

REVISED BRIEFING

Update on Valdez Marine Terminal Contingency Plan Renewal 4-6

Briefing for PWSRCAC Board of Directors – January 2019

ACTION ITEM

Sponsor: Linda Swiss
Project number and name or topic: 651 Valdez Marine Terminal
Contingency Plan Review

1. **Description of agenda item:** This item is intended to brief the Board on the status of the renewal of Alyeska's Valdez Marine Terminal Oil Discharge Prevention and Contingency Plan (VMT C-Plan). The VMT C-Plan was approved on November 21, 2014 for a period of five years, and is set to expire in November 2019.

As part of this agenda item, the Board is also being asked to increase the authority for the Executive Director to enter into individual contracts with the pre-approved c-plan contractor pool up to the amount currently approved under Project 651/C-Plan Review. At the September Board meeting, a budget modification adding \$25,000 for contracts under the 651/C-Plan Review project was approved. The Board is now asked to authorize contract increases to expend these funds.

Alyeska submitted the VMT C-Plan renewal to the Alaska Department of Environmental Conservation (ADEC) for a sufficiency review on November 4, 2018, a year ahead of the expiration date. The VMT C-Plan went through significant changes during the 2013-2014 renewal, and it is expected this renewal will not be as comprehensive. On November 11, 2018, ADEC found the plan sufficient for review. The 30-day public review was set to begin November 23, 2018 and end on December 22, 2018. Due to the November 30, 2018 earthquake, PWSRCAC requested an extension to the public review period. ADEC extended the public review to January 7, 2019 to accommodate PWSRCAC's request.

Highlights of proposed changes to the VMT C-Plan include:

- **Non-Mechanical Response:** Dispersants and in situ burning response options were removed from the plan.
- **2017 Solomon Gulch Hatchery and Valdez Duck Flats Sensitive Area Protection Mobilization Decision Matrix:** Changes to this matrix have been the subject of an administrative appeal. The plan incorporates the decision matrix that was approved by ADEC in October 2017.
- **Documents Incorporated by Reference:** The VMT C-Plan incorporates over 70 documents by reference. Information from these documents that may not be available to the public for review is used to satisfy state and federal requirements. Through our contract with Alyeska, PWSRCAC has requested and received copies of some of these documents.
- **Response Training:** In 2004, ADEC issued an out of compliance notification to Alyeska regarding response training. In response to this notification, Alyeska improved the information contained in its response training program. Response training information is found in a separate document that is incorporated by reference (see above). As this information is not contained in the C-Plan, Alyeska can amend its response training without regulatory approval.
- **Prevention Training:** The C-Plan lacks details to verify compliance with state regulations.

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- **Scenario 4:** Changes to Scenario 4 have been the subject of the administrative appeal. These changes are pending the outcome of that process.
- **Scenario 5:** Scenario 5 is the State's Response Planning Standard (RPS) oil spill scenario that establishes the personnel and equipment resources at the terminal. In this plan, Scenario 5 involves a spill at the largest tank at the terminal where 6.5 million gallons reaches the Port of Valdez. PWSRCAC is requesting information on the number of personnel with the proper training for this worst case spill.
- **Tugs:** Alyeska has proposed deleting docking tug information.
- **Secondary Containment:** PWSRCAC questions the integrity of the secondary containment liners in the East Tank Farm.

The letter and comments submitted to all regulatory agencies on January 7, 2019 can be viewed [HERE](#).

For over the past 15 years, Contractor Harvey Consulting, LLC. (Susan Harvey) has provided technical expertise and support to PWSRCAC in reviewing VMT C-Plan amendments and renewals. As can be seen from a review of the comments recently submitted, Susan Harvey has helped the Council identify many areas where additional information is requested.

2. **Why is this item important to PWSRCAC:** The VMT C-Plan approval process includes important actions which could potentially impact every member organization. The VMT C-Plan establishes state and federal oil spill prevention and response requirements that Alyeska is required to comply with to prevent a spill from occurring, and would be obligated to do should an oil spill occur. This plan is renewed every five years. Reviewing contingency plans is a major task for PWSRCAC as outlined in both the PWSRCAC/Alyeska contract and OPA 90.

3. **Previous actions taken by the Board on this item:**

<u>Meeting</u>	<u>Date</u>	<u>Action</u>
Board	May 2018	Authorized individual contracts with Harvey Consulting, LLC; Integrity Environmental; Nuka Research & Planning Group, LLC; and Shannon & Wilson, for professional services with the aggregate total not to exceed the amount approved for Project 651/C-Plan Review in the final FY19 budget, and delegation of authority to the Executive Director to enter into individual contracts with the consultants.
Board	September 2018	Approved budget modification adding \$25,000 to contracts for project 6510 State Contingency Plan Review

4. **Committee Recommendation:** The OSPR Committee has been briefed on the status of the VMT C-Plan renewal.

5. **Relationship to LRP and Budget:** This project is in the approved FY2019 budget and annual work plan.

6. **Action Requested of the Board of Directors:** Authorize the Executive Director to enter into individual contracts with Harvey Consulting, LLC; Integrity Environmental; Nuka Research & Planning Group, LLC; and Shannon & Wilson, for professional services with the aggregate total not to exceed \$95,000, the current amount approved in the FY19 Budget for contracts under Project 651/C-Plan Review.