



Regional Citizens' Advisory Council / 601 West Fifth Avenue, Suite 500 Anchorage, Alaska 99501-2254 / (907) 277-7222 / FAX (907) 277-4523

Feb. 21, 1992

Commandant G-MS 1  
U.S. Coast Guard  
Attention: Ray Bunnell  
2100 2nd St. S.W.  
Washington, D.C. 20593

Dear Mr. Secretary,

Prince William Sound Regional Citizens' Advisory Council (RCAC) requests recertification as an alternative voluntary advisory group in lieu of council for Prince William Sound, pursuant to provisions of the Oil Pollution Act of 1990 (OPA 90). Enclosed, per instructions from the U.S. Coast Guard, is information about our membership, our work of 1991, plans for 1992, a description of how RCAC has met the goals of OPA 90 and certification of conflict of interest declaration.

In a relatively short time, the RCAC of Prince William Sound has attracted local citizens reflecting a broad spectrum of experience, perspectives and interests. They share one important goal: to work with industry and government to make oil terminal operations and oil transportation safer.

The council undertook a tremendous amount of work in 1991; that pace is likely to be sustained through 1992, as well. The level of work is justified because our members see this period as a window of opportunity to affect policy decisions as they are being made.

If you have any questions, please don't hesitate to contact me.

Sincerely,

Sheila K. Gottehrer  
Executive Director

cc: RCAC members  
The Honorable Frank Murkowski  
The Honorable Ted Stevens  
The Honorable Don Young  
John Katz, Special Counsel, State/Federal Relations, State of Alaska  
James B. Hermiller, President, Alyeska Pipeline Service Co.  
George Wuerch, Vice President Corporate Affairs, Alyeska Pipeline Service Co.  
Gary Bader, Manager, Citizen Group Liaison, Alyeska Pipeline Service Co.

enclosure

**Report to the U.S. Coast Guard**  
**Request for recertification as an alternative voluntary advisory group**  
**in lieu of council under the Oil Pollution Act of 1990**

**I. Council Members**

**Voting**

City of Cordova (Scott Sterling)  
City of Homer (A. J. Joslyn)  
City of Kodiak (Kristin Stahl-Johnson)  
City of Seldovia (Tim Robertson\*)  
City of Seward (Christopher H. Gates)  
City of Valdez (2) (Bill Walker, Mike Gallagher)  
City of Whittier (Lynda Hyce)  
Kenai Peninsula Borough (Andy Mack)  
Kodiak Island Borough (Wayne Coleman)  
Kodiak Village Mayors Association (Roy Jones)  
Alaska State Chamber of Commerce (Stan Stephens)  
Chugach Alaska Corporation (Keith Gordaoff)  
Cordova District Fishermen United (Michelle O'Leary)  
Prince William Sound Aquaculture Corporation (John Herschleb)  
National Wildlife Federation (Ann Rothe)

*\* Resigned effective 12/31/91*

**Ex-officio (non-voting) Seated September 6, 1991**

Alaska Division of Emergency Services (Pete Petram)  
Alaska Department of Environmental Conservation (Steve Provant)  
Alaska Department of Fish and Game, Habitat Division (Claudia Slater)  
Alaska Department of Natural Resources (Ed Barber)  
Department of Environmental Affairs, U.S. Department of Interior  
National Oceanic & Atmospheric Administration (John Whitney)  
U.S. Coast Guard/Marine Safety Office Valdez (Cmdr. Ed Thompson)  
U.S. Environmental Protection Agency (Carl Lautenberger)  
U.S. Forest Service (Dave Gibbens)

## II Directors' Terms

Each member organization appoints a representative to sit on the corporation's Board of Directors. When the corporation was established, the directors were divided into two groups. The terms of Group A expired in 1991. The terms of Group B expire in 1992. As of the annual meeting of 1992, all directors' terms will be two years. Ex-officio members do not have specified terms.

### Group A (two-year terms; expire in 1993)

- City of Seward (Chris Gates)
- Kenai Peninsula Borough (Andy Mack)
- City of Valdez (Mike Gallagher)
- Chugach Alaska Corp. (Keith Gordaoff)
- City of Kodiak (Kristin Stahl-Johnson)
- City of Homer (A.J. Joslyn)
- City of Seldovia (Tim Robertson)
- Prince William Sound Aquaculture Corporation (John Herschleb)

### Group B (one-year terms; expire in 1992)

- City of Cordova (Scott Sterling)
- City of Whittier (Lynda Hyce)
- National Wildlife Federation (Ann Rothe)
- Kodiak Island Borough (Wayne Coleman)
- City of Valdez (Bill Walker)
- Alaska State Chamber of Commerce (Stan Stephens)
- Kodiak Village Mayors Association (Roy Jones)
- Cordova District Fishermen United (Michelle O'Leary)

## III. 1991 Accomplishments

Nineteen ninety-one was the first full year of operations for the Regional Citizens' Advisory Council (RCAC) of Prince William Sound. While the following list does not cover every activity and contract, it does reflect the major work undertaken by RCAC in 1991 as part of its responsibilities under its contract with Alyeska Pipeline Service Company, the Oil Pollution Act of 1990, and the RCAC Articles of Incorporation and Bylaws.

## Prevention and Response

### 1. Prince William Sound Tanker Spill Prevention and Response Plan (Contingency Plan)

A. Advice and recommendations: RCAC submitted formal comments on two appendices to Alyeska's "Prince William Sound Tanker Spill Prevention and Response Plan": Community and Fishing Vessel Involvement (Appendix E) and the Dispersants Appendix. (RCAC submitted comments earlier on Appendix A "Scenarios" and Appendix D "Training Plan for Oil Spill Management"). Many of RCAC's recommendations and suggestions have been adopted, resulting in the use and training of local fishing fleets, more realistic spill scenarios and increased training of Alyeska's response personnel.

B. Steering Committee: As a member of the Prince William Sound Tanker Spill Prevention and Response Plan Steering Committee, RCAC worked with Alyeska, other contingency planholders, and state and federal agencies on a continuing basis to resolve problems and outstanding issues in contingency plans. The Steering Committee was formed in September 1990 by the Alaska Department of Environmental Conservation to address issues it had flagged in its review of the contingency plans. Much of the Steering Committee's work is accomplished by six working groups, organized by topic: Nearshore Response and Shoreline Cleanup; Dispersants, Burning and Bioremediation; Plan Coordination; Mechanical, Technical and Training; Navigation and Prevention; and Oily Waste Disposal.

C. Nearshore Response: Of particular note in the working groups is the progress made in nearshore response. Prior to 1991, oil spill contingency plans addressed only the immediate response area, e.g., the vicinity of the spill, and shoreline clean-up. RCAC called attention to the need for a response plan to cover oil that has escaped initial recovery efforts at the scene of the incident and threatens to impact nearby shoreline. "Nearshore response" was the term adopted for attacking the frontline of a spill before it does major damage to a coastline.

As a direct result of RCAC's efforts, the State of Alaska began requiring all tanker owners to have a nearshore contingency plan in place by June 1, 1992. The nearshore plans must include use of local resources, such as fishing vessels. The Nearshore Response Work Group, chaired by an RCAC board member, works with contingency planholders to develop nearshore response plans.

### 2. Regional Response Cooperative & Response Tools

RCAC initiated a study on the feasibility of establishing a community-based regional spill cooperative and a spill school in the Gulf of Alaska, as a means of ensuring coordinated and cost-efficient response plans without undue duplication of financial and manpower resources or strains on limited local volunteers.

RCAC encouraged and promoted interest in development of a non-toxic crude oil substitute to be used in oil spill drills. It also succeeded in keeping bioremediation under "experimental" status as a spill mitigation option pending scientific validation of its effectiveness and safety.

### 3. Spill Management Course

RCAC sponsored "Spill Management for the '90s," a five-day course in Anchorage on the intricacies of spill management. The 25 participants included citizens from RCAC communities, representatives of state and federal agencies and oil industry employees.

### 4. State Master Contingency Plan

RCAC submitted comments and recommendations on drafts of the State of Alaska's "Master Oil and Hazardous Substance Discharge Prevention and Contingency Plan." Based on RCAC's recommendation, the draft master plan includes regional citizens' advisory councils in spill response activities.

### 5. State Oil and Hazardous Materials Substance Discharge Prevention and Contingency Plan

RCAC submitted comments and assisted the Alaska Department of Environmental Conservation, at its request, in refining the plan in greater detail.

### 6. Spill Drills

RCAC monitored nine spill drills, both on-water and tabletop drills. Formal comments were submitted after some of the drills.

## **Legislation and Regulations**

### 7. Immunity for Response Action Contractors

RCAC participated in the effort to obtain state legislation conferring limited liability on response action contractors. The temporary law prevented a crisis that would have forced small transporters of oil out of business for lack of access to response action contractors.

### 8. State Oil Spill Regulations (HB 567)

RCAC represented local and regional interests in a working group process developed by the state to draft regulations implementing the state's new oil spill prevention and response law (HB 567). RCAC increased public understanding of the regulations through guest editorials, news stories and informational advertisements encouraging public comment.

### 9. OPA 90 Rulemaking

a. Double hulls - RCAC reviewed the proposed rulemaking and submitted comments on five separate issues, including cargo piping in the void spaces, bunker tanks, hull separation minimums, suction wells, carriage of oil or oil products between hulls, need for increased scantlings in TAPS trade vessels and a ban on use of high tensile steel in TAPS trade vessels.

b. Vessel contingency plans - RCAC reviewed the proposed rulemaking, submitted extensive comments, solicited public comment and participated in a workshop conducted by the Coast Guard.

Key areas of local and regional concern included, but were not limited to, the need for specific planning standards, standardized planning strategy, individual plans versus regional response plans, specific requirements for on board equipment and training for vessel crews, response protection

coastwide in Alaska, a working group process in rulemaking that includes meaningful participation by local representatives and consideration of economic impacts on local communities when spill prevention is inadequate.

c. Single hulls - In comments on the proposed rulemaking, RCAC recommended the issues in the ANPRM be broken into more manageable units; objected to most of the structural measures listed as unproven; recommended new navigation technologies be required on tank vessels; and urged that vessel traffic systems be mandatory for vessels 300 tons and over.

## **Valdez Marine Terminal**

### **10. Ballast Water Treatment**

*Preparatory work and initiation of studies. See 1992 section.*

RCAC contested Alyeska's proposal that the State of Alaska drop Port Valdez from the federal list of impaired waterways. RCAC pointed out that doubts have been raised about the data used to justify removing the port from the list, and recommended a field verification study before doing so.

## **Tankers and Tanker Traffic**

### **11. Tanker Towing Study**

RCAC worked cooperatively with industry and government agencies to jointly draft a proposal for a major study of disabled tanker towing. The study will evaluate the capability of existing emergency towing equipment and procedures in Prince William Sound and examine alternatives that could enhance escort and assist capabilities.

### **12. Tanker Integrity**

RCAC wrote to shippers expressing concern about the structural integrity of the tanker fleet in light of a hull-cracking incident and information contained in a U.S. Coast Guard study. RCAC asked shippers to comment on the Coast Guard study, provide an assessment of the structural status of their vessels and advise the council of current and planned efforts to correct structural problems in the aging fleet. The RCAC also urged the U.S. Secretary of Transportation to provide full funding for an expanded Coast Guard inspection program, and urged the Commandant of the Coast Guard to intensify inspections of the Prince William Sound fleet.

### **13. Vessel Traffic**

RCAC reviewed proposed changes in the vessel traffic system and submitted comments to the U.S. Coast Guard on its decision to use a dependent surveillance system in Prince William Sound.

**Other**

**14. Annotated Science Bibliography**

RCAC developed an annotated scientific bibliography of research conducted since 1986 on the biology of Prince William Sound. In addition to past research, the bibliography includes current projects and proposed research. After the initial compilation, the bibliography will be maintained and updated as new research is planned, conducted and completed.

**15. Public Education**

RCAC contributed to increased public understanding of oil transportation and terminal operations through a public information program. RCAC began publishing a quarterly newsletter, distributed to most of the households in the Prince William Sound and Gulf of Alaska communities represented on the council. The newsletter is also distributed to the oil industry and government agencies. RCAC also held public meetings on issues such as vessel contingency plans, appeared before community groups, conducted informational media campaigns to promote public awareness of oil-related environmental issues and staffed information booths at several commercial fishing expositions.

**Consultants' Reports**

<u>Subject</u>	<u>Contractor</u>	<u>Status (12.31.91)</u>
<b>Council</b>		
Alyeska, Sullom Voe & OPA 90: Comparison of Legal & Reg. Regimes	Vince Kelly	Paper received
<b>Scientific Advisory Committee</b>		
Bioremediation in Prince William Sound	Gene E. Keyser	White paper received
Annotated Bibliography	Nancy Lethcoe	Draft completed
<b>Oil Spill Prevention and Response</b>		
Training Program Analysis	Stacie Pascal	Report received
Oil Terminal Analogies: Norway, Scotland and Alaska	Riki Ott	Done
Small Boat Technology for Oil Spill Response	Ted Palmer	Report received
Status of OPA 90	Michelle Straube	Report received
RCAC Comments on PWS Tanker Plan	Falls Creek Environmental	Draft completed
Analysis of "470 Fund"	Big City Service Bureau	Draft report
Analysis of National Contingency Plan	Big City Service Bureau	Draft report
ADEC Overview and Analysis	Big City Service Bureau	In Progress
Feasibility study of spill cooperative	Dr. Roy Hann	Draft report
Fishing Vessel Analysis, Gulf of Alaska	Jeannine Buller	Report received
Nearshore Equipment Strategies	Graham Lascelles	Report received

### Terminal Operations and Environmental Monitoring

Alyeska Terminal Plan Critique	Dr. Roy Hann	Report received
Scoping Study for Peer Review of risk assessment study	University of Washington	Report received
Peer review of air studies	Environmental Toxicology Int.	In Progress
Material in northbound ballast	Richard Fineberg	Report received
Fate/effects, airborne hydrocarbons	Dr. Yoram Cohen	In Progress
Toxicity/Ballast water treatment	Northwestern Aquatic Services	In Progress

### Port Operations and Vessel Traffic System

Oil Spill Prevention Guidelines for PWS	Jim Dickson	Report received
---	-------------	-----------------

## IV Planned Activities for 1992

#### • Tanker Towing Study

RCAC will evaluate the capability of existing emergency towing equipment and procedures in Prince William Sound and examine alternatives that could enhance escort and assist capabilities. This project may be conducted as a joint effort with the Prince William Sound Tankers Association, Alyeska Pipeline Service Company, the U.S. Coast Guard and the Alaska Department of Environmental Conservation.

#### • Vessel traffic system

RCAC will review the navigation and surveillance system in Prince William Sound.

#### • State contingency plan

RCAC will participate in development of regional plans for the state's Master Oil and Hazardous Substance Discharge Prevention and Contingency Plan.

#### • National Response Plan

RCAC will comment on draft regulations to implement the national response plan and area response plans for Prince William Sound. An RCAC employee will work with the Coast Guard's OPA 90 staff through participation in the Intergovernmental Personnel Act. She is expected to work on the National Response Plan, as well as other projects.

#### • Prince William Sound Spill Prevention and Response Plan

RCAC will continue to work with the Steering Committee and review approved plans for operational performance.

#### • Public Education

- Conduct public presentations for community and civic groups.
- Establish an Education Committee to increase communication between RCAC and communities.
- Produce a 10-minute informational video about RCAC and its purpose.



- Work with news media to increase their understanding of terminal and tanker operations and issues.

- Produce special newsletter "bulletins" focusing on one issue at a time. Prospective topics include liability of response action contractors and Alyeska Pipeline Service Company's Prince William Sound Oil Spill Contingency Plan.

- Ballast Water Treatment

- Complete an independent testing and monitoring program at Alyeska Marine Terminal's ballast water treatment plant. The program includes review of toxicity testing at the plant; and design of sampling and testing plans to monitor ballast water influent and effluent.

- Formulate comments on Alyeska's revised Best Management Practices Plan and review lab results of tests on incoming ballast samples.

- Air Quality Issues

- Complete independent review of two air quality studies conducted in Valdez by Alyeska.

- Complete a model study of the fate and effects of airborne hydrocarbons emitted from the Alyeska Marine Terminal.

- Assess the need for vapor control technology at the Alyeska Marine Terminal.

- Monitor EPA air toxics rulemaking, and comment as appropriate, under the 1990 Clean Air Act amendments.

- Fire and Explosion

- Conduct an independent review of fire prevention and safety at the Valdez Marine Terminal and on tankers.

- Ecological Monitoring Study

RCAC will begin a multi-year study to identify present and potential human-induced stress on the ecosystem of Prince William Sound. The monitoring program will identify potential indicators of impacts that ultimately will enable RCAC to develop mitigation measures.

- Socio-Economic Model

A socio-economic baseline study and model will be developed to assess and mitigate future economic and social changes from major ecosystem disturbances, by providing a model that can be expanded and transferred to all coastal communities in the path of the Valdez Marine Terminal tanker fleet.

- Staffing Levels on Tankers and Escort Vessels

RCAC will complete a review of existing studies, including a database and literature search, on the impact of reduced manning levels aboard tankers and escort vessels.

## **V. How RCAC is fostering the goals set forth in OPA 90**

### **Local citizen involvement**

• *"One way to combat this complacency is to involve local citizens in the process of preparing, adopting and revising oil spill contingency plans." (Sec. 5002. (a)(2)(C))*

Because of RCAC's structure, local citizens are involved in nearly every project it undertakes. RCAC board members are primarily local citizens, themselves, who represent the interests of their specific community or organization. The committee structure further involves local citizens by encouraging residents of the Prince William Sound region to participate as members of the various working committees, which do most of the hands-on work of the RCAC.

Local citizens are also involved through periodic outreach efforts designed to promote public participation in the decision-making processes.

The following accomplishments from the above list are examples of local citizens involved, as members of RCAC committees, in the preparation, adoption and revision of oil spill contingency plans:

- #1. Prince William Sound Tanker Spill Prevention and Response Plan
- #2. Regional Response Cooperative and Response Tools - Local citizens were involved in several levels, including as local responders.
- #3. Spill Management Course - Course participants included local citizens.
- #4. State Master Contingency Plan
- #5. State Oil and Hazardous Materials Substance Discharge Prevention and Contingency Plan
- #6. Spill Drills
- #7. Limited Immunity of Response Action Contractors
- #8. State oil spill prevention and response regulations (HB 567) - RCAC provided the perspective of local citizens and promoted citizen understanding of, and involvement in, development of regulations.
- #9. OPA Rulemaking (double hulls, vessel contingency plans, single hulls) - RCAC co-sponsored three public meetings, wrote an opinion column for newspapers in the region and ran advertisements to encourage public comment.

### **Foster long-term partnership**

• *Foster the long-term partnership of industry, government and local communities in overseeing compliance with environmental concerns in the operations of crude oil terminals (Sec. 5002. (a)(2)(D)).*

RCAC works to foster the long-term partnership envisioned under OPA 90 through cooperative working arrangements that effectively bring all three sectors to the table as equals. RCAC council and committee members work closely with industry and government on many of the issues that RCAC addresses. Notable examples are RCAC's participation on the Prince William Sound Tanker Spill Prevention and Response Plan Steering Committee, and a tanker towing study to be jointly sponsored by RCAC, industry and government agencies.

Since RCAC represents the interests of the communities and people in the region, its priorities

are often at odds with those of industry. But RCAC has clearly generated greater appreciation among industry and government agencies for the perspectives of local citizens. RCAC is actively demonstrating that local citizens can play an effective, positive role in the decision-making process.

By providing a place at the table for the local perspective, RCAC is also generating greater understanding and appreciation among local residents for the complexities of oil transportation issues. The net result is slowly growing respect on all sides, disagreements notwithstanding. The following projects promoted long-term partnerships among local citizens, industry and government:

# 1. Steering Committee, Prince William Sound Tanker Spill Prevention and Response Plan - RCAC council and committee members work alongside industry and government representatives to identify problem areas, look for solutions and develop consensus positions on numerous aspects of spill prevention and response planning.

# 7. Limited Immunity for Response Action Contractors - RCAC council members helped negotiate a stopgap measure to ensure that small operators in Alaska would not be forced out of business for lack of access to response action contractors.

# 8. State Oil Spill Regulations - RCAC council and committee members participated in a working group process with state, federal and industry representatives. The purpose of the working group was to identify areas of consensus and disagreement in draft regulations.

# 9. Ballast Water Treatment Studies - Independent studies by RCAC will provide the public with balanced, unbiased, scientific information about ballast water ultimately discharged into the Port of Valdez. RCAC's consultants worked closely with the Environmental Protection Agency on this project.

#15. Public Education - A public information program begun in 1991 increased public understanding of oil terminal issues, thus promoting increased citizen involvement.

In addition, RCAC worked with Alyeska and the Prince William Sound Tankers Association, as well as representatives of state and federal agencies, to formulate plans for a jointly-sponsored study of disabled tanker towing.

## **VI. Conflict of interest certification**

The Bylaws of the Regional Citizens Advisory Council, Inc. (Section 3.20) state that

"D. Directors shall declare in writing on a form provided by RCAC all personal and member financial ties to Alyeska Pipeline Service Company or members of the Alyeska consortium excluding normal commercial purchases of petroleum products. The declaration noted above shall be delivered as needed and at least once each year in writing to the Chair of the RCAC who will make copies available to all other RCAC members.

"E. A new director shall comply with the requirements of D above prior to being seated on the Board of Directors."

All members of the RCAC Board of Directors have complied with this requirement.