requested that the AIMS Guide Work Group be expanded to include representation from DOI and USFS so they could better understand their role. Mr. Lautenberger said the agencies were welcome to participate, but the group is quite informal and does not meet regularly.

## 7. False Statements Act.

(by Mike Underhill, DOJ)

Mike Underhill gave a short talk on the legal application of the False Statements Act to pollution cases. The act has been on the books for many decades and simply says that it is illegal to knowingly make a false statement or present a false written document to a government agency that has jurisdiction over an issue. The act hasn't been applied to the pollution side of the equation until very recently.

Mr. Underhill related the particulars of the case of the *Nordic Empress* cruise ship in 1993. The USCG, on an overflight using forward-looking infrared radar, discovered that the vessel was discharging oil into Bahamian waters (not subject to U.S. jurisdiction). Coast Guard officers went aboard the ship when it docked in Miami the next morning and asked for their oil record book. The book presented to the boarding officers contained no mention of a discharge and this was taken as a materially false entry. A grand jury found there had been a discharge in Bahamian waters that was not entered into the oil record book, as required by law. In 1998, the U.S. Attorney's Office in Miami, along with the Environmental Crime Section of the Department of Justice in Washington, D.C., indicted on the basis of the False Statements Act. They argued that although the act of pollution was done in international waters and not in U.S. waters subject to U.S. jurisdiction, an illegal act occurred when the vessel's officers presented a falsified oil record book to the Coast Guard while they were performing an act that was within the scope of their jurisdiction. The defendants argued on a motion-to-dismiss that it was outside U.S. waters, ergo, out of U.S. jurisdiction, and they lost.

Mr. Underhill stated that although the example he just cited dealt with the foreign vessel aspect, the statute also applies to U.S. companies doing business only in the U.S.. For cruise ships or any foreign vessel going to or from the United States, if they maintain a false entry in a record book, it is a prosecutable violation with up to five years' jail time and significant fines under U.S. law for the False Statements Act. While a corporation cannot be put in jail, significant fines can be levied. Hopefully, the message will get out to vessel officers that this is not something they can ignore.

**8. Department of Energy's Emergency Response Assets.**

(by Kathy Beecher, DOE)

Kathy Beecher gave an overview of DOE's emergency response assets, and in particular, the Radiological Assistance Program (RAP) for Region 8. The mission of RAP is to provide radiological assistance to state, federal, local, tribal governments, and businesses. RAP is DOE's primary role on the RRT.

There are eight geographical RAP regions nation-wide. The regional coordinating office for Alaska is the Region 8 office, which is located in Richland, Washington. Ms. Beecher is the Regional Response Coordinator for Region 8, responsible for Washington, Oregon, and Alaska.

Ms. Beecher reviewed the contact number for requesting 24-hour radiological assistance in Region 8 (**1-509-373-3800**), the make-up of the RAP teams, their response time objectives, team training requirements, and standard response equipment. RAP teams should be fully mobilized within two hours and arrive on scene within six hours of activation (48 hours for Alaska). The RAP team is able to identify the presence of radiological materials, assess and evaluate hazards and risks, provide radiological advice and consultation, supply public information for the media, and provide a hot line to support personnel for monitoring decontamination and material recovery. RAP does not pre-empt the authority requesting the assistance, and the primary responsibility for the incident remains with the owner of the radioactive material. RAP's involvement ends when assistance is no longer needed.

In closing, Ms. Beecher provided written material detailing the DOE national emergency response assets available through the Regional Coordinating Office in Richland. Unlike the Nuclear Regulatory Commission, whose primary job is commercial reactors, the RAP does not bill for any assistance it provides.

**9. Web-Based Training Initiatives.**

(by Jim McHale, ACS)

Jim McHale provided an updated on the incident management team-training program for ACS responders on the North Slope. ACS has decided to create a web-based program to accommodate individualized training. ACS has 22 specific ICS learning modules for their training teams. The first three or four general modules will be tested with trial software programs over the next year. Once the best software is identified, ACS will hire a contractor to set up the whole program. ACS has funding this year to build the prototype and is working with the other response co-ops for possible joint continuation of the project.

## 10. Public Comments.

- Sven Eklof (DOD - Navy Region NW) reported that PS/BC OSTF is having their general meeting on July 17, 2001 in Victoria, B.C. They have been working on a project for two years concerning risk management of vessel traffic from San Diego to Cook Inlet. The final product will be a reference manual and a risk management model that can be used anywhere to test vessel volumes, locations, etc.
- Mike Hammond (FEMA) stated that the RRTs for Washington, Oregon, and California met in Spokane last week. ICS training, called "Multiple Agency Coordination" was provided. FEMA offers a lot of ICS training in different formats: home study courses, on-line, and on CDs. Mr. Hammond reminded people that last year he gave a presentation on FEMA's CHER-CAP (Comprehensive HAZMAT Emergency Response Capability Assessment Program), and although they still do not have anyone from Alaska, there has been some interest from Kotzebue. FEMA - Region X will be adding a second terrorism position, and they are working on a web-based information system on the Region X web site (<http://www.fema.gov/reg-x/index.htm>). He also provided a couple of copies of the monthly update for HAZMAT and terrorism, which includes training and exercises.
- Mr. Lautenberger asked about FEMA's new and higher profile role in counter-terrorism. Mr. Hammond said it is called the Homeland Defense Agency, and it will give new roles to the Coast Guard, to Border Patrol, and to FEMA. A positive outcome is it would give coordination to the country's anti-terrorism efforts, which is sadly lacking today.
- CAPT Ed Page (USCG Ret) handed out some pamphlets on the Marine Exchange of Alaska (MXAK), a newly created nonprofit agency to provide information, communications, and services to the Alaska marine community. MXAK will provide a First Response Command for spill response and coordination, the Alaska Safety Net Vessel Tracking System, and a maritime database that provide safety, navigation, ports and services information on the internet (<http://www.mxak.org>).
- Gary Hufford (NWS) reported that NOAA has initiated a new three-year program to install 15 weather-instrumented buoys around the State of Alaska. Funding has been approved for the first seven buoys to go into the Gulf of Alaska from Sitka to the Aleutians. The remaining eight buoys would be installed in coastal areas in 2003. The data will be available on-line.

## 11. New Business.

The next ARRT meeting will be scheduled for sometime in early November. The location will probably be Anchorage.