

**PRINCE WILLIAM SOUND  
REGIONAL CITIZENS' ADVISORY COUNCIL  
MINUTES  
REGULAR BOARD MEETING  
September 21-22, 2023  
Homer, Alaska**

**Members Present**

Robert Archibald	City of Homer
Amanda Bauer <i>(via videoconference)</i>	City of Valdez
Robert Beedle	Cordova District Fishermen United
Mike Bender	City of Whittier
Mike Brittain	City of Seward
Nick Crump <i>(via videoconference)</i>	Prince William Sound Aquaculture Corporation
Ben Cutrell	Chugach Alaska Corporation
Wayne Donaldson	City of Kodiak
Mako Haggerty	Kenai Peninsula Borough
Luke Hasenbank	Alaska State Chamber of Commerce
Jim Herbert	Temporary Recreation Seat
David Janka	City of Cordova
Melvin Malchoff	Port Graham Corporation
Dorothy Moore <i>(via videoconference)</i>	City of Valdez
Bob Shavelson	Oil Spill Regional Environmental Coalition
Angela Totemoff	Tatitlek Corporation & Tatitlek Village IRA Council
Michael Vigil	Chenega Corporation & Chenega IRA Council
Aimee Williams <i>(via videoconference)</i>	Kodiak Island Borough
Kirk Zinck	City of Seldovia

**Members Absent**

Elijah Jackson	Kodiak Village Mayors Association
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**Committee Members Present**

Tom Kuckertz	TOEM Committee
Steve Lewis <i>(via videoconference)</i>	POVTS Committee
Davin Holen	SA Committee
Wei Cheng <i>(via videoconference)</i>	SA Committee
Matt Melton <i>(via videoconference)</i>	OSPR Committee
John Kennish <i>(via videoconference)</i>	SA Committee
Sarah Allan	SA Committee
Savannah Lewis <i>(via videoconference)</i>	IE Committee
Cathy Hart	IE Committee

**Staff Members Present**

Donna Schantz	Executive Director
Joe Lally	Director of Programs

KJ Crawford  
Ashlee Hamilton  
Jennifer Fleming  
Danielle Verna  
Roy Robertson  
Linda Swiss  
Jeremy Robida  
Alan Sorum  
Amanda Johnson  
Sadie Blancaflor  
Nelli Vanderburg  
Hans Odegard  
Jaina Willahan

Director of Administration  
Director of Finance  
Executive Assistant  
Project Manager  
Project Manager  
Project Manager  
Project Manager  
Project Manager  
Project Manager  
Project Manager Assistant  
IT Coordinator  
Office Coordinator

**Ex Officio Members Present**

Kara Kusche *(via videoconference)*  
Lisa Fox *(via videoconference)*  
Mary Goolie *(via videoconference)*  
Jonathan Kirsch *(via videoconference)*  
CDR Sarah Rousseau *(via videoconference)*  
Paul Degner *(via videoconference)*  
Scott Pegau *(via videoconference)*

Alaska Dept. of Environmental Conservation  
U.S. Department of the Interior  
U.S. Environmental Protection Agency  
Alaska Dept. Fish & Game  
USCG MSU Valdez  
Bureau of Land Management  
Oil Spill Recovery Institute

**Others Present**

Andres Morales  
Klinton VanWingerden  
Suzanne Cunningham *(via videoconference)*  
Mike Day *(via videoconference)*  
Alyssa Sweet *(via videoconference)*  
Weston Branshaw *(via videoconference)*  
Scott Hicks *(via videoconference)*  
Kate Dugan *(via videoconference)*  
Michelle Egan *(via videoconference)*  
Amanda Keates *(via videoconference)*  
Mary Goolie *(via videoconference)*  
Lanette Oliver *(via videoconference)*  
Quinten Simeon  
Tiffany Larson *(via videoconference)*  
Melissa Woodgate *(via videoconference)*  
Anna Carey *(via videoconference)*  
Rebecca Spiegel *(via videoconference)*  
Andy Jones  
Blair Patterson  
Dianne Munson *(via videoconference)*  
Mo Radotich *(via videoconference)*

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Valdez Adventure Alliance  
Inletkeeper  
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Kathy Shea <i>(via videoconference)</i>	Alaska Dept. of Environmental Conservation
Melinda Brunner <i>(via videoconference)</i>	Alaska Dept. of Environmental Conservation
Sonja Mishmash	Alaska Dept. of Environmental Conservation
Chris Merten <i>(via videoconference)</i>	Alaska Tanker Company
Angelina Fuschetto	Crowley Alaska Tankers
Andrea West	Polar Tankers
John Novak	Polar Tankers
Chris Hiatt	Polar Tankers
Rob Kinnear <i>(via videoconference)</i>	Hilcorp
Capt. Ian Maury	Southwest Alaska Pilots Association
Eileen Oliver <i>(via videoconference)</i>	Bureau of Land Management
Rob Campbell <i>(via videoconference)</i>	Prince William Sound Science Center
Joe Levesque	Levesque Law Group
Roy Jones <i>(via videoconference)</i>	PWSRCAC legislative monitor (Federal)
LT Caroline Wilkinson <i>(via videoconference)</i>	NOAA Office of Coast Survey
Kris Holderied	NOAA
Tim Robertson	Citizen
Ken Castner	City of Homer
Ingrid Harrald	Kachemak Bay National Estuarine Research Reserve
George Matz	Kachemak Bay National Estuarine Research Reserve
Emilie Springer	Homer News
Louie Flora	Office of Alaska Senator Loki Tobin
Max Harsha <i>(via videoconference)</i>	University of New Orleans
David Podgorski <i>(via videoconference)</i>	University of New Orleans
Jamie Kiep <i>(via videoconference)</i>	KBBI
Adryan Glasgow <i>(via videoconference)</i>	Agnew::Beck
Lisa Fousek <i>(via videoconference)</i>	Agnew::Beck
Tomas Anderson <i>(via videoconference)</i>	Citizen
Rami Paulsen <i>(via videoconference)</i>	Tatitlek IRA Council

**Thursday, September 21, 2023**

**CALL TO ORDER, WELCOME, AND INTRODUCTIONS**

The annual meeting of the Board of Directors of the Prince William Sound Regional Citizens' Advisory Council was held September 21 and 22, 2023, at the Islands & Oceans Visitor Center in Homer, Alaska. President Robert Archibald called the meeting to order at 8:30 a.m. on September 21, 2023.

A roll call was taken. The following 17 Directors were present at the time of the roll call, representing a quorum for the conduct of business: Archibald, Bauer *(via videoconference)*, Bender, Brittain, Crump, Cutrell, Donaldson, Haggerty, Hasenbank, Herbert, Janka, Malchoff, Moore *(via videoconference)*, Shavelson, Vigil, Williams *(via videoconference)*, and Zinck. Robert Beedle and Angela Totemoff joined the meeting in person shortly after the call to order at 8:38 a.m. and 8:52 a.m., respectively.

President Archibald welcomed everyone to the meeting. Yup'ik storyteller and Kachemak Bay resident, Quentin Simeon, gave a land acknowledgement. Ken Castner, Mayor, welcomed the Council to the City of Homer.

Introductions and Directors' reports followed.

### **1-0 AGENDA**

President Archibald presented the agenda (green-colored sheet) for approval.

Angela Totemoff **moved to approve the agenda** (green-colored sheet). **Jim Herbert seconded and the agenda was approved as presented.**

### **1-1 MINUTES**

Angela Totemoff **moved to approve the minutes** of the Annual Meeting of the Board of Directors of May 4 and 5, 2023. **Michael Vigil seconded and the minutes were approved as presented.**

Jim Herbert noted there have been instances during past Board meetings where Board members ask questions of third parties (ex officios, Alyeska, etc.) where the representative promises follow-up information will be provided after the meeting. Herbert asked whether there is a record of the information that is ultimately provided and whether it is the responsibility of the person who asks the question to follow up or the responsibility of staff. Executive Director Donna Schantz stated that staff could do a better job of making sure that the information is received and disseminated to the Board. Herbert added he felt the person who asked the question bore some responsibility to make sure it is ultimately addressed and the information passed along.

### **1-2 MINUTES**

Angela Totemoff **moved to approve** the minutes of the Special Meeting of the Board of Directors of April 14, 2023. **Jim Herbert seconded and the minutes were approved as presented.**

### **PUBLIC COMMENTS**

Tim Robertson, a founding member of PWSRCAC and a Seldovia resident, addressed the Council about its upcoming 35<sup>th</sup> anniversary in 2024. He said he would like to see a gathering of the founders in 2024, in a roundtable format where they can reminisce about the early days of the Council, what their expectations were at the time, and their thoughts on the evolution of the Council 35 years in.

Ingrid Harrald, Education Coordinator at the Kachemak Bay National Estuarine Research Reserve (KBNERR), gave an overview of the organization, how funding from the PWSRCAC's Youth Involvement project was being used, and how the KBNERR mission overlaps in places with PWSRCAC.

## INTERNAL OPENING COMMENTS - PWSRCAC TECHNICAL COMMITTEE UPDATES

### SCIENTIFIC ADVISORY COMMITTEE (SAC)

Chair David Holen gave an update of the committee's activities and its projects since the May Board meeting:

- **Long-Term Environmental Monitoring Program (LTEMP).** The annual LTEMP sampling took place in May and June. It was an expanded sampling year, which takes place every five years. Staff gathered samples from nine out of the 12 expanded LTEMP sites throughout Prince William Sound. Unfortunately, adverse weather conditions prevented access to the three Gulf of Alaska sites. SAC members agreed to postpone sampling at the three inaccessible sites to June 2024, ensuring consistency in data collection timing. Currently, SAC is deliberating whether to integrate transcriptomics permanently into LTEMP.
- **Winter Marine Bird Survey.** 2023 marked SAC's third consecutive year of supporting winter marine bird surveys. During the May Board meeting, funding was approved in the budget for a fourth year of surveys that will take place in March 2024. Notably, the conclusion of Gulf Watch Alaska funding resulted in the omission of certain transects, some of which have been added to the pre-existing PWSRCAC transects. Survey data has been compiled and are now integrated into NOAA's Environmental Response Management Application (ERMA). A final report will be presented to the Board at this meeting and SAC recommends its acceptance.
- **Oxygenated Hydrocarbons.** The report on oxygenated hydrocarbon sampling at the Valdez Marine Terminal has revealed that the ballast water treatment facility (BWTF) effectively removes BTEX compounds, yet hydrocarbon oxidation products (HOPs) persist in the effluent discharged to Port Valdez. Optical analyses exhibited a shift towards more oxygenated and intricate compounds throughout the treatment process. These findings underscore the significance of further monitoring at the BWTF considering the presence of HOPs and heavy metals. A complete report and executive summary have been submitted to the Board for approval during this meeting and SAC recommended acceptance.
- **Marine Invasive Species.** In late June, settlement panels were deployed throughout Prince William Sound for the purpose of monitoring invasive species. This is the most expansive monitoring to take place in 20 years. A team from the Smithsonian Environmental Research Center is currently in Cordova to facilitate retrieval and analysis of these panels, which will continue through the end of the month. Results will be shared with SAC and the Board next year.

Student intern Noah Schrof from Kodiak is engaged in a second year of monitoring for European green crab while a new student, Joshua Duong, began monitoring in Valdez this year. Encouragingly, the routine monthly monitoring conducted in Kodiak and Valdez has not detected any European green crab.

- **Peer Listener Training Program.** During the recent update of the Council's "Coping with Technological Disasters: A User-Friendly Guidebook," it was decided that the Peer Listener Manual (included in the Guidebook as Appendix F) needed further revisions. A project team consisting of members from SAC, IEC, and staff met several times to discuss the structure and content of the manual to ensure it was relevant to today's world and provided the selected contractor, Agnew::Beck, input into the update. The revised manual will be presented to the Board at this meeting and reflects the current understanding of mental health and the value of peer-to-peer support for community resiliency in the wake of a disaster. SAC recommends the Board accept the revised manual.
- **Review of Subpart J of the National Contingency Plan.** SAC and OSPR, in conjunction with Elise DeCola from Nuka Research and Planning Group, or Nuka, recently discussed the final updates to Subpart J of the National Contingency Plan issued by the EPA. These updates were initially proposed in January 2015, and were eventually finalized following a lawsuit against the EPA. In a memo to the Council, Nuka highlighted two significant modifications in the final rule: alterations in agent listing criteria and revised dispersant use prerequisites during emergency responses. The existing protocols will remain in effect until December 11, 2023. The revised methodology for adding new chemicals will become effective on December 12, 2025. Chemicals already listed on the Product Schedule, including the dispersant Corexit, will remain for now but will need to follow the new listing requirements once the rule takes effect.
- **Science Night.** Science Night is fast approaching, scheduled for November 30, 2023, at the Embassy Suites in Anchorage. The theme this year is *Systems and Methods: Connecting Across the Exxon Valdez Oil Spill Region*.
- **Conferences.** In early June, SAC member Roger Green attended the 45<sup>th</sup> annual Arctic Marine Oilspills (AMOP) meeting in Edmonton, Alberta. In May, staff member Danielle Verna attended the International Conference on Marine Bioinvasions in Baltimore, Maryland.

#### **PORT OPERATIONS AND VESSEL TRAFFIC SYSTEMS COMMITTEE (POVTS)**

Committee Chair Steve Lewis outlined the POVTS Committee's efforts since the May Board meeting.

- The POVTS Committee has been following the progress of the National Marine Fisheries Service (NMFS) concerning whale strike mitigation. The latest message from Kathleen Leonard states, "The NMFS Alaska Region Protected Resources Division has been gathering and evaluating the best available science on marine mammal abundance, distribution, and habitat use in Prince William Sound and the surrounding waters, as well as reviewing vessel usage and traffic patterns to assess whale-vessel interactions in the area. The Alaska Region is currently in the process of

drafting a response regarding the evaluation of vessel strike reduction measures in the Prince William Sound area.” Lewis said that the POVTS Committee looked forward to receiving that report and would then see what it can do proactively to facilitate this issue.”

- The POVTS Committee continues to stay informed about the weather-based projects led by the OSPR Committee and on matters pertaining to the Port Valdez weather buoys.
- The committee discussed the possible decommissioning of the National Data Buoy Center’s Port Wells weather buoy.
- **Escort Tugboat Technology (8018)** - This project did not receive any proposals in response to its RFP. It has been deferred until the scope can be redefined to be more enticing to potential contractors.
- **Vessel Operator Tsunami Hazards Guidance Workshop (8025)** - Work on this project is underway. Sierra Fletcher of Nuka is under contract to help facilitate the workshop, which will be held in conjunction with the regional tsunami response exercise (AlasX24) in summer 2024.
- **Miscommunication in Maritime Contexts (8520)** - Contractor Dr. Nicole Zeigler has resumed her work on this project, after taking a break due to an illness in the family. The first deliverable will probably be available in time for the May 2024 Board meeting.
- **Projects to be modified or NOT continued:**
  - **Sustainable Shipping Phase 2.** Phase 1 regulatory review study was completed and distributed. Phase 2 was conceived as a review of evolving fuels and propulsion technology. Due to the pace of change and literature coverage, which the committee shares in the POVTS News, the committee is fairly well informed and feels that a project of this type would be obsolete in the year’s time that PWSRCAC’s project process creates. The committee is undecided if or how to pursue this matter and would appreciate the Board’s input on what it needs.
- **Areas of concern being considered for future projects:**
  - Whale strike mitigation.
  - Aquatic noise.
  - Biofouling and hull coating regulation.
  - Spill prevention and response, regulatory commitment, and efficacy comparison of the five Northeast Pacific states and provinces.

The committee would like input from Board members, either collectively or individually, on topics and concerns and what it would like the committee to be working on.

### **OIL SPILL PREVENTION & RESPONSE COMMITTEE (OSPR)**

Committee chair Jim Herbert outlined the OSPR Committee's activities since the May Board meeting:

- OSPR has been updated on area and regional planning efforts for the Alaska Regional Contingency Plan, and the Prince William Sound, Arctic and Western Alaska, and Inland Alaska c-plans and area committees.
- OSPR has been updated on changes to the contingency planning regulations (18 AAC Chapter 75), including:
  - Consolidation of sections on plan contents and approval criteria.
  - Requirement of only one operations-based exercise during each five-year plan cycle, with only one additional operations-based exercise allowed each year.
  - Removal of RCACs as named reviewers.
- OSPR has been kept updated on staff participation in an Alaska Regional Response Team (ARRT)-initiated Regional Stakeholder Committee (RSC) Task Force. The group is working to construct a job aid for liaison officers to help manage the RSC process and for RSC members themselves.
- OSPR has been updated on the status of the VMT secondary containment liner. Alyeska has until October of this year to make a formal decision on the method of testing that will be used in the pilot study, which will take place in 2024 in the West Tank Farm.
- OSPR has been kept updated on the City of Valdez's case appealing the Regulatory Commission of Alaska's orders allowing Hilcorp/Harvest Alaska to keep their financial information confidential and granting the transfer of BP's assets to Hilcorp.
- OSPR reviewed and accepted various drill reports.
- OSPR has been kept updated on various weather-related projects, including repair and maintenance on the Port Valdez weather buoys and the installation of a new weather station on Kokenhenik Island. OSPR also forwarded the 2022 Port Valdez Weather Buoy Data Analysis report to the Board and is recommending Board acceptance of the report.
- Matt Melton will represent OSPR at the Pacific Marine Expo in Seattle.
- Section 5 in the meeting notebook has more detail on the committee's projects.



**TERMINAL OPERATIONS AND ENVIRONMENTAL MONITORING COMMITTEE (TOEM)**

Committee member Tom Kuckertz reported on the TOEM Committee's activities since the last Board meeting in the absence of Chair Amanda Bauer:

- TOEM received and reviewed Dr. Merv Fingas' report titled "Review of the 2019 Alaska North Slope Oil Properties." The report was sent to the Executive Committee with the TOEM Committee's recommendation that it be accepted as final and then distributed to industry and regulators.
- TOEM received and reviewed Taku Engineering's final report titled "Crude Oil Tank Vent Snow Damage." Several tank headspaces were concluded to be above the lower explosive limit during the vent damage, indicating that the presence of a spark could have caused a fire or explosion at the VMT. This report was then sent on to the Executive Committee with the TOEM Committee's recommendation that it be accepted as final and then distributed to industry and regulators.
- Reports for TOEM's tank maintenance projects for Tanks 7 and 94 are currently being drafted by Taku Engineering. The committee received the requested inspection reports through public records requests to the Alaska Department of Environmental Conservation (ADEC). Tanks 7 and 94 were inspected in 2021 and returned to service. Tank 2 was inspected in 2022 and returned to service. PWSRCAC's requests to Alyeska for Tank 2 information remain outstanding.
- TOEM received and reviewed documents obtained from an ADEC public records request regarding the tank vent snow damage incident of 2022. These documents included an ADEC "Notice of Violation" for three violations, two of which included 12 counts for each of the 12 tanks damaged, which Alyeska and ADEC had not previously disclosed to PWSRCAC.
- TOEM discussed and recommended staff send a letter to the Pipeline and Hazardous Materials Safety Administration (PHMSA) and Alyeska requesting clarification on Alyeska's response to PHMSA's Request for Information, which included correspondence related to PWSRCAC reports on Valdez Marine Terminal (VMT) crude oil storage tank maintenance and cathodic protection systems at the VMT. The letter was sent to PHMSA and Alyeska on July 27.
- TOEM discussed and recommended staff send a letter to ADEC and EPA requesting additional clarification on the timeline for the VMT Title V Air Quality permit issuance. The letter was sent to ADEC and EPA on August 22, 2023. TOEM also approved a Request for Qualifications (RFQ) for an air quality expert to provide support on the permit comment period.
- TOEM was updated on Taku Engineering's review of the 2021 APSC integrity reports.

Kuckertz pointed out that Alyeska's response to TOEM requests for information slowed considerably during the pandemic, and even though the business interruptions caused by the pandemic have ceased, TOEM/PWSRCAC is not getting responses any faster to its information requests.

### **INFORMATION AND EDUCATION COMMITTEE (IEC)**

Committee member Cathy Hart reported for the IEC in the absence of Chair Trent Dodson. She reported that since the Board met in May, IEC had had several meetings, including their annual hybrid workshop.

- **Community Outreach.** Council outreach events have included:

#### In May:

- Outreach Coordinator Maia Draper-Reich provided a presentation and hosted the Council's booth at the Prince William Sound Natural History Symposium in Whittier.
- Staff members Jeremy Robida and Nelli Vanderburg also hosted a free event for Valdez guides to learn about the Valdez Marine Terminal, oil spill prevention and response, and the Council's role.

#### In June:

- Maia Draper-Reich presented during two teachers' courses in the EVOS region co-facilitated by Alaska Geographic.
- In mid-June, Board member Dave Janka, OSPR member Skye Steritz, and staff members Joe Lally and Danielle Verna attended Copper River Nouveau in Cordova on behalf of the Council. This event gave Council members the opportunity to speak with members of the Alaska Congressional Delegation and the new president of Alyeska to continue to foster those relationships.
- In late June, staff members Donna Schantz and Sadie Blancaflor presented on the Exxon Valdez oil spill and the founding of the Council to a group of youth visiting Valdez from Soldotna, Anchorage, and Fairbanks for a church intensive.

#### In August:

- Maia Draper-Reich hosted the Council's booth in the nonprofit section of Salmonfest, with help from Board President Robert Archibald and POVTS member Max Mitchell, engaging with approximately 350 people.

- **Youth Involvement.** Projects have recently been completed with Prince William Sound College and Gilson Middle School, and IEC accepted both reports at their most recent meeting. Additional contracts are in motion with Copper River Watershed Project, Alaska Geographic, Prince William Sound Science Center, Center for Alaskan Coastal Studies, Alaska Marine Conservation Council, and the University of Alaska Anchorage.

The IEC also updated the scoring rubric for evaluating incoming Youth Involvement RFPs and are looking forward to its implementation during the next RFP cycle.

- **Web Presence BAT.** Staff member Amanda Johnson, with support from Hans Odegard, has been working with the Council's web contractor to migrate the sites to a new hosting service. This has been a large undertaking, resulting in vast improvements to how our sites function and are maintained.

*(This concluded the technical committee reports.)*

### **INTERNAL OPENING COMMENTS -- PWSRCAC BOARD SUBCOMMITTEES**

#### **BOARD GOVERNANCE COMMITTEE (BGC)**

Committee Chair Luke Hasenbank reported for the Board Governance Committee (BGC) on its activities since the May Board meeting.

- The BGC has met twice since the May Board meeting.
- Since the last Board meeting, the BGC project team finalized and posted the request for qualifications to identify entities interested in potentially serving as the Recreation representative on the PWSRCAC Board of Directors.
- The BGC project team also discussed potential recreation entities for direct solicitation and considered more than 20 organizations representing recreation throughout the state of Alaska. The group agreed that recreation entities operating within the Exxon Valdez oil spill affected region shall be prioritized.
- The Request for Qualifications was open for a 90-day period, from April 15 through July 15, 2023. During that time, three statements of qualifications were submitted for consideration. Submitting organizations included: Friends of Kachemak Bay State Parks, the Prince William Sound Stewardship Foundation, and the Valdez Adventure Alliance.
- The statements of qualifications, timelines, and next steps to potentially fill the Class 1 Recreation Member Entity seat will be discussed later today in Executive Session.
- Hasenbank thanked the committee, the BGC project team, and staff for their involvement in this ongoing process.

#### **LEGISLATIVE AFFAIRS COMMITTEE (LAC)**

Committee member Robert Beedle reported on the activities of the Legislative Affairs Committee (LAC) since the May Board meeting:

Activities Since the Last Board Meeting:

State:

- **Alaska Department of Environmental Conservation (ADEC) Spill Prevention and Response (SPAR) budget deficit.** The Council has been concerned with the long-term sustainability of the SPAR budget, which will go into deficit in FY2029, based on the latest Prevention Account projection. Senate Bill (SB) 137, which would have increased the refined fuels surcharge to 1.5 cents per gallon, failed to advance and will carry forward into the next legislative session. PWSRCAC and the Legislative Affairs Committee will continue to strongly support this legislation.
- **PFAS Use, Regulation, and Testing (SB 67).** This bill would have allowed the state fire marshal to determine an alternative safe and effective firefighting substance and adopt regulations requiring use of the alternative substance. This legislation passed both the Senate and House but was vetoed by the Governor.
- **Invasive Species Council.** PWSRCAC and Legislative Affairs Committee continues to advocate for the establishment of an Alaska Invasive Species Council. There appeared to be support for the establishment of the Council through an Administrative Order from the Governor's office, however, there has been no progress since April 2023 on this issue.

Federal:

- A major item of discussion has been the Billie Garde report and methods of transmittal. This report has garnered a lot of attention from industry, regulators, legislators, and the media. The Council's federal legislative monitor encouraged the Delegation to make a request to the Government Accountability Office (GAO) to initiate an audit to determine adequacy of the current regulatory oversight of operations at the Valdez Marine Terminal.

LAC Priorities Going Forward:

- LAC's top state legislative priority continues to be the sustainability of the Alaska Department of Environmental Conservation's Spill Prevention and Response Division's budget. The Council, through LAC and our state legislative monitor, will support SB 137 to increase the refined fuels surcharge that will provide a stable funding source for the SPAR Division in the future.
- LAC's top federal legislative priority continues to be following up and supporting the Alaska Congressional Delegation on their request to the Government Accountability Office to determine the adequacy of federal and state regulatory oversight of the Valdez Marine Terminal.

**FINANCE COMMITTEE (FC)**

Treasurer Wayne Donaldson reported for the Finance Committee as follows:

The Finance Committee met once since the May board meeting.

The committee reviewed the June 30, 2023, financial statements. These statements are the last of FY2023. The committee met with our auditor, BDO, to go over plans for the FY2023 audit. An audit is an independent look at our books for an opinion on accuracy and to ensure confidence that the financial statements fairly represent an organization's results and financial position. This will be the last year BDO will conduct the audit and staff are in the process of identifying a new auditor. In addition to the audit, BDO has agreed to prepare the annual IRS form 990 which is due in FY2024. BDO also highlighted cyber security issues and cyber insurance policies.

The committee reviewed the annual Required Documentation for the Board of Directors. All conflicts of interest, transactions with related parties, and statement of residency were received from all directors and staff. This is required each year as part of the annual audit.

Finally, the committee briefly discussed possible new budgeting programs, including an add-on to Sage Intacct called Sage Intacct Planning, or SIP, to highlight ongoing efforts to formulate a plan on how PWSRCAC will build the FY2025 budget.

*Break: 9:51 a.m. – 10:01 a.m.*

**EXTERNAL OPENING COMMENTS - EX OFFICIOS****ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION (ADEC)**

Kara Kusche, ADEC's interim ex officio representative on the Council, replacing Allison Natcher, spoke to the Council via videoconference and introduced herself. She was joined by the Spill Prevention and Response Division (SPAR) Director Tiffany Larson who updated the Council on ADEC and SPAR Division activities of interest to PWSRCAC since the last update at the May Board meeting.

- Commissioner Brune is no longer with ADEC and former Deputy Commissioner Emma Pokon is now the Acting Commissioner.
- ADEC's new regulations under Article 4, 18 AAC 75, are now fully in effect and all c-plans and c-plan updates need to comply with the new regulations.
- Article 2, Financial Responsibility, was also updated and will become effective October 1, 2023.
- The Lieutenant Governor signed the repeal of 18 AAC 75, Sec. 835-860, which will take effect on October 18, 2023.

Larson introduced Melinda Bruner, the new Prevention, Preparedness & Response program manager, based in Fairbanks, and who is replacing Graham Wood. Bruner introduced herself to the Council and gave a brief summary of her background and experience via videoconference.

Following the update, Director Larson answered specific questions from the Board:

Jim Herbert asked whether the ADEC/SPAR Division and/or the Governor's Office will have a position on Senate Bill 137 (increase in refined fuels surcharge bill) going into the new session. Larson pointed out that both the Governor and previous Commissioner Brune had both supported the bill in the previous session, so she saw no indication there would be opposition.

Herbert asked about ADEC's continuing vacancy rate and what the department is doing to retain and recruit into those vacant positions. Larson acknowledged it is a challenge, and noted the department is doing as much as it can to fill the vacancies as quickly as possible and is hiring statewide where possible. The department is adhering to its "critical mass memo" which is an internal policy the department devised to ensure they have responders in each of the critical locations and a sufficient number to respond in the event of a release, and the department is doing things internally to promote retention, providing other training opportunities, and providing lateral and vertical movement etc., within the division.

Herbert went on to ask whether anything was being done about Alyeska's expired air quality permit from 2017 (reported earlier in the meeting during PWSRCAC's technical committee reports). Larson stated that ADEC's Air Quality Division is responsible for issuing their Title V permit. She referred the Board to direct those questions to Permit Manager Jim Plosay of the Air Quality Division. Herbert requested that PWSRCAC staff (Sadie Blancaflor) follow up on this issue.

Mako Haggerty reiterated a question he asked of Allison Natcher at a previous Board meeting and that was how much SPAR had recovered in fines for oil spills and the number of fines issued in the past two years, and whether it goes directly to the SPAR budget or into the general fund. Larson did not have information on the specific dollar amount at that time but will have her staff get back to the Board. She pointed out that, as a general rule, SPAR is required statutorily to recover costs from all oversight responsibilities and the monies recovered go directly into the Prevention or Response fund, depending on what the recovered costs were expended for. Fines are treated the same way. SPAR does not have to "fight" for those monies, per se, in the general budgeting process, but the Legislature has to appropriate the funds in order for them to be available to SPAR.

Bob Shavelson asked whether ADEC is cognizant of the loss of knowledge from the agency as personnel are retiring and leaving the agency, and whether it has a timeline for a replacement for Commissioner Brune. Larson stated that she does not know what the timeline is to find a replacement for Commissioner Brune as it is an exempt position appointed by the Governor. She would expect to see something before the next legislative

session so the replacement can be confirmed into the position. As to the retention and recruitment question, SPAR is fully aware of the turnover numbers and the challenges they face, and they have monthly check-ins by department leadership as to staffing, retention levels, and how staff are moving within the department.

Amanda Bauer pointed out that while Alyeska's air quality permit expired in 2017, ADEC has been working on it since 2012. As to the volume of vapor or hazardous pollutants that were released during the tank vent problems last year, she asked if ADEC had an estimate yet and when PWSRCAC might see those numbers. Larson stated that she did not know the reason it was taking so long to get the air quality permit renewed and she did not have information on the amount of the emissions. She referred the Council again to Permit Manager Jim Plosay in the Air Quality Division.

President Archibald asked if Larson was confident that SPAR's funding was substantial going into the new year. Larson stated that the division's appropriation going into the coming year will be up to par and sufficient. The division has been judicious with its spending and has seen savings because of lower staffing, as well as a significant return on its investment in 2022. Larson stated she has no concerns that there is enough funding through fiscal year 2024 and the Prevention & Response Fund is sustainable through 2031 at current staffing levels.

President Archibald asked what the most significant impediment to recruitment/retention is for ADEC. Larson stated that the state's beginning salary is competitive, but thereafter it is not, and that is the struggle. She also commented that there is a discrepancy between state and federal salaries (for like positions) and ADEC has been advocating for an adjustment.

Wayne Donaldson asked if staff leave because of a lack of a retirement system. Larson said she does not believe that is the case for more junior staff but that is a question that could be better answered by the state's human resources staff.

Bob Shavelson asked if the ADEC had improved its compliance and enforcement performance assessment by the EPA for the air quality and water quality permits delegated to it by the EPA from the lowest grade on the metric when last assessed in 2017. She did not have specific information but to her recollection adjustments were made and improvements were made. She also pointed out that ADEC is required to report to the Legislature annually. It is available on ADEC's website. She pointed out that it also contains information on ADEC's efforts to cost recover and what areas of the state are paying their cost recovery bills.

Kusche went to on to give other updates, as follows:

- The next Area Committee meeting will be the Arctic and Western Area Committee meeting on October 25, 2023, in Anchorage, both in person and virtually.
- Valdez Marine Terminal oversight:

- The 2023 VMT Plan Renewal is anticipated to be submitted in late October and PWSRCAC will receive notifications via the listserv for public comment periods. Renewal documentation will be available on the website under the plan.
- Central region PPR staff, with support from engineering staff, continue to make periodic visits to the VMT, check on progress of maintenance projects, and continue to review any requested API 653 inspection reports.
- Prince William Sound Shippers oversight:
  - The Shippers submitted major amendments to their c-plan to incorporate the recent amendments to Article 4, 18 AAC 75, and to replace the barge called Mineral Creek with the new Oil Spill Response Barge called OSRB5. Notifications will be on the listserv under Prince William Sound location.
- Staff continues to complete inspections of tank vessels that call at Port Valdez and continue to work with the Shippers to for exercise planning. The next exercise will be in 2024 with the Endeavour. Staff continues to monitor SERVS training and deployments.

Kusche encouraged everyone to sign up for the c-plan listserv notifications.

Kusche stated that the Billie Garde report had been circulated to ADEC staff in PPR, Air, and Water Divisions. Staff was reviewing the report to determine intersects with the department's statutes and regulations and staff was included in Joint Pipeline Office (JPO) discussions of the report. For those items that fall under ADEC oversight, the report has made staff more conscientious in reviewing documentation while conducting field work.

Kusche thanked PWSRCAC for being a regular supporter of ADEC.

Kusche continued with a report on the department's general staffing statistics. The department is currently recruiting for one position in Valdez.

She invited the Council to attend a SPAR warehouse open house on October 24, 2023, in Anchorage. Staff will be available to answer questions at that time.

In response to a question from Mako Haggerty about staff assigned to PFAS issues, Larson stated that there is not one person whose only job is dealing with PFAS, but she can provide some general points of contact who can answer questions. Haggerty requested that information be sent to PWSRCAC.

Bob Shavelson asked where PWSRCAC would find SPAR's compliance and enforcement information, noting that the last SPAR annual report on its website is for FY2022 and it does not contain that information. Larson stated that the penalties and inspections information is not currently incorporated into the annual report. In 2022-2023, they developed a work plan that incorporates compliance and enforcement that calls out those goals and what they are



meant to be, but they are not putting out a report. The goals are to inspect every other year (i.e., inspection of 50% of those facilities designated as high risk and every year 20% of those facilities designated as low risk). So, in any single plan term, the objective is that SPAR would inspect low-risk locations at least once, and high-risk locations two to three times, and verified compliance with their c-plan and the regulations. That information is provided to the Legislature in its performance measures report, the last report being in the fall of 2022. As to enforcement cases, PPR does not have a goal number of enforcement cases. It simply chooses cases appropriate for enforcement and penalty. The information is tracked internally and contained in the PPR work plan, but the actual deliverables are not currently published.

President Archibald thanked Director Larson and all the ADEC personnel who participated in this report to the Board.

#### **UNITED STATES COAST GUARD (USCG)**

CDR Sarah Rousseau, who took over command of MSU Valdez during the summer from CDR Patrick Drayer, introduced herself to the Council via videoconference and reported that she met with PWSRCAC personnel shortly after she assumed command and was getting to know the Council's mission. She stated that she had taken a look at the safety culture report on Alyeska (Billie Garde report) and that USCG supports the readiness and the resilience of U.S. ports and appreciates PWSRCAC's endeavors to ensure that happens.

#### **ALASKA DEPT. OF FISH & GAME (ADF&G)**

Jonathan Kirsch, ADF&G's new liaison to the JPO replacing Lee McKinley, introduced himself to the Council via videoconference.

#### **OIL SPILL RECOVERY INSTITUTE (OSRI)**

(No report.)

#### **ALASKA DEPT. OF NATURAL RESOURCES (ADNR)**

(No report.)

#### **U.S. ENVIRONMENTAL PROTECTION AGENCY (EPA)**

Mary Goolie reported for EPA via videoconference in place of Tori Huelsketter.

She reported that the Alaska Regional Response Team (ARRT) had its meeting in Anchorage the previous week. She thanked PWSRCAC staff who were heavily involved with development of the RSC job aids at that meeting. The next meeting will be March 7, 2024, in Anchorage and available virtually.

She thanked PWSRCAC staff for making the Regional Stakeholder Committee (RSC) Task Force a success and for putting together updates to definitions and language and working on job aids for the liaison officer working with the RSC, and also for RSC members. She also thanked PWSRCAC staff for their assistance in putting together definitions and language for future Area c-plans and the Regional c-plan.

She announced that the next Arctic Area Committee meeting will be October 25, 2023. The next Prince William Sound Area Committee meeting will be October 5, 2023. The contact person within EPA who can answer questions on PFAS is Kara Lynch.

Goolie reported that two EPA on-scene coordinators (OSC) had performed facility response inspections at the VMT on June 28, 2023. The inspection checklist was still going through review with the Enforcement Compliance & Assurance Division (ECAD) and the information will be shared with PWSRCAC when that review is completed. The OSCs also did an inspection at Petro Star.

Goolie did not have an official response from the agency to the Billie Garde safety culture report but it was being reviewed and she will get back to PWSRCAC when that is available.

#### **U.S. DEPT. OF THE INTERIOR (DOI)**

Lisa Fox, Regional Environmental Officer, reported for the Department of the Interior (DOI). She reported that the DOI chairs the Wildlife Protection Committee on the Alaska Regional Response Team (ARRT), and there have been recent updates to the Wildlife Protection Guidelines. Also presently in the works is an annex to the Arctic and Western Alaska Area C-Plan specifically geared to marine mammals.

#### **BUREAU OF LAND MANAGEMENT (BLM)**

Paul Degner reported via videoconference and updated the Board on BLM activities since the May Board meeting.

He reported Steve Weeks was heavily involved in several Alyeska projects on the southern end of the federal right-of-way this summer (e.g., integrity digs, support member replacements, and demolition activities going on at Pump Station 12). Weeks was involved in the National Environmental Policy Act (NEPA) analysis for those projects and the permitting, and since that time has made multiple trips this summer to do surveillances and grant oversight on those activities. Weeks also conducted a joint visit to the VMT with ADEC to review the work on Tank 93 ballast water treatment annular ring replacement, as well as the cleaning of Tank 8. In August, he joined members of PWSRCAC staff, ADEC, and USCG to take a tour of the new wildlife response unit at the VMT.

Degner reported that Greg Bjorgo, BLM's Environmental Protection Specialist, continues to attend oil spill exercise planning meetings for the VMT and will be attending Shoreline Cleanup and Assessment Technique (SCAT) training in October and the Incident Management Team (IMT) equipment deployment exercise, as well as attend the Prince William Sound Area Committee meeting.

Degner acknowledged BLM's receipt of the Billie Garde report and it has been circulated among his staff. Staff's comments on the report have been forwarded to their management for their consideration. His office has requested a copy of Alyeska's snow removal plan, and they will be reviewing updates to that plan for grant compliance. His office continues to

participate in JPO conversations regarding the Garde report and his office did co-author the response to Sen. Murkowski's office in reference to their inquiry about the JPO activities.

His office worked with the State Pipeline Coordinator's Office to respond to the PWSRCAC public records request and has received the subsequent requests for federal documents. He planned to respond to PWSRCAC's Linda Swiss the following week.

Eileen Oliver provided an update on the Alaska Native employment on the TAPS. As of 2<sup>nd</sup> Quarter 2023, Alyeska's overall compliance was 23.3% (Alyeska 26.1%, Contractors overall 20.5%, resulting in a combined total of 23.3% which meets their 20% goal.) Three contractors are on corrective action plans. Alyeska meets regularly with those contractors to work with them, as does Oliver. Alyeska meets quarterly with all their contractors and Native employment is discussed at those meetings.

Herbert asked Degner if his office was involved in the fire that occurred during cleaning of one of the tanks recently at the Tank Farm. Degner reported that BLM was not involved but they were notified.

#### **U.S. FOREST SERVICE (USFS)**

(No report.)

#### **ALASKA DEPT. OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT (ADHSEM)**

(No report.)

#### **NATIONAL OCEANIC & ATMOSPHERIC ADMINISTRATION (NOAA)**

(No report.)

*Break: 11:15 a.m. - 11:25 a.m.*

#### **EXTERNAL OPENING COMMENTS: TAPS SHIPPERS & OWNER COMPANIES, & PILOTS**

##### **SOUTHWEST ALASKA PILOTS ASSOCIATION (SWAPA)**

Capt. Ian Maury, President of SWAPA, reported that SWAPA had a current total of 18 pilots. They also have four trainees and are looking to bring on three more.

##### **CROWLEY ALASKA TANKERS (CAT)**

Angelina Fuschetto reported Crowley Alaska Tankers (CAT) had transported over 19.5 million barrels of oil from Valdez YTD, without incident.

CAT continues to operate the California and the Washington on the West Coast and also in Cook Inlet. The Oregon operates in the Gulf of Mexico and the East Coast trades.

Fuschetto reported it had been a busy year so far and a busy summer. Both the California and the Washington completed their out-of-service periods in Port Angeles, WA: the Washington in June and the California in August. Some of the items completed were the annual surveys and inspections and generator overhauls and other maintenance items that

are difficult to do on the run to and from Valdez. Both vessels will be headed to dry dock in mid-2024.

She announced that as of September 13, 2023, Crowley had entered into a new joint venture with SEACOR Holdings through its affiliate Seabulk Tankers. The joint venture will form a new company called Fairwater Holdings and will be based in Ft. Lauderdale, FL. She did not have information as to whether there would be an office in Valdez. CAT's contribution to Fairwater Holdings will be CAT's three Alaska tankers (the Washington, the California, and the Oregon), as well as CAT's 550 and 650 Class articulated tug barges (ATVs), and management of the CAT 750 ATVs. The partnership is subject to regulatory review and approvals and is expected to close sometime in 2024. Until that time, both partners will continue to operate separately. CAT expects its current mariners will stay on with the new partnership to ensure a seamless transition into the new joint venture.

### **POLAR TANKERS/CONOCOPHILLIPS**

Andrea West, Marine Superintendent with Polar Tankers, reported that as of September 20, 2023, Polar Tankers had transported 71 loads with 53.1 million barrels loaded without incident.

On fleet news, West reported the Polar Resolution had completed its required regulatory shipyard in Singapore and was back in service on the West Coast, the Polar Discovery had arrived in Singapore for its required regulatory shipyard period and will be the last of the Polar Tankers fleet to have its ballast water treatment system (BWTS) installed.

Polar Tankers/Conoco Phillips just completed its fall Bridge Resources Management Course in Seward.

### **ALASKA TANKER COMPANY (ATC)/HILCORP**

Chris Merten delivered a combined report via videoconference for Alaska Tanker Company (ATC) and Hilcorp, in the absence of Hilcorp's Rob Kinnear.

He reported that ATC continues to do well and, to date, had loaded and transported 41 tanker loads, totaling 40.8 million barrels of oil, at the VMT with no incidents, no spills, no injuries, etc.

On fleet news, Merten reported the Alaska Navigator had completed her intermediate shipyard and dry-docking in Korea and was back in service. Currently, the Alaska Legend was on her way to Korea for her intermediate drydocking and shipyard period.

Merten reported that since the May meeting, ATC/Hilcorp had completed their combined response drill. It was a successful drill and there were good lessons learned.

Hilcorp had relied solely on ATC vessels for its TAPS trade YTD 2023. It had not chartered any foreign flagged vessels, and there were none planned for the remainder of the year.

**MARATHON (formerly Tesoro/Andeavor)**

(No report.)

**ALYESKA/SERVS ACTIVITY REPORT**

Andres Morales, Alyeska’s Emergency Preparedness and Response Director gave the Alyeska/SERVS Activity Report for the third quarter 2023.

**VMT Operations:**

- Operations: *(As of 8/31/2023)*

	<u>2023</u>
○ Tankers Loaded	145
○ Tankers Escorted	146
○ Barrels Loaded	111,213,724
	<u>Since start up</u>
○ Tankers Loaded	23,431
○ Tankers Escorted	17,751
○ Barrels Loaded	17,898,966,573
  
- Safety: *(As of 8/31/2023)*

○ Days away from work cases	0
○ TAPS Combined Recordable Rate %	0.21
  
- Environment (Valdez): *(As of 8/31/2023)*

○ Spill Volume (Gallons)	258.3
○ Number of Spills	10

**Fishing Vessel Availability by Port (end of 2Q 2023):**

<u>Port</u>	<u>Tier 1</u>	<u>Tier 2</u>
Valdez	24	15
Cordova	29 (+8 Rapid Resp.)	110
Whittier	6	20
Seward		26
Homer		44
Kodiak		35
<b>Totals</b>	<b>67</b>	<b>250</b>

**2023 Contingency Plan Activities:**

- Reviewing scope of revisions – 18 AAC 75, Article 4.
- Three Contingency Plans need to be rewritten.
  - PWS C-Plan submitted for OSRB-5 amendment in August.
  - Plan to submit VMT C-Plan renewal in September.

**3Q 2023 – VMT/PWS Training & Exercises Completed:**

- 6/30-7/1 Valdez Duck Flats Training Deployment.
- 7/2 Emergency Tow Exercise.
- 7/5-7/6 Valdez Duck Flats Training Deployment.
- 7/8 Solomon Gulch Hatchery Training Deployment
- 7/8 Remote Maintenance Tatitlek.
- 7/12 IMT Notification Test.
- 7/12 Current Buster 8/Crucial Skimmer Task Force Exercise.
- 7/13 Current Buster 8/Crucial Skimmer Task Force Exercise.
- 8/12 NM Dispersant Application – Spill Spray Deployment Exercise.
- 8/13 Valdez Rapid Response Vessel Call Out.
- 8/22-8/28 Remote Maintenance Whittier.
- 8/23 Valdez Star Open Water Deployment.
- 8/25 Wildlife Stabilization Unit Deployment.

**Upcoming 2023 VMT/PWS 3Q Training & Exercises:**

- 9/9-9/16 Fall Fishing Vessel Training (9/9-9/11 Classroom; 9/16 ORE).
- 9/14 Crucial Skimmer Task Force VMT Drainage 58 Exercise.
- 9/16 Nearshore Operational Readiness Exercise Cordova.
- 9/16 Current Buster 8/Crucial Skimmer Task Force Exercise.
- 9/19-9/25 GRS Deployment w/Ross Chouest.
- 9/26-9/29 Remote Maintenance Cannery Creek.
- 9/30 Remote Maintenance Lake Bay.
- TBD Unannounced Q1 Notification Exercise.

**2023 Valdez Major Maintenance Projects:**

- Replace sulfuric acid tank with High-Density Polyethylene (HDPE) tank.
- Tank 93 Internal API653 Inspection.
- Tank 93 – Annular Ring Replacement.
- DAF Cell 5 and 6 – Repair and Coat.
- Tank 8 – Isolate and Clean.
- Berth 4 Header and TK-93 Branch Leg Ballast System Inspection.
- VMT 48" Crude A and B Header ILI Inspection.
- OSRB 5.
- Allison Creek replacement.
- 500-2 Reconditioning.

Following the status report, Morales took questions:

Jim Herbert asked for an update on the secondary liner testing pilot program. Morales stated that it is on schedule for October as planned.

Shavelson asked for an update on the Process Safety Management audit that was conducted at the VMT in August as well as Alyeska's audit of deferred maintenance at the VMT. Morales deferred to Klint VanWingerden's report to follow later in the agenda.

In response to another question from Shavelson about the percentage of Alyeska's net profits it returns to the community, Morales pointed out that Alyeska is a carrier that operates the pipeline for the owner companies and is not a for-profit operation. However, the company and its employees give back to the community in other ways and currently it has a target to give \$450,000 through its employees to United Way in 2023.

Robert Beedle asked if there had been any improvement in Alyeska's response times to PWSRCAC's requests for information and the items that remain outstanding. Morales stated that Alyeska had provided answers in some instances, but PWSRCAC had not accepted the feedback. He also stated there had been a miscommunication within his team, and from Morales to his team, as to some of the information requests. Morales was working to identify the requests that were still outstanding and getting the information to PWSRCAC. He expected to have a status on delivery dates on all requests in the near future.

Beedle also asked if there was an update on when Tank 8 would be put back in service. Morales stated that Alyeska was still working on the cleaning and inspection of the tank.

Robert Archibald reminded Morales that PWSRCAC has a contract with Alyeska which allows PWSRCAC to get the information it requests, in a timely manner, and it would like to get the information directly from Alyeska rather than have to go to the regulating agencies to obtain it as it had to do recently.

Alyeska's Kurt VanWingerden gave an overview and answered questions from the Board about a fire that occurred in Tank 8 on August 30, 2023, and how it was handled by Alyeska's responding personnel. VanWingerden explained that the fire was in the dryer and contained to the dryer, but the equipment was damaged to the point where it could not be repaired on-site. The investigation was ongoing and Alyeska will be working with its contractor who was hired to do the tank cleaning to make sure processes are in place so it does not happen again. VanWingerden also stated that the questions which arose at the time as to whether the fire alarm worked is part of that investigation. He was able to state that the Operations Control Center (OCC) team later validated the fire alarm and tested it that day. He was also able to state that the evacuation alarm was not activated, as evacuation was not part of that response process.

President Archibald commented that it is worrying to PWSRCAC to have something that can catch fire inside a dike cell so close to crude tanks. He asked specifically if Alyeska had thought to move the hazard out of the dike cells, possibly to the unused area of the West Tank Farm. VanWingerden said Alyeska would be working closely with its contractors and that idea is part of the investigation.

A general discussion of the fire and how it was handled followed.

Via videoconference, PWSRCAC's contractor, Billie Garde, who investigated and delivered the PWSRCAC commissioned report on Alyeska's employee concerns and safety culture at the VMT ("the Billie Garde report"), raised her hand for permission to engage in the discussion and ask question(s) directly of Alyeska. President Archibald acknowledged that while it was not the Board's customary practice to allow contractors to engage at the table with Alyeska, neither was there a formal policy to the contrary and he deemed her input could be advantageous to the discussion. He asked for the will of the Board on this occasion. By a unanimous consent, it was agreed that Billie Garde could participate in the discussion/ask questions of Alyeska.

Garde's question went to the management of change (MOC)/project planning for this work. It was her understanding that the alarms for this month's long project were not considered in an MOC, so the work was not planned or coordinated with out-of-service alarms, or work on the alarms was not taken into consideration for the work that being done in the dike cell. She asked Alyeska if that was being considered in the investigation Alyeska was conducting. She emphasized that her concern that Alyeska's MOC procedures were not taking into consideration all of the apparent risks with such a long project.

VanWingerden stated he had relayed Garde's concern to the investigation team and it would be part of the follow-up and captured as part of their work. He added that Alyeska handles any protection layer or alarm or automation action by ensuring they have countermeasures in place. So as gaps are identified, whether temporary or permanent, there are other mitigation measures in place to ensure they can conduct their work safely, per procedure.

Garde countered that she could understand, for example, if they had alarms out of service they might have a posted fire watch, but it was her understanding they were not considered in the work planning in this case. She emphasized she was particularly interested to make sure that processes and procedures are actually being followed for each project so they are being collectively considered in the risk analysis because in the work she did that was a consistent theme.

Garde thanked the Council for allowing her to participate in this discussion.

VanWingerden expressed appreciation to Garde for her input. He emphasized that he did relay Garde's question to the investigation team to have them specifically look into it.

Van Wingerden went on to update the Board on the work Alyeska has done since the May meeting to address the issues raised in the Garde report. He emphasized that Alyeska is always open to ways in which it can improve its safety and appreciates the input in the way it conducts its work for the safety of its people and the process, all in alignment with the mission of Alyeska and its commitment to its stakeholders and the public. As reported by Alyeska President John Kurz at the Council's May meeting, Alyeska has developed a Management Action Plan (MAP) to evaluate the issues raised in the report and to initiate improvements where needed. The MAP focuses on the following areas:



- Safety Management Systems (SMS).
- Process Safety Management (PSM) for Alyeska.
- Backlog and deferred maintenance.
- Alyeska's Open Work Environment Program.
- Audits.
- Training.

VanWingerden went on to summarize the progress Alyeska has made in each focus area to date:

- **Safety Management Systems (SMS)**
  - Status: Completed a review of existing SMS and assessments conducted in the past. All past action items were entered into Alyeska's Management Action and Commitments (MAC) tracking system and closed.
  - Initial results of review:
    - Identified a need to develop and use better Key Performance Indicators (KPIs).
    - These refined KPIs will better inform business decisions and identify areas that need further focus.
    - KPIs are intended to highlight what Alyeska knows to be matters of first importance. Metrics that demonstrate Alyeska is focused on the right things and/or highlight key focus areas that need to be paid closer attention to.
  - Ongoing work and improvement here include:
    - Refining key metrics for each component of Alyeska's Management System with Element Owners and Stewards identified to support this work.
    - Engaging with subject matter experts to assist with the development of new KPIs that will bring better awareness to areas Alyeska is not tracking closely today.
- **Process Safety Management (PSM)**
  - Status: Reviewed OSHA PSM requirements and related Alyeska documentation. Alyeska has reviewed its baseline Process Hazard Analyses (PHAs), its credited Independent Protection Layers (IPLs), and its Reliability Analysis Process, all for conformance with PSM.
  - Results of review:
    - The team confirmed Alyeska meets the fourteen subsection requirements of OSHA PSM regulations.
    - PHA revalidation cycle and IPLs are appropriate, which are key components of PSM regulations.
    - An area for improvement identified - although Alyeska tracks all Preventative Maintenance (PM) deferrals.

- There is no way to separate out PSM-specific PMs and/or deferrals in the current Alyeska management system reports.
  - Ongoing work and improvements include:
    - Identifying equipment tags associated with PSM equipment and review for any PM procedural gaps.
    - Developing Business Object reports to capture deferred PSM-related corrective work orders so that we can better highlight and address this work.
    - Completing the scheduled triennial PSM audit with its third party contractor (ABS Consultants – Recognized Industry Leader in PSM regulation expertise). Their field work started August 7th to:
      - Audit the PSM program for regulation compliance.
      - Confirm PSM scope for the facility by validating boundaries and exceptions.
      - And to validate findings and closure methods from previous audits.
      - Update-the field work is complete. ABS is progressing their work through internal review, and Alyeska expects to receive a draft report in 4Q 2023.
- **Maintenance and Engineering backlog and deferred maintenance.**
  - Backlog is a normal part of maintaining any system. The critical aspect of managing backlog is to ensure the right work is happening at the right time so that system health and reliability is maintained.
  - Status: Alyeska has spent a lot of time working to understand what its backlog information is telling it across TAPS. To better quantify and rank the various maintenance work activities of its system, Alyeska developed a line-wide definition of "backlog" to guide consistent prioritization system-wide. Engineering and O&M 'backlog' has been reviewed, scrubbed, and prioritized. The Preventative Maintenance Change Request (PMCR) process has also been reviewed as part of this work.
  - Results of the review:
    - Alyeska has confirmed it has adequate visibility of the current backlog with existing reporting tools.
    - However, additional report granularity is desired for better visibility of Safety Critical Equipment.
    - The PMCR process was also validated as appropriate, however turnaround is too long.
  - Ongoing work and improvements:
    - Focus on completing and closing priority safety-critical work orders.
    - Establishing backlog target levels for each facility.
    - Reprioritizing work activities of the PM analyst's turnaround time.
    - Additional resources were added to deliver immediate PMCR backlog reduction.
    - A long-term PMCR backlog management strategy is being developed.

- Teams have been making progress with the engineering backlog prioritization process to ensure operational impacts are being captured, understood, quantified, and appropriately prioritized.
- **Open Work Environment (OWE) program.**
  - Status: Alyeska has reviewed its company mission, vision, goals, and cultural attributes, as well as TAPS improvement plans, Harassment, Intimidation, Retaliation and Discrimination (HIRD) trainings, and the Employee Concern Program (ECP) structure.
  - Results of the review:
    - Open work environment training completion rates:
      - New hires - 99.9%
      - Annual compliance for existing employees 96-98%
    - Industry best practices for implementing an effective Employee Concerns Program are being researched and Alyeska will incorporate any learnings there.
    - Alyeska Leadership is demonstrating a commitment to fostering a strong safety culture on TAPS.
      - Ongoing encouragement for our employees to speak up when they have safety concerns.
        - This is prevalent within the company today.
  - Ongoing work and improvements:
    - Alyeska Leadership is working to supplement its foundational mission, vision, goals, and cultural attributes with action oriented 'mindsets' intended to resonate personally with the entire organization. Roll-out of these new 'mindsets' is targeted for January 2024.
    - Open work environment training enhancements are being worked to improve the impact for all employees.
      - Training content, the delivery platform, the refresher training interval, and specific supervisor and manager training improvements.
    - Alyeska determined the ECP program will continue to report through the legal team and a change will include a dotted line report to the president to enhance the independent nature of the program.
- **Audits**
  - Status: The team reviewed and confirmed the status of corrective action commitments for past maintenance, PSM, and safety audits. The audit schedule for 2023 included assessing these areas as well.
  - Results:
    - As previously mentioned, Alyeska engaged a third party PSM expert (ABS Consultants) to conduct the field work for its triennial PSM audit. The team confirmed most corrective actions were implemented and effective.

- As part of the maintenance and safety audit reviews, Alyeska noted some instances where corrective actions were not completed on time or the corrective method captured was not sustained.
  - Ongoing work includes:
    - Reviewing outstanding corrective actions past due >6 months and determine steps necessary to close and implement timely corrective actions.
    - The 2023 maintenance, safety, and PSM audits are all ongoing. Once the audits are complete and findings identified, corrective action plans will be developed.
- **Training**
  - Status: The team reviewed the delivery, completion, and efficacy of the required Open Work Environment training for new hires, Alyeska, and Contractors subject to the training requirement. The Team also reviewed past Open Work Environment survey tools, and their results.
  - Results:
    - As previously reported, completion rates of Open Work Environment training for new hires and annual compliance for existing Alyeska employees is high.
    - Alyeska recognizes that participation is not the same as effective engagement and is looking closely at its training modules to assure their effectiveness.
    - Alyeska found some gaps in reporting, tracking, and communication with training awareness and requirements, particularly with contractors who are also required to complete OWE training.
  - Ongoing work includes:
    - Review and adjustment of training materials to ensure 'fit-for-purpose' as described in the OWE program topic previously summarized.
    - Creating and implementing training for managers and supervisors to reinforce effective OWE program engagement.
    - Conduct assessment of current, system-wide training and documentation capabilities to provide better, more effective, and less burdensome tracking and controls.
- **Conclusion**

In conclusion, VanWingerden thanked the Council for the opportunity to provide a status update. He emphasized that, like the PWSRCAC, Alyeska is committed to the safe operation of TAPS, the wellbeing of its workforce, and the protection of the environment. He noted that he, along with Scott Hicks and Andres Morales, have updated Executive Director Schantz and other PWSRCAC staff several times over the past few months and they are committed to continuing this communication and partnership. He emphasized that Alaska is their home and they care greatly about its wellbeing. He also stated that he has consistently messaged and encouraged his team to raise concerns when they see them, and he asked the same of PWSRCAC -- to speak up and let Alyeska know if something does not appear to be right.

*Lunch Break: 12:45 p.m. – 1:20 p.m.*

**For the Good of the Order**

President Archibald remembered former Board member Al Burch, who passed away on August 8, 2023, in Kodiak. He served on the Council, representing the Kodiak Island Borough from September 2002 to May 2018, and served on the LAC for 14 of those years.

**CONSENT AGENDA**

**3-1, 3-2, 3-3**

The published consent agenda originally consisted of three items (3-1, 3-2, 3-3).

Jim Herbert **pulled Item 3-3 Contract Authorization Marine Winter Bird Survey** from the consent agenda for further discussion and it was placed on the following day's agenda under Item J - Consideration of Consent Agenda Items.

**Bob Shavelson moved to approve the consent agenda as amended:**

- **3-1 APPROVAL OF ANNUAL SAGE INTACCT LICENSING FEE**
  - a. Approval of an FY2024 budget modification in the amount of \$17,094 from the contingency fund into budget 1300 Information Technology for the annual Sage Intacct licensing fee; and
  - b. Approval of the FY2024 licensing fee with Sage Intacct in the amount of \$17,094 for continued support of the Council's accounting system.
- **3-2 APPROVE DEFERRAL OF PROJECT 5591: CRUDE OIL PIPING INSPECTION REVIEW**

Approval of deferral of TOEM project 5591: Crude Oil Piping Inspection Review transferring \$51,744 of the funds into the FY2024 contingency fund.

Angela Totemoff provided the **second** and the **motion passed** without objection.

**PRESENTATION BY POLAR TANKERS ON VETTING PROCESS FOR FOREIGN FLAGGED TANKERS**

Chris Hiatt, Manager Marine Assurance, and Jon Novak, Marine Assurance Advisor, for Conoco Phillips, along with Andrea West, Marine Superintendent for Polar Tankers, presented an overview of ConocoPhillips' Global Marine Risk Management Standard that the company uses to assess and manage its global vessel fleet.

Following the presentation, the presenters answered questions from the Board.

*(This was an information item. No action was requested of the Board.)*

*Break: 2:10 p.m. - 2:25 p.m.*

#### **4-5 REPORT ACCEPTANCE: PORT VALDEZ WEATHER BUOY DATA ANALYSIS 2019-2022**

PWSRCAC Project Manager Roy Robertson introduced Dr. Rob Campbell of the Prince William Sound Science Center who presented his findings under Project 6536 on the weather data collected from the weather buoys that were installed by PWSRCAC in Port Valdez in 2019, near the Valdez Marine Terminal (VMT) and the Valdez Duck Flats. The analysis includes ocean current, wind direction and speed, wave direction and heights, and other pertinent information that can be obtained from the weather data. Dr. Campbell previously presented his report to the OSPR Committee, and the committee recommended the Board accept this report.

Angela Totemoff **moved to accept** the Port Valdez Weather Buoy Data Analysis 2019-2022 by Robert W. Campbell, Ph.D., and the Prince William Sound Science Center, as meeting the terms and conditions of the Contract 6536.23.01, and for distribution to the public. Michael Vigil and Robert Beedle **seconded** and the **motion passed** without objection.

#### **4-2 APPROVAL OF RESOLUTION IN SUPPORT OF COAST GUARD CUTTER HOMEPORTING**

PWSRCAC's Maritime Operations Project Manager, Alan Sorum, introduced Resolution 23-01, urging the USCG to homeport a Sentinel-Class Cutter (also known as the Fast Response Cutter) in Port Valdez.

As outlined in the briefing sheet for this agenda item (Item 4-2), after the terrorist attacks of September 11, 2001, the Island-Class USCG Cutter (USCGC) ANACAPA was relocated to Port Valdez from Petersburg, Alaska, to help protect the Trans Alaska Pipeline System, including the Valdez Marine Terminal (VMT) and its associated shipping infrastructure in Port Valdez and Prince William Sound. Subsequently in 2003, the USCGC LONG ISLAND was homeported permanently in Port Valdez. The Island-Class Cutters are being decommissioned to be replaced by the Sentinel-Class cutters. The current cutter stationed at Port Valdez – USCGC LIBERTY – will be the last cutter assigned to Port Valdez. The USCG currently has no plans to replace the LIBERTY at the end of its service life.

A general discussion among Board members followed.

Jim Herbert voiced a concern by a constituent that this should be a matter better left to the City of Valdez to support because it may create a conflict among some of PWSRCAC's communities who also may want to have a homeported cutter in their port.

Michael Vigil **moved to adopt Resolution 23-01**, as follows:

#### **Resolution 23-01**

#### **Urging the United States Coast Guard to Homeport a Sentinel-Class Cutter, Also Known as the Fast Response Cutter, in Port Valdez**

***WHEREAS**, the Prince William Sound Regional Citizens' Advisory Council was established after the 1989 Exxon Valdez oil spill and is mandated by Congress in the Oil Pollution Act*

of 1990 to promote the environmentally safe transportation of crude oil from the Valdez Marine Terminal through Prince William Sound and the Gulf of Alaska; and

**WHEREAS**, the Trans Alaska Pipeline System is the lifeblood of the Alaska economy, with its terminal in Port Valdez seen as critical to both national security and energy infrastructure, and understood to be a target for terrorism; and

**WHEREAS**, the volume of oil, which accounts for roughly 3-4% of the nation's supply is transported through the environmentally sensitive and pristine Prince William Sound, necessitating a high level of care to help protect Alaska, its residents, communities, economies, and environments; and

**WHEREAS**, Port Valdez is a designated United States Maritime Administration Alternative Strategies Port, as a means to ensure readiness in support of force deployment during contingencies and other national defense emergencies, and

**WHEREAS**, there were no on-water United States Coast Guard assets available in Port Valdez after the terrorist attacks of September 11, 2001, requiring the United States Coast Guard Cutter (USCGC) ANACAPA to be relocated to Port Valdez from Petersburg, Alaska, in recognition of the need for a cutter to help protect the Trans Alaska Pipeline System, including the Valdez Marine Terminal and its associated shipping infrastructure in Port Valdez; and

**WHEREAS**, starting with the USCGC LONG ISLAND, an Island-Class cutter has been homeported in Port Valdez since 2003; and

**WHEREAS**, the United States Coast Guard currently has no plans to replace the USCGC LIBERTY currently stationed in Port Valdez that is at the end of its service life; and

**WHEREAS**, threats to national security and critical energy infrastructure such as the Good Friday Earthquake of 1964 and the terrorist attacks that occurred on September 11, 2001, emphasize the need for a timely and effective response from the coast in Port Valdez; and

**WHEREAS**, after the departure of the USCGC LIBERTY, the nearest cutters will be in Cordova at more than two hours away, Seward at five hours away, and Kodiak at 12 hours away; and

**WHEREAS**, the presence of a USCGC stationed in Port Valdez is a recognized and valued asset in enhancing marine safety and the safe transportation of crude oil in Prince William Sound, both in preventing and responding to oil spills; and

**WHEREAS**, in addition to support in prevention of oil spills and directing the Federal response to a spill, a cutter can serve in multiple operational roles including law enforcement, search and rescue, and fisheries enforcement; and

**WHEREAS**, the recent conflicts within the Prince William Sound Traffic Lanes of the Valdez Narrows, with fishing and recreational vessels encroaching on the security zones in place to protect crude oil tankers, create a navigational safety risk and highlight the need for a continued presence by the United States Coast Guard to enforce the security zones that were permanently established after September 11, 2001, under 33 CFR 165.1710.

**NOW, THEREFORE BE IT RESOLVED**, that the Prince William Sound Regional Citizens' Advisory Council urges the United States Coast Guard to homeport a Sentinel-Class cutter, as known as the Fast Response cutter, in Port Valdez; and

**BE IT FURTHER RESOLVED**, that the Prince William Sound Regional Citizens' Advisory Council supports efforts by the City of Valdez to secure the homeporting of a Sentinel-Class cutter in Port Valdez.

**PASSED AND APPROVED** by the Prince William Sound Regional Citizens' Advisory Council on this 21<sup>st</sup> day of September, 2023.

\_\_\_\_\_  
 Robert Archibald  
 President

\_\_\_\_\_  
 Bob Shavelson  
 Secretary

Mako Haggerty **seconded** the motion. A roll call vote was called:

Robert Archibald	Yes.
Amanda Bauer	Yes.
Robert Beedle	Abstained.
Mike Bender	Yes.
Mike Brittain	Yes.
Nick Crump	Yes.
Ben Cutrell	Abstained.
Wayne Donaldson	Yes.
Mako Haggerty	Yes.
Luke Hasenbank	Yes.
Jim Herbert	Abstained.
Dave Janka	Abstained.
Melvin Malchoff	Yes.
Dorothy Moore	Yes.
Bob Shavelson	Yes.
Angela Totemoff	Abstained.
Michael Vigil	Yes.
Aimee Williams	No response.
Kirk Zinck	Abstained.

The **motion passed and Resolution 23-01 was adopted** by a vote of 12 in favor, five abstentions, and one no-response.



#### **4-3 UPDATE ON PWSRCAC EFFORTS TO ADDRESS VMT SYSTEM INTEGRITY & SAFETY CULTURE ISSUES REPORT**

Joe Lally, Donna Schantz, with Billie Garde of Clifford & Garde, LLP

PWSRCAC's Director of Programs, Joe Lally, led a staff update on efforts to follow through on the recommendations contained in the Board-approved report titled "Assessment of Risks and Safety Culture at Alyeska's Valdez Marine Terminal" by contractor Billie Garde dated April 2023. This agenda item also included a staff request for approval of a budget modification and authorization to enter into a professional services agreement with Billie Garde for continued assistance following up on the report's recommendations. A briefing sheet was included in the meeting notebook at Item 4-3.

Lally reported there was a total of seven recommendations included in Billie Garde's report. Three of those recommendations were discussed as part of Alyeska's update earlier in the meeting. Those recommendations included:

- Recommend Alyeska and TAPS owners commission an independent full assessment of the Alyeska safety management systems.
- Recommend Alyeska and TAPS owners commission and conduct an immediate independent audit of all deferred maintenance at the Valdez Marine Terminal (VMT), including any deferred work on backlog lists.
- Recommend that Alyeska provide mandatory training for all supervisory and management personnel on their responsibilities to promote a strong safety culture, uphold a compliance culture, and to not tolerate harassment, intimidation, retaliation, or discrimination.

Lally updated the Board on the remaining four recommendations from the report, as well as other associated efforts that PWSRCAC has taken, as follows:

- **Alaska Congressional Delegation request for a GAO audit of the federal and state oversight of the VMT:**
  - **Washington, D.C., Meeting with the Alaska Congressional Delegation.**
    - PWSRCAC met with members of Alaska's Congressional Delegation and their respective staffs.
    - Senators Murkowski and Sullivan, as well as the staff for Representative Peltola's office, stated they intend to work together on a request for the GAO to conduct an audit of regulatory oversight at the VMT.
    - PWSRCAC staff also sent letters to each of the Delegation offices following up and thanking them for meeting and for their support. PWSRCAC continues to follow-up on the status of the request to the Delegation and offer assistance as may be requested.
  - **Scope of the GAO Audit.**
    - PWSRCAC was requested by the Alaska Delegation members and staff to assist with ensuring the scope of the GAO request was focused, so as to maximize the likelihood of a meaningful report.

- **Alaska Congressional Delegation Engagement with the Joint Pipeline Office.**
  - PWSRCAC's understanding, based on recent discussions with Alaska Delegation staff is that the Delegation has been in contact with the Joint Pipeline Office (JPO) to gather information regarding federal and state regulatory oversight of the VMT.
  - A letter requesting the GAO audit has been drafted and prepared for introduction through the Committee(s) of jurisdiction. To date, PWSRCAC is not aware that the request has been made. (PWSRCAC recognizes that Congress is focused on budgetary and other issues, has not resumed regular business, and is not expected to until after the budgetary issues are addressed.)
- **Occupational Safety and Health Administration (OSHA) audit of applicable VMT Process Safety Management (PSM) Systems:**
  - On April 24, 2023, PWSRCAC sent a letter transmitting PWSRCAC's report to federal OSHA with the request that OSHA conduct an audit of PSM systems at the VMT.
  - In discussions with OSHA, they clarified that because Alaska has a state program established and AKOSH has primacy, federal OSHA cannot conduct a PSM audit. That would have to come from AKOSH. We also clarified that some of the original issues they identified were not correctly characterized.
  - On May 24, 2023, PWSRCAC sent an amended letter to OSHA requesting that some of the issues raised in their response letter be recharacterized to better reflect the concerns raised. The updated letter contained specific employee concerns that had been provided to AKOSH but apparently never addressed.
  - This request is being pursued by OSHA as a Complaint About State Program Administration (CASPA) against the Alaska Labor Standards and Safety Division, Occupational Safety and Health Program (AKOSH).
  - On July 20, 2023, PWSRCAC received an amended letter from OSHA in response to our May 24, 2023 letter (requesting changes to how the issues raised by PWSRCAC were characterized by OSHA). PWSRCAC believes the amended letter adequately addresses the concerns raised and the OSHA investigation should provide valuable information.
  - On July 20, 2023, federal OSHA also sent a letter to AKOSH that updated the complaint and issues raised based on the follow-up letter PWSRCAC sent on May 24.
  - AKOSH personnel have been making some internal revisions to their field and program manual, which are available on the AKOSH website. PWSRCAC staff does not know all the actions that have been taken yet, but expects to be briefed in the future by OSHA/AKOSH.
- **State of Alaska vs. Alyeska:**
  - AKOSH subpoenaed documents from Alyeska related to concerns received in 2021.
    - In response to an Alyeska employee's safety concerns at the VMT in 2021, AKOSH conducted an investigation at the VMT. This led to the issuance of

- two significant enforcement actions. Alyeska paid the penalty for the first enforcement action, but appealed the second, more significant enforcement action in its entirety. In preparation for the hearing, AKOSH issued a request to Alyeska for documents. Alyeska provided some documents but objected to providing most.
- Subsequently, the state had to request court assistance in a petition to require Alyeska to provide all information requested in the subpoena (an administrative action).
  - Superior Court hearing held in late 2021:
    - The Court requested that the parties (AKOSH and Alyeska) attempt to narrow the scope of the issues and requests in the subpoena. After several unsuccessful attempts to reach resolution, the case went inactive, and on May 5, 2023, the Court filed a notice of dismissal based on lack of prosecution.
    - June 8, 2023: AKOSH asked the court to renew its consideration of the petition and require Alyeska to comply with the subpoena. In this renewal, AKOSH attached PWSRCAC's report and referenced many of the report's findings.
    - July 28, 2023: Alyeska responded to AKOSH's renewal. The court scheduled a hearing on August 25, 2023, regarding the request to renew the petition.
    - August 24, 2023: the hearing was cancelled due to a conflict of interest between the judge assigned to the hearing and one of the attorneys representing Alyeska in the case.
      - It is curious that the conflict of interest was raised one day before the hearing was scheduled to take place, and that the attorney that the judge had the conflict of interest with stopped working for Alyeska six weeks before the hearing on August 25 was scheduled to take place.
    - September 11, 2023: a status briefing with the new judge assigned to the case and the attorneys from AKOSH and Alyeska was held. PWSRCAC and Billie Garde telephonically attended the status briefing, where the judge asked questions of the attorneys and established a hearing date for oral arguments on October 3, 2023, regarding the status of discovery. The issue of dismissal of the case in its entirety had been raised by Alyeska in its briefs and attempted to be raised at the hearing, but the judge did not entertain any argument on dismissal.
  - **Billie Garde's Assistance with Two Internal PWSRCAC recommendations:**
    - For several months, Billie Garde has been assisting PWSRCAC staff with the follow-up on the report recommendations. Two of the recommendations in the report are internal to PWSRCAC, including:
      - The establishment of a protocol for handling employee concerns that may be provided to PWSRCAC in the future.
      - Establishment of a PWSRCAC Human Factors Advisory Committee to advise the Council on the status of risks to operations and maintenance at the VMT.

- This action item includes a request for Board approval of a \$15,000 FY2024 budget modification to retain Billie Garde to continue her assistance following up on the report recommendations, including the two internal PWSRCAC recommendations.

In addition to the recommendations included in Billie Garde's report, PWSRCAC staff has been working to gather information related to the tank vent damages that occurred last year through records requests, letters, and meetings with federal and state regulatory agencies related to:

- VMT East Tank Farm crude oil storage tank emissions estimates from the damaged tank vents from the time the damage was discovered until that tank vents were repaired.
- ADEC Notice of Violations issued to Alyeska on May 3, 2022, related to the Title V Air Quality Permit
- The status of Alyeska's Title V Air Quality Permit that has not been issued by ADEC since 2017 and is currently operating under an application shield.

Billie Garde commented on what she felt was missing from Alyeska/Van Wingerden's presentation earlier in the meeting.

- **Quality Control/Quality Assurance Program and Audit Program:** Detailed information was missing on whether Alyeska has increased the size and the role of its Quality Control/Quality Assurance Program and their Audit Program. She pointed out that she spent considerable time in her report talking about how that program had deteriorated over time to almost nothing, and she did not hear anything from Alyeska at this meeting about whether it had re-funded or rebuilt the program and whether it was going back to a more significant role in its operations.
- **Management of Change Process:** She also did not hear anything in Alyeska's presentation about improvements in its Management of Change process. She had pointed out in her report the lack of coordination between processes and she would like to know if anyone is evaluating that process and where the holes were that were clearly serious contributing factors to the incidents in 2021 and other incidents.
- **Fire at the East Tank Farm on August 30:** She would like to hear Alyeska's justification so she could understand its decision (other than less risk) to leave the flammable activity operation inside of the East Tank Farm and not following the Chemical Safety Board's siting recommendation and move it to the West side of the terminal (west bench area).
- **Commitment of Additional Resources:** Garde stated that she would like to see more detailed information being shared with PWSRCAC as to where the additional resources Alyeska has committed to provide and where and how they are actually being resourced.

- **Surveys:** She was also concerned about surveys Alyeska has done in the past and how Alyeska was comparing one survey to another, stating it wasn't comparing apples to oranges to pears, it was comparing an apple, to an orange, to a pear (i.e., surveys were not done through the same method each time and different results were focused on/released each time, so comparison was problematic).
- **Leadership at Alyeska:** She spent considerable time in her report about leadership. She had not heard from Alyeska that President John Kurz is meeting with the work force or meeting with individual members, which is important to the workforce, as well as his commitment to transparency and rebuilding trust.
- **Audit:** Garde stated the important factor related to the audit was who from Alyeska was assigned to the ABS Consulting team (the third-party contractor).

As to the regulators and oversight, Garde pointed out that she did not hear from any regulators at this meeting that they are making any changes, and the one regulator who is making changes and is critical to oversight was not at the table at this Board meeting. She expressed disappointment that the Council did not hear from AKOSH or PHMSA officially as to the points raised in her report. She hoped that PWSRCAC would extend an official invitation to them for the next Board meeting.

Garde's final comment was that one of her recommendations was for PWSRCAC to develop a standard operating procedure for staff on what to do when they are contacted in the future with concerns by an Alyeska employee. She pointed out that Alyeska employees will go to an avenue where they believe they will get timely and effective responses to concerns. If they do not get that response from Alyeska, they will approach PWSRCAC.

Robert Beedle **moved to:**

- Authorize a FY2024 budget modification moving \$15,000 from the contingency fund to Project 5053.
- Authorize a professional services agreement with Billie Garde in the amount of \$15,000 to assist staff in following up on the recommendations contained in the report titled "Assessment of Risks and Safety Culture at Alyeska's Valdez Marine Terminal."

Dave Janka **seconded** and the **motion passed** without objection.

### **EXECUTIVE SESSION**

Ben Cutrell **moved to go into executive session** for the Board to receive an update and discuss a PWSRCAC Class I Recreation Member entity. Kirk Zinck **seconded** and the **motion passed** by unanimous consent.

*The following were asked to join the Board in executive session: Legal counsel Joe Levesque, Executive Director Donna Schantz, Director of Programs Joe Lally, Director of Administration KJ Crawford, Director of Finance Ashlee Hamilton, Executive Assistant Jennifer Fleming, and IT Coordinator Hans Odegard.*

**Recess:**

The open session of the meeting recessed at approximately 3:45 p.m. to reconvene the following day.

**Friday, September 22, 2023**

**CALL BACK TO ORDER**

President Archibald called the meeting back to order at 9:02 a.m. on September 22, 2023. A roll call was taken. There were 16 Directors present at the time of the call back to order (Archibald, Beedle, Bender, Brittain, Crump, Cutrell, Donaldson, Haggerty, Hasenbank, Herbert, Janka, Malchoff, Shavelson, Totemoff, Vigil, and Zinck). Aimee Williams, Amanda Bauer, and Dorothy Moore each joined the meeting later via video conference at approximately 9:52 a.m., 10:10 a.m., and 10:40 a.m., respectively.

**REPORT ON EXECUTIVE SESSION**

President Archibald reported that the Board had received an update on the search for a Class I Recreation member entity and was ready to take action.

Bob Shavelson **moved** to support the efforts to form a coalition of recreation entities to potentially fill a Class I Recreation seat on the PWSRCAC Board of Directors **and** delegate authority to the Executive Director to engage PWSRCAC legal counsel to review the draft Memorandum of Agreement provided by the groups currently proposing the Recreation Coalition. Dave Janka **seconded**. A roll call vote was called:

Robert Archibald	Yes.
Robert Beedle	Yes.
Mike Bender	Yes.
Mike Brittain	Yes.
Nick Crump	Yes.
Ben Cutrell	Yes.
Wayne Donaldson	Yes.
Mako Haggerty	Yes.
Luke Hasenbank	Yes.
Jim Herbert	Yes.
Dave Janka	Yes.
Melvin Malchoff	Yes.
Bob Shavelson	Yes.
Angela Totemoff	Yes.
Michael Vigil	Yes.
Kirk Zinck	(Absent for vote)

The **motion passed** 15 in favor; one absent for vote.

#### **4-4 REPORT ACCEPTANCE: OXYGENATED HYDROCARBONS**

PWSRCAC Environmental Monitoring Project Manager, Dr. Danielle Verna, introduced Maxwell Harsha who presented a brief summary of the report titled “Examining the Effectiveness of Ballast Water Treatment Processes: Insights into Hydrocarbon Oxidation Product Formation and Environmental Implications” by Maxwell Harsha and Dr. David Podgorski from the University of New Orleans dated August 1, 2023. This project involved collecting a series of samples throughout the treatment process at the Valdez Marine Terminal Ballast Water Treatment Facility (BWTF) to identify hydrocarbon oxidation products (HOPs).

A briefing sheet, executive summary, and a copy of the report were included in the meeting notebook under Item 4-4. The Board was asked to accept the report as meeting the terms of the contract and for distribution.

Following the presentation, Harsha and Dr. Podgorski answered questions from the Board.

Jim Herbert pointed out that most ballast is segregated now and segregated ballast would not go through this process at the VMT. Alyeska’s Andres Morales confirmed that most of what goes through the facility now is rainwater and snowmelt.

Verna pointed out that PWSRCAC tracks all the unsegregated ballast water that comes in on the tankers and keeps a spreadsheet. They do see a spike in the winter months when ships need more ballast water because of the rougher weather they encounter during those months and this extra ballast water is held in oiled cargo tanks.

Harsha and Podgorski answered technical questions from the Board on the analysis and the findings.

At the request of Wayne Donaldson, Harsha agreed to include the raw data and sampling dates as an addition/appendix to the report.

Jim Herbert **moved to accept** the report titled “Examining the Effectiveness of Ballast Water Treatment Processes: Insights into Hydrocarbon Oxidation Product Formation and Environmental Implications” by Maxwell Harsha and Dr. David Podgorski from the University of New Orleans dated August 1, 2023, as meeting the terms and conditions of Contract 9512.22.01, and ready for distribution to the public. Robert Beedle **seconded** and the **motion passed** without objection.

#### **4-1 REPORT ACCEPTANCE: PRINCE WILLIAM SOUND MARINE BIRD WINTER SURVEYS**

In March 2023, staff from the Prince William Sound Science Center conducted surveys of marine birds and mammals in Prince William Sound, including Valdez Arm, Valdez Narrows, and two new transects in the vicinity of Zaikof Bay and northwest Hinchinbrook Island. This

survey was the third consecutive year of Council-sponsored surveys. The Board was asked to accept the final report on the project titled "Marine Bird Winter Surveys in Prince William Sound" dated June 26, 2023, by Anne Schaefer and Dr. Mary Anne Bishop of the Prince William Sound Science Center.

The report describes the methods and findings of the survey and recommendations for continued monitoring. A briefing sheet and the report were included in the meeting notebook as Item 4-1.

PWSRCAC Environmental Monitoring Project Manager, Dr. Danielle Verna, introduced Dr. Mary Anne Bishop who presented the survey report and findings and answered questions from the Board.

Jim Herbert asked that future surveys better identify the specific species in the reports. He pointed out that it was for this reason he had pulled next year's project from the consent agenda for discussion later at this meeting.

Michael Vigil **moved to accept** the report titled "Marine Bird Winter Surveys in Prince William Sound" by the Prince William Sound Science Center dated June 26, 2023, as meeting the terms and conditions of Contract 9110.23.01, and for distribution to the public. Mike Bender **seconded** and the **motion passed** without objection.

*Break: 10:20 a.m. - 10:35 a.m.*

#### **4-6 REPORT ACCEPTANCE: PEER LISTENER TRAINING MANUAL**

PWSRCAC's Dr. Danielle Verna gave a brief introduction of an action item to accept the updated PWSRCAC Peer Listener Training Manual. The manual is an appendix to the Council's "Coping with Technical Disasters: A User-Friendly Guidebook." The purpose of the manual is to outline the tools and techniques for active listening that individuals can employ to support fellow community members in the wake of a technological disaster, such as an oil spill. The updated manual is the second in a series of phases to modernize the Council's Peer Listener program. Subsequent phases, if approved, will address delivery of the manual throughout the region.

Contractors Lisa Fousek and Dr. Adryan Glasgow of Agnew::Beck Consulting explained the manual and how it would be used.

In addition to the manual, Agnew::Beck Consulting discussed some ideas and recommendations for how to best distribute the manual to the wider public.

*[Kirk Zinck returned to the meeting at 11:00 a.m.]*

Verna pointed out that the draft version is already on PWSRCAC's website and staff will post the final version and will be working on a broader dissemination plan for next year.



Angela Totemoff asked about PWSRCAC's internal plans to implement the manual in the event of another disaster event. Executive Director Schantz stated that the training manual is not currently in PWSRCAC's internal emergency response plan, but SAC would be looking at that in the next phase and PWSRCAC should have a section for it in its internal response plan.

Alyeska's Morales commended PWSRCAC for producing the manual. He added that Alyeska does have an official plan on how to help individuals and teams and the triage of societal and community impacts, but it is still a "soft area" of understanding for Alyeska. It does not have a firm plan, but it does have resources to reach out to individuals and the public and it is an ongoing subject of conversation within Alyeska.

Totemoff added that the Council should recognize the role that PWSRCAC plays, and it should have a plan to distribute this manual in the future.

President Archibald pointed out that people and communities react differently to a technological disaster than they do a natural disaster. This manual deals with that and it should be read before anything happens.

Mako Haggerty **moved to accept** the "Peer Listener Training Manual" by Agnew::Beck Consulting, Inc., dated August 1, 2023, as meeting the terms and conditions of Contract 6560.23.01, and for distribution to the public. Angela Totemoff **seconded** and the **motion passed without objection.**

Verna added that she has recommendations for distribution on SAC's LRP list but also welcomed ideas from individual Board members on how to distribute to their communities.

#### **4-7 PWSRCAC LONG RANGE PLANNING (LRP)**

Cathy Hart gave a review of the Strategic Planning meeting that was held on September 20, 2023.

Director of Administration KJ Crawford introduced a list of proposed protected projects for the upcoming LRP cycle for Board review and approval.

The proposed protected project list for FY2025 was included in the meeting notebook as Attachment A to the briefing sheet at Item 4-7, as well as the definition of a protected project.

Through this agenda item, all Board members were also asked to participate in the current LRP effort. To help foster Board enthusiasm and participation, the LRP Guidance Memo and associated documents were included as Attachment B. Also included was the Project Briefing Sheet as Attachment C.

Questions were raised about whether the transcriptomics portion of the LTEMP program was included in the LTEMP FY2024 protected budget of \$204,000, as the transcriptomics

portion did not meet the definition of a permanent protected project. As explained by Verna, the samples were taken, but SAC has yet to decide whether to analyze those samples as part of its LRP for projects in 2024.

Ben Cutrell **moved to approve** the protected project list for the upcoming Long Range Planning process as presented in Attachment A Item 4-7 to this briefing sheet. Dave Janka **seconded** and the **motion passed** without objection. [Each Director was also asked to take individual action over the next several months by participating in the LRP planning process.]

### **PRESIDENT'S REPORT TO THE BOARD**

President Archibald spoke of his personal experience of the Exxon Valdez spill in 1989, the realization of the enormity of the situation after the news broke of a grounded tanker and the spill, and the realization of the lack of preparedness for such a catastrophic event. He stated it was a complete and utter failure on many counts. Anger and mistrust grew as time went on and it affected everybody deeply.

Using the analogy of a bicycle wheel, he spoke of the interrelationship and responsibility of all the parts of the wheel for an effective, smooth, and functioning operation. The public is the hub and has the power. Industry, RCACs, government and regulators, oil companies (i.e., everybody who has oversight of the system) are the spokes. If the spokes are strong, the wheel will be strong and there is trust, transparency, and the willingness to communicate with one another. Without the strong spokes, the rim wobbles and fails. He said his goal for PWSRCAC is to keep those spokes strong, striving to maintain a round rim to keep the wheel rolling smoothly and keep Prince William Sound in a safe condition. He said he felt that PWSRCAC was doing a good job in furthering that goal.

### **EXECUTIVE DIRECTOR'S REPORT TO THE BOARD**

Executive Director Schantz provided a written report before the meeting via email and asked the Board to refer to that for a more comprehensive overview of activities since the May meeting.

She reminded everyone it is crucial that PWSRCAC remains mindful of its founding documents, mandate, and mission to promote the highest level of oil spill prevention, safety, and response as possible. She emphasized the importance of the organization to not lose focus of its ultimate and original goal and to continue its original mission because there is too much at stake that PWSRCAC has been entrusted to fulfill under OPA 90 and its contract with Alyeska. It is also PWSRCAC's duty to make sure the public, industry, and the regulators – all the “spokes of the wheel” - do not forget the trauma and devastation the spill caused and the lessons learned from it. She said it is important for PWSRCAC to look to the past as it does strategic planning, so it never forgets why and how the Council got where it is today -- and realize the system is working. Even though there are concerns with how the system is structured today, it is working.

She expressed appreciation for the Board's support to continue to pursue the concept of a coalition for the Recreation seat, which is to satisfy the USCG's concerns. She recognized Jim

Herbert for taking the lead on the effort and also Robert Archibald for his involvement on the coalition concept. She pointed out that while PWSRCAC's position is that it does not agree a Recreation seat is required for PWSRCAC as the alternate voluntary group under OPA 90, the Council strives to adhere to OPA 90 as closely as possible, and it is not worth the risk to the Council's existence and recertification not to address what the USCG is asking for. She emphasized the importance of PWSRCAC doing what it can to satisfy those USCG concerns because the stakes are too high.

Schantz reported a Request for Qualifications (RFQ) was issued for an air quality expert to review the Title V Air Quality permit for the VMT that was reported earlier. PWSRCAC's concerns are growing, so it is likely staff will be asking for additional funding for this review once the responses are received to the RFQ. She pointed out it is a complicated process that has been going on since 2004 and the federal rulemaking (EPA) changes that have been made under the NESHAP-OLD regulations are a big part of why the Title V permit, which is under the State of Alaska permitting primacy, has been delayed. Staff is hoping to have an air quality expert on board by the time the Title V permit goes out for public comment. There will only be a 30-day window for comment, so staff needed to be ready. She noted there should be funds in the contingency fund to apply to this project once the books are closed out for 2023.

She thanked everyone for following up on the recommendations in the Billie Garde report, noting that there is much in that report, and PWSRCAC may be dealing with this for years. She would like the TOEM Committee to be PWSRCAC's lead technical committee to follow up on the recommendations Garde made for PWSRCAC internally and for TOEM to send its recommendations back to the Board.

She reminded the Board that staff recaps the actions taken at Board meetings and those meeting recaps may be shared with a Board member's member entity.

She thanked the Board, committee volunteers, and staff for all their support and reiterated the importance of the Council's work.

#### **FINANCIAL MANAGER'S REPORT TO THE BOARD**

Director of Finance Ashlee Hamilton reported that since the May Board meeting her main focus had been closing out the 2023 books and entering the 2024 budget into Sage Intacct. While changing the accounting software was completely different from what she was used to, it had already benefited PWSRCAC greatly and she sees many more efficiencies to come from the switch.

Another transition was outsourcing the payroll to Paychex. It was a challenge from the beginning and continues to be. So, the decision was made to remove the direct import into Sage Intacct. Hamilton will manually enter all payroll going forward for the time being. On the positive side, employees can now track their own leave, submit electronic leave requests, fill out electronic timecards online, download their paystubs and, when the time comes, access their W-2 information through the system.

Hamilton reported another process she was working on is the transition to electronic contract files, eliminating the need for paper files.

Hamilton reported her focus going forward will be on the upcoming audit which is projected to be completed by October 12. This will be the last year BDO will be PWSRCAC's auditors/accountants. Staff is currently looking for a new auditor. There are three prospects in consideration, and the Finance Committee will review and come to a consensus. BDO has agreed to file the organization's upcoming Form 990 in the meantime.

She is also looking at new budgeting software and hopes to have something in place by the end of the year.

Volunteer travel claims are now digital and can be accessed through QR code. Hamilton recognized Executive Assistant Jennifer Fleming's assistance in creating this new method of claiming travel expenses. Hamilton said she is still working on the implementation of Automated Clearing House (ACH) payments to pay vendors, etc., and had just signed an agreement with an electronic payment company, CSI, which is an add-on to the Sage Intacct accounting software.

*Lunch Break: 12:30 p.m. – 1:30 p.m.*

## **CONSIDERATION OF CONSENT AGENDA ITEMS**

### **3-3 CONTRACT AUTHORIZATION: MARINE BIRD WINTER SURVEYS**

Jim Herbert spoke to agenda Item 3-3 which he pulled from consent agenda. He suggested three enhancements to improve the project:

- Use a camera to identify distant birds to identify down to a species level and breaking out those "unidentified birds" which make up 4-5% of the total bird count.
- More information on what hotspot analysis would entail and catch populations off the transects.
- Herbert noted this project had increased approximately 10% with no explanation of why. He wants to see good value, quality work, and things that will be useful in the long run.

A brief discussion followed about hotspots and catching those bird populations outside of the transects of the study. Herbert said he would like to see this tweaked a little more to better represent what is there with nearshore task forces if there should ever be another spill.

Dr. Verna said she had talked to the contractor, and they will be using Gulf Watch surveys and the surveys PWSRCAC has sponsored so it will have more information than only the surveys PWSRCAC has supported. It is going to look at hotspots that fell along transects during those surveys. There is value in the repeatability in having those transects year to

year and having a long-term data set. The contractor has acknowledged that there are gaps in marine bird surveys but they are providing a repeatable data set so they can see trends over time, and the hotspot analysis will show some of those areas of most concern. They will use a camera and try to get closer to shore to get better identification of the species level. The increase in the budget was for the hotspot analysis. Verna said she appreciated the feedback and will pass it on to SAC.

Herbert **moved** to authorize the Executive Director to enter into a sole source contract with the Prince William Sound Science Center to conduct project 9110 Marine Bird Winter Surveys in 2024 in an amount not to exceed \$65,138. Robert Beedle **seconded** and the **motion passed** without objection.

### **CLOSING COMMENTS**

Directors were given the opportunity to make closing comments.

Wayne Donaldson said he had reflected on the information given by Alyeska on the fire at the Tank Farm on August 30 and, in his opinion, the risk analysis Alyeska did on that fire was not robust enough. He added he was very concerned about the risk of any fire there because of the amount of oil stored in the tanks and there is simply too much at stake for the entire area.

Bob Shavelson pointed out that March 24, 2024, would be the 35<sup>th</sup> anniversary of the EVOS and, by extension, the creation of the Council. To commemorate the anniversary, he proposed a gathering in Anchorage of some of the principal founders of the organization to share their stories of the early days on stage in a roundtable format. He offered to work with staff to get something on the next meeting's agenda.

### **ADJOURNMENT**

There being no further business to come before the Board, **the meeting was adjourned at 1:35 p.m. on a motion made** by Michael Vigil, **seconded** by Ben Cutrell, and **passed by unanimous consent.**

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Secretary