

Washington Oil Spill Advisory Council Work Plan -- 2009-2011 Biennium

I. 2009-2011 Biennium

The Washington Oil Spill Advisory Council plans to accomplish the items set forth in this work plan during the 2009-11 biennium. The work plan is to be accomplished through a combination of activities by Council committees, staff, and consultants.

A. Through Council Staff and Committees, and Technical Advisory Committees

It is anticipated that the following work could be done through a combination of staff work, committee work, and support from technical advisory committees (TACs). Some more involved studies may require small contacts with outside contractors to conduct discrete projects needed to support primary projects. It may also be possible for college interns to provide some assistance.

1. Track / Respond to Off-shore Drilling Issues

Congress has recently changed federal law in a way that could result in Washington facing the drilling for oil off of Washington's coast. The Prevention Committee will work with staff to track and respond to off-shore drilling issues.

2. Neah Bay Rescue / Response Tug; Incorporating Into Spill Response

Currently, the Neah Bay Rescue / Response Tug serves as a spill prevention tool. It is not considered as a tool for spill response. With its current design, the tug can primarily tow drifting vessels. However, the tug and its crew could be useful in spill response. Including the tug and its crew into the Neah Bay Staging area that was established under the new contingency planning rule, and incorporating the tug and its crew into oil spill drills, may provide valuable additional spill response resources. Washington has a shortage of workboats. Therefore, it is worthwhile to examine the Neah Bay tug as powerful workboat that would be used in spill response.

Additionally, incorporating into the tug other design features that would not inhibit the tug's towing capability, could allow the tug to provide enhanced assistance, beyond towing, during spill response, salvage, and firefighting.

The Council will examine this issue through the Prevention Committee and the Preparedness and Response Committee, with the assistance of staff.

3. Anchorages

Regulations about anchorages can help to deal with the threats of danger posed by the anchorage of oil-carrying vessels and vessels with substantial amounts of bunker in the waters of Washington State. Adequate anchorage regulations can protect the coastal waters, tidal flats, beaches and lands adjoining the waters of the state from damage by the

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discharge of oil. Anchorage is the mooring for a period of definite or indefinite duration of a vessel.

There are a number of projects that could impact anchorage regulations in Washington State, particularly regarding the Columbia River. The U.S. Coast Guard Sector Portland is updating the Code of Federal Regulations (CFR) for the current anchorages on the Columbia River. The U.S. Army Corps of Engineers in Portland is conducting a study for Columbia River anchorages, which is related to comparing anchorages to new channel depths. Also, the Portland Harbor Safety Committee is providing input for both the new regulation and the study.

At this time, there are no known near-term plans to update the CFR regarding Puget Sound anchorages.

This work would be done through the Prevention Committee, with the assistance of staff.

4. Derelict Vessels

The Council will continue to track the progress of the Washington Department of Natural Resources and the Legislature on the issue of prevention oil spills from derelict vessels. The Council will weigh in where appropriate.

5. Review Best Practices and Lessons Learned

As set forth in RCW 90.56.130(1)(g), the Council is charged with reviewing lessons learned and following up with agency personnel to determine if corrective and preventative measures have been implemented. A corollary duty, set forth in RCW 90.56.130(1)(f), is to evaluate agency procedures and incident response reports and make recommendations for improvement.

This work would be done through the Prevention and Preparedness and Response Committees, with the assistance of staff.

6. Participate in Oil Spill Drills and Observe Spill Events

The Council will pursue cooperation from other agencies to facilitate Council participation in an observer role in both drills and in actual spill events. The Joint Information Command (JIC) plays a role in drills and spill response into which the Council could easily fit as an observer. The JIC acts, at least in part, as a liaison between spill responders and the public. "Playing" in a drill as part of the JIC and observing through the JIC during actual spill response would enable the Council to ask pertinent questions that the public would want to know.

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As observer participation in drills and spill response becomes an open possibility for the Council, the Council will participate as an observer in drills and in spill response through its staff and Council members who are able to attend.

The rationale for this effort is as follows. The oil-spill drill program is a core preparedness activity to which the Council can provide valuable support. The Council is not tasked with, nor staffed, trained, or funded, to manage an oil spill response. It is, however, in a position to provide critical observations of response efforts and make recommendations for improvement. Pursuant to RCW 90.56.130(1)(b), the Council must conduct early consultation with government decision makers in relation to the state's oil spill prevention, preparedness, and response programs, and related activities.

The public's involvement in drills should help to improve oil spill response by the Unified Command. It should also help to improve general state-required oil spill preparedness by those subject to Washington's drill program. The Council would provide observations from various stakeholder perspectives, including from Council members who are experts in their own fields that relate to the overall oil spill response process. The Council could also provide expertise from Council members who are experts in spill response and who could assist the Council with drill participation and observations.

Additionally, the Council's observation of drills and spill response will improve the capacity of the Council by providing Council members with hands-on familiarity with oil spill response procedures. It would enhance Council member knowledge of the realities and problems associated with responding to oil spills in various conditions. Involvement in spill response evolutions and drills should lend depth to Council recommendations. Additionally, drill and spill response observations would improve the Council's communication with its member constituents about oil spill response, which will help reduce public concerns in many instances.

7. Public Outreach and Education

The Council's public outreach program will be aimed at three things: (1) raising public awareness of the existence and function of the Council, (2) providing information on Washington oil spill issues, and (3) identifying opportunities for public involvement and participation.

The Council will approach this work in several ways:

1. Web page updates.
2. Providing information to legislative committees.
3. Acting as part of the Pacific Oil Spill Prevention Education Team (POSPET).
4. Cooperating with the Clean Marina program to try and assist with certifying clean marinas throughout Washington.
5. Pursuing opportunities to conduct education to locally-based organizations and schools.

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6. Staffing literature tables at public events.

This work will primarily be done through the Outreach Committee and staff.

These duties also necessarily involve a media component-- a procedure for responding to inquiries from the media and conducting outreach to the media. Because the Council is an independent council, it will work to develop its own public relations program to retain this autonomy. Publicity should be coordinated with Ecology and the Governor's office as appropriate and necessary. This work will largely be done by staff in consultation with the Chair.

The basis for the Council's outreach program is as follows. The Council was created, in part, to increase public oversight and monitoring the actions of industry and regulatory authority actions under the state's oil spill prevention and response program. In seeking to fulfill this purpose, the Legislature explicitly required public involvement in four of the statutory duties-- as set forth in RCW 90.56.130(1)(d), (e), and (i). Specifically, the Council must do the following:

1. Conduct monitoring regarding state of the art oil spill prevention, preparedness, and response programs *and provide information regarding same to the public* (Section 1d).
2. *Actively seek comments and proposals from the public* for measures to improve spill prevention, preparedness, and response (Section 1e).
3. *Provide a mechanism for public consideration* of federal actions that relate to oil spill preparedness, prevention, and response in Washington waters with an eye toward recommending changes and improvements to federal policies (Section 1i).

8. Legislative and Regulatory Tracking

Council staff will track federal and state legislative activities and federal and state rulemaking activities.

9. Study Towing Practices for Laden Barges

The Council plans to evaluate coastal shipping practices as they relate to towing of laden oil barges, with particular attention to towing requirements during storm periods. The goal in doing this study is to determine where unnecessary risk is being posed to Washington's outer coast because of existing towing practices, and to make recommendations for changes that would reduce risk.

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The Council anticipates this work will be done primarily through Council staff, possibly with some limited assistance from a consultant. This work would be coordinated through the Council's Prevention Committee and reported to the full Council. Graduate student assistance for this project could be sought.

10. Contingency Planning Rule; Tracking Implementation by Spills Program

The Council will monitor how the contingency planning rule is being implemented. This will be a continuing effort from the 2007-09 biennium.

One of the primary functions of the Alaskan Regional Citizen Advisory Councils has been to review the oil-spill contingency plans submitted to and approved by the State of Alaska. Following in this tradition, the Council began in 2008 to review contingency plans submitted for approval to the Spills Program.

The quality and adequacy of contingency plans submitted to the Spills Program under Chapter 173-182 WAC is crucial to whether oil spilled into Washington's waters will be immediately and thoroughly cleaned up. It is within the purview of the Spills Program to assure that the contingency plans being submitted are adequate, including how they pertain to oiled wildlife care. It is up to the Council to study the plans and the agency review process, and to provide its opinion regarding needed improvements to the plans and the review process.

The Council anticipates this work will be done primarily through the Council staff. Staff would coordinate its work on contingency planning through the Preparedness and Response Committee and / or with the full Council.

11. Study Washington's Capacity to Respond to a Large-scale Spill on the Columbia River

During the 2007-09 biennium, the Council conducted a study of whether Washington has the capacity to respond to a large-scale oil spill. Due to time and resource limitations, this study excluded the Columbia River area. It is the Council's intention to conduct a study of the same format for the Columbia. This study would be conducted by staff, possibly with limited assistance from a consultant.

This work would be done by staff and coordinated through the Council's Preparedness and Response Committee and reported to the full Council.

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12. Shipping Lanes

Through its Prevention Committee, the Council will continue to discuss shipping lane issues.

13. Natural Resource Damages Assessment

The Council plans to continue its work with the Washington Department of Fish and Wildlife to evaluate effective methods of calculating natural resources damages assessments.

This work would be done through the Restoration, Remediation, and Recovery Committee, with the assistance of staff.

14. Volunteer Management and Training

As set forth in RCW 90.56.130(1)(h), the Council must do the following:

- Work with the Spills Program to develop a citizens' involvement plan.
- Promote opportunities for the public to become involved in spill response.
- Provide assistance to community groups interested in prevention and response.

To this end, through its Public Outreach Committee and with assistance from staff, the Council hopes to work with the Spills Program to create a joint citizen's involvement plan that will promote opportunities for the public to serve as volunteers, both as pre-trained and contingent volunteers.

15. Oiled Wildlife

The Council plans to continue its work with the Washington Department of Fish and Wildlife to recommend ways of improving the oiled wildlife program.

This work would be done through the Restoration, Remediation, and Recovery Committee, with the assistance of staff.

16. Oil Transfer Rule; Tracking Implementation by Spills Program

The Council will monitor how the oil transfer rule is being implemented. This will be a continuing effort from the 2007-09 biennium.

Operations manuals for transferring oil are to be submitted to the Spills Program under Chapter 173-180 WAC. These plans include determinations by industry regarding when it will be safe and effective to take the precautionary step of pre-booming around the immediate vicinity of an oil transfer.

Just as the quality of the contingency plans is critical to how well an oil spill will be remediated, the quality and character of the operations manuals—and how well they will

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be followed-- is absolutely crucial in determining how well the state and industry will be able to prevent oil spills during transfers. Therefore, it is up to the Council to study the plans and the agency review process, and to provide an opinion regarding needed improvements, if any.

The Council anticipates this work will be done primarily through the Council staff. Staff would coordinate its work on contingency planning through the Prevention Committee and / or with the full Council.

17. Geographic Response Plans

Through its Preparedness and Response Committee, and with assistance from staff, the Council will work on issues relating to shoreline protection measures, primarily Geographic Response Plans.

18. Olympic Coast Marine Sanctuary; Management Plan Update

Throughout the next biennium, committees and staff will continue to work with the sanctuary, including by attending the National Marine Sanctuary Advisory Committee meetings where possible.

In addition, the Olympic Coast National Marine Sanctuary will begin to update its management plan starting in the fall of 2008. The Council will participate in this process that begins with a 60-day public comment period and extends through November 14, 2008. Through its Outreach Committee and the Prevention Committee, the Council will provide comments regarding future management priorities for the sanctuary and the area to be avoided.

Throughout the next biennium, these committees and staff will continue to work on any issues that arise that relate to the sanctuary management plan.

19. Coordinating with Puget Sound Partnership

Council staff has begun, and will continue, to coordinate efforts with the newly created Puget Sound Partnership.

The Council anticipates this work will be done primarily through the Council staff.

20. Participating in Following Organizations

The Council, primarily through staff, will continue to participate at the meetings and events of the following organizations that focus largely on oil-spill related issues.

- Northwest Area Committee and the Regional Response Team.

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- Pacific States / British Columbia Oil Spill Task Force.
- Puget Sound Harbor Safety Committee.
- Prince William Sound Regional Citizens Advisory Council.
- Cook Inlet Regional Citizens Advisory Council.

Additionally, as opportunities arise, Council members and staff will participate in events and meetings sponsored by the U.S. Coast Guard, the Ecology Spills Program, and spill response agencies from Oregon, California, and Canada.

21. Follow up from June 2007 State-federal Oil Spill Summit

The Council intends to work with the Coast Guard and the Spills Program on the issues presented in the work plan and the inventory.

B. Coordinating Work Through Contractors

1. Study to Determine Areas for Programmatic Improvement to Address Underlying Root Causes of Mishaps for Tankers and Cargo Vessels

In the Council's 2006 annual report, the Council stated its intention to continue studying lessons-learned reports to identify root causes underlying the incidents evaluated in the reports and to recommend ways to address these causes. The Council commissioned the first phase of this study from a company named Environment International, Inc (EI). This study is complete and the Council has reviewed the results. A copy of this study is available on request, and it has been posted to the Council's website.

In essence, the primary findings from the first phase of the study were that most mishaps stem from organizational and management failures regarding policies and procedures, maintenance, equipment, personnel, and training on cargo ships, fishing vessels, tank ships, and barges. Most of the time these failures resulted in mishaps associated with the movement of oil-- which includes bunkering / fueling, loading / discharging cargo, and conducting transfers—or with a loss of propulsion or an equipment failure.

The Council is underway on conducting the second phase of the study. It is a strong possibility that the study will focus on the following examples of basic or root cause topics of interest:

1. Organizational and management factors for underway cargo vessel and tanker owners and operators, considering the effectiveness of the implementation of ISM code, and other international and U.S. federal laws and regulations that relate to ISM.

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2. Organizational and management factors for underway cargo vessels and tankers considering the effectiveness of fatigue and crew endurance, and international and U.S. federal laws, regulations, policies, and procedures that relate to fatigue and crew endurance; and
3. Organizational and management factors for underway cargo vessel and tanker owners and operators, considering the effectiveness of bridge resource management requirements, and international and U.S. federal laws and regulations that relate to bridge resource management.

Through phase two of this study, the Council hopes to identify areas where programmatic improvements would be useful in further reducing the risks of oil spills associated with the above-described vessels.

The Council's intention is to hire a consultant that would be coordinated through staff to conduct this study on behalf of the Council. If possible, a contract for this work will begin in early 2009. Staff would manage the consultant and report progress to the Prevention Committee and to the full Council.

2. Study to Determine Areas for Programmatic Improvements to Address Underlying Root Causes of Mishaps for Tug and Barge Systems, Including Articulated-tug-and-barge and Integrated-tug-and-barge Systems

In the Council's 2006 annual report, the Council stated its intention to continue studying lessons-learned reports to identify root causes underlying the incidents evaluated in the reports and to recommend ways to address these causes. The Council commissioned the first phase of this study from a company named Environment International, Inc (EI). This study is complete and the Council has reviewed the results. A copy of this study is available on request, and it has been posted to the Council's website.

In essence, the primary findings from the first phase of the study were that most mishaps stem from organizational and management failures regarding policies and procedures, maintenance, equipment, personnel, and training on cargo ships, fishing vessels, tank ships, and barges. Most of the time these failures resulted in mishaps associated with the movement of oil-- which includes bunkering / fueling, loading / discharging cargo, and conducting transfers—or with a loss of propulsion or an equipment failure.

The Council is underway on conducting the second phase of the study. It is a strong possibility that the study will focus on the following examples of basic or root cause topics of interest:

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1. Organizational and management factors for tug-barge owners and operators, considering the effectiveness of the implementation of ISM code, and other international and U.S. federal laws and regulations that relate to ISM.
2. Organizational and management factors for underway tug-barge systems considering the effectiveness of fatigue and crew endurance, and international and U.S. federal laws, regulations, policies, and procedures that relate to fatigue and crew endurance; and
3. Organizational and management factors for underway tug-barge owners and operators, considering the effectiveness of bridge resource management requirements, and international and U.S. federal laws and regulations that relate to bridge resource management.

Through phase two of this study, the Council hopes to identify areas where programmatic improvements would be useful in further reducing the risks of oil spills associated with the above-described vessels.

The Council's intention is to hire a consultant that would be coordinated through staff to conduct this study on behalf of the Council.

3. Study Additional Rescue / Response Tugs as Risk Interventions in Key Locations

In its 2006 annual report, the Council stated its intention to perform additional information-gathering and conduct studies to assist the Council in making final recommendations on whether it would be beneficial to station additional response / rescue tugs throughout Washington's waters. Even with the International Tug of Opportunity System (ITOS), current oil tanker escorts, and a year-round, response / rescue tug stationed at Neah Bay, there are still several high-risk locations that may require additional safeguards in order to achieve state-of-the-art prevention.

The Council understands that tools have been developed recently that would enable such a study to be done. The Army Corps of Engineers hired a group of academic scholars to study vessel traffic patterns in Washington State. The scholars tasked with this study have created a computer modeling system that the Council believes could be used to study the above-stated issue.

The Council's intention would be to hire a consultant that would be coordinated through staff to conduct this study on behalf of the Council. Staff would manage the consultant and report progress to the Prevention Committee and to the full Council.

4. Study Issues Relating to Use of Escort Tugs

The Council has expressed an intention to study escort tug issues, in particular those related to human factors and those related to escort requirements for tank ships traveling east of Port Angeles and for other high-risk vessels and areas.

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The Council understands that Ecology would like to conduct a second phase of a study it began on the efficacy of existing state tug escort requirements for laden oil tankers. This escort system is one of the most important systems in place to protect Puget Sound from the risk of major and catastrophic oil spills. The goal of the study is to determine if the current system provides adequate protection or should be enhanced. The proposed second phase of the study would focus on human factors related to the escort system. Ecology has requested that the Council act as the advisory body to that study. At this time Ecology has not identified funding necessary to conduct this important study. If this study moves forward, the Council, through its Prevention Committee, is poised to act in an advisory capacity.

II. Completion of Current Fiscal Year

A. Council Staff and Committees, and Technical Advisory Committees

1. Contingency Planning Rule; Tracking Implementation by Spills Program
2. Oil Transfer Rule; Tracking of Implementation by Spills Program
3. Participate in Oil Spill Drills and Observe Spill Events
4. Olympic Coast Marine Sanctuary; Management Plan Update
5. Public Outreach and Education
6. Natural Resource Damages Assessment
7. Coordinating with the Puget Sound Partnership

B. Coordination through Contractors

1. Study to Determine Areas for Programmatic Improvement to Address Underlying Root Causes of Mishaps

At current funding levels it would only be possible to conduct this study by spanning it over the last fiscal year of the current biennium and the first fiscal year of the next biennium.