

**Letter of Agreement Between the
Minerals Management Service, Alaska Outer Continental Shelf Region,
and the Alaska Department of Environmental Conservation
Regarding Pollution Prevention and Response Preparedness for
Oil and Gas Facilities on Alaska Submerged Lands**

Purpose

This Letter of Agreement is entered into by the Alaska Department of Environmental Conservation (ADEC) and the Minerals Management Service (MMS), Alaska Outer Continental Shelf Region (AKOCSR), for the purpose of coordinating and implementing requirements with respect to oil-spill prevention and response preparedness for offshore oil and gas facilities and pipelines on State of Alaska submerged lands and offshore areas which demonstrate a likelihood of affecting State waters in the event of a catastrophic spill. For the purposes of this statement, offshore facilities are oil exploration and production facilities located seaward of the coastline and the line marking the seaward limit of inland waters and Cook Inlet exploration and production facilities identified through an agreement between the Environmental Protection Agency, Region X, and MMS, AKOCSR.

Background

On June 27, 1990, Alaska enacted House Bill 567, dramatically strengthening the State's oil pollution control laws and mandating new response planning standards and discharge prevention requirements for offshore facilities and pipelines. The Department of Environmental Conservation is Alaska's lead State agency in reviewing and approving all discharge prevention and response plans for conformance with Alaska standards.

On August 18, 1990, Congress passed the Oil Pollution Act (OPA) which strengthened provisions concerning oil-spill prevention, response planning, and financial responsibility for offshore facilities and pipelines. The responsibility for implementing OPA mandates for offshore oil and gas facilities and pipelines has been delegated to the Department of the Interior, MMS. As a result of OPA, offshore oil exploration and production facilities and pipelines located on State of Alaska submerged lands are subject to both MMS and ADEC spill prevention, response planning, and financial responsibility requirements.

The MMS requirements for pollution prevention and response planning for offshore facilities and pipelines as defined by OPA were published in an interim rule, 30 CFR 254, on February 8, 1993. State of Alaska requirements for pollution prevention and response planning are provided by AS 46.04 and in regulations 18 AAC 75.

Policy and Implementation

The MMS and ADEC share a common goal to ensure that operators are adequately prepared to respond to a spill from offshore oil exploration and production facilities and pipelines.

1. Oil-spill response plans approved by ADEC under 18 AAC 75 will normally satisfy Federal requirements under the 30 CFR 254 interim regulations. The MMS will coordinate with the ADEC to resolve or clarify any discrepancies or conflicts between Federal and State regulations.
2. Upon notification of an operator's intent to submit an oil-spill response plan for an offshore facility or pipeline (18 AAC 75.405), ADEC agrees to notify the operator that the plan must also be submitted to MMS for OPA compliance. The MMS may, if necessary, request additional information from operators with respect to particular oil-spill response plans.
3. The MMS and ADEC agree to exchange copies of all pertinent correspondence pertaining to the review and action on oil-spill response plans for offshore oil exploration, production, and pipeline projects on State submerged lands and offshore areas which could affect State waters.
4. The MMS and ADEC agree to coordinate periodic spill response drills and equipment inspections to minimize unnecessary duplication and expense.
5. The MMS and ADEC agree to exchange the results of studies and other research efforts pertaining to spill response.

Limitations

Nothing in this agreement shall be interpreted to conflict with or be inconsistent with any Federal or State statute, regulation, or other provision of law applicable to the MMS or the State of Alaska, including pre-consistency reviews and consistency reviews coordinated by the Alaska Division of Governmental Coordination. Furthermore, this agreement does not constitute a delegation of any authority by either agency to the other.

Evaluation

This agreement will be reviewed on a periodic basis and revised as necessary.

Upon promulgation of final regulations under 30 CFR 254, the MMS and ADEC will review and modify this agreement as appropriate.

