

Effectively Prevent, Plan for and Respond to Oil Spills

The Challenge

Over 20 billion gallons of oil and hazardous chemicals are transported through Washington State each year by ship, barge, pipeline, rail, and road. Accidents, equipment failure, and human error can all lead to unintended and potentially disastrous consequences. Oil and chemical spills can threaten some of the most productive and valuable ecosystems in the world. These incidents can kill fish, birds, and marine animals and contaminate beaches and shellfish. All spills whether on land or water can threaten public health, safety, the environment, and ultimately damage the state's economy and quality of life.

Relationship to Recovery Targets

Prevention of oil spills, and rapid effective response to any spills that do occur, contributes to achievement of virtually all the Puget Sound recovery targets.

C10. Effectively prevent, plan for and respond to oil spills.

The 2009 Washington State Legislature directed the Puget Sound Partnership to provide independent advice and assessment of Washington State's oil spill programs and make recommendations for any necessary improvements. To that end, the Legislature recommended the potential appointment of a special advisory body with statewide representation. As a result, the PSP Leadership Council authorized the formation of the Cross Partnership Oil Spill Work Group in summer 2010.

That broadly based stakeholder work group met for three full days during September and October 2010. At the conclusion of the third day, the

Local Strategies

Local areas have identified a number of complementary priority strategies including, in the San Juan Islands, working with the Puget Sound Partnership on oil spill prevention and readiness programs within Puget Sound and with Canada and maintaining local oil spill readiness and response programs in alignment with a regional readiness and response program; and in the Strait, implementing and promoting improvements in oil spill prevention, preparedness, and response programs, policies, or capabilities for the benefit of the Strait of Juan de Fuca and adjacent waters.

group adopted four recommendations by consensus of the attending members. The Leadership Council passed Resolution 2010-04 on November 19, 2010 supporting the four work group recommendations.

Ongoing Programs

Endorsed Second Substitute House Bill 1186 (E2SHB 1186) was signed into law by Governor Gregoire in April 2011. Each of the four original work group recommendations was represented in the legislation and/or final state budget to some degree. In a letter to Ted Sturdevant, Director of the Department of Ecology, Governor Gregoire requested that the state oil spill programs continue to work closely with PSP and the work group during rulemaking for HB 1186. As a result, the 2012-2013 Action Agenda includes strategies and actions to facilitate and track completion of rulemaking.

In addition, the 2011 Washington State Legislature called for PSP and the work group to continue their efforts to independently assess the state's oil spill programs for the 2011–2013 biennium. To that end, the work group met in May 2011 to establish the following consensus priorities for future work:

- Improve the use of risk assessments to mitigate catastrophic spill risks
- Enhance transboundary coordination and marine safety in our shared waters with Canada
- Support the involvement of the State and locals at tabletop drills

Those priorities provided the foundation from which PSP, Ecology, and DFW developed the strategies, sub-strategies and near term actions included here.

Key Ongoing Program Activities

- Strengthen marine safety standards in our shared waters with Canada by consulting with industry, federal agencies, tribes and others.
- Report on deployments of the industry-funded emergency response tug at Neah Bay.

Near-Term Actions

None; work in the near-term will focus on implementation of ongoing programs.

C10.1 Spill Prevention: Emphasize use of risk-based approaches to improve marine safety and protect our environment, economy and quality of life.

While the rarity of major spills has not lead to complacency, two decades of success in averting a low frequency/high impact incident in Washington waters has led to diminished attention to systematic analyses of regional and industry sector-specific patterns in oil spill risk by regulated industries and subsequent targeting of prevention efforts.

Ecology's 2009–2015 Strategic Plan for its oil spill program identifies "improving marine safety by emphasizing a risk-based approach" as one of its five strategic initiatives. The first recommendation in the joint report by Ecology and PSP on lessons learned from the National Commission on the Deepwater Horizon spill is to "complete a rigorous risk analysis on higher risk industry sectors to ensure that there is an appropriate level of investment reducing the risk of oil spills." The following near term actions are

necessary for Ecology and the spills community to fulfill the activities Ecology outlined in its strategic plan and those recommended by the Oil Spill Work Group.

Near-Term Actions

C10.1 NTA 1: Assess trends in ship traffic, vessel incidents and incident notifications for use in targeting inspections and setting standards.

Performance measure: Assessment complete or not

C10.1 NTA 2: Evaluate marine traffic risk assessment models that could be used to develop appropriate oil spill risk reduction measures.

Performance measure: Evaluation complete or not

C10.1 LNTA 3: San Juan Marine Resources Committee will convene 20 agencies and non-governmental organizations responsible for oil spill prevention and readiness at the 2012 Marine Manager Workshop, including participation from the local, state, federal, and Canadian organizations. Workshop outcomes will include a list of agreed upon recommendations for oil spill prevention. Local jurisdictions will adopt highest priority recommendations within their authority by 2014.¹³

Performance measure: To be determined

C10.2 Spill Readiness: Broaden State participation in oil spill drills and promote better integration with tribes and local government.

In 2010 the Cross Partnership Oil Spill Work Group recommended the need to restore the state's participation in tabletop and worst case oil spill drills and make the system more robust. That is, there was a recognition that the response to actual spills is enhanced when the likely responders know and trust one another through efforts to practice together. Given the rarity of spills requiring a unified command, and the lack of state and local governments' participation in drills, many relationships and the knowledge among participants/responders of their most effective roles in an actual response have deteriorated over time. The NTAs below seek to strengthen those relationships and the effectiveness of actual responses.

Ongoing Programs

Key Ongoing Program Activities

- Support an appropriate level of tabletop drill participation by Ecology and local government.
- Support the involvement of local government in Northwest Area Committee meetings and updates of the Area Contingency Plan.

Near-Term Actions

C10.2 LNTA 1: Oil Spill Prevention, Preparedness, and Response – Implement and promote improvements in oil spill prevention, preparedness, and response programs, policies, or capabilities for the benefit of the Strait of Juan de Fuca and adjacent waters

- › Support equipment standards rulemaking
- › Support trans-boundary coordination on oil spills
- › Makah Tribal Council Oil Pollution Initiative and Vessel of Opportunity Program
- › Participate on cross-partnership Oil Spill Workgroup
- › Geographic Response Plans (GRP) data
- › Participate on Northwest Area Committee (NWAC)
- › Work to expand drills along Strait of Juan de Fuca and coast
- › Organize local volunteers
- › Establish a liaison role during spill events for Strait Action Area
- › Support establishment of response to tugs along Strait of Juan de Fuca

(Note: this action is also relevant to Strategies C10.1 and C10.3)

Performance measure: Initiate or complete 40% of the Priority Actions identified by the Strait ERN for the Strait Action Area

C10.3 Spill Response: Ensure the best available science and technology are used to respond to spills and improve cleanup efficiency.

The work group's overarching recommendation to improve the state's response capacity sought to ensure that the state's regulated community is required to have timely access to the best emerging and achievable technology and training, to safely, promptly and properly respond to a worst-case spill, independent of where it occurs in the state's waters or what time of day the response is necessary. The NTAs support the rulemaking efforts to support this enhanced capacity and to strengthen coordination with Canada in transboundary responses.

Ongoing Programs

Key Ongoing Program Activity

- Implement Ecology's recommendations from the Pacific States/BC Oil Spill Task Force transboundary report.

Near-Term Actions

C10.3 NTA 1: Revise WAC 173-183 to conform with HB1186 from the 2011 session, requiring the best achievable protection from the impacts of oil spills.

Performance measure: Rulemaking complete or not

C10.3 LNTA 2: Islands Oil Spill Association (IOSA) will maintain local oil spill readiness and response programs at its current level of funding and staff/volunteer capacity through 2014. Identify remaining local response needs at the 2012 Marine Managers Workshop and consider these, along with a funding and action plan, as part of the workshop recommendations.¹³

Performance measure: To be determined

C10.4 Environmental Restoration: Strengthen oil spill Natural Resource Damage Assessment and Restoration.

The National Commission's Report on the Deepwater Horizon Spill generally recommended that restoration decisions be based on transparent, independent science and compensate for poorly understood marine impacts. In addition, it recommended that long-term monitoring of affected resources take place for years following spills. This NTA seeks to promote studies or efforts that can be enlisted before, during or after a spill to better ensure that appropriate compensation is realized and allows for enhancement of damaged resources.

Near-Term Actions

C10.4 NTA 1: Revise WAC 173-182 to conform with HB1186 from the 2011 session, requiring Natural Resource Damage Assessment values be increased.

Performance measure: Rulemaking complete or not

C10.4 NTA 2: Support baseline scientific data collection for key species at risk in oil spills to enhance assessments.

Performance measure: Baseline data collected or not