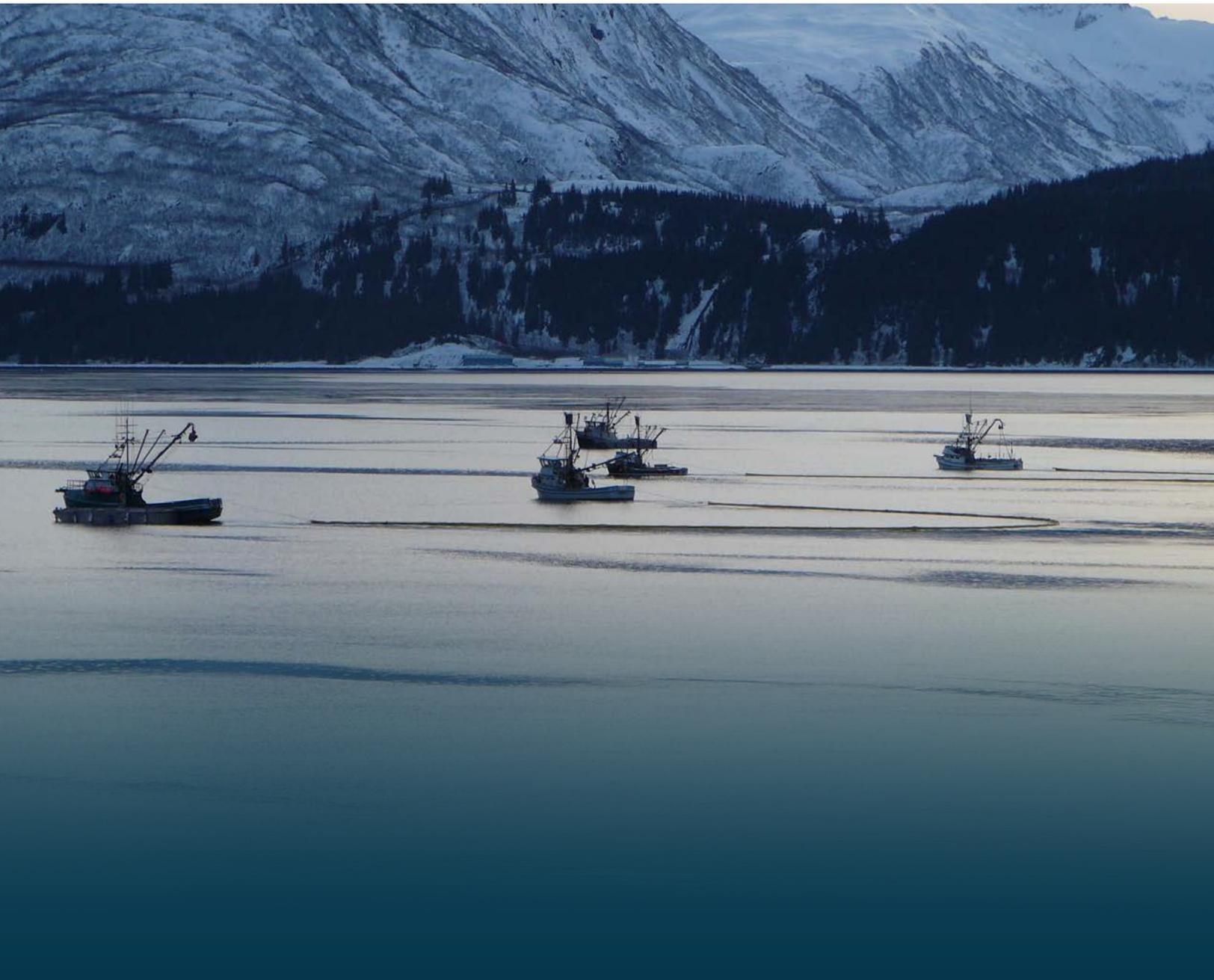




# Alaska's Oil Spill Response **PLANNING STANDARD**

The history and legislative intent of the bill that created Alaska's world-renowned oil spill preparedness and response system



**This is the story of an unlikely alliance of visionaries  
– government, industry, and citizens alike –  
who came together to reimagine oil spill preparedness. The system they built  
continues to ensure safe operation of tankers carrying Alaska oil to market.**

The information in this document was compiled for Prince William Sound Regional Citizens' Advisory Council in 2018 based on an extensive review of the legislative record, published reports, and interviews with key participants.

This booklet is a summary of the report "Alaska's Oil Spill Response Planning Standard: History and Legislative Intent," available at [www.bit.ly/AlaskaPlanningStandard](http://www.bit.ly/AlaskaPlanningStandard).



Tim Robertson and Elise DeCola

# Oil Spill Bills

On June 27, 1990, Governor Steve Cowper signed into law a suite of bills establishing a new regime for oil spill preparedness in Alaska. Surrounded by a team of rivals who had worked nonstop since the early days of the Exxon Valdez oil spill, the Governor felt proud and hopeful that the new system would restore public confidence in the safety of oil tanker operations in Alaska waters. The success of this effort was rooted in hard work and earnest collaboration among industry, government, and stakeholders.

The "oil spill bills" created Response Planning Standards that remain in place today, and are responsible for building a world-class system that dwarfs the inadequate capacity that was in place prior to the oil spill.

## 100 Years of Alaska's Legislature "From Territorial Days to Today"

16th State Legislature Juneau, Alaska 1989 - 1990

### Exxon Valdez Oil Spill



Photos: (top) Cover of 1990 Alaska Legislative Journal; (middle) Governor Steve Cowper signs the "oil spill bills" into law in Juneau, Alaska, on June 27, 1990. Photo credit: courtesy of David Rogers; (bottom) Oil is lightered from the Exxon Valdez even as it continues to spill into the Prince William Sound. Photo credit: Safety4Seas.com.



Photo credit: Al Gillo/AP.



Denny Kelso (left) and Steve Cowper (right) in March 1990 prior to the one year anniversary of the 1989 Exxon Valdez oil spill on a tour of impacted sites. Photo credit: ARLIS.

## Do the Right Thing

It was March 25, 1989. Day two of the worst oil spill in Alaska history. The air was cool, winds were calm, and the sky slightly overcast. A floatplane landed alongside the stricken tanker, as black oil continued to ooze out of her side and form a thick inky stain at the sea surface. The plane taxied through the oil slick to unload two men in bright orange flight suits. They carefully climbed the Jacob's ladders to the deck of the Exxon Valdez, overwhelmed by the sight and smell of crude oil.

To add to their feelings of shock and disbelief, they gazed out at the growing sea of oil and saw just a single boat, towing a single segment of boom around in circles. They knew by now that most of the oil spill response equipment that was supposed to be on-hand for this type of accident was buried under 10 feet of snow.

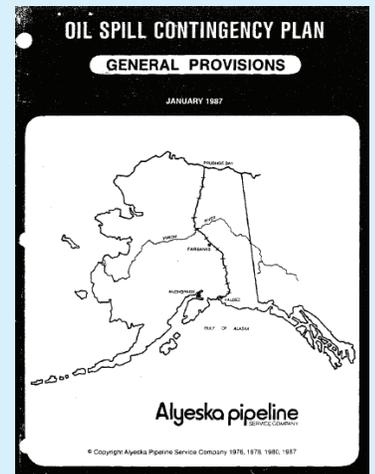
Denny Kelso, then-Commissioner of the Alaska Department of Environmental Conservation, turned to his boss, Governor Steve Cowper and asked him what to do next. The Governor, by all accounts a decisive leader and direct communicator, didn't hesitate in his response. When he told the Commissioner to "do the right thing," Denny knew exactly what he meant.

# Maritime Fiction

Soon after his return from the deck of the leaking Exxon Valdez, Commissioner Kelso drafted an Emergency Order, detailing the failures in Alyeska's oil spill contingency plan. The Emergency Order directed a series of specific, time-bound requirements to build a spill response system equal to the risks that had been laid bare by 10.8 million gallons of crude oil.

The Emergency Order required that the Alyeska Pipeline Service Company (Alyeska, the company responsible for the Valdez Marine Terminal) acquire enough equipment, people, and vessels to manage a 10 million gallon oil spill within 72 hours.

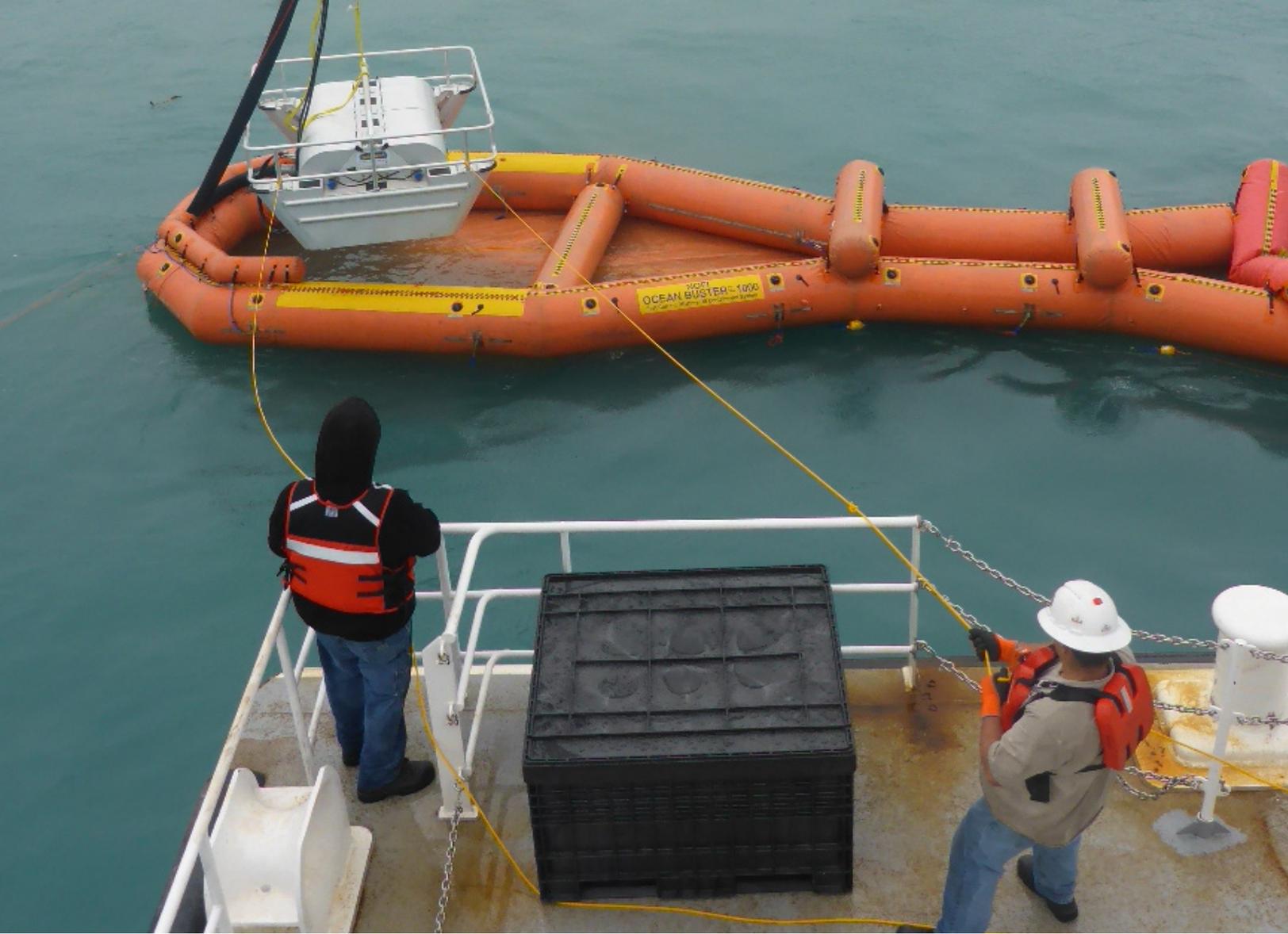
They were to acquire at least 30,000 feet of ocean boom and 10,000 barrels-per-hour skimming capacity and enough tank space to store the oil. It was apparent from the onset that these new standards were rigorous, and tied to a worst-case spill as illustrated by the Exxon Valdez. But were they achievable? Alyeska was given 38 days to comply.



*The Alyeska oil spill response plan that was used during the Exxon Valdez oil spill was described by many of the people interviewed for this report as the "greatest work of maritime fiction since Moby Dick."*



*Cleaning the oiled beaches. Photo credit: Natalie Fobes/Corbis.*



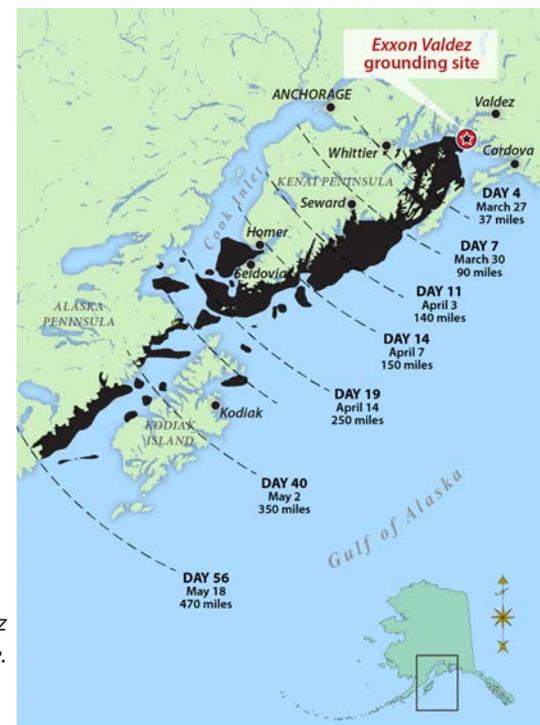
Crew trains with boom and crucial skimmer during 2018 oil spill response training. Photo credit: PWSRCAC/Jeremy Robida.

# High Stakes Challenge

The Emergency Order required industry to come up with a response system that would surpass anything in existence in the U.S. at the time. The only way to avoid a repeat of the Exxon Valdez response was to create standards that would compel the industry to build and maintain a system that many had assumed was already in place.

The Emergency Order required a 10-million gallon spill response capacity. It came with a strong incentive – if industry did not comply, the Valdez Marine Terminal risked temporary closure, which would stop the flow of North Slope crude oil.

Alyeska complied with the Emergency Order by creating a system that mounted high-capacity skimming systems onboard towing vessels, supported by dedicated response barges and specialized tugboats. These systems, together with smaller skiffs, boom, and on-call responders, could be used to contain and recover a 10-million gallon oil spill.



Over the course of 56 days, the Exxon Valdez oil slick spread 470 miles from its source.



Photos clockwise from the top:

Tangled boom, now useless drifts in Prince William Sound during the Exxon Valdez spill. The response effort was plagued with challenges from the moment the spill was reported. Photo credit: ARLIS, Charles M. Ehler.

Valdez-based seafood processors picket Exxon's headquarters protesting a shortage of work due to the spill (1989). Photo credit: ARLIS, John Lyle.

Responder holding a dead oiled bird. Photo credit: ARLIS, Alaska Center for the Environment collection.

Sign placed at the Reluctant Fisherman Inn in Cordova sharing the sentiment of many local residents. Photo credit: ARLIS, Charles M. Ehler.

While many species in Prince William Sound have recovered since the spill, several have not, including some of the region's orca pods. Photo credit: ARLIS.



Reluctant Fisherman Inn  
Flags are at Half-mast  
due to the death of our  
environment.  
Nick Brown + Maggie Johnson

APR 14 '89



A tanker sits at berth at the Valdez Marine Terminal. Photo credit: Lisa Matlock.

***“And so we began, working night and day...representatives of industry, local governments, the Administration, House and Senate Committees, native corporations, environmental and other interest groups, the Alaska Oil Spill Commission and members of the public in general participated in these sessions.”***

David E. Rogers,  
in a 1991 memorandum to  
Prince William Sound RCAC

***“Nobody got everything they wanted, but in the end we all got something we could live with.”***

Michael Williams, BP representative

# Clarity & Compromise

The Emergency Order provided a temporary solution to oil spill response capacity. But in order to solidify these gains, the Alaska legislature had work to do.

In January 1990, a suite of new bills were introduced. One of those - House Bill 567 - established a response planning standard for all tankers operating in Alaska waters.

With the Exxon Valdez disaster still fresh in everyone’s mind, there was agreement across the aisles that change was needed.

Operators are required to have enough equipment and personnel on hand or under contract to contain, control, and clean up within 72 hours a specified planning volume – which represents a major spill based on the particular operations.

- Crude oil tankers that carry over 500,000 barrels of oil must have enough capacity to respond to a 300,000 barrel spill (slightly more oil than the Exxon Valdez spill).
- Smaller tankers carrying crude oil must have enough resources for a 50,000 barrel spill.
- To incentivize safety, these planning volumes are reduced if shipping companies meet certain prevention measures – such as double hulls or navigational enhancements.

Legislators were very precise in the language they used for the planning standards to make sure they were clearly understood by industry and regulators. The standards allow for flexibility in developing compliant plans and tactics in the event that technologies for preventing and cleaning up spills improve.

# Response Planning Standards

Requirements for Tankers Operating in Prince William Sound	 <b>Pre-1990</b> Response Planning Standard	<b>Post-1990</b> Response Planning Standard
<b>PLANNING STANDARD</b>	Pick up or remove median discharge in 48 hours, maximum probable spill in shortest time feasible	Contain or control and clean up a spill of 300,000 barrels within 72 hours
<b>BOOM</b>	 ~ 5 miles	     ~ 50 miles
<b>SKIMMERS</b>	 13 units	    ~ 110 units (60,000 barrels per hour capacity)
<b>ON-WATER STORAGE</b>	 ~ 12,000 barrels	 ~ 900,000 barrels
<b>ESCORT TUGS</b>	 single escort for laden tankers through the narrows	 Dual escorts for laden tankers from the time they leave the terminal until they reach Hinchinbrook entrance, with additional tugs stationed throughout the region to support emergency response
<b>OTHER EQUIPMENT</b>	None	 Pre-positioned equipment caches throughout PWS; ten prevention and response tugs



Two tugs and an oil spill response barge, part of the current prevention and response system in Prince William Sound. Photo credit: Nelli Vanderburg

# What Alaska Achieved

In March 1989, when the Exxon Valdez ran aground, most of the equipment on hand to clean up spills was trapped under a heap of snow. Just over a year later, Alaska had completely overhauled their approach to spill response. Alaska's response planning standards set a new benchmark for approaching oil spill preparedness and this approach eventually spread to the U.S. capitol, where similar standards were adopted into federal law.

Alaska's standards reflected a compromise that satisfied all parties. The "rigorous but achievable" standard to have enough equipment and people on-scene within 72 hours to contain, control, and clean up a 300,000 barrel oil spill is designed to ensure that the chaos and devastation that followed the Exxon Valdez spill would never be repeated.

Each and every person who was interviewed for this report shared a pride of accomplishment in how quickly they had changed the status quo. Despite high stakes and charged emotions, an unlikely team of regulators, oil industry experts, and politicians built the foundation of modern oil spill response in a little over one year's time.

Mike Williams, who represented BP and helped the industry to comply with Alaska's Emergency Order, reflects that this work "became the foundation of all modern spill response plans." David Rogers, who had a prominent role in getting the oil spill bills through the Alaska legislature, recalls a "beautiful experience," where they were able to use the imperative created by the Exxon Valdez spill to drive real and meaningful change.



Boom is staged on an oil spill response barge during an exercise to protect coastline. Photo credit: PWSRCAC/Jeremy Robida.

# Maintaining Vigilance



Alaska's current oil spill preparedness and response system still meets the standards set out in the 1990 law. Over the past decades, new technologies have been added and a level of vigilance has been maintained through ongoing planning, training, and practicing. Even though decades have passed since the Exxon Valdez incident, we cannot afford to slide back into complacency.

Alaska's response planning standard was a hard-won accomplishment of a diverse group in the wake of a life-changing disaster. It is critical that future leaders, both in industry and government, remain cognizant of the history that underlies the present oil spill contingency planning system.

*Fishing vessel crew participates in oil spill response training with a mini barge which would be used for the collection of oil during a spill. Photo credit: PWSRCAC/Jeremy Robida.*

#### **Additional photo credits**

*Front and inside cover: Roy Robertson  
Back cover: PWSRCAC/Jeremy Robida.*



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