Then & Now: Changes Since the Exxon Valdez Oil Spill

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Abstract

This paper provides an overview of how factors that led to the nation’s worst oil spill have been addressed since 1989.

The Exxon Valdez oil spill was not simply a freak accident. While Exxon was responsible, myriad other factors allowed it to happen. It could have been prevented by stronger prevention practices and vigilant government oversight. Once the spill occurred, better response planning could have lessened the impacts.

Prince William Sound and communities in the path of tanker traffic are better protected from major spills. Industry, government agencies, and the communities are better prepared to respond should a spill occur. Important steps have been taken to prevent oil spills from occurring. Crews are better trained and monitored. Masters are held to more stringent requirements. Measures have been instituted to increase chances of safe passage and reduce the possibility of accidents. Yet gaps remain.

Some issues—such as towing capabilities and inadequate weather data—are only beginning to be addressed. Several important prevention measures, such as double hulls on tankers and a study of human factors in tanker operations, will take time to implement.

The federal rule-making process is slow and many of the actual requirements and specific decisions have yet to be clarified and formalized in final regulations. Laws that appear strong when enacted can be weakened through vague regulations and inadequate funding.

The most alarming barrier to continued progress is a relatively recent development: the State of Alaska’s retreat from its commitment to oil spill prevention and response.

Alaskans who care about the safe transportation of oil and environmental protection must define ground gained since 1989, continue to monitor implementation of new laws, strengthen weak areas, and close gaps that remain. Continued vigilance will be essential to ensure that protections aren’t diluted and that gains are not lost as political memory dims.
Introduction

Myriad factors contributed to the Exxon Valdez oil spill. The oil industry, government agencies, elected officials, and, to some extent, the citizens of Alaska share responsibility for conditions that allowed the spill to happen and failed to ensure timely, effective cleanup. The oil industry failed to maintain adequate prevention and response systems. Regulatory agencies failed to protect public resources because of ineffective or inadequate monitoring, oversight, and enforcement. State and federal elected officials were unwilling to pass laws strong enough to protect the environment and give regulatory agencies the funds they needed to protect public resources. Most Alaskans simply weren’t paying attention.

The Exxon Valdez oil spill was caused by the ship’s master and crew. It could have been prevented by stronger prevention practices and vigilant government oversight. Once the spill occurred, better response planning could have lessened the impacts.

Are the resources and communities of Prince William Sound and the Gulf of Alaska better protected from a major oil spill than they were five years ago? Can we breathe easier?

We—the Prince William Sound Regional Citizens’ Advisory Council—believe the sound and communities in the path of tanker traffic are much better protected now; yet more remains to be done. And sadly, we must also keep looking over our shoulder to ensure that protections aren’t diluted and that gains are not lost as political memory dims.

In a moment I will review RCAC’s perspective of those changes and improvements that we believe account for a higher degree of safety in oil transportation. I will also discuss problem areas and gaps in prevention and response. But even as we look back at the last five years, gains we’ve made are at risk of erosion. State legislation with a strong likelihood of passage would change how prevention, response, and oversight activities and projects are funded. This legislation is alarming because, if passed, it could seriously weaken many of the protections added in the wake of the Exxon Valdez.

Perhaps more disturbing is what this legislation symbolizes in terms of Alaska’s political climate, attitudes toward the oil industry, and political power in Alaska. We risk sinking right back into the complacency that enabled the Exxon Valdez to occur. The irony is that the standard bearer of this effort to reduce industry’s tax burden is none other than Exxon.

Our systems are only as good as the public will to support them. If you leave here with nothing else, leave with that.
Prevention

Once oil is spilled on water, it is never fully contained and recovered. The best-laid response plans in the world are no guarantee that any spilled oil will be recovered. Severe weather conditions can render useless even the best response plan. The first line of defense must be prevention.

Vessel Traffic and Navigation

Significant steps have been taken the past five years to prevent oil spills. Numerous changes have been made to update and improve the U.S. Coast Guard’s Vessel Traffic Service. These changes enhance the Coast Guard’s ability to monitor and provide traffic advisories to inbound and outbound tankers.

- Radar coverage, and reporting and communications have been upgraded.

- The one-way zone was extended to Bligh Reef for vessels of 1,000 or more gross tons, giving a greater margin of safety in ice conditions. More recently, in response to the Overseas Ohio incident, shippers voluntarily began using ice scouts to alert tankers to glacial ice in the shipping lanes.

- A watch supervisor was added to the Vessel Traffic Center, and the qualifications and training for watch standers have been upgraded and expanded.

- New repeater towers have been installed by Alyeska to allow better two-way communications between tankers and the terminal, and a fixed navigational aid tower has been installed on Bligh Reef.

- Tanker tracking has improved and will get even better later this year when the Differential Global Positioning System is in place. Tankers’ positions are now tracked and plotted every three minutes through the Valdez Narrows; and every six minutes elsewhere in the radar coverage area between the terminal and Bligh Reef.

The Differential Global Positioning System will be fully in place this summer, but even now the equipment is helping vessels avoid hazards. Most of the Coast Guard vessels and 18 tankers already have onboard equipment that alerts them to marine hazards such as shallow water and reefs. If the Exxon Valdez had had a black box, the crew would have been
warned about Bligh Reef. When the GPS is fully operational, the Coast Guard will be able to do a much better job of tracking vessels.

Speed restrictions are tighter now. Alyeska limits the speed of the escort vessels to 10 knots in the Sound, effectively limiting the speed of the tanker, as well.

Tankers must remain in the traffic lanes, although they can request Coast Guard permission to move from one lane to the other if circumstances warrant.

Weather Considerations

New weather restrictions have been imposed. The Coast Guard closes Port Valdez to tanker traffic if sustained winds in the Narrows reach 40 knots. Between 30 and 40 knots, additional tugs are assigned through the Narrows: two tugs for tankers up to 100,000 dead weight tons, and three tugs for larger vessels.

In sustained winds over 40 knots, Alyeska suspends escorts altogether. If such winds come up when escorts are underway, they proceed except in rare extreme conditions when they may turn back.

Last year, the Coast Guard captain of the port in Valdez added new weather restrictions at Hinchinbrook Entrance: outbound laden tankers do not transit Hinchinbrook if sustained winds in the Gulf of Alaska are 60 knots, or seas reach 15 feet.

Although we knew it was a problem before, the grounding of the Braer in Shetland last year brought home the need for better and more timely information about weather conditions in the Sound and at Hinchinbrook Entrance. Readings from the wind measuring station at Potato Point aren't always a reliable gauge of actual conditions. Sometimes the only real-time information about wind and sea conditions is from a vessel already underway.

RCAC is actively lobbying our congressional delegation, and anyone else who can help, for additional weather reporting stations. The Coast Guard and industry are supporting these efforts, as well.

Tanker Crews

Several changes have been made affecting tanker crews. Alcohol screening is now standard. Tanker captains take a breath test within an hour of sailing and crew members suspected of consuming alcohol are tested. Crew with blood alcohol content of .04% are denied access to the terminal and tanker.

A state-certified ship's pilot must be on board all tankers between Bligh Reef and the terminal. A federally licensed pilot or two licensed
deck officers must be on watch on the bridge while the vessel is underway between Bligh Reef and Seal Rocks. To reduce the risk of fatigue-induced accidents, crew work hours are limited. These all represent significant improvements but more work is needed. The human factors that contribute to marine accidents need to be fully studied and solutions found to reduce human error.

One of the studies required under the Oil Pollution Act of 1990 (OPA 90) will address some of these human factors, and the two RCACs are jointly sponsoring a scoping study of human factors issues.

**Escorts and Towing**

The Coast Guard has always required laden tankers to have one tug escort through the Valdez Narrows, but now each tanker is accompanied by at least two escort vessels—usually one tug and one escort response vessel—from the terminal to Hinchinbrook Entrance. This is probably the single most important change since 1989. Up to two additional tugs may be required depending on weather conditions and vessel size.

Although all laden tankers transiting Prince William Sound must carry special towing equipment, there is a wide range in deployment speed because of differences in stowing practices. On some ships, the towing package can be deployed in 15 minutes or less with a deck crew of two. On others, preparing the towing equipment would take at least several hours by a crew of eight—far too late to make a difference in the Narrows.

The ability of escort vessels or tugs to assist a tanker in trouble is also in question. Concern is especially high through the Valdez Narrows, where navigable water shrinks to a half nautical mile. A tanker disabled at the narrowest point could hit the rocks in less than 10 minutes. Averting a grounding in that situation would depend on the escort tug’s ability to push or pull the tanker away from the rocks. It is not at all clear that the assist tugs and escort vessels are capable of doing so.

The findings of a study cosponsored by RCAC and the Prince William Sound Tanker Association should provide us with some concrete data to assess whether current practices and equipment are adequate. The report should be finalized and released in the next month or so. The Coast Guard is also very interested in the study and has delayed federal regulations on escort requirements until the report is available.

**Tankers**

In terms of preventing or mitigating tanker spills, one of the most important steps is the federal requirement that by 2015, all tankers in U.S. waters must have double hulls. Studies indicate double hulls could have
prevented five of the six major oil spills in Alaskan waters between 1975 and 1990. One study estimated double hulls could have reduced the amount of oil spilled by 60% to 80%.

Though not related to the Exxon Valdez, the Coast Guard since 1989 has required more stringent inspections of tankers vulnerable to structural failure. A related issue that I hope we at RCAC do some work on is the structural stresses caused by severe conditions in the Gulf of Alaska.

Oversight

Citizen Involvement

Long before the Exxon Valdez became a household word, people in Prince William Sound had implored Alyeska to form a citizens advisory group. Until the spill, of course, those requests were rebuffed. The regional citizens advisory councils for Prince William Sound and Cook Inlet provide an avenue for citizen involvement in the issues and decisions that affect their lives and communities. While the councils are still young, and have their share of controversy, I think there’s little question that they contribute significantly to safer oil transportation.

The councils also ensure that as most people get on with their lives, someone outside industry and government is paying attention.

Regulatory Oversight

Regulatory oversight changed fairly dramatically after the 1989 spill. As I mentioned earlier, the bad news is that legislation expected to pass this year could result in serious backsliding or outright loss of some of those gains.

Legislation passed in 1990 gave the Alaska Department of Environmental Conservation more authority, resources, and funding to monitor and oversee industry operations and implement spill prevention and response programs.

ADEC can now require and enforce prevention measures as conditions for approval of contingency plans. Such measures include more training, more equipment, more inspection and maintenance of equipment, better record keeping, and specific requirements for laden tankers.

An important element in the changes was expansion of an existing fund to ensure that reserves would be available to respond to a major oil spill and provide a long-term funding source for the state’s spill prevention and response programs. The money for this expanded role comes from a 5¢ conservation surcharge on every barrel of oil produced in Alaska. Another improvement was consolidation of oil-related functions into a
single Spill Prevention and Response Division within the Department of Environmental Conservation.

Regulatory authority increased at the federal level, too. The Coast Guard has a more direct role in spill prevention and response and much greater regulatory oversight of oil transportation.

**Oil Spill Response**

One of the procedures instituted after the spill is a nice symbol of the dramatic change in response preparedness. All tankers docked at the terminal are surrounded with containment boom while cargo is being transferred so that any spill there can be contained immediately. It's important to acknowledge the huge strides that have been made since 1989. The equipment, personnel, and resources now standing by will—God and weather permitting—mean far less damage when and if another spill occurs.

**Contingency Plans**

The speed and effectiveness of responding to an oil spill hinge on the availability of equipment, resources, and trained personnel. Responding to a spill depends on planning, preparation, and weather. State and federal agencies have expanded plan requirements and changed some of the assumptions. Shippers and Alyeska must provide greater assurances that personnel are being trained, that equipment and resources are available and can be mobilized quickly, and that all players have practiced their roles in preparation for an actual spill. An important change since 1989 is that industry must plan for larger spills than before and ensure that more spill response equipment will be immediately available.

**Equipment**

Weather conditions were ideal for oil recovery the first three days after the *Exxon Valdez* ran aground. Seas and winds were calm. But the equipment wasn't ready. Seventeen hours after the grounding, neither the leading edge of the spill nor the grounded tanker had been boomed. The few skimmers on scene were operating ineffectively. Two hours later, skimming was forced to stop, pending arrival of more storage capacity.

The most dramatic change since 1989 has been in spill response readiness through Alyeska's Ship Escort and Response Vessel System, or SERVS. SERVS ranks among the top oil spill response forces in the world, and may well be the best.
• Trained response crews are on duty 24 hours and a response fleet is on standby alert whenever a laden tanker is transiting Prince William Sound. Task forces, each with a trained crew and a large barge with two skimming systems on board, are stationed at strategic sites.

• Equipment and procedures are tested in drills and exercises to reduce confusion and surprises in an actual incident. A unified command system coordinates management, resources, and roles, enabling people from different agencies and organizations to work together.

• Local vessels are trained to transport response equipment, deploy and tend boom, and mobilize pre-staged equipment to protect fish hatcheries.

• Spill containment and removal equipment is stockpiled at fish hatcheries, and community response centers have been established in Chenega, Cordova, Tatitlek, Whittier, Valdez, Kodiak, Seldovia, and Seward to coordinate emergency responses, manpower, and equipment.

• Storage capacity has been vastly increased. Alyeska maintains storage capacity for nearly 20 million gallons of recovered oil and water, and recently let a contract for construction of 48 mini-barges which will be used to recover and store oil close to shore.

• Much more attention is now paid to protecting shoreline threatened by spilled oil that has escaped initial containment. Next month in Seldovia we’ll see the first demonstration of the state prototype for nearshore oil spill response depots.

Gaps

Progress notwithstanding, there’s more work to be done. Some elements of response planning have yet to be implemented and accountability must be clear and enforceable.

• Little progress has been made in setting up response corps and emergency depots.

• Kodiak Island and the southern Kenai Peninsula were hit by oil from the Exxon Valdez, but little has been done to assess the needs of those areas or provide them with response resources.
• An issue of growing concern to us is the relationship of Alyeska to the Prince William Sound Tanker Plan. The Prince William Sound plan has been Alyeska’s plan for the initial response to a tanker spill in the sound. Alyeska has moved away from responsibility for the plan, arguing that it is merely a response action contractor for the shippers. That raises troubling questions about accountability, and ultimately liability for compliance with the plan. We fear, with justification, that those organizations and corporations who should be held accountable and liable are shielding themselves behind the ship owner, which may in fact have exactly one asset: the tanker. That will leave the public holding the bag.

**Conclusion**

There can be little question that Prince William Sound, and communities at risk of spills from the Trans Alaska Pipeline System trade tankers, are better protected than they were five years ago. Industry and government deserve credit for what they’ve done. We have stronger prevention measures, better response capabilities, and more attentive oversight.

Yet, it is all quite fragile. Outside the impact areas, public sentiment is fickle and political memories are short. What’s more, as throughput declines, pressures will increase on industry to cut costs. We cannot for a moment relax.
Citizen Oversight Under OPA 90: Report Card from Prince William Sound

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Abstract

This paper will provide an overview of the experience and work of the Regional Citizens' Advisory Council of Prince William Sound (RCAC) in terms of whether it has met implicit and explicit expectations of its founding members, residents of the affected region, Alyeska Pipeline Service Company, and the Oil Pollution Act of 1990 (OPA 90).

Section 5002 of OPA 90 establishes a demonstration project in which local citizens have direct involvement in operations, practices and regulatory issues related to terminal facilities and crude oil tankers. By virtue of its contract with Alyeska Pipeline Service Company, the RCAC is certified as the alternative advisory group in lieu of council as permitted under OPA 90. If the demonstration projects are successful, citizen advisory groups will be established at other oil terminals in the United States.

Perceptions about the RCAC's role and function vary. Some observers believe the RCAC is overly critical and adversarial, while others criticize it for working too closely with industry. Who are the citizens of the Citizens' Advisory Council and does the RCAC represent them and their concerns?

Some of the expectations may have been unrealistic. Language in OPA 90 notwithstanding, fundamentally conflicting interests make it highly unlikely that conflict, mistrust and confrontation will ever be eliminated altogether. On the other hand, citizen involvement appears to be contributing to more responsible and responsive industry operations and regulatory decisions.

Introduction

Four years ago last December a group representing communities and interest groups impacted by the Exxon Valdez oil spill incorporated as a nonprofit called the Regional Citizens' Advisory Council. With funding and a contract with Alyeska Pipeline Service Company, and later a federal mandate, the organization set out to pave a new era in citizen empower-
ment. In some ways, the premise was simple: If citizens have a greater voice in decisions that affect their lives, oil transportation will be safer.

Citizens, through their representatives on the council and committee volunteers, sit at the table and have effected some tangible changes.

But some of the assumptions we began with have not borne out and unexpected challenges have cropped up. How well RCAC confronts and deals with those challenges will determine our effectiveness, our longevity, and the degree to which the RCAC model is applied in other places and in other industries.

Genesis

The Regional Citizens’ Advisory Council was born out of chaos, anger, outrage, and alienation: the chaos of the spill, anger at industry’s arrogant and ultimately empty assurances, and outrage at the flimsiness of the spill response and government’s flaccid and inept oversight.

No one was prepared for a spill of that magnitude—not Exxon, not Alyeska, not the regulators. Complacency—of industry, regulators, and even the general public—was the root cause of system failure.

The founding principles of the citizens advisory council boil down to two: That people with the most to lose were in the best position to keep complacency at bay, and people with the most at risk from oil transportation had to have a say in the decisions that affect their lives and livelihoods. The shift in political climate wrought by the Exxon Valdez presented an opportunity for citizens to make inroads impossible before.

Both the contract with Alyeska and the provision in federal law for citizen oversight came from Cordova, specifically Cordova District Fishermen United. CDFU representatives were familiar with Sullom Voe, the North Sea terminal in Shetland where a citizens group advises industry in the operation of the terminal.

After the spill, Jonathan Wills, a Shetland activist and journalist, came to Alaska and urged CDFU to push for the Sullom Voe model in this country.

As early as May 1989, Cordova fishermen were traveling to Washington, D.C., to lobby for a citizens group in federal law. They pitched it to Alyeska, too, as a way of making retribution and as a source of positive public relations.

Nowhere was the shift in political climate more startling than at Alyeska. Where the previous president had been arrogant and dismissive, Jim Hermiller embraced the concept of citizen involvement and put himself on the line in the face of resistance from some of the owner companies.
The first meeting of citizen representatives took place in Anchorage in July 1989. The group’s efforts those first six months were on negotiating terms of a contract with Alyeska, and reviewing Alyeska’s newly-revised oil spill contingency plan. At the same time, Alaskans were working with Senator Frank Murkowski’s staff in Congress to incorporate the citizen oversight model into the bill that would become the Oil Pollution Act of 1990.

In December 1989, the Regional Citizens’ Advisory Council incorporated as a nonprofit. In February 1990, after six months of negotiation, RCAC and Alyeska signed a contract. RCAC had insisted on, and won, four key provisions: absolute independence from Alyeska, generous access to Alyeska facilities, a guaranteed source of annual funding, and assurances that the contract would last as long as oil flows through the pipeline.

In return, RCAC was to provide services to the public and Alyeska. These services include local and regional input on issues related to contingency planning, environmental protection and oil transportation; research and monitoring; and information to the public about Alyeska’s capabilities in oil spill prevention and response, and environmental protection.

**Accomplishments and Success**

So how has it fared, this American experiment in citizen involvement?

Citizens are consulted on policy development and decision-making in ways unimaginable five years ago. We sit side by side with industry and regulators in spill drills, working groups, and task forces. Our comments are sought on oil spill prevention and response, terminal operations, and vessel traffic issues. We help write regulations, revise contingency plans, and cosponsor important studies.

There can be little question that the contract with Alyeska, combined with the legal clout of OPA 90, has pushed open the doors to citizen participation. Through the RCAC, citizens’ concerns and perspectives have a voice they have never had before. How we use this opportunity will bear heavily on whether the RCAC indeed serves as a far-reaching model for systemic citizen participation in industry and government decision-making.

Despite formidable challenges, which I will discuss a little later, our first four and a half years have brought substantive achievements. One of the foremost lessons of the 1989 oil spill was the need to keep at bay a recurrence of the industry and government complacency which so
contributed to the Exxon Valdez. We do that by keeping alert. It would be unrealistic to expect the general public to stay on top of the myriad issues associated with terminal and tanker operations, spill prevention, and response. Once a crisis has passed, people get on with their lives, as well they should. But somebody needs to keep paying attention. That is one of the things RCAC does best on behalf of the communities and interests we represent.

RCAC devotes enormous time and resources to reviewing oil spill contingency plans and working with industry and regulators to make those plans better. Late last year we completed a protocol for reviewing contingency plans. We review and comment on state and federal regulations. In several cases, RCAC has been included in working groups organized to formulate rules and regulations pertaining to oil spill prevention and response. RCAC participates in major drills as planners, participants, and observers, and offers constructive critiques. We monitor response capabilities and availability of personnel and equipment.

At the terminal, RCAC monitors operations, offers suggestions, and recommends system and operational changes to minimize environmental impacts of the terminal facilities. Independent studies provided data about sampling and testing at the ballast water treatment plant. We hired top-rate consultants to help us do an independent review of Alyeska's Valdez Air Health Study, and pressed for installation of controls to reduce vapor emissions from the terminal. RCAC monitors tanker and traffic issues and advocates for changes to augment oil spill prevention. We are spearheading a drive to convince the federal government to install additional weather reporting stations in Prince William Sound. In a cooperative effort with industry and regulators, we cosponsored a study of disabled tanker towing. This study, which should be completed within the next month or so, will help us assess whether current equipment and practices are adequate to assist tankers in trouble.

RCAC is conducting two studies to better prepare the region for a future spill. We are in the second year of a long-term environmental monitoring program to gather baseline data about the presence and source of hydrocarbons in Prince William Sound and the Gulf of Alaska. One of the obstacles to assessing the damages from the 1989 spill was a lack of baseline data to tell us conditions before the spill. The environmental monitoring program should provide the scientific data to assess the impacts of oil transportation and any future incidents. In the second project, we are taking what was learned about the impacts of the spill on people and communities to develop response strategies to employ in the event of another major spill. The concept here is to minimize those human and community impacts through planning.
Results

The fact of RCAC's existence and the political climate from which it emerged allow citizens to be represented before industry and regulators. Our $2 million a year funding from Alyeska allows us to pay for the work needed to support the citizens' interests: studies and reports that help our board make informed decisions and take reasoned positions; staffing; and operational support of the board and committee volunteers.

The sheer opportunity to participate and make our case to decision-makers is a profoundly significant improvement over the old standard operating procedure. Citizens had little if any access to industry and no formal avenue for expressing their concerns and views. Citizens could register their concerns to regulators through public review and comment processes, but too often such forums were merely pro forma and citizens' voices fell on deaf ears.

The fact of citizen participation, the chance to be heard, is no small gain. But is that enough? At some point, we must assess the results of our efforts. Ultimately, RCAC is advisory. Is the advice being taken? Are our efforts resulting in safer terminal operations and oil transportation?

Tangible results are not always easy to gauge, but I think we have clearly scored some:

- Pressure from RCAC convinced Alyeska to agree to install a vapor control system at the terminal.

- RCAC's dogged conviction that shorelines can be protected from the leading edge of an oil spill resulted in the development and acceptance of nearshore response as an element in spill response planning.

- Without RCAC and several years of painstaking negotiations, a study of disabled tanker towing would never have been done.

These are examples (and there are other important ones, as well) of efforts by RCAC that have or likely will produce tangible change in behavior directly affecting the safety of tanker transportation and oil terminal operations. Ultimately, RCAC is an opportunity to influence decisions and behavior. Our ability to persuade—using objective, well-researched information and reasoned positions—is paramount to the ultimate success of this experiment in citizen participation.
Are They Listening?

Among industry and regulators, we have encountered varying attitudes toward citizen involvement, and responsiveness to citizen concerns.

The value of citizen involvement and responsiveness to citizen concerns are distinct but closely related. In some ways, embracing the principle and practice of citizen involvement can be more difficult than responding to citizen concerns. Sometimes, we drive them up the wall. We know too little. We know too much. We don’t know nearly as much as we think we do. These are the complaints we hear when we sit at the table with industry and regulators. To be sure, that is not always the case, and some are sincerely sold on the value of citizen involvement.

As a 28-year Coast Guard veteran, I empathize with people just trying to do their jobs. The vast majority of us at RCAC are not experts. Many of us are more knowledgeable than the average citizen, but that doesn’t put us on the same professional and technical level as the experts in industry and government. At times, we fail to remember that. Responsiveness to citizen concerns is more than just whether they do what we want. Much of it boils down to a willingness to listen with an open mind. Unfortunately, some in industry and government tend to dismiss citizen concerns out of hand. What some of them have been slow to learn is that even if a citizen’s concern stems from lack of knowledge or understanding, that concern is valid in the sense that it must be addressed. Those who ignore the value of citizen input, those who close their minds and ears to different, less-educated viewpoints, are those most at risk of sinking back into complacency.

If those we try to influence are not listening, or if they cease to listen, we must ask ourselves whether part of the reason lies with us. I believe it does. The most nagging, thorny conflict in the relationship between RCAC and Alyeska is how we resolve differences.

We do have a mutual policy of “no surprises,” which means we let Alyeska know there’s a problem before we run to the media with it or otherwise publicize our criticism. Alyeska, in turn, is to give us notice of decisions and issues in our areas of interest. Unfortunately, there are a lot of people to train on both sides and not everyone—especially within RCAC—is complying with the “no surprises” policy.

More difficult is the question of timing and discretion. Alyeska (and regulatory agencies, too, for that matter) want the opportunity to work out differences and disagreements free of the pressure cooker atmosphere that inevitably descends when the press gets wind of conflict. Give us a chance to work it out, they say, before you alert the troops and
call the press. Their view is that cooperation and diplomacy are inherent in the advisory relationship and that is what sets RCAC apart from traditional activist groups.

While most within RCAC support the concept of cooperation, RCAC’s independence—and public perception of that independence—are a cornerstone of the contract. There is serious concern within RCAC that the type of cooperation Alyeska seeks would undermine RCAC’s independence and public perception of our independence.

Some of our board members also believe their responsibility to the citizens means that everything they hear, see, and read must be shared. They believe their obligation to the public precludes them from holding something back from the citizens they represent, even for a short time. Not all our board members feel this way, but it’s an awkward issue for most of them. I believe the dilemma stems from conflicting views about the nature of RCAC’s relationship to Alyeska on the one hand, and confusion about the nature of our responsibility to the public on the other.

**Identity and Conflicting Expectations**

Is RCAC a whistle-blowing watchdog or simply an advisory group? Our name notwithstanding, this question is not as simple as it might seem. It is complicated by unrealistic and contradictory language in the Oil Pollution Act of 1990.

**OPA 90**

Depending on where you look in Section 5002 of the Oil Pollution Act, the RCAC is supposed to: (a) forge a trusting partnership with industry and government, (b) act as an oversight group, or (c) simply advise industry and government.

RCAC has already been judged on “trust and partnership,” which stems from intent language in OPA 90. The intent language speaks to lofty goals: a long-term partnership between citizens, industry, and government; converting mistrust into trust and confrontation to consensus.

Referencing those goals, an audit by the U.S. General Accounting Office last year took us to task for failing to single-handedly promote trust, cooperation, and partnership. We thought that was pretty silly, since first, it made the citizens alone accountable for what must be a shared responsibility, and second, the GAO put disproportionate emphasis on getting along, while being virtually silent on whether RCAC is making oil transportation safer.

While the lofty goals in OPA 90 have come back to bite us, we bear some responsibility for the problem since many in our organization had a
strong hand in writing Section 5002. The model for Alaska was Sullom Voe, the terminal in the Shetland Islands. The vision was to clone Sullom Voe, but the framers of OPA 90 failed to take into account political and jurisdictional differences between Shetland and the United States. Failure to fully appreciate those differences has resulted in unrealistic expectations.

Britain's political culture is very different from ours. Closed doors and private negotiations between regulators and industry are standard. Meetings of our Sullom Voe counterpart, the Shetland Oil Terminal Environmental Advisory Group, are not open. Although its reports are available to the public, its advice and recommendations remain confidential unless the local governing body, the Shetland Island Council, chooses to make them public.

With a political culture much closer to that of private corporations, the citizen group in Sullom Voe is comfortable working in an environment that prizes confidentiality and discretion. Proponents of that system say it promotes frank discussion, cooperation, and consensus-building.

By contrast, the vast majority of RCAC meetings are open. Reports are available to the public and released to the news media. RCAC's policies are to operate consistent with open government practices, even though it is a private entity. The RCAC board has been very reluctant to hold anything close to its chest, much to the dismay of Alyeska, which has long sought—and still seeks—the opportunity to work on differences free of media attention and external pressure.

Another critical difference between Sullom Voe and Alaska is that in Shetland, the local governing body has extraordinary jurisdictional authority. With power vested in the citizens, industry there has much greater incentive to listen and reach agreement. Simply put, the playing field is even at Sullom Voe; it isn't here because the citizens, and the local governments they represent, don't wield anything close to that level of authority.

Even if consensus in the broad sense were possible, we question whether it would be desirable. Consensus for its own sake is meaningless. It has value only to the extent that it can foster safer terminal and tanker operations. The very foundations of capitalism put industry at odds with the interests of the people and communities who depend on the resources most at risk from that industry. To ignore or underestimate the inherent conflicts would be naive, foolhardy, and ultimately unproductive.

The lofty goals of OPA 90 are troublesome because they set up the citizen councils for failure by holding them to one unattainable goal, consensus; and a rather vague one, long-term partnership.

In summary, the expectations of OPA 90 were that RCAC would be a means of turning conflict into consensus, and of building trust and cooperation between citizens, industry, and government.
Alyeska

Alyeska’s expectations were more specific and in some areas, different. Clearly, public relations was a powerful incentive and for good reason, since that was in part how it was sold. Public relations tends to be a dirty word, but Alyeska’s expectations of RCAC as a public relations asset should not detract from the integrity with which Jim Hermiller approached RCAC. He and others at Alyeska wanted to do the right thing. They sincerely wanted a way to involve citizens of the spill-impacted region. But in terms of RCAC improving Alyeska’s image and its relations with the public, that must be a big disappointment. Instead of a public relations boost, I think it’s safe to say that RCAC has been a source of headaches for Alyeska.

There are important areas in which RCAC has met expectations. It is an effective forum for addressing citizens’ concerns. RCAC does provide Alyeska with constructive advice and recommendations and inform the public about Alyeska’s capabilities in environmental protection and oil spill prevention and response.

But it’s fairly clear to me that other expectations have not been met. Alyeska expected fewer conflicts with citizens, not more. Alyeska expected RCAC to elicit input from citizens in the communities, as well as from council members and committee volunteers. We’ve found that difficult under our current structure. Perhaps most important to Alyeska, they expected RCAC to be a mechanism for resolving differences in a non-adversarial, non-confrontational environment. In practice, that has been the exception.

Public

Public expectations are more difficult to pin down. To the extent that the public is aware of RCAC, I think they expect us to help prevent oil spills and to generally pay attention in ways that no one was doing before the Exxon Valdez.

A vocal segment of the public believes RCAC is a watchdog. They see RCAC’s main function as keeping industry in line. This group accuses us of being a lapdog instead of a watchdog if we aren’t sufficiently adversarial.

My personal opinion is that RCAC must and can reconcile its obligation to the public with the need to be effective in its relationship with industry. Our best chances for influencing industry lie in persuasion, not bashing. If we insist on waging wars in the media before we give them even a chance to address our concerns, the whole experiment will eventually fail.
Advice

Based on our experiences, I offer the following advice to would-be citizens groups:

• Define clearly and succinctly how you intend to relate to industry and citizens. The more clearly you define these relationships from the start, the easier it will be to keep focused on your mission and cope rationally with the inevitable criticisms.

• Keep your board small; a large board almost inevitably makes it harder to achieve a quorum and conduct business.

• Be prepared for criticism from all sides and don’t let pressure from different quarters budge you from your mission. Being a citizens group shouldn’t mean you jump every time one of your citizens demands it. The organization must represent and reflect citizens as a whole, or it won’t last. Once you begin serving only the desires of select individuals or particular interest groups, you no longer serve all your constituents.

• An organization that relies heavily on volunteers must do some extra planning, because a significant volunteer work force carries different challenges. In the first few years, we’ve been spoiled by some extraordinary volunteers on the board and committees—people who were committed, knowledgeable, and able to devote hundreds of hours to RCAC work. But passions cool over time and people burn out. Any organization that leans heavily on volunteers must be sufficiently flexible to accommodate turnover and the ebb and flow of a volunteer work force. In our efforts to be volunteer-driven, we have probably put too many demands on volunteers. We need to be clear in our expectations, but fair and realistic in our demands on them.

• Clearly articulate and communicate each individual’s obligations and responsibility to the group. Highly motivated people who are passionately concerned about the issues have at times gone off on their own, forgetting that as participants in RCAC, they are obligated to work within the group’s processes and to comply with its policies. Just as RCAC is responsible to all of its 18 member organizations, all the people associated with RCAC have obligations and responsibilities to the group as a whole.
Conclusion

The Prince William Sound RCAC has tallied up some impressive successes and accomplishments in these first four years. Citizens have a voice in decisions that affect their communities and their lives. Citizen participation is yielding improvements in terminal operations and oil transportation. Of the substantive work that lies ahead for the RCAC, the most critical and difficult by far is to find a mutually satisfying relationship with Alyeska.

Given commitment and good faith efforts on all sides, no problem is insurmountable. Challenges notwithstanding, citizen advisory councils are a grand idea. The closer we can move to widespread recognition of the value of and need for citizen involvement, the better off we'll all be. The rewards are deceptively simple: safer transportation of oil.
Oversight of the Marine Industry in Western Alaska

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The Exxon Valdez oil spill greatly influenced the federal and state governments and public to ensure greater prevention and response capabilities of the marine and oil industries. The Oil Pollution Act of 1990 (OPA 90), passed by Congress on 4 August 1990 and signed into law by the President on 18 August 1990, has provided for increasing public and government oversight of the industry.

In Western Alaska, the oil and marine industry has made great improvements in its ability to respond to oil spills. Significant improvement is continuing. A greater emphasis is being placed on prevention to integrate with the present emphasis of response. Many issues came out of OPA 90, such as drug and alcohol testing requirements, development of Regional Citizens Advisory Councils (RCAC), and the National Preparedness Response Exercise Program (NPREP). Although there were many other developments and requirements mandated by OPA 90, these programs represent additional areas of oversight by the Coast Guard.

Drug and Alcohol Testing of Mariners

On November 21, 1988, the Coast Guard issued regulations on the implementation of a program for chemical, drug, and alcohol testing of commercial vessel personnel. Although these regulations were in place before the Exxon Valdez oil spill, the need for broader application and enforcement of these regulations was realized. Since then, regulatory modifications have been added to the 1988 rules to encompass most of the maritime industry. Now the tests apply to personnel on any U.S. vessel greater than 200 gross tons or any U.S. vessel less than 200 gross tons which requires a Coast Guard licensed operator. The burden is upon the marine employer to ensure such a program is in place and that its applicable employees comply. The burden on the Coast Guard is to ensure the industry does its job. In addition to all other measures, effective 1 January
1994, employers must submit a yearly report on their drug and alcohol test program. The report must contain the number of employees, number of tests performed, number of negative and positive tests, number of applicants denied employment, number of employees with past positive drug tests returning to duty, and number of employees refusing to test. In addition, OPA 90 specifically states that a Merchant Mariner Document (MMD) cannot be issued to an individual if the individual does not allow the Coast Guard access to the information in the National Driver Register. The Coast Guard can also review the criminal record of that individual prior to issuing a document or license.

As before, whenever a serious marine accident occurs, the marine employer is required to ensure that those persons directly involved are tested for drugs and alcohol. The Coast Guard may also require a drug test of any persons involved in a serious marine accident.

**Regional Citizens Advisory Councils (RCAC)**

Section 5002 of OPA 90 established the Oil Terminal and Oil Tanker Environmental Oversight and Monitoring Act. This part of OPA 90 was established because of the appearance of complacency on the part of industry and government, and provides for a process that fosters a long-term partnership of industry, government, and local communities overseeing compliance with environmental concerns.

One method of developing this additional level of oversight, the development of citizens’ councils, is referred to as the prescriptive option. In this case, OPA 90 sets the requirements dealing with matters such as council membership and responsibilities, the maximum level of funding to be provided by industry, and the interaction of federal agencies with the councils. A second method, referred to as the alternative voluntary option, allows these councils to form, but not in specific compliance with OPA 90. This option allows that the councils have a funding contract with the oil and tanker interests in the region and that the Coast Guard has certified that the alternative voluntary council fosters the goals and purpose of the act and broadly represents the interests of the communities near the oil terminals. As a result, Alaska has two councils formed under this alternative voluntary option.

It’s taken these five years since the *Exxon Valdez* oil spill for each of the RCACs to develop into the organizations we see today. According to an August 1993 GAO report, the early development stages were rocky, even to the point of dissolution. Both RCACs appear to be in sound condition and are making significant progress in their mandated area of responsibility. Cook Inlet RCAC’s 1993 annual report states that 1992 was their year to grow and learn, and 1993 was their year of action.
The councils’ open meeting forum provides an excellent place for the exchange of ideas among the local communities, industry, and the federal and state governments for preventing future oil spills into the Alaskan environment.

**National Preparedness Response Exercise Program**

OPA 90 requires an extensive spill response exercise commitment from the industry. Drill requirements include qualified individual notification drills, on-board emergency procedures drills, spill management team tabletop drills, equipment deployment drills, and announced drills. In order to coordinate the onerous drill requirements, the involved federal regulatory agencies pioneered to eliminate duplication of exercises otherwise required by each regulatory agency. By participating in NPREP, vessels and facilities will accredit themselves, and as such will essentially comply with all drill mandates of OPA 90. It allows for contingency plan holders of vessels and facilities regulated by the EPA, Coast Guard, MMS, or RSPA, and identifies who must conduct drills under existing regulation to receive concurrent drill credits.

NPREP went into effect October 1, 1993. The first official drill year is January to December 1994. Every three years all components of an entire response plan must be exercised. (See Appendix A for the exercise program summary.)

**Prevention is the Key**

In the wake of the Exxon Valdez oil spill, most can agree that it’s by far more cost effective for both government and nongovernment entities to prevent spills than it is to respond to them. Since the enactment of OPA 90, the liability for oil spills has increased significantly as has the penalty for accidental or intentional discharge of oil or oily substances. As such, the prevention of oil spills from vessels or facilities becomes more critical than ever.

The National Contingency Plan (NCP) (40 CFR Part 300) disposes the federal government’s general oil spill response pattern. When proper notification of an oil spill has been made, the Coast Guard conducts an initial assessment to determine the response required and issues a Notice of Federal Interest (NOFI) to the “responsible party.” When more than one source is suspected, multiple notices will be issued. The notice tells the responsible party that the federal government (Coast Guard) has an interest in the spill, and if the responsible party fails to take the proper cleanup action, the Coast Guard will arrange for spill cleanup. The responsible party may then be liable for all costs associated with the
cleanup, including the cost of deploying Coast Guard assets. Whenever the responsible party fails to take the proper cleanup and removal actions, the Coast Guard can assume complete control of the spill and immediately contract an oil spill response organization (OSRO) to conduct the cleanup.

When a spill is federalized, the Coast Guard requests Oil Spill Liability Trust Fund (OSLTF) money, at which time a federal project number (FPN) is issued to track all expenditures. A project cost ceiling is estimated and a OSRO is hired to conduct the response and cleanup. The responsible party is immediately issued a Notice of Federal Assumption (NOFA), which informs the responsible party that the federal government has assumed the response and will conduct the response in accordance with the NCP. At all times, the OSRO is under the direction of the pre-designated federal on-scene coordinator (FOSC).

If the responsible party properly conducts the cleanup, then the Coast Guard is directed to advise and consult. If the Coast Guard determines that the responsible party is not sufficiently or properly conducting, or they are not capable of conducting, the cleanup, then the Coast Guard will federalize the spill and assume all cleanup efforts. Again, the responsible party will be liable for all Coast Guard costs associated with the cleanup.

At any time during a spill response, and when the spill has been federalized, the responsible party may assume the response effort and undertake the cleanup contract. Accordingly, the responsible party has three options: to conduct the response themselves, to hire a different OSRO, or to renegotiate the contract under which the Coast Guard’s OSRO is operating and assume the cleanup in its entirety. However, the spill will remain federalized, and the Coast Guard will continue to use its OSRO until the responsible party can fully assume and properly maintain the response effort.

Upon completion, and when no further associated cleanup, equipment cleaning, or replacement costs are incurred, the Coast Guard completes all cost documentation and submits the report to the National Pollution Funds Center (NPFC) in Arlington, Virginia. The NPFC will then attempt to collect all government and third party claims from the responsible party. When all reports are completed, the case is closed.

It’s clearly much easier, and by far more cost effective, to prevent oil spills than it is to respond to them.
Appendix A

Summary for National Preparedness Response Exercise Program

Qualified Individual Notification Drills
1) Facilities Quartery
2) Manned Vessels Quarterly
3) Unmanned Barges Quarterly

Notification Drills
1) Area Quarterly
2) Offshore Facilities Annually

Onboard Emergency Procedures Drill
1) Manned Vessels Quarterly

Emergency Procedures Drill
1) Unmanned Barges Quarterly

Spill Management Team Tabletop Exercise
1) Facility Spill Management Team Annually
2) Vessel Spill Management Team Annually
3) Area (Federal Government) Team Annually
4) Spill Management Team Annually

Equipment Deployment Drills
1) Facilities w/Facility Owned Response Equip. Semiannually
2) Facilities w/o Facility Owned Response Equip. Annually
3) Vessels Annually
4) Area (Federal Government) Annually
5) Owner/Operator Semiannually

Unannounced Drills
1) Response Plan Holders w/in Area Annually
2) Pipeline Owner/Operator Max. Twenty (20) Drills Annually
3) Offshore Facilities Determined by Regional

Owner/Operator Internal Notification Drills
1) Pipeline Owner/Operator As Indicated by O/O Response

Plan
Internal Tabletop Exercise
1) Pipeline Owner/Operator As Indicated by O/O Response

Plan
Owner/Operator Deployment Drills
1) Pipeline Owner/Operator As Indicated by O/O Response

Plan
Area Exercises
1) Area Response Community Triennially for Each Area
Development of a Unified Federal/State, Coastal/Inland Oil and Hazardous Substance Contingency Plan for the State of Alaska

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Abstract

The passage of the Oil Pollution Act of 1990 (OPA 90) expanded the existing federal planning and response framework in several ways. OPA 90 created a new requirement for facility and tank vessel response plans and an "area-level" planning and coordination structure to help supplement federal, regional, and local planning efforts. OPA 90 amended the existing Clean Water Act (CWA), section 311(j)(4) which establishes area committees and area contingency plans (ACPs), as primary components of this structure.

In 1980, the Alaska State Legislature enacted legislation which defines the state's policies regarding oil spills. Following the TV/ Exxon Valdez oil spill, in 1989 and 1990 the legislature passed further legislation to expand and strengthen the state's oil spill program. Specifically in 1989, Senate Bill 261 required the Alaska Department of Environmental Conservation (ADEC) to develop, annually review, and revise the State Oil and Hazardous Substance Contingency Plans, (State Master & Regional Plans). State regional plans serve as annexes to the State Master Plan.

This paper presents the coordinated and cooperative efforts by government agencies and local entities toward creating a "unified" Federal/State, Coastal/Inland Oil and Hazardous Substance Preparedness and Response Plan and the development and progress of "unified" Sub-Area/Regional Contingency Plans for the State of Alaska.
Existing Planning Preparedness Efforts

Federal

As established by OPA 90 and the Clean Water Act (CWA), area/regional committees have three primary responsibilities:

1. The preparation of an area contingency plan (ACP).

2. Working with state and local officials to enhance contingency planning and assure pre-planning of joint response efforts including appropriate procedures for mechanical recovery; dispersal; shoreline cleanup; protection of sensitive environmental areas; and protection, rescue, and rehabilitation of fisheries/wildlife.

3. Working with state and local officials to expedite decisions for the use of dispersants and other mitigating substances and devices.

The final planning function does not supersed the federal on-scene coordinator (FOSC) and Alaska Regional Response Team (ARRT) “authorization for use” and preplanning provisions contained in the National Contingency Plan (NCP).

The statute requires that each area plan when implemented in conjunction with the NCP be adequate to remove the worst case discharge and to mitigate a substantial threat of discharge. The plan includes a description of the geographic area, presence, and proximity of natural resources, environmentally sensitive areas, population concentrations, location of drainage/geologic-topographic features, location of water supplies, beaches, ports, recreational areas, zones of seasonal significance, and migratory bird flyways. The area plan will also describe in detail responsibilities of owner/operators, federal, state, and local agencies potentially involved toward removing a discharge. An equipment list within the plan shall include firefighting, dispersant, in situ burning, chemicals, available personnel, and other mitigating substances plus procedures to be followed for obtaining an expedient decision regarding their use. Most important of all, the plan will describe its relationship with the other ACPs and vessel/facility contingency plans.

To implement these statutory requirements, a risk assessment is necessary to identify the geographical area’s facilities, petroleum vessel transportation, environmental characteristics, and public health and welfare concerns. ACPs may be used to satisfy the need for an on-scene coordinator (OSC) contingency plan under the NCP, 40 CFR 300.210(d).
State

In 1989, Senate Bill (SB) 261 required DEC to develop, annually review, and revise the State Oil and Hazardous Substance Contingency Plans (State Master & Regional Plans). Alaska State legislation requires the state's Master & Regional Contingency Plans to clarify and specify the respective responsibilities of federal agencies, agencies of the state, municipalities, facility operators, and private parties whose land or property may be affected by a discharge. Responsibilities include assessment, containment, and cleanup of a catastrophic oil discharge or a significant release of a hazardous substance into the environment.

In 1990 the law was revised again with the passage of House Bill (HB) 566 which requires the State Master Plan to consider the elements of a vessel or facility oil discharge contingency plan approved or submitted for approval as per state statute. The plan is required to include an incident command system (ICS) that clarifies and specifies the responsibilities of federal, state, and local agencies, facility operators, and private parties for emergency response, assessment, containment, and cleanup of oil and hazardous substance discharges. The State Master Plan also identifies actions necessary to reduce the likelihood of catastrophic oil and hazardous substance discharges.

Alaska Statute 46.04.210 requires the development of state regional plans which serve as annexes to the State Master Plan. The regional plans are not stand-alone documents but fall under the umbrella of the State Master Plan. Regional plans contain detailed, localized information regarding facility location, assessment of hazards posed by facilities, transportation corridors, environmentally sensitive areas, emergency spill response equipment and personnel, and information regarding local emergency response capabilities including the Local Emergency Planning Committee (LEPC) status.

Local

The Superfund Amendment and Reauthorization Act of 1986, Title III (SARA Title III) and Alaska Statute 46.13.090 requires the LEPCs established in Local Emergency Planning Districts (LEPDs) to develop local emergency plans. Local emergency plans shall: include identification of facilities and transportation routes; establish emergency response procedures for public notification, protection, and evacuation; establish notification procedures for responders; develop methods for determining the occurrence and severity of a release; identify emergency response equipment; develop a training program and schedule for local emergency responders; establish methods and schedules for plan exercises; designate
a community coordinator and facility coordinators to implement the plan; and include an ICS. The local emergency plans shall consider elements of a state-required and approved oil discharge plan and have the capability of being integrated with existing plans.

Although the original federal requirements focused LEPC planning and preparedness efforts on extremely hazardous substances, on September 25, 1990 the Alaska Legislature and State Emergency Response Commission (SERC) broadened that focus to include oil and petroleum products.

Figure 1 illustrates the interrelationship and proposed integration of local, state, and federal planning efforts. Although OPA area plan and state regional plan requirements do not mirror each other they are essentially identical in intent.

![Diagram of contingency planning systems]

**Figure 1.** Integrated federal/state/local coastal/inland oil and hazardous substance contingency planning.
Geographic Planning Boundaries

Federal

OPA section 4202(b) requires the President to designate areas for which area committees are established. Through Executive Order 12580 as amended by Executive Order 12777, the President delegated to the Administrator of the Environmental Protection Agency (EPA) responsibility for designating areas and appointing the committees for the “inland” zone. The United States Coast Guard (USCG) was given the responsibility for designating areas and appointing area committees for the “coastal” zone.

The inland and coastal zones are geographical areas additionally modified by certain “incident-specific” circumstances that delineate which federal agency provides the lead role with a pre-designated FOSC for response to an oil or hazardous substance discharge. In general, the inland and coastal zones are delineated by a boundary line in Alaska that is located 914 meters inland from the mean high tide line. Any area seaward of that line is considered as coastal zone and areas inland of that line are designated as inland zone. These initial designations are further modified or defined by incident-specific conditions including the source of the discharge/release, the nature of the product, and the area impacted by the spill. For further detail refer to the memorandum of understanding (MOU) between the EPA and USCG regarding designation of the inland and coastal zones in Alaska for response purposes.

In a Federal Register Notice published on April 24, 1992, the EPA and USCG jointly announced the designation of areas and area committees under OPA 90 for inland and coastal zones. Due to the split of jurisdiction and responsibilities between EPA and the USCG as previously discussed, and inherent differences in organizational structure of the two agencies, each agency took separate but compatible approaches in establishing initial designations. Nationwide, the EPA designated the existing 13 RRT areas as the initial areas for which ACPs must be prepared in the inland zone. The USCG designated the coastal portions of the existing 49 Captain of the Port (COTP) zones as the initial areas for which ACPs must be prepared in the coastal zone. In Alaska this has the effect of initially establishing one statewide inland area by EPA and three USCG coastal areas which correspond to the boundaries of the Alaska USCG COTP zones.

Both the EPA and USCG have the authority and intent, if appropriate, to further subdivide initial areas, both coastal and inland, into smaller, more localized areas for which ACPs will be developed.
State

In 1991, 18 AAC 75.495 established within the State of Alaska ten regions for the purpose of preparing regional oil and hazardous substance contingency plans as required by AS 46.04.210. The ten regions are, Southeast Alaska, Prince William Sound, Cook Inlet, Kodiak Island, Aleutian, Bristol Bay, Western Alaska, Northwest Arctic, North Slope, and Interior Alaska (see Figure 2).

Local

Within the state's ten regional boundaries are LE PDs. Presently, 26 LE PDs exist within the state. LE PDs have been established using borough boundaries and regional educational attendance areas. Within the LE PDs, 11 LE PC s have been approved by the State Emergency Response Commission (SERC) (see Figure 3). The state has made an effort to use pre-existing boundaries for planning purposes.

To facilitate the coordination and development of sub-area/regional plans, the federal agencies have agreed to utilize the existing ten regional planning boundaries within the state.

Strategy for Developing Area/Regional Plans Integrated with Existing Federal, State, and Local Plans and Planning Efforts

In view of the existing planning requirements, efforts, and products present at private, local, state, and federal government levels, the following course of action has been taken to develop OPA 90 and state mandated Area/Regional, Coastal/Inland Contingency Plans. The USCG, EPA, and DEC have prepared joint plans to cover all of Alaska. The "unified" Alaska Plan (Volume I) incorporates key provisions of the existing Alaska Regional Response Team's Regional Contingency Plan for Alaska and the state's Master Plan. Volume I isn't a reproduction of the existing plans mentioned but has incorporated appropriate sections from both plans plus added internal EPA, USCG, and DEC information regarding resources, personnel, and organizational structure. Volume I has also incorporated key provisions of local government response plans developed by LEPCs and applicable information from industry response plans developed in accordance with state and federal planning requirements. The "unified" plan (Volume I) was granted approval by the SERC on February 17, 1994. The plan presently awaits approval by the ARRT.

Alaska has been subdivided into smaller areas for detailed sub-area/regional planning. The sub-areas are based on the existing state regional
Figure 2. Regional master discharge prevention and contingency plan boundaries (18 AAC 75.495).
Figure 5. Local emergency planning districts and approved local emergency planning committees.
Planning boundaries designed for oil and hazardous substance planning. The sub-area/regional plans are being developed on a priority schedule based on potential threats for worse case discharges. Ten sub-area/regional supplements (Volume II) will be developed by the area committees. When possible, coastal zone area committees will be co-chaired by a USCG OSC and a DEC regional planner. The inland area committees will be co-chaired by an EPA OSC and a DEC regional planner. If an area such as the North Slope or Cook Inlet is co-terminus with a high priority coastal area, efforts will be made to coordinate EPA/state planning with USCG lead through a combined committee. Joint planning efforts will result in the production of common plans that could satisfy both state and federal requirements.

LEPCs and industry representatives will be encouraged to participate with the federal/state planning efforts. Many LEPCs are currently conducting hazards analysis for their planning districts. Such information will be extremely beneficial to the sub-area/regional planning efforts in developing a risk assessment of the area. Including these people on the committee will ensure realistic information regarding local conditions and lead to compatible private, local government, state government, and federal plans.