



December 2, 2021

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Citizens promoting the environmentally safe operation of the Alyeska terminal and associated tankers.

Melissa Woodgate
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Department of Environmental Conservation
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Environmental Coalition

Port Graham
Corporation

Prince William Sound
Aquaculture Corporation

RE: Comments and Requests for Additional Information on the Prince William Sound Tanker Oil Discharge Prevention and Contingency Plan and Associated Documents (renewal) – Round 2

Dear Ms. Woodgate:

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

PWSRCAC provides the enclosed second set of comments and requests for additional information (RAI) on the proposed renewal of the Prince William Sound Tanker Oil Discharge Prevention and Contingency Plan and associated vessel response plans. The enclosed comments are provided as follow-ups to the RAIs ADEC submitted to the plan holders, with clarification of some outstanding contractual items in the individual shippers' plans included as well.

We also hope that ADEC will include the suggestions offered in our original comments from July 2021 for future exercise objectives. Many of these outstanding issues can easily be added to an exercise that is already planned. It is particularly important to us at this time to ensure that TCC, LLC can fully implement vessel decontamination operations in addition to its other duties without adding people or resources in light of the plan holders' response to ADEC's request for additional information on that topic. Readiness to deploy non-mechanical response systems simultaneously should also be demonstrated, including monitoring of effects and effectiveness.

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Thank you for your consideration of these comments and requests for additional information. Please do not hesitate to contact me at (907) 834-5060 or joseph.lally@pwsrccac.org if you have any questions.

Sincerely,



Joseph T. Lally
Director of Programs

Cc: Anna Carey, ADEC
Andres Morales, APSC
Mike Day, APSC
CDR Patrick Drayer, USCG
Karen Hays, Alaska Tanker Company
Cameron Hunt, Andeavor
Craig Hyder, Andeavor
Paul Manzi, Crowley Alaska Tankers
Angelina Fuschetto, Crowley Alaska Tankers
Andrew Limmer, Harvest Midstream
Rob Kinnear, Hilcorp
Brett Lowe, ConocoPhillips
Monty Morgan, Polar Tankers, Inc.



**Comments and
Requests for Additional Information
on the
2021 Application for Renewal of the Prince
William Sound Tanker Oil Discharge
Prevention and Contingency Plan**

Round 2

Submitted by the
Prince William Sound Regional Citizens' Advisory Council

December 2, 2021

Introduction

PWSRCAC provides these comments and requests for additional information (RFAI) to the Alaska Department of Environmental Conservation (ADEC) on the responses to ADEC's requests for additional information regarding the Prince William Sound Tanker Oil Discharge Prevention and Contingency Plan (Core Plan) and associated documents.

The enclosed comments relate to issues raised by ADEC in its RFAI to the plan holders related to the following documents:

- Prince William Sound Tanker Oil Discharge Prevention and Contingency Plan (Core Plan)
- Ship Escort/Response Vessel System SV-140 (SV-140)
- Alaska Tanker Company, LLC's Integrated Vessel Response Plan [ADEC Plan #21-CP-4039]
- Andeavor LLC's Prince William Sound Vessel Oil Discharge Prevention and Contingency Plan (FRP 16-CP-2222) [ADEC Plan #21-CP-2222]
- ConocoPhillips/Polar Tankers Vessel Response Plan and Shipboard Oil Pollution Emergency Plan [ADEC Plan #21-CP-4038]
- Crowley Alaska Tankers Vessel Response Plan – State Specific – Prince William Sound, ALASKA [ADEC Plan #21-CP-4046]
- Hilcorp North Slope, LLC Tank Vessel Operations Oil Discharge Prevention and Contingency Plan [ADEC Plan #21-CP-5192]

In addition, we have identified a few outstanding items regarding missing contractual details in the individual response plans.

Comments and Additional Requests Related to Core Plan and SV-140 RFAI Responses

Numbering of the RFAs below is based on "Table 1.0: Responses to Requests for Additional Information on Prince William Sound Core Plan ODPCP" enclosed in the November 1, 2021 letter from Monty Morgan to Melissa Woodgate.

ADEC RFAI #26 requested clarification regarding a discrepancy between Table 5-1 Recovery Capacity (in the Core Plan) and Table 12.5-3 in SV-140 that lists barge and storage containers. Table 5-1 identifies 60 mini-barges, while SV-140 only identified 48. The plan holders clarified that while NSTF 1-4 use 12 mini-barges each (for a total of 48), NSTF 5 would use a combination of micro-barges and/or towable storage bladders, as is indicated in a footnote to Table 12.5-3 in SV-140.

PWSRCAC notes the footnote and agrees that it clarifies the reason for the apparent discrepancy. However, accurate information should be used in Table 5-1 to clearly establish adequate storage capacity. Instead of identifying 60 mini-barges when there are only 48, Table 5-1 should identify the actual 48 mini-barges plus the estimated combination of micro-barges or towable bladders and their appropriate capacities.

ADEC RFAI #27 asked the plan holders to explain the entrained water percentages for the recovery calculations and update if needed, based on the 2020 ANS crude oil properties. The plan holders responded that, "Entrained water is assumed from the Oil Properties Work Group (Aug 16, 2013) that showed the potential for entrainment at 0 Celsius. 8.5% entrained water was the agreed upon

assumption from the May 20, 2014, meeting with ADEC. The 2020 report verified that entrainment is still very likely after two weeks of weathering at 0 Celsius."

What the plan holders fail to mention is that the 2020 report did find that entrainment is very likely once 35% of the oil has evaporated, but that this takes less than 24 hours (not two weeks as stated in the response above). The resulting emulsification will contain 26% to 62% water, far more than the 8% assumed. This has a significant effect on the amount of storage required. With more current information from their own analysis, it is not clear why the plan holders point to meetings from 2013 or 2014 when they also incorporated the March 2020 SL Ross analysis as a minor amendment with ADEC's approval.

In their response to RFAI #27 the plan holders contradict their statement in response to RFAI #2 that, "The assumptions will be updated to reflect the most recent ANS crude oil properties." While entrainment itself is not a crude oil property per se, it is an important planning assumption directly based on the nature of the oil.

PWSRCAC strongly requests ADEC to address this issue with the plan holder and ensure that there is a clear process for obtaining current information regarding oil properties and applying these to planning assumptions. Adopting a new oil properties analysis as a minor amendment but then not incorporating the results as a planning assumption is problematic, especially when the plan holders are committing to ADEC that updated information is being used. PWSRCAC remains willing to re-start the oil properties work group at any time to assist with a transparent and predictable process for the incorporation of new oil property information into the Core Plan.

ADEC RFAI #31 requested that the term "vessels of opportunity" be replaced with a more specific reference to the intended category of vessel. The term "vessels of opportunity" was removed from the introductory paragraph in PWS-OW-1 in the SV-140 document. However, it remains in the tables describing the Incident Command System roles:

- Table B.0-12 for the Open Water Group Supervisor (OWGS) should be edited to remove the words "of opportunity" since the OWGS will be reporting the status of assigned *contracted* fishing vessels as well as any Tier III vessels engaged.
- Table B.0-13 for the Nearshore Group Supervisor should be edited to remove the words "of opportunity" since this person will be reporting the status of assigned *contracted* fishing vessels as well as any Tier III vessels engaged.
- Table B.0-28 for the Fishing Vessel Coordinator should be edited to remove the words "of opportunity" since this person will be reporting the status of assigned *contracted* fishing vessels as well as any Tier III vessels engaged. That person's role, at the top of the table, should also be edited to refer to the "Fishing Vessel Program" instead of the "Vessel of Opportunity Program."

The name of the Fishing Vessel Program is long-established and well understood in the area even if many vessels in the program are not actually fishing vessels.

PWSRCAC supports ADEC's original request and urges that it be fully addressed by replacing the term "vessels of opportunity" as identified above.

ADEC RFAI #28 asked for updated information since Bell Tech has been removed as provider of vessel decontamination. The plan holders responded that TCC, LLC would provide this service in the future. Bell Tech had specialized equipment and had deployed in this role in past exercises (including May 11–12, 2017) and was a dedicated vessel decontamination provider. SV-140 indicates that TCC, LLC will now

provide vessel decontamination in addition to several other activities, including "oil spill response, marine support, health and safety support," with a commitment to provide "approximately 21 personnel to be available in 18 hours" (Table 12.3-6 in SV-140). While vessel decontamination was added to the list of activities in response to the RFAI, there was no corresponding increase in personnel noted even though Table 1-6 states that vessel decontamination resources will be mobilizing as early as 6-12 hours into the response. Additionally, personnel training for vessel decontamination is not identified, and TCC, LLC does not participate in training for on-site safety specialists or waste management Task Force Leader roles according to Table C.0-1 in SV-140.

PWSRCAC requests demonstration of TCC, LLC's ability to meet the simultaneous needs of a major response across areas that services are provided, including sustaining safe and effective vessel decontamination operations.

ADEC RFAI #35 asked the plan holders to "explain the two ASD 4517s (Commander, Courageous) that are equipped with spill spray equipment and have crews trained in dispersant operations." The plan holders responded that "one tug will have dispersant capability." While it may be the case that only one tug would be used in this way, the Core Plan or SV-140 should specify which tug(s) – and crews – are prepared to conduct dispersant spraying operations. While a minimal commitment of resources may be desirable to the plan holder, the Core Plan must be a usable plan for the purpose of response, per 18 AAC 75.425(a), and also provide "a complete inventory of non-mechanical response equipment" per 18 AAC 75.445(G)(ii).

PWSRCAC requests that information be retained in SV-140 to specify which ASD 4517s have dispersant spraying equipment on board and that their crews are trained in its use (setting up the dispersant spray arms, safely handling and loading the dispersant, and coordinating with the spotter plane/vessel). The information should also be added to the description of the ASD 4517s in Appendix A where it otherwise just states that one tug has dispersant spraying capability.

Comments and Additional Requests Related to Individual Company Plan RFAI Responses

Alaska Tanker Company, LLC (ATC)

Integrated Vessel Response Plan

ADEC RFAI #2 requested an update of contractual arrangements in ATC's Integrated Vessel Response Plan for salvage, lightering and marine firefighting (SMFF) for listed vessels. ATC responded stating "ATC's written consent and contract signature pages with T&T Salvage, LLC for salvage, lightering, and marine firefighting have been included in IVRP Section A8.2, Contracted Resources. Please note T&T Salvage considers and marks their contract as confidential. As such, we are unable to include ATC's entire contractual agreement with T&T Salvage in our IVRP."

The ATC Plan is still missing the primary response action contractor (PRAC) information required by 18 AAC 75.425(e)(3)(H) and 18 AAC 75.445(i). Annex 8 to ATC's Plan contains the title and signature page of its Agreement for Oil Spill Response Services with Alyeska, but not the Form Statement of Contractual Terms and Supplement required by 18 AAC 75.425(e)(3)(H) and 18 AAC 75.445(i). (See required form on ADEC's Contingency Plan website at <http://dec.alaska.gov/spar/ppr/regulations-guidance/forms->

[applications/.](#)) Regulations at 18 AAC 75.445(i)(1)(A)-(F) require attestation as to the contents of the plan holder's contract with its primary response action contractor.

PWSRCAC requests that ADEC issue a follow-up RFAI for this information.

Andeavor LLC

Prince William Sound Vessel Oil Discharge Prevention and Contingency Plan

Introduction. Objective.

Additional information is still needed concerning the terms of Andeavor LLC's agreements with OSG Ship Management and Intrepid Ship Management to ensure that Andeavor LLC has the necessary primary operational control agreements in place for its chartered tankers.

PWSRCAC requests that ADEC require Andeavor to provide a Statement of Contractual Terms with Chartered Tankers to track the provisions required for primary operational control.

Section 3.8 Response Contractor Information, Appendix B Contracts.

ADEC RFAI #11 requested that Andeavor LLC: *Update contract information in the plan to also include Ohio, West Virginia, and Louisiana. Ensure agreements for all vessels for the PRAC, response management contractor (IMT support), salvage, lightering and marine firefighting (SMFF), and dispersants are included in the Plan.*

Andeavor responded that the Plan was "Updated with contracts from Rev 10."

PWSRCAC has reviewed the Appendix B Contracts provided in Rev. 10 January 2021. Appendix B included a copy of the Agreement for Oil Spill Response Services Amended and Restated between Andeavor LLC and Alyeska Pipeline Service Company.

Rev. 10 does not include the requested agreements concerning "response management contractor (IMT support), salvage, lightering and marine firefighting (SMFF), and dispersants." It also does not contain the Form Statement of Contractual Terms and Supplement required by 18 AAC 75.425(e)(3)(H) and 18 AAC 75.445(i) between Andeavor and Alyeska Pipeline Service Co. PWSRCAC believes the Plan should not be approved without the required attestation as to the contents of the contract with its primary response action contractor (.445(i)(1)(A)-(F)).

PWSRCAC supports ADEC's original request and urges that it be fully addressed by providing the requested contracts and the required Statement of Contractual Terms required by 18 AAC 75.425(e)(3)(H) and 18 AAC 75.445(i).

Crowley Alaska Tankers, LLC

State Specific – Prince William Sound, Alaska, Vessel Response Plan

PWS Specific Vessel Response Plan, Appendix E: Contracts

In its earlier RFAI, PWSRCAC requested that Crowley Alaska Tankers, LLC provide a statement of contractual terms and the supplement for TAPS tankers required by 18 AAC 75.425(e)(3)(H) and 18 AAC

75.445(i) with Alyeska Pipeline Service Company. ADEC did not issue an RFAI to Crowley for the required Form Statement of Contractual Terms and Supplement for TAPS Tankers. The Crowley Alaska Plan remains incomplete with respect to the required PRAC Statement of Contractual Terms signed by Crowley Alaska Tankers, LLC and Alyeska Pipeline Service Company.

Appendix E to Crowley Alaska's State Specific-PWS, Alaska Response Plan contains the cover page and signature page of its Agreement for Oil Spill Response Services with Alyeska. That is not the Form Statement of Contractual Terms and Supplement required by 18 AAC 75.425(e)(3)(H) and 18 AAC 75.445(i). PWSRCAC believes the Plan should not be approved without the required attestation as to the contents of the contract with its primary response action contractor (.445(i)(1)(A)-(F)). See required form at <http://dec.alaska.gov/spar/ppr/regulations-guidance/forms-applications/>

PWSRCAC requests that ADEC issue a follow-up RFAI for this information.

Hilcorp North Slope

Tanker Vessel Operations Oil Discharge Prevention and Contingency Plan

In its RFAs #44 and 45, PWSRCAC requested additional information concerning the terms of Hilcorp North Slope, LLC's primary operational control agreements with its chartered tankers. PWSRCAC had previously requested that Hilcorp North Slope, LLC clarify how it has primary operational control of chartered tankers under 18 AAC 400(a)(2)(D) by adding language to the introduction that the Hilcorp North Slope, LLC Oil Discharge Prevention and Contingency Plan, PWS Core Plan, and SERVS Technical Manual are incorporated into the chartered tank vessel's VRP as a geographic-specific annex to the VRP. PWSRCAC also requested that Hilcorp North Slope, LLC include a blank statement of contractual terms that will be used for chartered vessels with a VRP using the Hilcorp North Slope, LLC Oil Discharge Prevention and Contingency Plan, PWS Core Plan, and SERVS Technical Manual as a geographic-specific annex to the VRP to meet the requirements of 18 AAC 75.425(e)(3)(H) and 18 AAC 75.445(i).

PWSRCAC believes the Plan remains incomplete without this information.

Appendix A, Hilcorp North Slope, LLC Vessel Charter Procedure, provides: *"Hilcorp will provide to ADEC five working days before the vessel is scheduled to arrive in state waters the Statement of Contractual Terms between Hilcorp North Slope, LLC and vessel owner/operator (Page A-4)."*

Hilcorp North Slope, LLC's previously used Statements of Contractual Terms with chartered vessels do not include these terms. See, for example, the September 29, 2020 Statement of Contractual Terms regarding the Zenith Spirit. These previous Statements of Contractual Terms do not constitute a binding agreement by the vessel operator to comply with the approved Hilcorp North Slope, LLC Prevention and Response Plan including the prevention measures, such as participation in the PWS escort system as called for in the Hilcorp North Slope Vessel Charter Procedures.

PWSRCAC requests that ADEC issue PWSRCAC's previous RFAs #44 and 45 to Hilcorp North Slope on the details of primary operational control and request Hilcorp update its Statements of Contractual Terms with Chartered Tankers to track these provisions required for primary operational control.

ConocoPhillips/Polar Tankers

Vessel Response Plan and Shipboard Oil Pollution Emergency Plan

Appendix C. Evidence of Response Resource Contracts

Appendix C to Polar Tankers' Vessel Response Plan contains the cover page and signature page of its Agreement for Oil Spill Response Services with Alyeska, but not the Form Statement of Contractual Terms and Supplement required by 18 AAC 75.425(e)(3)(H) and 18 AAC 75.445(i). PWSRCAC believes the Plan should not be approved without the required attestation as to the contents of the contract with its primary response action contractor (.445(i)(1)(A)-(F)). See required form at <http://dec.alaska.gov/spar/ppr/regulations-guidance/forms-applications/>

Section 18 of Polar Tankers, Inc. Plan at Figure 18.6 lists three primary response action contractors (Page 18-10). Statements of contractual terms from all three primary response action contractors should be provided to meet the requirements of 18 AAC 75.445(i)(1)(A)-(F).

PWSRCAC requests that ADEC require the statement of contractual terms be submitted for the three primary response action contractors identified.

Recommendations Regarding Annual Exercises

PWSRCAC recommends that the following list of objectives be exercised for this renewal cycle. Additionally, occasional unannounced exercises are important for demonstrating readiness, response timing, and resource availability. However, many of the items listed may simply be added to planned exercises if they are not already included.

Based on changes to the plan, the following are recommended exercise objectives:

1. Demonstrate effective set up, sustained staffing, and safe and effective use of vessel decontamination area simultaneously with other commitments in the plan.
2. Demonstrate readiness to implement non-mechanical response strategies.
 - a. Deploy MSRC dispersant system including spotter aircraft, aircraft spray system, dispersant monitoring capabilities.
 - b. Demonstrate dispersant application (aircraft and tug), SMART monitoring, and in situ burning simultaneously.

PWSRCAC requests information from ADEC regarding how the above items will be included in future exercises.