



REGIONAL STAKEHOLDER COMMITTEE

ADDITIONAL CONTEXT:

LAWS AND PLANS FOR PRINCE WILLIAM SOUND OIL SPILL RESPONSE

What does the RSC need to know?

Laws and regulations create the framework for oil spill prevention, planning, response, and recovery. These are complemented by both government and operator response plans – required under both state and federal laws – and a suite of policy and guidance documents.

This backgrounder covers:

- Laws and regulations – page 1
- Response plans – page 3
- Roles and responsibilities for PWS response – page 6
- Related policy and guidance documents – page 7

Laws and Regulations

Federal Laws

The U.S. framework for oil spill response is established through three federal laws which are implemented through the U.S. Environmental Protection Agency and U.S. Coast Guard:

- **Clean Water Act** was established in 1972 to regulate the discharge of pollutants into U.S. waters.
- **Oil Pollution Act of 1990** was signed into law following the Exxon Valdez oil spill to improve oil spill prevention and response through additional planning and response standards. It created the Oil Spill Liability Trust Fund, which can be used to fund costs associated with oil spill response, damage assessment, and restoration.
- **Stafford Act** was signed into law in 1988. It creates a framework for all-hazards disaster planning and response in the U.S. While it does not directly address oil spills, it is the foundation for some of the emergency powers that state and local governments may invoke when they are impacted by an oil spill.

This document is part of a series of resources to support community members who may be asked to represent their community during an oil spill. More resources for the Regional Stakeholder Committee can be found at: www.pwsrcac.org/rsc

State Laws

Alaska's framework for oil spill response is established through the Alaska Oil Pollution Statute, which addresses:

- Industry response planning standards based on their potential worst-case oil spill
- State authority to establish law governing oil spill prevention and response
- Prevention standards for Alaska operators
- Penalties and liabilities for oil spills in Alaska

The Alaska Department of Environmental Conservation (ADEC) implements the law through state regulations that require, among other things, that operators submit oil spill contingency plans for state review every 5 years. These plans are subject to public review and comment each time they are updated, or a change is made that may impact the ability of the operator or plan holder to meet the planning standard.

Alaska's Response Planning Standard

Oil tankers and facilities in Prince William Sound must comply with both state and federal standards for oil spill response. Alaska's state-level standards build from the baseline federal requirements by:

- Specifying what needs to be in state-approved oil spill contingency plans.
- Setting timeframes for response. *For example, oil tankers in Prince William Sound must plan to have enough response personnel and equipment on-scene to contain and recover a 300,000 barrel spill in 72 hours. This sets the bar for the level of response equipment available in Prince William Sound, including response barges and tugs with response equipment and a program that ensures pre-contracted and pre-trained fishing vessels and other "vessels of opportunity" are able to assist if needed.*
- Creating incentives for plan holders to implement spill prevention measures that allow them to reduce response equipment requirements.

FOR MORE INFORMATION:

PWSRCAC fact sheet on the Oil Pollution Act of 1990

https://www.pwsrcac.org/wp-content/uploads/filebase/about/oil_pollution_act_of_1990_fact_sheet.pdf

PWSRCAC background on Alaska's oil spill response planning standard

https://www.pwsrcac.org/wp-content/uploads/filebase/programs/oil_spill_prevention_planning/Alaskas-Oil-Spill-Response-Planning-Standard-Graphic-version-for-web.pdf

Response Plans

Response plans developed by government and industry nest together to support national, regional (Alaska), and area (Prince William Sound) level responses as part of the U.S. National Response Framework. Standing committees support the implementation and update of each layer of planning.

In Alaska, there is one regional contingency plan for the entire state: the **Alaska Regional Contingency Plan**. Within Alaska, there are four **area contingency plans**, as shown in the map below (Southeast Alaska, Prince William Sound, Arctic and Western Alaska, and Inland).



Four areas of Alaska used for oil spill contingency area planning

The Alaska Regional Contingency Plan (RCP) and the Prince William Sound Area Plan work together to provide regional planning policy and response procedures. **The Alaska RCP and the Area Contingency Plans discuss the RSC.**

Multi-jurisdictional Planning Committees

- The **Alaska Regional Response Team (ARRT)** is chaired by the U.S. Coast Guard, Environmental Protection Agency (EPA), and ADEC. Other members include the Dept. of Agriculture/U.S. Forest Service, National Oceanic & Atmospheric Administration

(NOAA), Dept. of Defense, Dept. of Energy, Dept. of Health & Human Services (DHHS), Federal Emergency Management Agency (FEMA), Dept. of Interior, Dept. of Justice, Occupational Safety & Health Administration (OSHA), Dept. of Labor, Dept. of State, Dept. of Transportation/FAA, and the Federal General Services Administration.

The ARRT develops the **Alaska Regional Contingency Plan**, which addresses organizational jurisdictions and roles as well policy related to non-mechanical response (dispersants and in-situ burning). The ARRT also oversees the development of the four Area Contingency Plans.

- The **Prince William Sound (PWS) Area Committee** is chaired by the Federal and State On-scene Coordinators (Coast Guard and ADEC) for the region.

The PWS Area Committee maintains the **PWS Area Contingency Plan**. This plan provides regional specifics and information that is more applicable to a Prince William Sound incident. Several examples of this more localized information include maps noting Alaska State Park land near Whittier, community wells and drinking water information, and the location of different response equipment caches, and even large on-water assets such as tugs or barges. The plan also includes locally applicable incident scenarios based on real-life regional risks and a description of a hypothetical response.

Facility and Vessel Response Plans

Operators with the potential to spill oil are required to develop their own contingency plans that describe their response procedures and capabilities. In Prince William Sound, the key facility and vessel plans are:

- **Valdez Marine Terminal Oil Discharge Prevention and Contingency Plan**, which applies for spills from the terminal itself or during transfer to a tanker at berth.
- **Prince William Sound Tanker Oil Discharge Prevention and Contingency Plan**, which outlines a response to spills from the tankers that load at the Valdez Marine Terminal.

These two plans are submitted to the State of Alaska for review and approval under state laws and regulations. The terminal and tankers are also required to submit plans to the federal government.

Some other types of ships that operate in Prince William Sound are also required to prepare contingency plans in the event that they spill fuel oil or other non-crude petroleum products (e.g., tugs and barges, cruise ships, ferries, and some large fishing vessels). Planning requirements vary depending on the vessel's size and whether it is carrying any kind of petroleum product in bulk as cargo.

Community Spill Response Plans

Some Alaska municipalities, boroughs, and Native villages also have plans in place that direct how the local or tribal government will respond to an emergency that impacts their community. These plans may or may not directly address oil spills but can still direct how local officials and first responders coordinate with other government agencies during a spill response.

FOR MORE INFORMATION:

PWSRCAC fact sheet on contingency planning

https://www.pwsrcac.org/wp-content/uploads/filebase/programs/oil_spill_prevention_planning/Oil%20spill%20contingency%20plans%20fact%20sheet%20-%20Updated%20January%202013.pdf

Alaska Regional Contingency Plan

<https://dec.alaska.gov/spar/ppr/contingency-plans/response-plans/regional-contingency-plan/>

Prince William Sound Area Contingency Plan

<https://dec.alaska.gov/spar/ppr/contingency-plans/response-plans/prince-william-sound-area>

State-approved operator plans (searchable by the name of the operator)

<https://dec.alaska.gov/Applications/SPAR/PublicMVC/IPP/ApprovedCPlans/>

Roles and Responsibilities for PWS Oil Spill Response

State and federal laws and regulations, along with oil spill response plans, create different roles and responsibilities for certain organizations.

WHAT ARE THE ROLES?	WHO PLAYS THESE ROLES IN PWS?
<ul style="list-style-type: none"> • Response Agencies play a lead role in overseeing oil spill response and cleanup. They may provide people and equipment to support the response. They have the authority to make sure the Responsible Party (polluter) fulfills their responsibilities. If a Responsible Party cannot or will not perform their role adequately, a response agency (federal or state) may take over and lead the response on behalf of the government. 	<div style="display: flex; justify-content: space-between;"> <div style="text-align: center;"> <p>State</p>  <p>Local or Tribal governments</p> </div> <div style="text-align: center;"> <p>Federal</p>   </div> </div> <p>Other state and federal agencies may participate as response agencies based on incident specifics</p>
<ul style="list-style-type: none"> • Trustee Agencies protect the public trust by protecting resources and recovering damages from the Responsible Party. 	<div style="display: flex; justify-content: space-between;"> <div style="text-align: center;">  <p>Tribes or Alaska Native groups</p> </div> <div style="text-align: center;">     </div> </div>
<ul style="list-style-type: none"> • Responsible Party must contain, clean up, and recover spilled oil, pay damages to injured parties, and fund the restoration of damaged resources. They are accountable to the government and the public for civil and criminal penalties. • Response Contractors provide equipment and personnel to support spill response. 	<div style="display: flex; justify-content: space-between;"> <div style="text-align: center;"> <p>Crude oil spills</p>   </div> <div style="text-align: center;"> <p>Shippers</p> </div> <div style="text-align: center;"> <p>Fuel spills</p> </div> <div style="text-align: center;"> <p>Vessel or facility owner</p>  </div> </div>

Related Policy and Supplementary Guidance

In addition to response plans, which focus on directing how a response will unfold, there are a number of policy and guidance documents that provide more detail about certain response functions. Familiarity with these policies and topics may help RSC members to understand the framework for key response functions. See key guidance documents below.

Supplementary Guidelines

Policy & Guidance	Owner/Year	Relevance to RSC
<u>Alaska Dispersant Use Plan</u>	ARRT (2018)	Alaska state protocol for using dispersants to treat an oil spill. Reference for RSC members to understand the dispersant use decision-making process and inform discussions with constituents on pros/cons of dispersant use.
<u>In-Situ Burning Guidelines for Alaska</u>	ARRT (2008)	Alaska state protocol for employing in-situ burning to remediate an oil spill. Reference for RSC members to understand the in-situ burning decision-making process and inform discussions with constituents on pros/cons of in-situ burning.
<u>Guidelines for Protection of Historic Properties</u>	ARRT (2002)	Guidance for Federal On-Scene Coordinators on the protection of historical properties during an emergency response. Reference about the requirement for protecting historical and cultural resources during a response.
<u>Wildlife Protection Guidelines</u>	ARRT (2020)	Guidance for responders on protecting wildlife during an oil spill. Reference for RSC members about wildlife response, including hazing, rehabilitation, and carcass recovery.
<u>Guideline for Coordination and Consultation with Tribal Groups</u>	ARRT (2014)	Guidelines for responders to ensure proper tribal consultation and that tribal input is integrated into decision-making. Reference for RSC members whose constituents may have an interest in Tribal groups.
<u>Oil Spill Response Exercise Guidance</u>	ADEC (2018)	Guidelines for how to plan, conduct, and evaluate oil spill response exercises. Reference for RSC members to review prior to or during exercises and drills.