



Regional Citizens' Advisory Council / "Citizens promoting environmentally safe operation of the Alyeska terminal and associated tankers."

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Larry Dietrick
Alaska Department of Environmental Conservation
Director, Spill Prevention and Response Division

City of Homer

City of Kodiak

City of Seldovia

Dear Sirs:

City of Seward

The Prince William Sound Regional Citizens' Advisory Council (PWSRCAC) is an independent non-profit corporation whose mission is to promote environmentally safe operation of the Valdez Marine Terminal and associated tankers. Our work is guided by the Oil Pollution Act of 1990 and our contract with Alyeska Pipeline Service Company. PWSRCAC's 18 member organizations are communities in the region affected by the 1989 Exxon Valdez oil spill, as well as commercial fishing, aquaculture, Native, recreation, tourism, and environmental groups.

City of Valdez

City of Whittier

Community of
Chenega Bay

PWSRCAC submits the following comments, on the Alaska Federal/State Preparedness Plan for Response to Oil and Hazardous Substance Discharges/Releases (Unified Plan, including Changes 1 and 2), to identify areas of the plan that should be revised as part of the upcoming Change 3. As always, we appreciate the opportunity to participate in the improvement of planning processes. The Unified Plan is especially important as it sets statewide policy implementing both state and federal regulations.

Community of
Tatitlek

Cordova District
Fishermen United

Kenai Peninsula
Borough

Kodiak Island
Borough

PWSRCAC's priority in this plan review is to ensure the ongoing participation of local government and citizens in the development of the Unified Plan and Subarea Contingency Plans (SCP) that govern oil spill responses in Alaska, because the citizens closest to an oil spill have the most at stake and should have a clear voice in planning and response.

Kodiak Village Mayors
Association

Oil Spill Region
Environmental
Coalition

Prince William Sound
Aquaculture
Corporation

General Comments

Involvement of Regional Citizens' Advisory Councils

OPA 90 established Regional Citizens' Advisory Councils (RCACs) in Cook Inlet and Prince William Sound. The RCACs are made up of members representing the local governments from their region, Alaska natives, and other local oil spill stakeholders. Congress directed federal agencies to consult with the appropriate council before taking any action with respect to permits, site-specific regulations and other matters which affect or may affect the vicinity of the facilities covered by these programs.¹ We believe that this statutory provision gives the RCACs standing to participate in oil spill planning and response activities. If fact, we cannot accomplish our mission without active participation. Therefore, we recommend that the Unified Plan be modified to allow for RCAC membership and full participation on ARRT work groups and Subarea Committee subcommittees. Our comments on Annex B and Annex I include specific recommendations for including RCACs in the oil spill response organization.

Marine Firefighting

PWSRCAC recommends that Change 3 to the Unified Plan include the addition of marine firefighting and salvage information, including a reference to the PWS Marine Firefighting and Prevention Plan. This information can be critical to the Unified Command during a vessel spill, and Area Plans in several other states include such sections.

Section-Specific Comments

Annex A - Introduction

Page A-1 contains a reference to the Geographic Response Strategies (GRS), which are included in several of the Subarea Contingency Plans (SCP). GRS provide a powerful, effective tool for sensitive area protection, and PWSRCAC recommends that the fourth paragraph on page A-1 be revised as follows to be consistent with the GRS language in the SCPs (recommended text additions are underlined, deletions are denoted with ~~strikethroughs~~).

Geographic Response Strategies (GRS) may be included as a separate section within each subarea contingency plan. ~~These GRSs provide detailed response tactics for specific, pre-identified locations within each subarea.~~ GRS provide response strategies for the protection of selected sensitive areas to aid first responders to an oil spill. The strategies serve as the federal and state on-scene coordinators' "orders" during an oil spill in the area covered by this GRS. They can save time during the critical first few hours

¹ OPA 90, Public Law 101-380 Sec. 5002(g)

of an oil spill response by showing responders where sensitive areas are located and where to place oil spill protection resources.

Page A-12 lists the ten Subareas within Alaska. We recommend that this section include a brief statement clarifying where Whittier lies in relationship to the boundary between the Cook Inlet and Prince William Sound Subareas.

The discussion of nearshore response resources on page A-49 needs to be updated.

Annex B – Response Organization

Throughout Annex B, the terminology used to describe the Regional Multiagency Coordination Committee (RMAC) is inconsistent, with MAC and RMAC being used interchangeably. Since the RMAC role and makeup varies slightly from that of the MAC in the NIIMS-ICS structure, we recommend that the Unified Plan consistently use the term RMAC.

The role of RCACs is discussed on page B-13. RCAC's role in the RMAC should be referenced. Also, we think that either the Unified Plan or the applicable Subarea Plans should be modified to indicate that an RCAC representative will be allowed to attend (as an observer) all Unified Command meetings.

Item #1 on page B-39 should be updated to reflect the update status of the Coast Guard SONS guidance.

We remain in support of the Incident Command System (ICS) for managing oil spill responses. We encourage the state and federal agencies to continue to strive for a uniform ICS that requires training and certification for all participants.

Annex C – Operational Administration

The Air Quality permits listed on page C-22 should be updated to reflect changes to state and federal permitting requirements under the new Title V regulations. All other permitting references should be reviewed and updated as appropriate by the governing agencies.

Annex D – Plan Update and Review

Pages D-1 and D-5 depicts the plan approval process, indicating that the Unified Plan is promulgated by the U.S. Coast Guard (USCG), Environmental Protection Agency (EPA), and the Alaska Department of Environmental Conservation (ADEC), with input from the Alaska Regional Response Team (ARRT) and the State Emergency Response Commission (SERC). While these three agencies play an important role in spill response planning for Alaska, PWSRCAC thinks that both state and federal law require broader representation in authority over this plan than the three named agencies.

Because the Unified Plan replaces several plans previously required by state and federal laws, it should be developed through a process that is at least as inclusive as those used to develop these earlier plans. The Unified Plan replaces both the

Regional Contingency Plan (RCP) and the state Area Contingency Plan (ACP) required under the National Contingency Plan (NCP). The NCP requires that both RCPs and ACPs be promulgated by organizations that include broad agency and governmental participation. The RCP falls under the authority of the Regional Response Team (RRT),² which includes tribal organizations and local governments.³ The Oil Pollution Act of 1990 (OPA 90) states that Area Committees, which should include local agency representation, have authority over ACPs.⁴ The Unified Plan also replaces the State Master Plan and Regional Contingency Plans required by Alaska State law. State regulations give local governments the opportunity for input into these plans.⁵

To ensure broader participation in the Unified and Subarea Plan development and approval process, we recommend that Annex D be modified to indicate that the Unified Plan falls under the authority of the ARRT.

Annex E – Resources

Our review of this section shows that much resource information will need to be updated.

Annex F – Chemical and Other Countermeasures

Page F-1 states that the dispersant guidelines for Alaska and Cook Inlet were approved in 1986, and that the Prince William Sound guidelines were approved in 1989. PWSRCAC recommends that the ARRT consider updating these guidelines to reflect recent advances in dispersant science and technology.

The Background discussion on pages F-1 to F-2 understates the potential negative impacts of dispersants and dispersed oil. Laboratory studies have demonstrated the potential for long-term acute and sublethal impacts of dispersed oil to certain marine species. We recommend that the text on pages F-1 and F-2 be edited as follows to provide a more balanced discussion of dispersant use decisionmaking factors.

Dispersant use is an important issue in Alaska because Alaskan marine waters support extremely valuable commercial, subsistence, and recreational fisheries; large and important populations of birds and mammals; and a growing oil industry. Since dispersants can be utilized to mitigate the extent of oil-spill impacts, specific resources can be protected, if necessary. For example, some resources such as birds are known to be more vulnerable to spilled oil than others, an acceptable compromise may be to protect these resources by dispersing an oil slick in a less sensitive, deep-water environment. However, dispersants do not actually remove oil

² National Contingency Plan Sec. 300.115(i) and 300.210

³ National Contingency Plan Sec. 300.180(a)

⁴ Clean Water Act as modified by OPA 90, 33 U.S.C. 1321(j)(4)

⁵ 29 AAC 35.210(a)(13)

from the environment, and both the dispersed oil and the chemical dispersant itself can be toxic to the exposed flora and fauna. In general, the compromise that must be evaluated is between the short- ~~and long-~~ term impacts of introducing dispersed oil into the ~~upper~~ water column, and the ~~short- and long-term~~ impacts of allowing oil to continue to float on the water surface and/or strand. In many cases, ~~adverse effects from chemically dispersed oil are much less than those that result from stranded oil in biologically sensitive areas, or to sea birds or marine organisms that float at the water surface, such as some fish eggs.~~ dispersed oil entering the water column, which may be acutely toxic to pelagic organisms, can prevent fouling of sediments and therefore protect sensitive intertidal and subtidal communities.

The discussion of dispersant effects, beginning on page F-2, references a number of studies, the most recent of which was published in 1984. Over the last two decades, a number of important research projects have refined our understanding of dispersant effectiveness, environmental impacts, and operational considerations, particularly in cold-water environments. PWSRCAC recommends that this discussion be updated accordingly, by revising Annex F to incorporate the findings of more recent scientific and practical investigations into dispersant use. PWSRCAC recently completed a literature review of published studies relevant to dispersant use in Alaska.⁶ This report is attached.

On page F-27, the Proposed Dispersant Use Plan lists 3 dispersants (Item D), however one of those dispersants has been removed from the NCP product schedule (OFC C-609). Several other dispersants are currently listed on the NCP product schedule, which is updated regularly by the EPA Oil Program and is available online at <http://www.epa.gov/oerrpage/oilspill/docs/schedule.pdf> or through the NCP information line at 202-260-2342. Page F-30 also references OFC C-609 reference.

Page F-37 indicates that the Alaska *in situ* burn guidelines were last updated in 1994. However, PWSRCAC is aware that these guidelines have recently been revised in draft form. We recommend that the updated guidelines be reviewed and finalized by the ARRT so they can be referenced in the Unified Plan.

Annex H – Training

Annex H does not clearly define the appropriate training levels for all spill response personnel. The NCP requires the Area Contingency Plan to identify and secure the means for providing, if needed, the minimum required OSHA and EPA training for volunteers.⁷ The SERC Training Matrix in Annex H does not list volunteers. Also, the categories of personnel in the matrix are not clear. For instance, what is the

⁶ Fingas, M.F. 2002. *A Review of Literature Related to Oil Spill Dispersants Especially Relevant to Alaska*. Unpublished report to Prince William Sound Regional Citizen's Advisory Council, Anchorage, Alaska. 37 pp.

⁷ National Contingency Plan Sec. 300.210(c)(4)(ii)(H).

difference between cleanup team personnel and oil spill worker? What are the training requirements for vessel of opportunity crews used in oil spill response? We recommend that Annex H be modified to clarify these training issues.

Annex I – Public Affairs

PWSRCAC recommends that Annex I (page I-16) be modified to provide operational guidelines for the JIC to ensure the prompt delivery of accurate information.

Annex N – Shoreline Cleanup and Assessment

The list of shoreline cleanup manuals should be updated. For example, NOAA has recently updated several of the ESI maps for Alaska, and CIRCAC and the EVOS Trustee Council recently completed a shoreline mapping project that could be used for assessment work.

We appreciate the opportunity to provide comments to be used in developing Change 3 to the Unified Plan. If we can be of further assistance please contact Joe Banta on our staff at 907-273-6222.

Sincerely,



John S. Devens, Ph.D.
Executive Director

cc: PWS Planholders
Alyeska Pipeline
PWSRCAC Board and Member Organizations

Attachment: Fingas, M.F. 2002. *A Review of Literature Related to Oil Spill Dispersants Especially Relevant to Alaska*