

Alaska Regional Response Team  
September 23, 2021, Business Meeting (Virtual Meeting)  
**Meeting Summary**

Meeting Documentation
<ul style="list-style-type: none"><li>• <a href="#">Agenda</a></li><li>• <a href="#">Meeting Presentations</a></li><li>• Meeting Attendees (attached)</li></ul>
ARRT Documents, Plans and Guidance (New/Updated since last meeting)
<i>None currently</i>

## Introductions

Ms. Mary Goolie, EPA ARRT Coordinator conducted a roll call of the ARRT Members and the On-scene Coordinators. Non-member attendance was from the Zoom sign-in list.

## Review of Actions Since Last Meeting & Tri-Chairs Report

Ms. Tiffany Larson, ADEC Tri-Chair, Ms. Beth Sheldrake, EPA Tri-Chair, and Mr. Mark Everett, USCG Tri-Chair offered opening remarks.

Ms. Larson introduced, Ms. Allison Natcher, acting ADEC ARRT Coordinator as well as two new State On-Scene Coordinators, Ms. Anna Carey for the Central Region, and Dr. Kimberley Maher for the Northern Region. Ms. Sheldrake also introduced EPA's new Federal On-Scene Coordinator, Ms. Torri Huelskoetter.

Mr. Everett, USCG Tri-Chair, presented an overview of the actions of the ARRT since the February 2021 meeting. Major events and milestones include the following:

- Continued tracking of agency impacts/adjustments due to COVID-19 – and ensuring the ARRT readiness to respond if necessary.
- Revisions for Version 2 of Regional Contingency Plan continues
- Revision to the USCG-EPA FOSC Jurisdiction MOU
- Clean Pacific Conference (August 17-19, 2021)
- US-Russia Joint Contingency Plan and Joint Planning Group meeting and exercise (2<sup>nd</sup> of 3 meetings)
- CANUSNorth Annexes updates

Ms. Sheldrake provided a summary of the recent EPA actions regarding Subpart J of the National Contingency Plan. In Spring 2020, EPA began work to develop new monitoring requirements which become effective at the end of January 2022. Details on the new monitoring requirements are summarized on slide 12. Additionally, Final Rules on all new amendments to the listing of

products and authorization for use still in process will be completed, by court order by May 2023. (See Slide 8-13)

## ARRT Committee Reports

Dr. Phil Johnson, USDOJ reported on the recent activities of the Wildlife Protection Committee and Cultural Resources Committee, and Ms. Mary Goolie, EPA, reported on the Statewide Planning Committee. Ms. Goolie also provided an update on the activities of the National Response Team, Area Contingency Plan Work Group, and its eight task forces. A summary of their major activities and presentation slides is listed below.

ARRT Committee	Major Activities	Presentation
Cultural Resources Committee	<ul style="list-style-type: none"> <li>The CRC met initially in April and will meet again in October or November.</li> </ul>	Slide 18
Science and Technology Committee	<ul style="list-style-type: none"> <li>No update</li> </ul>	
Statewide Planning Committee	<ul style="list-style-type: none"> <li>Monthly committee meetings</li> <li>Currently reviewing comments received on the RCP</li> <li>Anticipating upcoming reviews on the PWS and AWA ACP</li> </ul>	Slides 21-27
Wildlife Protection Committee	<ul style="list-style-type: none"> <li>WPC members will begin working on language regarding UASs for inclusion in Wildlife Protection Guidelines for Oil Spill Response in Alaska, following the work done by USCG and the wildlife agencies in the Protocol for using unmanned aircraft systems (UAS) during an oil spill response or exercise (found on the ADEC References and Tools page).</li> <li>Some WPC members started the planning process for revising the Wildlife Protection Guidelines: Pribilof Islands, which was last updated in 2014 and was part of the Aleutians Subarea Contingency Plan.</li> </ul>	Slide 16

## Area Committee Reports

Each of the four Area Committee provided updates on the activities of the Area Committees and recent major events in the areas. Significant work is being made on each of the four Area Contingency Plans. See presentation slides 28-52.

In addition to the overall committee reports, the Arctic and Western Alaska (AWA) Area Committee provided a report on a recent project to convert the geographic response strategies into a digital, geographic information system format.

### Area Committee Requests for Support:

The AWA Area Committee submitted the following requests for support

- Significant work with the other area committees and the RRT to update the USCG/EPA FOSC MOU. The AWA AC is glad to support the RRT in this work and will continue to engage as required to finalize this product.
- After a delay due to COVID-19, AWA Area Committee has restarted the Intentional Wellhead Ignition (IWI) workgroup. They request RRT support to identify workgroup members.
- AWA Area Committee requests RRT assistance in developing a statewide risk assessment methodology, a quantitative process to re-evaluate risk across the region to validate our scenario compendium, prioritize future planning efforts, and feed GRS validation work.

Area Committee	Next Meeting	Status of ACP	Major Upcoming Exercises/ Trainings
Alaska Inland	<ul style="list-style-type: none"> <li>• TBD, February 2022</li> </ul>	<ul style="list-style-type: none"> <li>• V2020.1, signed in March 2021</li> <li>• Annual review 2022</li> <li>• On-going work to ISB Decision-making Checklist</li> </ul>	<ul style="list-style-type: none"> <li>• ConocoPhillips Exercise, October 4, 2021</li> <li>• Exxon Mobile Alaska IMT Exercise, October 13-14, 2021</li> </ul>
Arctic and Western Alaska	<ul style="list-style-type: none"> <li>• December 7, 2021</li> </ul>	<ul style="list-style-type: none"> <li>• V2020.0 Signed December 2020</li> <li>• V2020.1 modifications in process, completion by end of year</li> </ul>	<ul style="list-style-type: none"> <li>• UAS GRS validation exercise 2021 - Kodiak, AK</li> </ul>
Prince William Sound	<ul style="list-style-type: none"> <li>• September 29, 2021</li> </ul>	<ul style="list-style-type: none"> <li>• V2020.1 revision planned for this year</li> </ul>	<ul style="list-style-type: none"> <li>• PWS Shipper Exercise (Marathon/Andeavor): October 13-14, 2021(Valdez and Virtual)</li> <li>• PWS Tanker Exercise (Crowley): May 2022 (Valdez)</li> </ul>
Southeast Alaska	<ul style="list-style-type: none"> <li>• TBD, January 2022</li> </ul>	<ul style="list-style-type: none"> <li>• V2020.1, signed in March 2021</li> </ul>	<ul style="list-style-type: none"> <li>• CANUSDIX Exercise Seminars/TTX, September 28-29, 2021</li> <li>• Centerline Logistics Barge Company, IMT exercise and training, October 20-21, 2021</li> </ul>

### [AWA Area Committee Report: Geographic Response Strategies, Mapping Application](#)

CDR Jereme Altendorf, USCG Sector Anchorage, made a presentation on the recent work of AWA Area Committee, including USCG Sector Anchorage, ADEC, and the Alaska Division of Community and

Regional Affairs, to develop a geographic information system (GIS) application for the use and modification of existing geographic response strategies (GRSs). The final product will be uploaded to Arctic Emergency Response Management Application (ERMA) and GRS GIS data will be available for download into ArcGIS Collector for use and edits in the field, while the original PDF maps will also remain available through this application. (Slides 59-66).

## ARRT and Agency Roles, Authorities and Jurisdictions

### Role of the ARRT in international pollution preparedness and response

Mr. Everett presented on the Role of the ARRT in International Pollution Preparedness and Response. He offered an overview of the bilateral and multinational agreements covering Alaska, including the Arctic Council agreements, Canada-US Joint Contingency Plan, and the Russia-US Joint Contingency Plan. He also discussed how requests for assistance are handled under these agreements. (Slides 67-75).

### USCG, EPA and ADEC Response Authorities and Jurisdictions

ADEC, EPA and USCG provided a joint presentation on their agency's authorities and jurisdictions for emergency response preparedness, planning and prevention. Ms. Anna Carey (ADEC) reviewed the authorities and responsibilities of the ADEC Spill Prevention and Response, Prevention, Preparedness & Response program as well as an overview of the applicable State statutes and regulations. Ms. Sheldrake reviewed the federal laws and regulations that direct EPA and USCG oil and hazardous substance responses, planning and prevention. Ms. Kris Leefer, EPA General Counsel provided an overview of recent changes to the Waters of the U.S. Ms. Torri Huelskoetter presented some specific details on EPA jurisdiction and authorities, with a focus on Alaska capabilities. Mr. Everett presented on the broader scope of USCG authorities and jurisdictions, including areas outside of oil and hazardous substance emergency response and preparedness. (Slides 76-116).

## Meeting Close-out

### Public Comment

Ms. Linda Swiss offered comments on the behalf of the Prince William Sound Regional Citizens' Advisory Committee. She introduced Danielle Verna, a new staff scientist with the PWSRCAC. She also referred to the RCP public comments, and asked for consistency between the 4 ACPs, stating that all plans should align with each other. She also requested clarification on the review process. [ARRT reps later followed-up with Ms. Swiss.]

Ms. Angela Matz, U.S. Fish and Wildlife Service, offered thanks to USCG for working with Russia and Canada on international plans.

### Parking Lot Issues:

A presentation on the plan review process is needed (proposed for the next ARRT meeting).

### Closing Remarks:

The tri-chairs offered closing remarks and thanked all presenters and attendees for their participation.

### Upcoming Dates

- ARRT Meeting: February 15-17, 2022

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### Participant Summary:

75 individuals attended the meeting, representing 10 member agencies and 55 other tribal governments, federal, state, and local and foreign government agencies, industry, and other non-governmental organizations.

Member Agencies in Attendance		
Member Agency	Present	Not Present
Alaska Department of Environmental Conservation	●	
Department of Agriculture	●	
Department of Commerce	●	
Department of Defense		●
Department of Energy		●
Department of Health and Human Services	●	
Department of the Interior	●	
Department of Justice		●
Department of Labor		●
Department of State		●
Department of Transportation		●
Environmental Protection Agency	●	
Federal Emergency Management Agency		●
General Services Agency	●	
U.S. Coast Guard	●	

<b>Non-member Organizations in Attendance</b>
<b>Federal Agencies</b>
U.S. Department of the Interior, Bureau of Safety and Environmental Enforcement
U.S. Department of the Interior, Fish & Wildlife Service
U.S. Department of Commerce, NOAA Fisheries
<b>State Agencies</b>
Alaska Department of Fish and Game
<b>Federally Recognized Tribes</b>
<i>none</i>
<b>Local Governments/Agencies</b>
Ketchikan City Fire
<b>Industry</b>
Alyeska Pipeline Service Corp.
ConocoPhillips Alaska, Inc.
Crowley Alaska Tankers
Crowley Fuels LLC
ExxonMobile
<b>Response and Environmental Services</b>
152 Degrees West Environmental Services
1-Call Alaska/ Resolve Marine
Alaska Clean Seas
Cook Inlet Spill Prevention & Response, Inc (CISPRI)
Nuka Research and Planning, Ltd.
Pearson Consulting
EBSC
SLR International
<b>Non-Governmental Organizations</b>
Cook Inlet Regional Citizens' Advisory Council
International Bird Rescue
Ocean Conservancy
Prince William Sound Regional Citizens' Advisory Council
Aleutian Pribilof Islands Association

A graphic of a globe showing the Americas, with the text "Supporting Federal and State On-scene Coordinators" curved around it.

**Alaska RRT**

# ALASKA REGIONAL RESPONSE TEAM

SEPTEMBER 23, 2021

# Meeting Purpose and “Rules”

- *This is a business meeting of the **ARRT***
  - *Questions and discussion is for ARRT Members and OSCs*
  
- *Items discussed that the responsibility or content of the Area Committees will be **referred to appropriate Area Committee** and not including in the meeting discussion, expect for how the ARRT can provide support, if requested/needed*
  
- *While open to the public, it is not a public meeting*
  - *As time allows, questions may be taken from the public. Please type questions in the Chat box. Non- ARRT are invited to sign up for Public Comment.*

# Tips: Using Zoom

- Change your name to, **FULL NAME** and **AGENCY**

**Please mute your mic &  
turn off video,  
except when speaking**

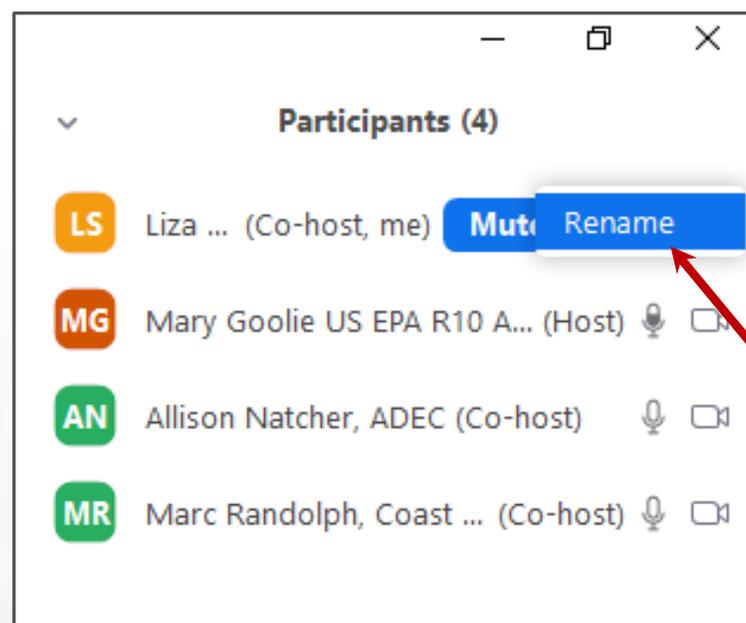
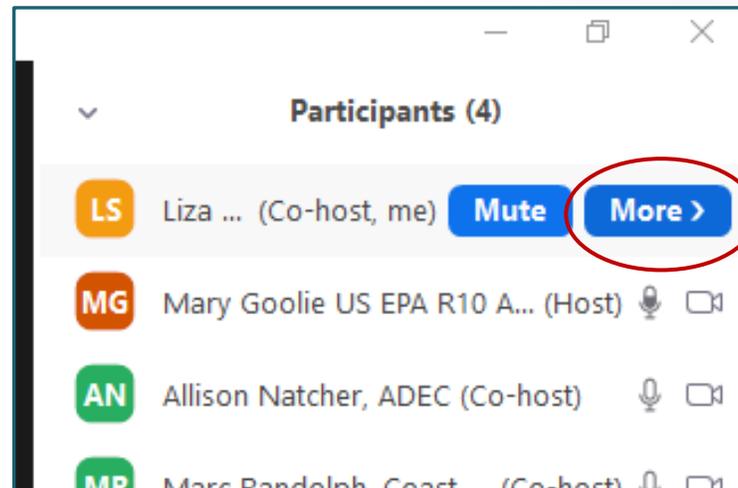
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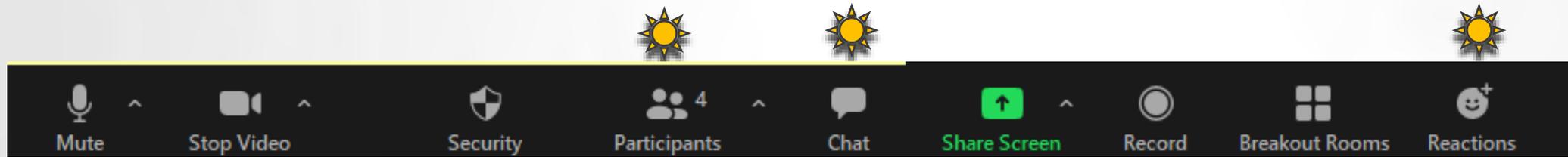
551-285-1373      646-828-7666

**Meeting ID:**      161 6961 3152

**Passcode:**      9073124310



# ZOOM TIPS: RAISE HAND AND CHAT



**ARRT Members & Representatives, Raise your hand to speak or enter question/ comment in chat.**

CHAT

Find “Raise Hand” Under Reactions

*Please use “Everyone” Chat when asking or responding to questions or making general comments requests during this meeting.*

*Non-ARRT members, sign up for Public Comment by entering your request in Chat.*

A light gray map of the state of Alaska is positioned in the background on the right side of the slide.

# ALASKA REGIONAL RESPONSE TEAM INTRODUCTIONS & REPORT FROM TRI-CHAIRS



## INTRODUCTIONS

*ARRT Coordinators will facilitate ARRT member and FOSC/SOSC roll call.*

*For other attendees and members of the public, the attendee list will be based Participant Names in Zoom.*

# New Members & OSCs



Department of State: Ms. Emily Rose

FOSC, EPA: Ms. Torri Huelskoetter

FOSC, USCG Sector Juneau: CAPT Darwin Jensen

SOSC, ADEC Northern Region: Dr. Kimberly Maher

SOSC, ADEC Central Region: Ms. Anna Carey

ARRT COORDINATOR, ADEC: Ms. Allison Natcher



# SINCE LAST MEETING (FEB 2021, VIRTUAL)

## Alaska Regional Response Team

- Version 2 of Regional Contingency Plan
- Update of USCG-EPA FOSC Jurisdictions
- Clean Pacific 17-19 August

## Relevant Agreements

- Russia-US JCP JPG Meeting & Exercise
- CANUSNORTH Annex revision
- CANUSDIX 2021 Exercise

## National Response Team

- Continue COVID tracking
- NRT monthly member meetings
- Virtual NRT-RRT Co-Chairs Meeting
- EPA Efforts on Subpart J
- Other



# NCP Subpart J Updates

Beth Sheldrake

EPA ARRT10 Co-Chair

September 2021

# Background

- ▶ Subpart J of the *National Oil and Hazardous Substances Pollution Contingency Plan* (NCP) governs the use of dispersants and any other chemical or biological agent to respond to oil discharges
  - ▶ Last major revisions in 1994 (post OPA 90)
  - ▶ April 2010 Deepwater Horizon oil spill prompted changes
- ▶ January 2015 EPA proposed Subpart J revisions received over 81,000 total comments
- ▶ Proposed revisions are meant to inform the use of dispersants and other chemical or biological agents and ensure OSCs, RRTs and Area Committees have relevant information to support response decision-making
- ▶ EPA sued in January 2020 for failing to finalize the rule



# Actions Since January 2020

- ▶ Spring 2020 - EPA began work on three-pronged approach to final Subpart J rulemaking:
  1. Listing (amendments): How will the products be listed on the Schedule to ensure they have met efficacy and toxicity requirements
  2. Authorization (amendments): How will the products be authorized for use in carrying out the NCP with a focus on environmental impacts and considering additional monitoring
  3. **Monitoring (new requirements): How will subsurface or prolonged use application of dispersants be monitored**
- ▶ July 2021 - Final rule related to **Monitoring Requirements** (prong #3) published in Federal Register (**86 FR 40234**); **effective January 24, 2022**
- ▶ August 2021 - A federal court ruled against EPA in the 2020 lawsuit stating that EPA must produce a final rule and concurred with the schedule proposed which calls for a Final Rule on all three-prongs by May 2023
- ▶ EPA still in rulemaking process for changes to the product listing and authorization of use processes (prongs #1 and #2)



# NEW Monitoring Requirements

- ▶ Applies in the following situations:
  - ▶ SUBSURFACE --- Subsurface use of dispersants
  - ▶ PROLONGED ---- Surface use for more than 96 hours after initial application
  - ▶ MAJOR SPILLS ---- Surface use in response to spills greater than 100,000 gallons occurring within a 24-hour period
- ▶ Rule covers several key areas:
  - ▶ Source characterization and information on dispersant application plans ---- oil discharge flowrate or volume, dispersant product, dispersant-to-oil ratio, application rate and total amount of dispersant to be applied
  - ▶ Water column sampling ---- Background, baseline and dispersed plume sampling for droplet size distribution, fluorometry, fluorescence, TPH, dissolved O<sub>2</sub>, metals, turbidity, water temperature, pH and conductivity
  - ▶ Oil distribution analysis ---- dispersant effectiveness and oil distribution
  - ▶ Ecological considerations ---- potential ecological receptors, habitats and exposure pathways
  - ▶ Immediate and daily reporting ----- reporting to OSC and RRT



# Next Steps and Resources

## Next Steps

- ▶ Review NWACP dispersant guidelines to ensure they are consistent with the new rule

## Resources:

- ▶ Subpart J Rule Website

- ▶ <http://www.epa.gov/emergency-response/national-contingency-plan-subpart-j>

- ▶ EPA Emergency Response Website

- ▶ <http://www.epa.gov/emergency-response>

- ▶ NCP Product Schedule Information Line

- ▶ 202-260-2342





# ALASKA REGIONAL RESPONSE TEAM COMMITTEES





# ALASKA REGIONAL RESPONSE TEAM WILDLIFE PROTECTION COMMITTEE

Report by Dr. Phil Johnson, U.S. Department of the Interior

# WILDLIFE PROTECTION COMMITTEE

- ❑ WPC members will begin working on language regarding UASs for inclusion in Wildlife Protection Guidelines for Oil Spill Response in Alaska, following the work done by USCG and the wildlife agencies in the Protocol for using unmanned aircraft systems (UAS) during an oil spill response or exercise (found on the ADEC References and Tools page).
- ❑ Some WPC members started the planning process for revising the Wildlife Protection Guidelines: Pribilof Islands, which was last updated in 2014 and was part of the Aleutians Subarea Contingency Plan.



# ALASKA REGIONAL RESPONSE TEAM CULTURAL RESOURCE COMMITTEE

Report by Dr. Phil Johnson, U.S. Department of the Interior

# CULTURAL RESOURCE COMMITTEE

- The CRC met initially in April and will meet again in October or November.



ALASKA REGIONAL RESPONSE TEAM  
SCIENCE & TECHNOLOGY  
COMMITTEE

No Report



# ALASKA REGIONAL RESPONSE TEAM STATEWIDE PLANNING COMMITTEE

Report by Mary Goolie, EPA

## Statewide Planning Committee members

### ARRT Coordinators

- **EPA:** Mary Goolie
- **USCG D17:** Marc Randolph
- **ADEC:** Allison Natcher

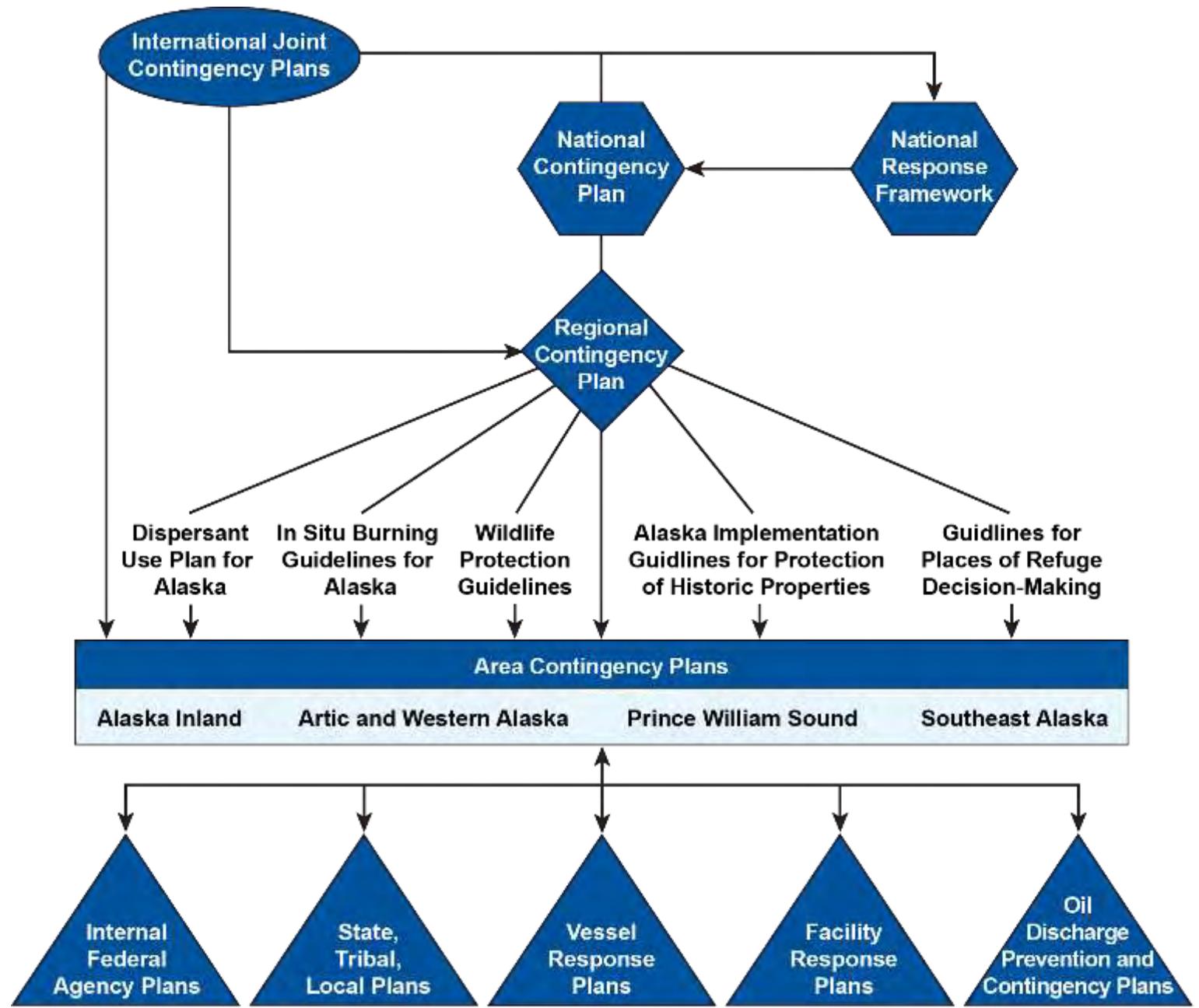
### USCG Area Secretaries and ADEC/EPA Area Planners

- **USCG PWS:** LT Alex Gomez
- **USCG SEAK:** Kathy Hamblett and LT Joe Zarlengo
- **USCG AWA:** LCDR Matt Richards
- **ADEC:** Allison Natcher (acting)
- **EPA:** Mary Goolie

# Statewide Planning Committee Activity

- Monthly SPC Meetings
- Ongoing: RCP Review of Public Comments
- Upcoming ACP Reviews: PWS ACP, AWA ACP
- Update of NRT ACP Work Group and Task Force

# Plans Universe



## Regional Contingency Plan

- Planner Centric
- Region-wide policy issues
- Updates: ARRT

## Area Contingency Plan

- Responder Centric
- Area resources and procedures
- Updates: Area Committee

National Response  
Team,  
Area Contingency  
Plan  
Work Group:

Mission Statement:  
*Develop National Response Team  
guidance which provides  
nationally consistent architecture  
to improve Area Contingency Plans  
and facilitate alignment of all  
plans across the National  
Response System.*

# *NRT/ACP Work Group: Primary Goals*

1. Complete a baseline assessment outlining issues, gaps, or inconsistency among current Area Contingency Plans (ACPs).
2. Achieve national consistency while affording flexibility at the local level.
3. Promote synchronization and alignment of all plans across the National Response System (e.g. Oil Spill Response Plans, Facility Response Plans, ACPs, Regional Contingency Plans (RCPs)).
4. Develop a modern national architecture that supports tactical, accessible, and field friendly ACPs for all end users (industry and government).
5. Provide clarity on the RCP and ACP domains.
6. Ensure better alignment with other national planning frameworks (e.g. National Response Framework).

# *NRT/ACP Work Group: 8 Task Forces*

- 1. ACP Accessibility/Mobility**
- 2. ACP Architecture**
- 3. ACP Validation & Quality Assurance/Quality Control**
- 4. Marketing, Participation, & Training**
- 5. Geographic Response Strategies/Plans**
- 6. NRT ACP Handbook**
- 7. Regional Contingency Plan Policy**
- 8. Worst Case Discharge & Risk Analysis**

# QUESTIONS??





# BREAK

Meeting will restart at  
10:50 AM (Alaska Time)





# ALASKA REGIONAL RESPONSE TEAM AREA COMMITTEE REPORTS



# ARCTIC AND WESTERN ALASKA AREA COMMITTEE BRIEF

Matt Richards, LCDR (USCG)  
Anna Carey & Kimberley Maher (ADEC)

[AWA-AC@uscg.mil](mailto:AWA-AC@uscg.mil)

# AREA COMMITTEE UPDATE

Notable initiatives within the Arctic & Western Area Committee (AWA AC):

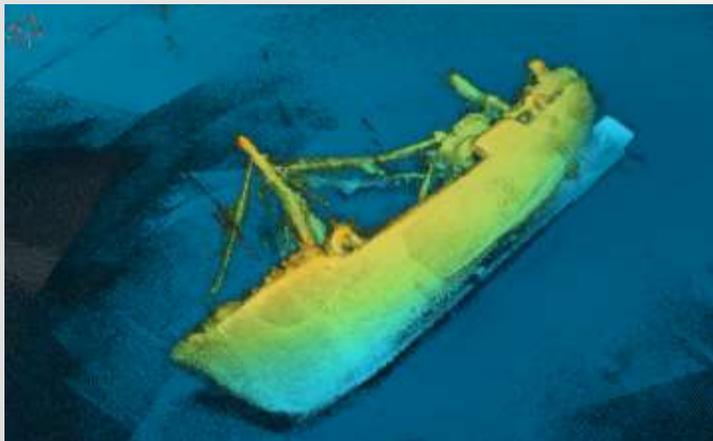
- UAS GRS validation exercise 2021 - Kodiak, AK
- GRS transition to GIS
- Review risk assessment and scenario compendium
- Steering Committee
- Next Meeting: Evaluating in person vs. virtual. Tentatively Dec 7.

# AREA CONTINGENCY PLAN UPDATE

- Timeline to version 2020.1: By end of the year.
- Potential plan updates:
  - Minor formatting and grammatical changes
  - Added language strengthening the linkage between the ACP and important items located on the References and Tools page.

# CASE SUMMARY/ENFORCEMENT

- Marine Safety Task Force (MSTF) 2021
- Incident Action Plan
  - Implemented safety measures to continue operations with COVID-19 restrictions.
  - Use of Army National Guard C-12
- F/V SAINT PATRICK – Womens Bay Kodiak, AK



# AREA COMMITTEE NEEDS FOR ALASKA RRT SUPPORT

- EPA/USCG FOSC MOU
- Intentional Wellhead Ignition Workgroup
- Development of statewide risk assessment methodology

# QUESTIONS?

ADEC Area Planning website:

<http://alaska.gov/go/7EKN>

Contact us:

[AWA-AC@uscg.mil](mailto:AWA-AC@uscg.mil)



July 2020: Facility Inspection, Nome, AK



# PRINCE WILLIAM SOUND AREA COMMITTEE BRIEF

Sara Ellis-Sanborn, LCDR (USCG)  
Anna Carey (ADEC)

# AREA COMMITTEE UPDATE

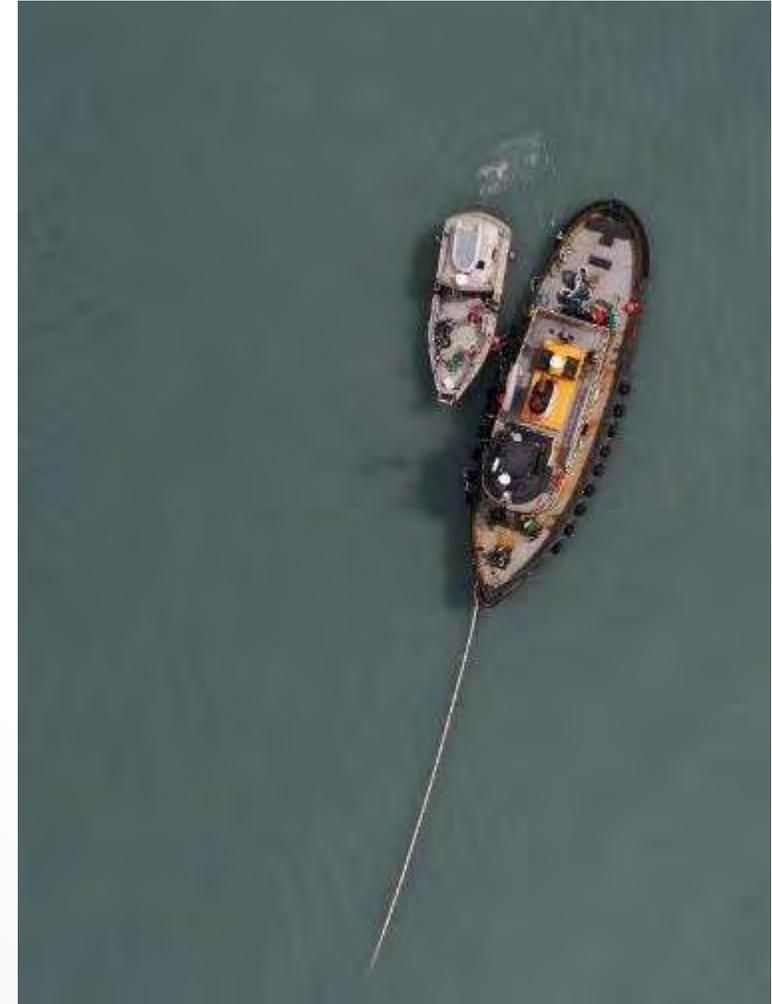
- Notable Events within Area Committee:
  - Submitted PWS ACP Version 2020.1 (2021 Update) for Public Comment
  - Area Committee Meeting: March 17, 2021 (Virtual)
  - Steering Committee Meeting: October 15, 2021 (Virtual)
- Upcoming Events within Area Committee:
  - Next Area Committee Meeting: September 29, 2021 (Virtual and in-person)
  - PWS Shipper Exercise (Marathon/Andeavor): October 13-14, 2021 (Valdez and Virtual)
  - PWS Tanker Exercise (Crowley): May 2022 (Valdez)

# AREA CONTINGENCY PLAN UPDATE

- Ongoing Work:
  - Administrative Subcommittee:
    - Provided comments on current update for Version 2020.1
    - Public Comment period: estimated September 2021
    - Target: November 20, 2021

# CASE SUMMARY/ENFORCEMENT

- F/V TRI-K
  - July 12, 2021: Initial Discovery
    - Surface sheen only
    - Salvage involved mitigating the seine net for limited wildlife interactions



# QUESTIONS?

ADEC Area Planning website:

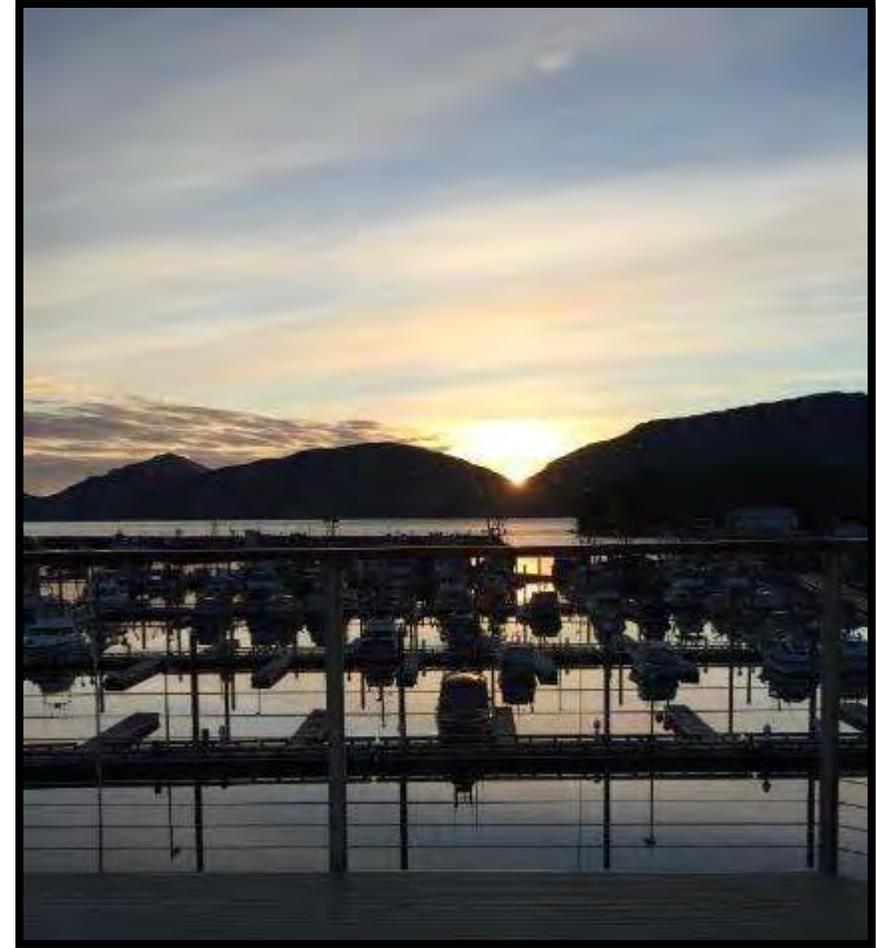
<http://alaska.gov/go/7EKN>

Contact us:

[Patrick.A.Drayer@uscg.mil](mailto:Patrick.A.Drayer@uscg.mil)

[Alex.R.Gomez@uscg.mil](mailto:Alex.R.Gomez@uscg.mil)

[Anna.Carey@alaska.gov](mailto:Anna.Carey@alaska.gov)



Sunset over Cordova Harbor

A light gray map of Alaska is the background. Two logos are overlaid on the map: the United States Coast Guard seal on the left and the Alaska Department of Environmental Conservation 50th Anniversary logo on the right.

# SOUTHEAST ALASKA AREA COMMITTEE BRIEF

Darwin Jensen, CAPT (USCG)  
Curtis Kiesel (ADEC)

# AREA COMMITTEE UPDATE

- Held SEAK Area Committee: 31 Aug 2021
- GRS Subcommittee
  - Tactics Exercise Spring 2022 in Ketchikan
  - GRS Exercise Summer/Fall 2022 - TBD
- Next meeting proposed: Jan 2022

# EXERCISES

CANUSDIX - Bi-annual transboundary, International engagement for one of the highest risk regions in SEAK

Logistics Workshop - 24 Aug – Encompassed supporting a response in remote Portland Canal; OSRO capabilities/limitations, support, communications, staging, customs, food/water, and more.

Environmental Unit Workshop - 8 Sept - Led by DOI and supported by trustees, discussions on sensitive areas, environmental concerns, and limitations on both sides of the border and operational impacts.

CANUSDIX Exercise Seminars/TTX - 28-29 Sept –Dialog with Canadian counterparts for a response in Portland Canal. Includes Command Center Notification Drill; ICO panel; Workshop reports; UC Objectives, and more.

# EXERCISES

Centerline Logistics Barge Company - Industry-led IMT exercise

Training & Exercise – 20-21 Oct - USCG, Tribal, Federal, State, and Industry responders will participate in a Unified Command in Juneau.

# CASE SUMMARY/ENFORCEMENT

## F/V HAIDA LADY – Sitka

26FEB-03MAR: 52ft Fishing Vessel

- Sunk on Tribal Lands
- Potential: 1,500 gallons of diesel
- OSLTF: \$145,277

Best practices/lessons learned:

- Great comms among Fed/State agencies & contractors
- Informal Fed & Tribal consultation
- ESA consultation for potential strandings
- Oiled and Tangled Netting
- Waste management
- Safety and Response concerns

Federalized Cases (Feb 21 - Present)

- FPN: 2, Total \$220.3k CPN: 0

Total cases (Feb 21 - Present)

- 80 cases
  - 49 Close To File, 27 LOWs, 2 NOVs, 0 Civil Penalties



# Interagency Prevention-Response Activities: Government-Initiated Unannounced Exercises Terminal Tank Farm Inspection

- Delta Western Juneau
- Petro 49 Douglas Island Terminal



# COMMUNITY ENGAGEMENT

## Juneau Tactics Exercise – 11MAY21

- Organized by ADEC & Sector Juneau
- Simulated response exercise with boom deployment
- Major Goals:
  - Enhance interoperability with local Industry: Delta Western, Petro Marine, & SEAPRO
  - Improve proficiency in response tactics & evaluate local plans.

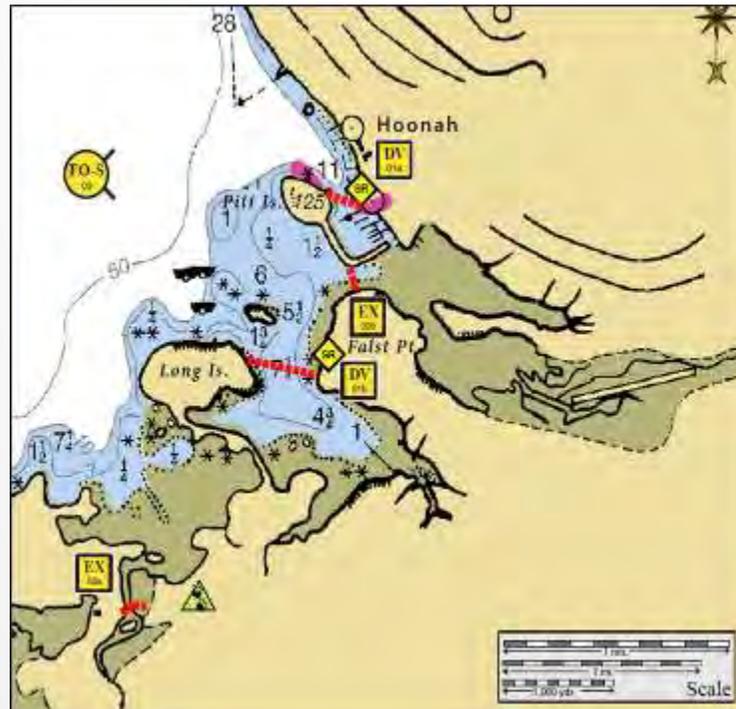


# GEOGRAPHIC RESPONSE STRATEGY

Hoonah GRS exercise – 03Aug21

Participants:

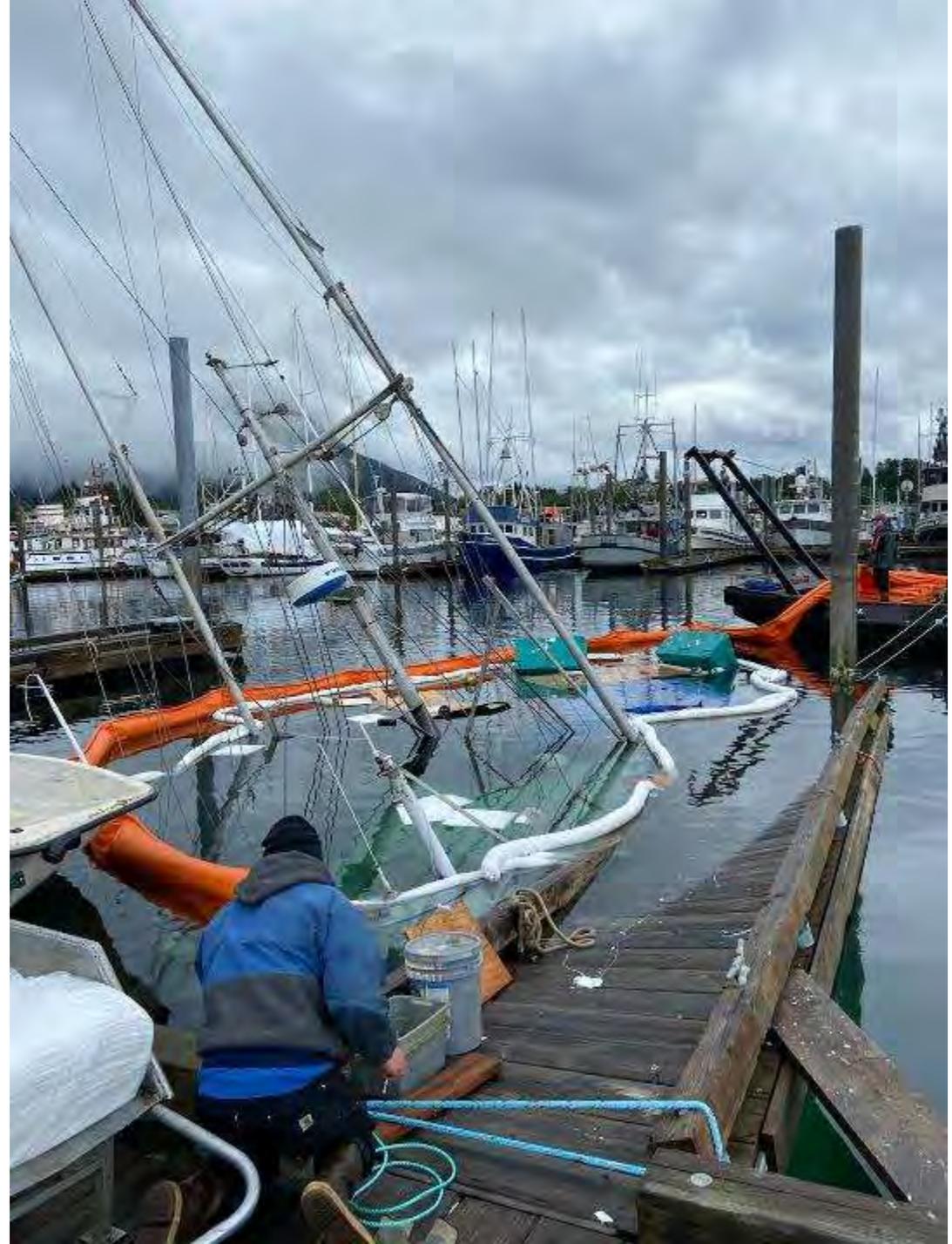
- ADEC
- USCG
- SEAPRO
- City of Hoonah



# QUESTIONS?

ADEC Area Planning website:

<http://alaska.gov/go/7EKN>



# ALASKA INLAND AREA COMMITTEE BRIEF

Torri Huelskoetter (EPA)  
Anna Carey & Kimberley Maher (ADEC)



# ALASKA INLAND AREA COMMITTEE UPDATE

- Last Meeting Sept 21, 2021
- Working Groups Sponsored by AK Inland Area Committee
  - In Situ Burning: Task Develop ISB Decision-Making Checklist in ACPs (*not an update to ISB Guidelines*) for inclusion.  
July 7<sup>th</sup> Kickoff meeting
  - Hazardous Substance Response: Task Update ACP Chapter 7000 & HazSub Job Aid. *On Hold*
  - Response Logistics: Task Update Chapter 5000 Logistics & Logistics Job Aid. *On Hold*

# AREA CONTINGENCY PLAN UPDATE

Version 2020.1 was approved March 2021

*Next Tasks: Annual Review (example - update new OSC contacts)*

Next Public Review Update:

- Incorporate products of HazSub, Logistics& ISB Working Groups
- Review & Revise Job Aids for Health & Safety, Radiation, Waste Management & Disposal

# CASE SUMMARY : FARMERS LOOP ROAD DRUM SITE



- Reported to DEC on 9/14/20, when a citizen reported a toxic chemical smell along the adjacent bike path. DEC brought it to EPA's attention in late fall of 2020 when they discovered the new owner was attempting to clean up the property with a contractor that was allegedly not licensed to handle hazardous wastes.
- Steel drums in various states of corrosion and damage were observed to contain a variety of potentially hazardous substances. About 80 drums on the site are labelled as pesticides from Eielson
- A removal site evaluation (RSE) was conducted in June 2021 by EPA. The RSE included drum and soil sampling. Analytical results identified 2,4-D and the discontinued 2,4,5-T herbicide in a flammable carrier
- A fire occurred onsite on 8/21/21, though none of the barrels were impacted
- Drum removal is scheduled to begin September 2021. It will include overpacking and removal of drums and stained soils in the immediate vicinity of the drums
- ADEC will continue to investigate the Site with regards to petroleum products and other contamination at the Site that will not be addressed by EPA removal action.

# SPECIAL ANNOUNCEMENTS:

- ConocoPhillips Exercise, October 4<sup>th</sup>
- Exxon Mobile Alaska IMT Exercise, October 13<sup>th</sup>  
and 14<sup>th</sup>

# NEEDS REQUIRING ARRT SUPPORT

- Nothing at this time

# QUESTIONS?

ADEC Area Planning website:

<http://alaska.gov/go/7EKN>

Contact us:

[whittier.robert@epa.gov](mailto:whittier.robert@epa.gov)

[Huelskoetter.Torri@epa.gov](mailto:Huelskoetter.Torri@epa.gov)

[curtis.kiesel@alaska.gov](mailto:curtis.kiesel@alaska.gov)

[kimberley.maher@alaska.gov](mailto:kimberley.maher@alaska.gov)

[anna.carey@alaska.gov](mailto:anna.carey@alaska.gov)





## LUNCH

Meeting will restart at  
1:00 PM (Alaska Time)

*If you want to offer a public comment,  
sign up in "Chat"  
or email Mary Goolie  
[goolie.mary@epa.gov](mailto:goolie.mary@epa.gov)  
By the end of this lunch break.*



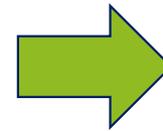
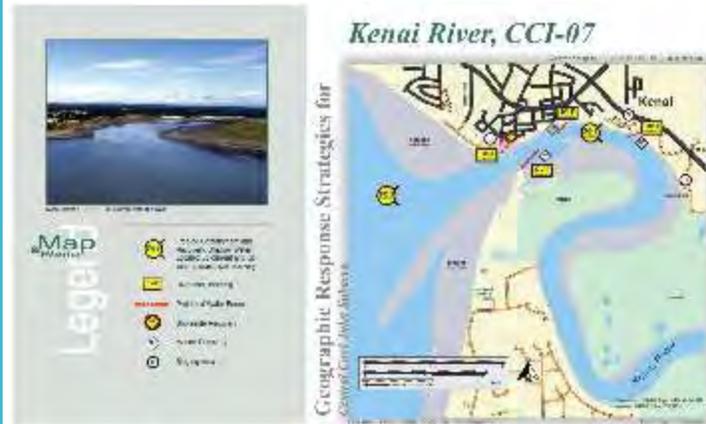


# GEOGRAPHIC RESPONSE STRATEGIES, MAPPING APPLICATION

# GRS to GIS Project

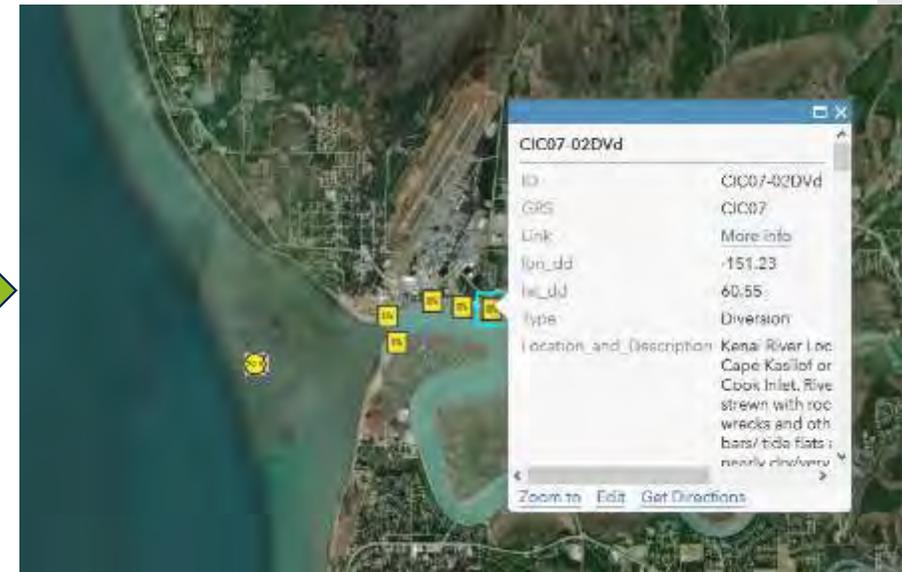
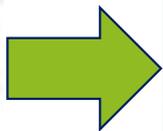
A Digital Solution to GRS Management in Alaska

AWA-AC has  
700+ GRSs



Interactive GIS Database  
with embedded PDF's

ID	Location and Description	Project Name	Project Status	Project Type	Project Date	Project Owner	Project Contact	Project Description
15123	Kenai River Loc. Cape Kasilof or Cook Inlet, River strewn with rock wrecks and oth bars/tide flats; nearby river/area	AWA-AC GRS	Completed	Diversion	2012	AWA-AC	John Doe	Project description text...
15124	Kenai River Loc. Cape Kasilof or Cook Inlet, River strewn with rock wrecks and oth bars/tide flats; nearby river/area	AWA-AC GRS	Completed	Diversion	2012	AWA-AC	John Doe	Project description text...



Project digitized PDFs  
while maintaining  
original PDF and data!!

# Why Move to GIS?

Transition to GIS management allows agencies via AWA-AC to manage GRSs in resource constrained environment

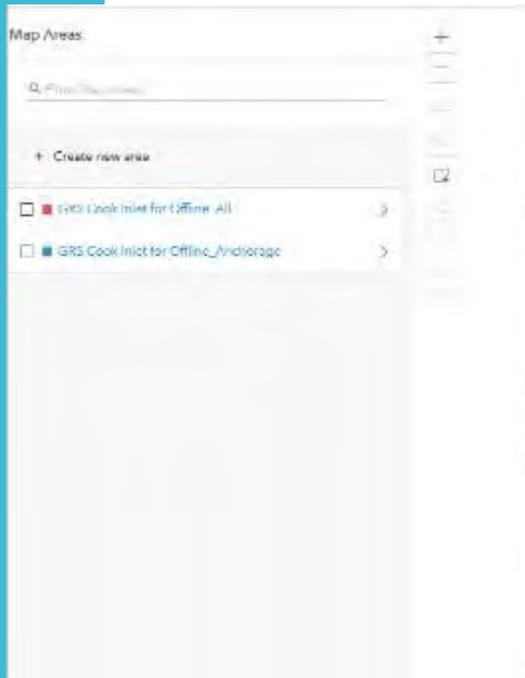
- Create a GRD digital version with embedded PDF's
- Create an accessible GIS database of digital GRSs
- Maps are downloaded for use in the field
  - GRS PDF's also accessible offline from the map.
- Updates from the field can be validated and synced to the database
- Administrator tracks updates and QA/QC
- Integration into Arctic ERMA

# Interactive Catalog of GRS's



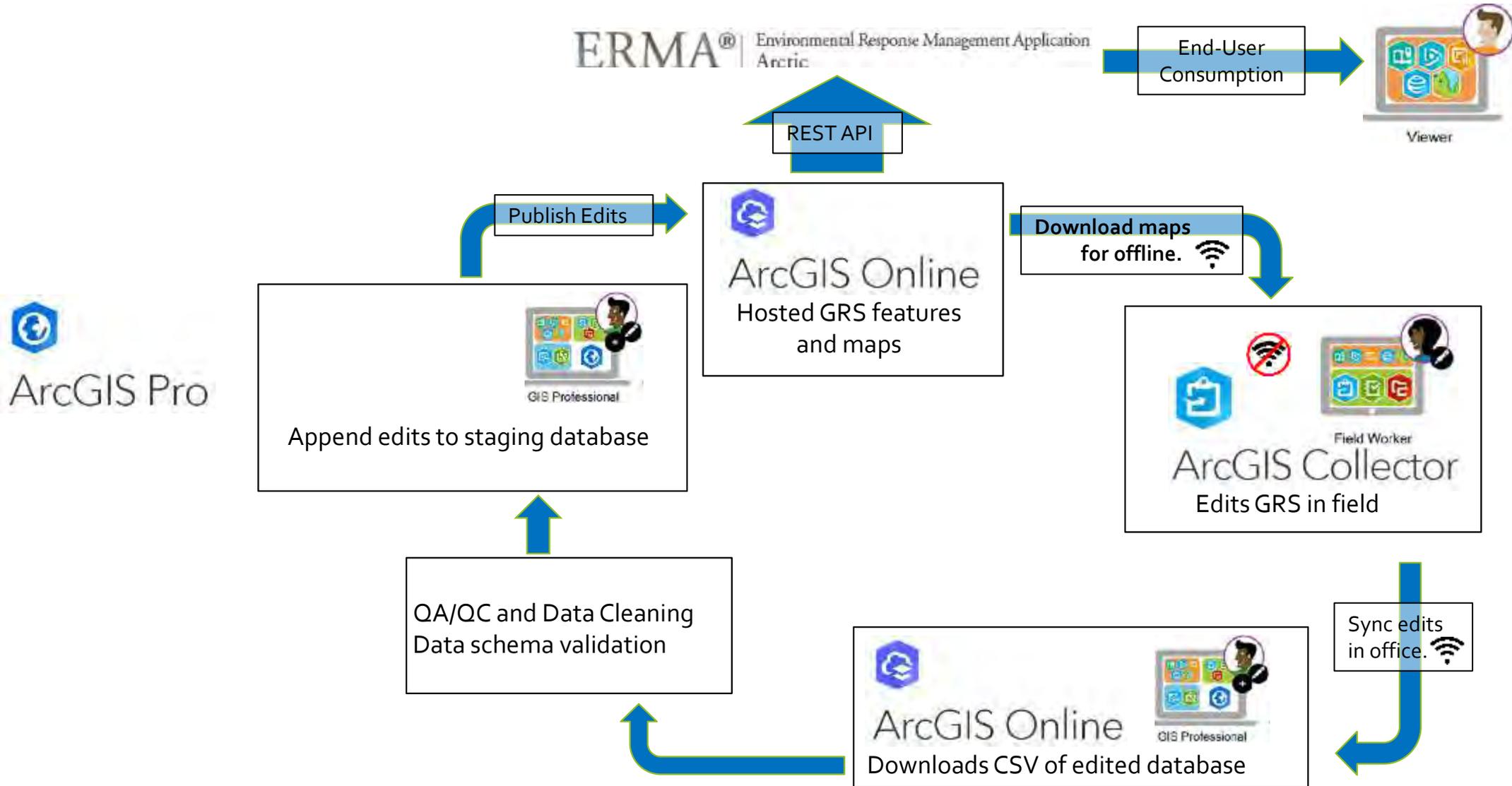
- Download a Pre-Defined Area

Enabled for offline use in the field.



Or Make Your Own  
Then Access the Data Offline

# Alaska GRS Workflow within GIS



# GRS to GIS Project

A Digital Solution to GRS Management in Alaska



# Role of the ARRT in International Pollution Preparedness and Response

Mark Everett, USCG



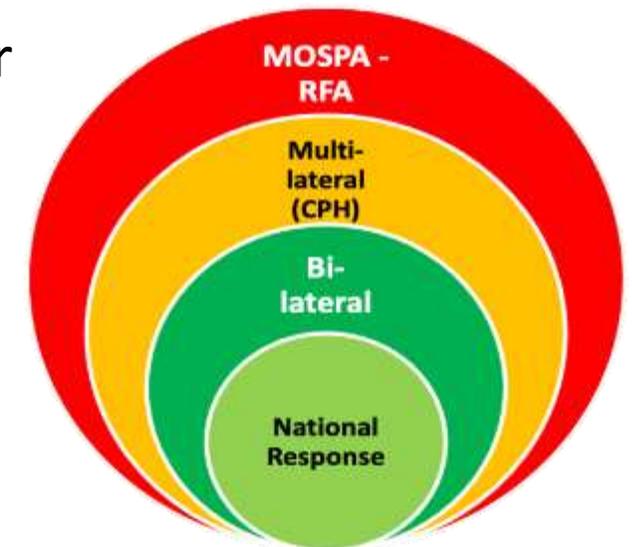
# Role of Alaska Regional Response Team in International Requests for Assistance (RFA)

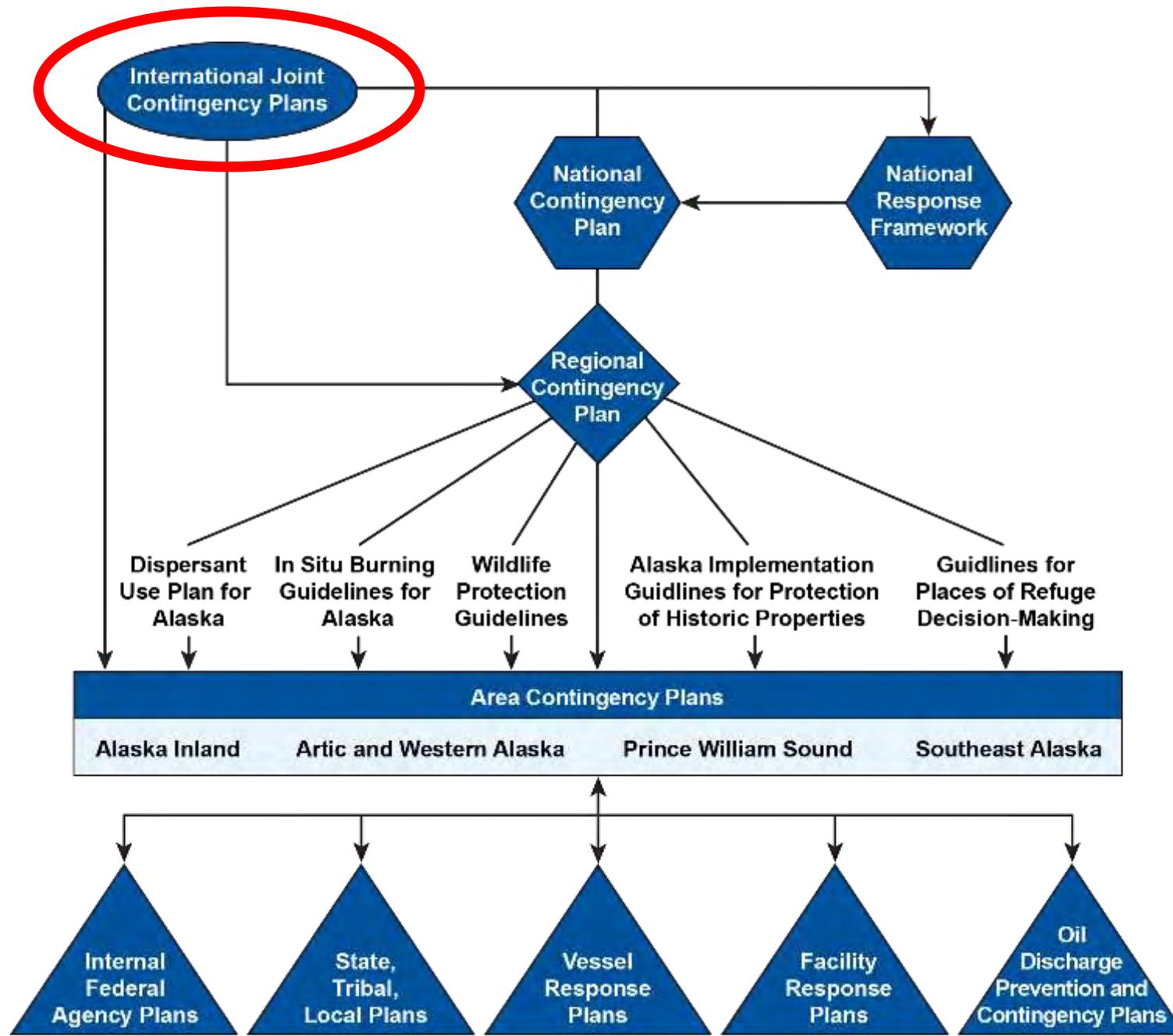
Mark Everett

Incident Management & Preparedness Advisor

USCG 17<sup>th</sup> District

Juneau, Alaska





# Multilateral & Bilateral Agreements

## Arctic Council



## Canada-US JCP



Beaufort Sea Annex

Dixon Entrance Annex

Can-US West

## Russia-US JCP



Maritime Boundary Line

# EPPR & the Arctic Council

- EPPR is one of **SIX** working groups of the Arctic Council



Arctic Contaminants  
Action Program  
ACAP



Arctic Monitoring and  
Assessment  
Programme  
AMAP



Conservation of Arctic  
Flora and Fauna  
CAFF



Emergency Prevention,  
Preparedness and  
Response  
EPPR



Protection of the Arctic  
Marine Environment  
PAME



Sustainable  
Development Working  
Group  
SDWG

# EPPR mandate

*Preparedness, prevention, and response for...*

- Environmental emergencies
- Search and Rescue
- Man-made disasters (RAD/NUC)
- Natural disasters



# International agreements

EPPR is responsible for implementing two legally binding Arctic agreements:

- The Agreement on Cooperation on Marine Oil Pollution Preparedness and Response in the Arctic (**MOSPA**)
- The Agreement on Cooperation in Aeronautical and Maritime Search and Rescue in the Arctic (**SAR Agreement**)





# Incident Occurs

Detection, Reporting, and Situational Assessments

## Arctic Guardian 2021 Request for Assistance Process

### Arctic Nation Notifications

SAR / MER Stakeholders

### Acknowledgement of Notification

While notifications have been completed, formal Request for Assistance will not occur until weeks prior to 2021 Live Exercise.

### Arctic Nations Evaluate Request for Assistance / Actions

#### No Assistance Provided

- Resources not requested
  - Explore limitations/gaps
  - Funding
  - Customs
  - Transportation
  - Duration/ Gap Analysis
- \*\*Evaluate why no resource movement occurred.*

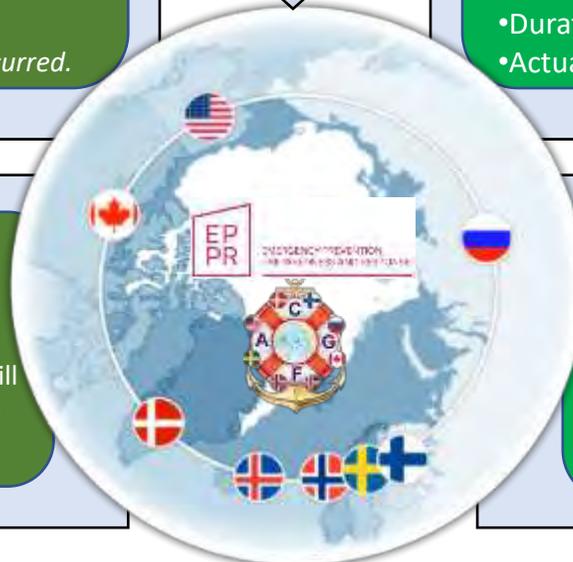
Nations review internal procedures to offer of assistance to Iceland.

#### Assistance Provided

- Assistance Coordination
- Evaluate Resource Type/ Funding/ Reimbursement
- Customs
- Transportation
- Duration/ Gap Analysis
- Actual Deployment during Live Exercise

#### April 2021 Exercise

- While certain U.S. agencies may not physically deploy personnel / resources as per Iceland's request for assistance, they will still be involved in National Response Team activation leading up to the Live Exercise.



#### April 2021 Exercise

- U.S. Agencies participating in the Live Exercise will deploy personnel / resources to Iceland.
- Resources / personnel will be determined based upon Iceland's request for assistance and based upon U.S. agencies' ability to deploy those assets.

# Bilateral Agreements



**Joint Response Team (JRT)**

**Assist their Nation's Response Leads**

**Canadian/Russian Co-Chair**

**Authorities**

**USCG Co-Chair**

**Expertise**

**NOAA**

**Resources**

**DOI**

**Access**

**ADEC**

**(Reimbursable)**

**Others as needed**



# EMERGENCY RESPONSE, PREPAREDNESS, PLANNING, AND PREVENTION

## AUTHORITIES & JURISDICTION

September 23, 2021



# ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION EMERGENCY RESPONSE, PREPAREDNESS, PLANNING, & PREVENTION AUTHORITIES & JURISDICTION

ANNA CAREY,  
STATE ON-SCENE COORDINATOR

SEPTEMBER 23, 2021

# Alaska Department of Environmental Conservation Division of Spill Prevention and Response (SPAR) Prevention Preparedness and Response Program (PPRP)

SPAR prevents spills of oil and hazardous substances, prepares for when a spill occurs and responds rapidly to protect human health and the environment.

The mission of the Prevention Preparedness and Response Program is to protect public safety, public health and the environment by preventing and mitigating the effects of oil and hazardous substance releases from both regulated and unregulated sources and ensuring their cleanup through government and industry planning and rapid response.



# Prevention Preparedness and Response Program

Core elements of spill prevention include:

- Reviewing and approving oil discharge prevention and contingency plans required under state law
- Providing technical assistance to industry and the public
- Performing facility inspections
- Participating in and conducting drills and exercises



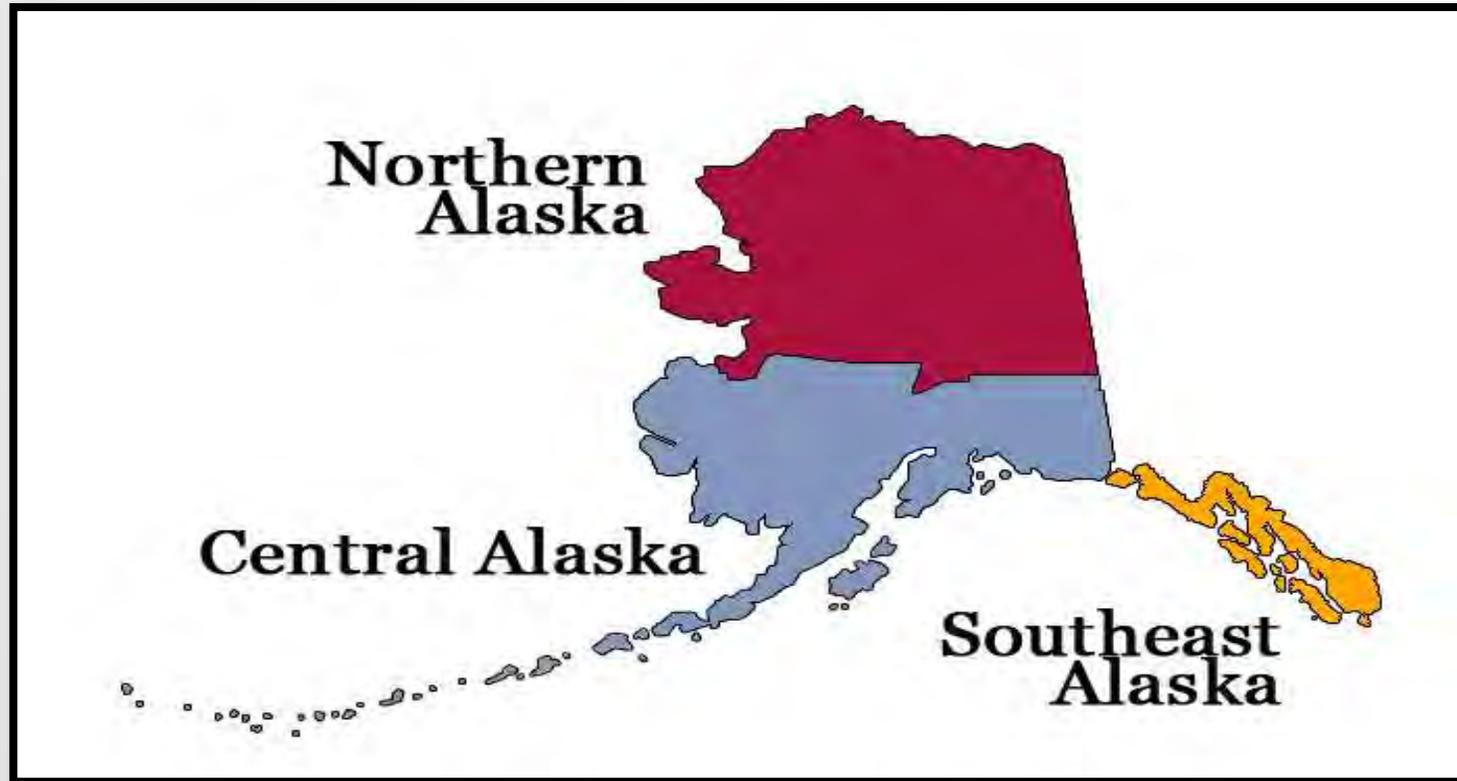
# Prevention Preparedness and Response Program

Core elements of PPR's role in preparedness include:

- Participating in and conducting spill drills and exercises
- Developing and maintaining partnerships with local communities and other state and federal agencies
- Pre-positioning of response equipment for local use
- Maintenance of statewide and regional spill response plans
- Implementation of the Incident Command System for spill response
- Reviewing and approving applications for proof of financial responsibility
- Registering oil spill primary response action contractors



# Prevention Preparedness and Response Program



The State is divided into three geographic areas (Northern, Central, and Southeast) with regional response teams based in Anchorage, Fairbanks and Juneau and smaller satellite offices in Kenai and Valdez. Each regional response team has a pre-designated State On-Scene Coordinator (commonly referred to as SOSOC), who represents the state during spills in that portion of the state.



# Prevention Preparedness and Response Program



## Regional Contacts:

1. North Slope & Northwest Arctic
2. Interior & TAPS
3. Aleutians, Bristol Bay & Western
4. Cook Inlet & Kodiak
5. Prince William Sound
6. Southeast Alaska



# Prevention Preparedness and Response Program

Core elements of PPR's role in response include:

- Ensuring the safety of those involved
- Protecting public health and the environment
- Identifying the spiller or “responsible party”
- Evaluating the adequacy of the cleanup
- Ensuring that the cause of the spill or release is properly investigated and mitigated
- Ensuring proper delineation and tracking by the responsible party
- Tracking the movement of the spill
- Measuring and documenting the extent of contamination
- Ensuring the containment, cleanup, removal, and disposal of spilled materials
- Coordinating with all local, state, and federal interests using the Incident Command System (ICS)
- Providing logistical support for field operations with federal and state resource trustees



# Alaska Statutes - Prohibited Acts

- AS 46.03.710 – Pollution Prohibited. A person may not pollute or add to the pollution of the air, land, subsurface land, or water of the state.
- AS 46.03.740 – Oil Pollution. A person may not discharge, cause to be discharged, or permit the discharge of petroleum, acid, coal... or a residuary product of petroleum, into, or upon the waters or land of the state except in quantities, and at times and locations or under circumstances and conditions as the department may by regulation permit... .
- AS 46.03.745 – Hazardous Substance Release. Except for a controlled release, the reporting of which is the subject of an agreement with the commissioner..., a person may not cause or permit the release of a hazardous substance.
- AS 46.04.900(4) – Hazardous Substance. Hazardous Substances are CERCLA Hazardous Substances or those that pose “imminent and substantial danger to public health, welfare, or to fish, animals, vegetation or any part of the natural habitat” in which those things are found.



# Alaska Statutes - Oil and Hazardous Substance Pollution Control

- AS 46.04.020(a) – A person causing or permitting the discharge of oil shall immediately contain and clean up the discharge.
- AS 46.09.020. “A person who causes a release of a hazardous substance shall make reasonable efforts to contain and clean up the hazardous substance promptly after learning of the release . . . .”
- 18 AAC 75.325. Site Cleanup Rules. Purpose is to provide “an administrative process and standards to determine the necessity for and degree of cleanup required to protect human health, safety, and welfare, and the environment at a site where a hazardous substance is located.”

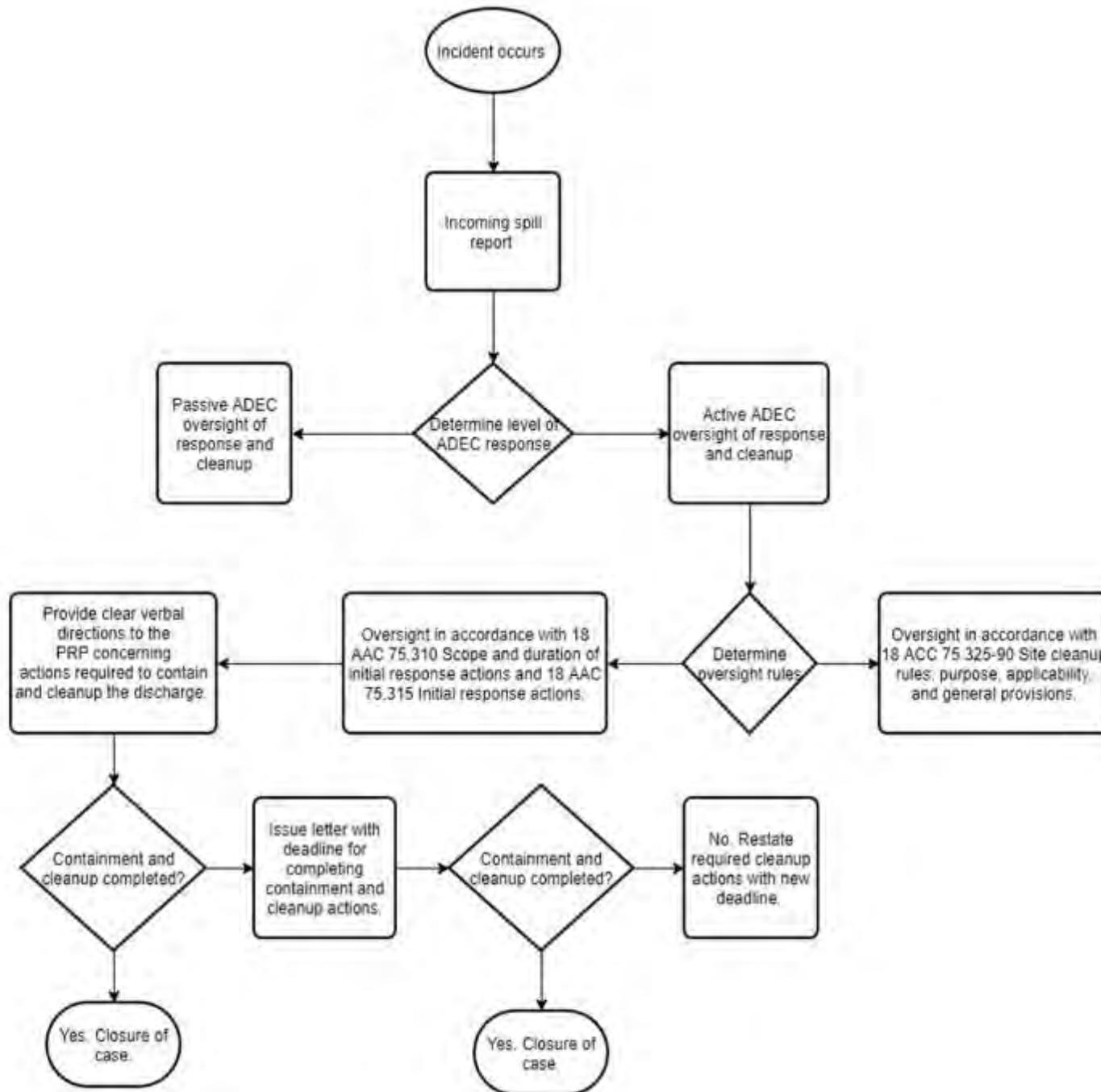


# ADEC Spill Report Flowchart

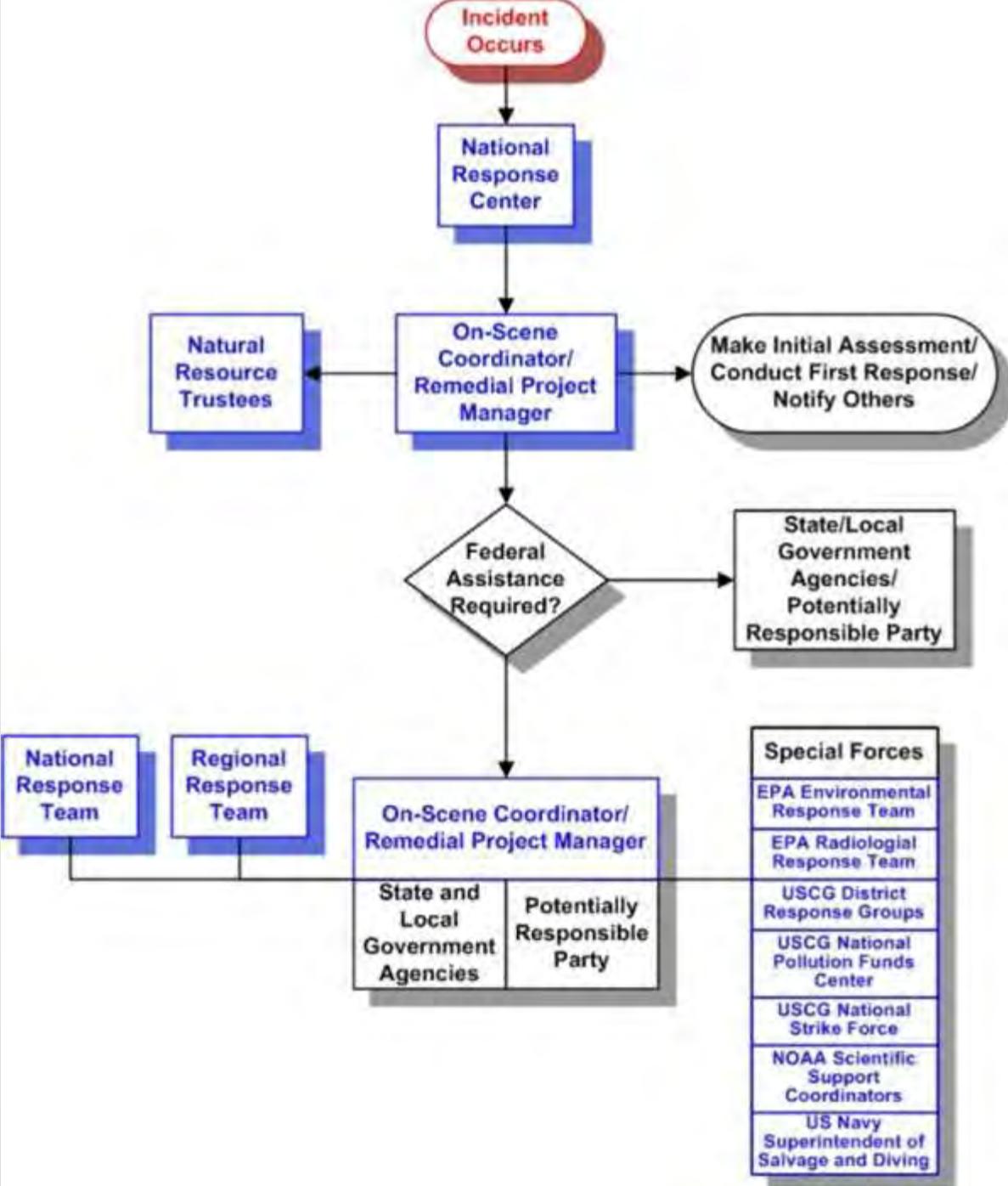
When a release or spill occurs, the first line of defense is provided by:

- The company responsible for the release,
- Response contractors,
- Local fire and police departments, and
- Local emergency response personnel.

If needed, a variety of state agencies stand ready to support, assist, or take over response operations if an incident is beyond local capabilities.



# National Response System Flowchart

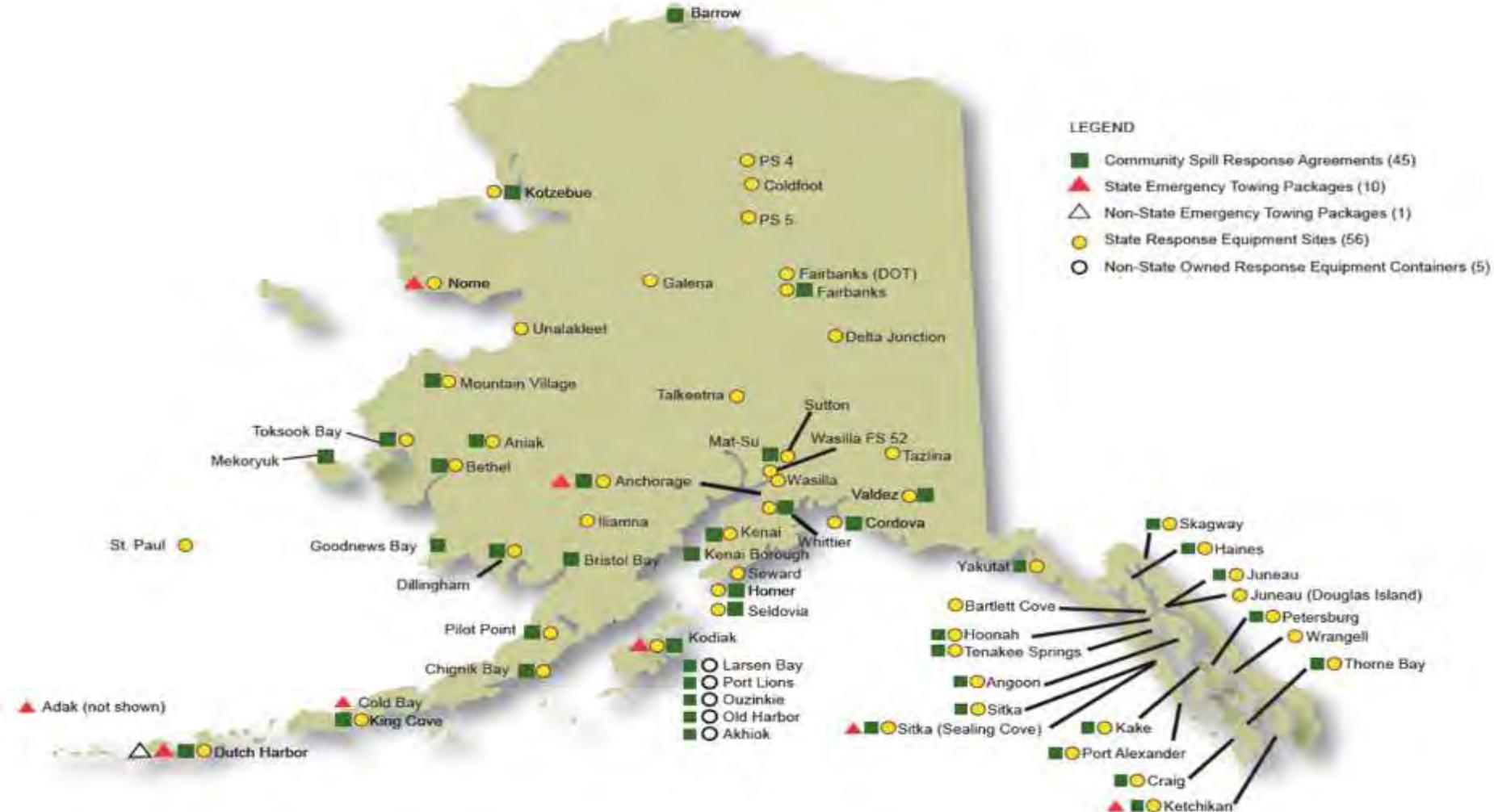


- When a release or spill of oil or a regulated hazardous material occurs, the organization responsible for the release or spill is required by law to notify the National Response Center (NRC).
- Once a report is made, the NRC immediately notifies a designated On-Scene Coordinator (OSC) in the impacted region as well as tribal, local and state emergency personnel.
- The OSC coordinates with the state, other personnel on site, and the Potentially Responsible Party (responsible for the release or spill) to determine the status of the response.
- The OSC determines whether, or how much, federal involvement is necessary and deploys the needed resources.



# Community Spill Response Agreements and Local Response Equipment

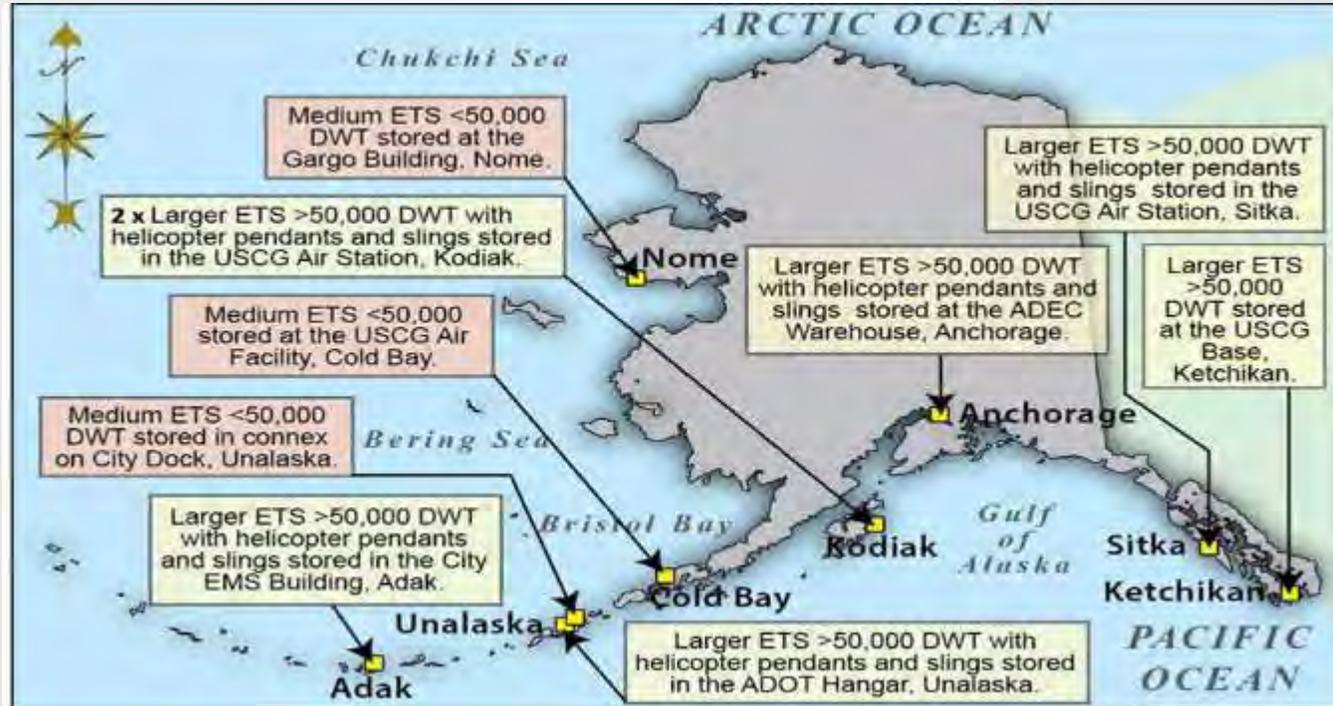
Map of Community Spill Response Agreements, Response Equipment Containers, and Emergency Towing Packages in Alaska  
as of December 4, 2014



# Emergency Towing System

An Emergency Towing System (ETS) is a pre-staged package of equipment that may be deployed in the event a disabled vessel requires assistance in accessing a place of refuge. The system is designed to use vessels of opportunity to assist disabled vessels that are in Alaskan waters.

It consists of a lightweight high-performance towline, a messenger line used in deploying the towline, a lighted buoy, and chafing gear. These components may be configured to deploy to a disabled ship from the stern of a tugboat or airdropped to the ship's deck via helicopter.



# QUESTIONS ?





# FEDERAL POLLUTION RESPONSE: AUTHORITIES & JURISDICTION

## EPA & USCG

September 23, 2021

# Oil Pollution Act (OPA) 1990

- ❑ The Oil Pollution Act of 1990 amends Section 311 of the Clean Water Act and streamlines and strengthens EPA and Coast Guard's ability to prevent and respond to catastrophic oil spills
- ❑ A trust fund (Oil Spill Liability Trust Fund) was established and is available to respond to oil discharges, or substantial threats of discharges, when a responsible party is incapable or unwilling to do so.
- ❑ OPA requires certain facilities or vessels to develop and submit response plans for EPA/USCG review and approval.
- ❑ OPA also requires the development of Area Contingency Plans (ACPs) to prepare and plan for oil spill responses.



# Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) 1980

- ❑ CERCLA (or Superfund) allows for the cleanup of uncontrolled or abandoned hazardous waste sites, as well as accidents, spills, and other releases of hazardous substances, pollutants or contaminants.



# NATIONAL CONTINGENCY PLAN (NCP)

- ❑ The planning, readiness, and response requirements under the CWA, OPA, and CERCLA must be carried out under a set of federal regulations called the National Oil and Hazardous Substances Pollution Contingency Plan (NCP).
- ❑ Any oil and hazardous substance, pollutant or contaminant response must be consistent with the NCP.



# Stafford Act 1988

- ❑ Emergency Support Function (ESF 10)  
Oil & Hazardous Materials Response



# Clean Water Act 311 (CWA)



**WHEN  
DO EPA &  
USCG  
RESPOND  
TO OIL  
SPILLS?**

- Clean Water Act/Oil Pollution Act is applicable to discharges or threats of discharge of oil which impact or may impact **Waters of the United States (WOTUS)**
- 40 CFR 110 Definition of Discharge: “Any sheen sludge, or emulsion to surface waters or adjoining shorelines.”
- EPA and USCG have authority to respond to a discharge or threat of a discharge of oil which impacts or threatens to impact WOTUS
- EPA and USCG must respond if a discharge or threat of discharge poses a substantial threat to the public health or welfare

**WHEN**

# CERCLA/Superfund



**DO EPA &**

**USCG (or**

**other federal**

**agencies\*)**

- CERCLA allows for a federal response to releases of “CERCLA hazardous substances, pollutants or contaminants” which pose an unacceptable risk to human health and the environment
- CERCLA “hazardous substances” are defined in regulation (“*List of Lists*”); “pollutants or contaminants” are any substances that pose an *imminent and substantial endangerment* to human health or the environment
- Oil is explicitly *excluded* from CERCLA
- CERCLA releases can be to air, land or water

**RESPOND TO**

**CHEMICAL**

**SPILLS?**

\* EO 12580 gives federal land management agencies, DOD, DOE CERCLA responsibility on their lands



# Waters of the U.S.

Kris Leefers

EPA Region 10 Assistant Regional Counsel

September 2021

# Brief History of WOTUS Definition

- ▶ 1973 amendments to Clean Water Act established federal jurisdiction over **“navigable waters”** defined as **“waters of the United States, including the territorial seas.”** Provided authority to EPA and the Army Corps of Engineers to define WOTUS.
- ▶ 1986/1988 WOTUS Rule promulgated; Supreme Court decisions and agency guidance over the years refined regulatory definition
- ▶ 2015 Clean Water Rule codified *new* definition but was immediately challenged and remanded back to the agencies
  - ▶ Various court rulings resulted in a patchwork -- 22 states (OR and WA) under 2015 Clean Water Rule and 28 states (AK and ID) under the **“pre-2015”** WOTUS Rule
- ▶ **February 2017 Executive Order 13778, “Restoring the Rule of Law, Federalism, and Economic Growth by Reviewing the ‘Waters of the United States’ Rule”**
  - ▶ Directed EPA and USACE to review and then rescind or revise the 2015 Clean Water Rule and to **consider being consistent with Justice Scalia’s plurality opinion in 2006 *Rapanos v. United States***
    - ▶ Scalia: Relatively permanent water flow and surface water connection between wetlands and relatively permanent water; Kennedy: significant nexus
- ▶ 2019 Rule was first of 2-step process per EO 13778; extended the effective date of 2015 Rule **effectively reinstating the “pre-2015”** WOTUS Rule across the country
- ▶ 2020 Navigable Waters Protection Rule was the second step; officially redefined WOTUS **resulting in a narrower scope of jurisdictional waters than the “pre-2015”** WOTUS Rule and the 2015 Clean Water Rule (litigation ensued)



# 2020 Navigable Waters Protection Rule (NWPR)

- ▶ As of August 29, 2021, current rule defining Waters of the United States under the Clean Water Act
- ▶ Published in the Federal Register on April 21, 2020, effective on June 22, 2020
- ▶ **Categories of WOTUS (aka “jurisdictional waters”):**
  - ▶ Territorial seas and traditional navigable waters
  - ▶ Tributaries
  - ▶ Lakes and ponds, and impoundments of jurisdictional waters
  - ▶ Adjacent wetlands
- ▶ Categories specifically excluded from WOTUS:
  - ▶ Waters not listed as WOTUS
  - ▶ Groundwater; ephemeral features; diffuse stormwater run-off; ditches not identified as WOTUS; prior converted cropland; artificially irrigated areas; artificial lakes and ponds; water-filled depressions incidental to mining or construction activity; stormwater control features; groundwater recharge, water reuse, and wastewater recycling structures; waste treatment systems



# Recent Developments

- ▶ **January 20, 2021: Executive Order 13990 “Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis”**
  - ▶ Revoked Executive Order 13778, which had prompted the 2020 Navigable Waters Protection Rule (NWPR)
  - ▶ Directed agencies and departments to immediately review, and as appropriate, take action to address Federal regulations promulgated over the past 4 years that conflict with national objectives
- ▶ June 9, 2021: EPA and USACE announced intent to initiate new rulemaking to restore the protections in place prior to the 2015 Clean Water Rule (aka 1986/88 definition, subsequent guidance, and court decisions)
  - ▶ Public meetings and public comments on how to define WOTUS ended September 3, 2021; tribal consultation through Oct 4
  - ▶ <https://www.epa.gov/wotus/intention-revise-definition-waters-united-states>
- ▶ June 9, 2021: USDOJ files a motion to remand the 2020 NWPR to the Agencies and dismiss the lawsuit (*Conservation Law Foundation et al. v. USEPA et al.*, challenging 2020 NWPR) **based on EPA’s decision to initiate new rulemaking to replace the 2020 NWPR**



# Recent Developments (cont.)

- ▶ August 30, 2021: U.S. District Court for the District of Arizona ordered remand with vacatur of the 2020 NWPR (*Pasqua Yaqui Tribe, et al. v. USEPA et al.*, challenging 2020 NWPR)
  - ▶ Vacatur means: 2020 NWPR is no longer the law, and it is replaced by **the 2019 Rule reinstating “pre-2015” WOTUS Rule. However, the court is still considering the challenges to the 2019 Rule (stay tuned).**
  - ▶ EPA public statement following ruling:
    - ▶ ***“In light of this order, the agencies have halted implementation of the Navigable Waters Protection Rule and are interpreting “waters of the United States” consistent with the pre-2015 regulatory regime until further notice.”***  
<https://www.epa.gov/wotus>



# CERCLA/OPA Federal RESPONSE Jurisdiction

## COASTAL ZONE

- U.S. waters subject to the tide
- Waters of the contiguous zone (24nm from baseline)
- Other waters of the high seas subject to the NCP (extent of EEZ)
- Land surface or land substrata, ground waters, and ambient air proximal to those waters
- Often defined by EPA-USCG Agreement and documented in ACP/RCP and/or by MOU
- USCG FOSC (Captain of the Port)

## INLAND ZONE

- Inland of the coastal zone
- EPA FOSC

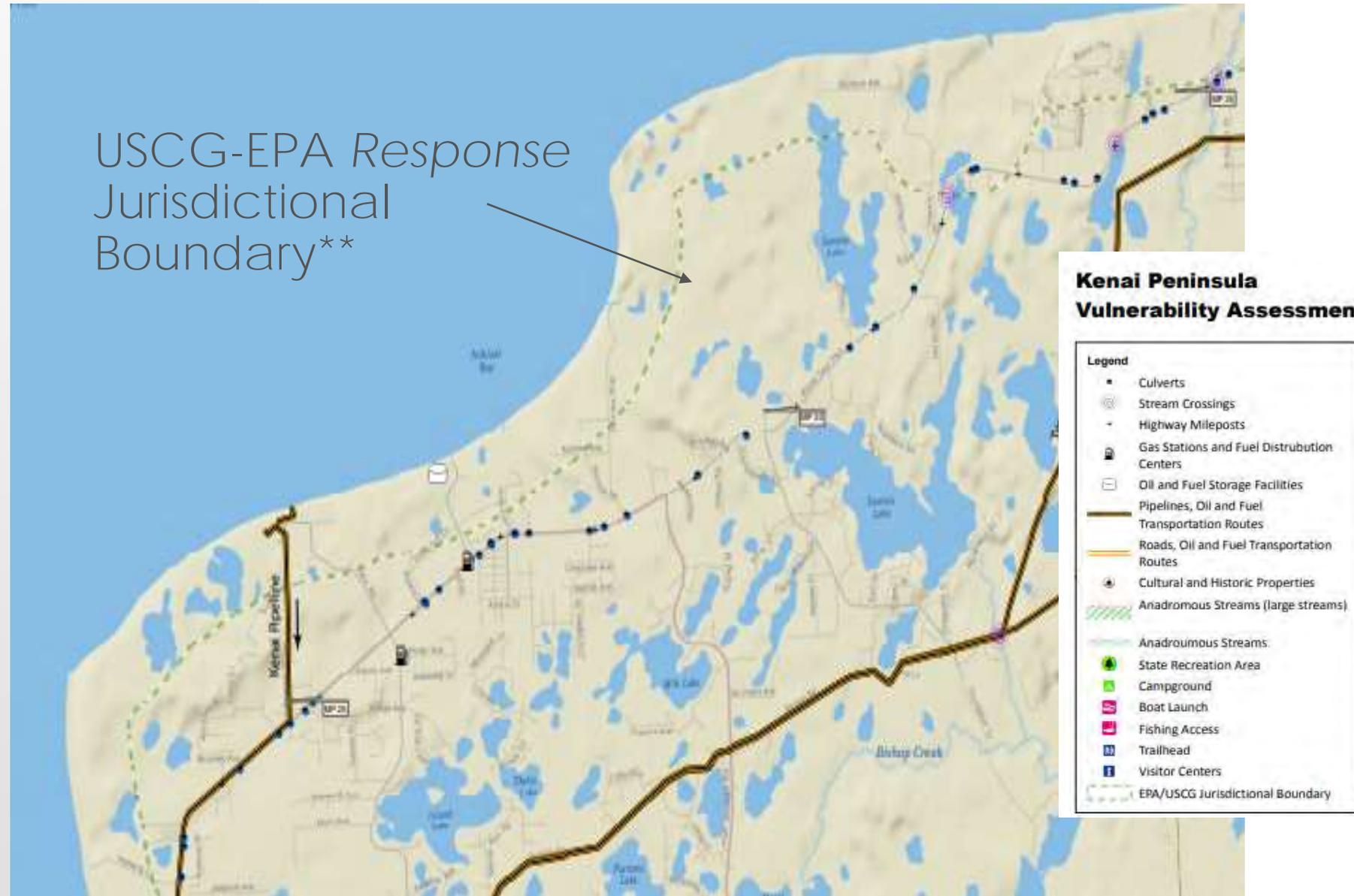
*Definition from NCP (40 CFR 300.5) - There can only be 1 FOSC for any response*

\*\* EO 12580 gives federal land management agencies CERCLA responsibility on their lands



# INLAND & COASTAL ZONE IN ALASKA

Coastal Zone = USCG FOSC  
Inland Zone = EPA FOSC



\*\*1,000 yards inland from high tide, plus specific lines on certain rivers

# FEDERAL OIL PREVENTION JURISDICTION

- *Oil prevention includes contingency plan reviews, facility/vessel inspections and enforcement actions for OPA violations*
- Agency prevention jurisdiction DIFFERENT from response jurisdictions
  - Defined by regulations and separate MOUs
  - More complicated --- one facility may fall under several agencies' jurisdiction (tanks vs marine transfers; tanks vs gathering lines vs distribution lines)
  - More agencies involved – EPA, USCG, DOT/PHMSA, BLM, BSEE





# EPA EMERGENCY RESPONSE, PREPAREDNESS, PLANNING, & PREVENTION AUTHORITIES & JURISDICTION

TORRI HUELSKOETTER  
FEDERAL ON-SCENE COORDINATORS

September 23, 2021

# BROAD EPA LEGAL AUTHORITIES

- EPA implements numerous environmental laws and regulations; many programs are delegated to States and some Tribes for implementation
- Mission is to protect human health and the environment
- Primary environmental statutes include:
  - Clean Water Act
  - Clean Air Act
  - Safe Drinking Water Act
  - Resource Conservation and Recovery Act (RCRA)
  - Toxic Substances Control Act (TSCA)
  - Comprehensive Environmental Response Compensation and Liability Act (CERCLA/Superfund)
  - Emergency Planning and Community Right to Know Act (EPCRA)



# US EPA REGION 10 Emergency Management Program

Region 10 – Alaska, Idaho, Oregon, Washington

15 OSCs :

- 2 OSCs – Portland, OR
- 2 OSCs – Boise, ID
- 2 OSCs – Alaska
- 9 OSCs – Seattle, WA (one vacant)

Area Planners

- 1 Alaska Area Planner/ARRT Coordinator
- 1 Northwest (ID, OR, WA) Area Planner/RRT10 Coordinator
- 1 Homeland Security/FEMA ESF10 Coordinator

Contract Resources

- EPA Superfund Technical Assessment and Response Team (START)
- EPA Emergency and Rapid Response Services (ERRS)

**Clean Water Act**  
**Oil Pollution Act**  
**CERCLA (Superfund)**  
**National Contingency Plan**  
**Stafford Act ESF 10**



# WHEN & HOW DOES EPA REGION 10 RESPOND?

- Within legal authorities, EPA exercises discretion on response to discharges of oil and hazardous substance releases
- Coordination with local, state and tribal partners and rely on principle of escalation
- Response options:
  - Technical assistance
  - Unified Command
  - Lead
  - CWA/OPA – Pollution Removal Funding Authorizations
    - If a local, state or tribal partner has the capability to respond, but lacks the funding, EPA (and USCG) may issue a PRFA to support engagement

# RESPONSE



Drills  
Exercises  
Training  
Outreach  
Special projects

# PREPAREDNESS



# PREVENTION



SPCC – Spill Prevention, Control and Countermeasures

FRP – Facility Response Plan

RMP – Risk Management Plan



# PLANNING





# USCG EMERGENCY RESPONSE, PREPAREDNESS, PLANNING, & PREVENTION AUTHORITIES & JURISDICTION

MARK EVERETT,  
USCG DISTRICT 17  
INCIDENT MANAGEMENT & PREPAREDNESS ADVISOR

September 23, 2021

*Under Title 14, United States Code,*  
Coast Guard has primary responsibility and jurisdiction

- To enforce or assist in the enforcement of all applicable federal laws in, under, and over the high seas and waters subject to the jurisdiction of the United States;
- To ensure safety of life and property at sea;
- To protect the marine environment;
- To carry out icebreaking activities; and
- To ensure the safety and security of vessels, ports, waterways, and related facilities.



# LEGAL AUTHORITIES

## BROAD AUTHORITIES COVERING:

- National security
- Maritime transportation
- Hazardous materials shipping
- Bridge administration
- Pollution response
- Pilotage
- Vessel construction & operation
- Enforcement of laws & treaties



# ENSHRINED IN STATUTORY LAW

Military  
Service – 14  
USC

Vessel  
Boardings – 14  
USC

Navigation  
Safety – 33  
USC

Naval Safety  
& Security – 14  
USC

Waterway  
Safety – 50  
USC

Assistance –  
14 USC

Vessel  
Inspections –  
46 USC

Customs – 19  
USC

Maritime  
Security – 46  
USC

Transportation  
– 49 USC

Intelligence –  
50 USC

Living Marine  
Resources – 16  
USC

Pollution  
Response – 33  
USC



# POLLUTION RESPONSE

Like many USCG authorities, jurisdiction is tied to coastal zone navigable waters

- Current or historical use aspect
- Subject to the tide
- Interstate or international commerce/recreation/other use or potential use
- Fish or shellfish taken or could be taken
- Certain tributaries feeding these waters
- Waters on federal lands
- Political facets
- Etc.





Supporting Federal and State On-scene Coordinators  
**Alaska RRT**

**PUBLIC COMMENT**



**\_ REVIEW OF PARKING LOT ISSUES**  
**\_ PLANNING FOR NEXT MEETING**  
**\_ CLOSING REMARKS**

# SAVE THE DATES

- September 29, 2021: PWS Area Committee meeting
  - Valdez & Virtual
- December 7, 2021: AWA Area Committee
- February 15-17, 2022: ARRT MEETING: *(DATE CHANGE)*