

Lovel Pratt

Public testimony provided 9/17/19.

Is this on? Can people hear me okay? Great. So my name is Lovel Pratt. I'm the marine protection program director at Friends of the San Juans. Thank you for the opportunity travel to Everett today and provide this testimony. I'll also be submitting some written comments at this time and we'll do [indiscernible] work in the future.

So first of all, I just want to talk about our concerns about Canadian tar-sands crude oil or diluted bitumen or dilbit. And our concerns about spills of that oil in our waters. There is existing risk of spills due to the current transport of that oil through our waters and now transport is going to increase and increase the risk of accidents and oil spills. And there is consensus that the best way to respond to these nonfloating oils is fast and aggressive response to contain and collect the spilled oil before it begins to submerge and sink.

And this is something that Ecology agrees with. I'm going to read from your own preliminary regulatory analyses for this rulemaking, and this is on page 40 of the cost-benefit and least burdensome alternative analysis. Nonfloating oil impacts, additional coordination, and preparedness for dealing with spills and potentially nonfloating oils, reduce the likelihood of oils -- reduce the likelihood that oils will weather and sink before they are addressed. Improved preparedness for potentially sinking oils could have helped reduce damages and ultimate cleanup costs from the Enbridge Kalamazoo spill that cost \$1.2 billion to clean up.

And I just want to say here that "clean up" is an inaccurate term. So as of 2013 the EPA determined that between 162,000 and 168,000 gallons of submerged Canadian tar-sands -- tar-sands crude oil would remain in the river bottom because it was dredging, further -- dredging would be more environmentally damaging than just leaving it. So the river bed will never be fully cleansed of bitumen.

So a couple of suggestions for improvements to the current draft rule. Define nonfloating oils. There's nonfloating oils is omitted in WAC 173-182-030 Definitions. So the table in WAC 173-182-324(2) I think there needs to be more detail on capability, and that I would assume includes personnel in addition to what I see as a suggested list of response equipment suitable for nonfloating oil spills.

I just want to point out -- and this -- you know, that the capability be for a worse case spill volume as required in WAC 173-182-030(48) and then see also 173-182-030(70c). So, I want to just point out as an example of a section of the current oil spill contingency plan regulations that do provide specificity and give the public assurances that the capability is there to do an effective response.

So in WAC 173-182-522, and this refers to shoreline cleanup operations. The plan holders are required to have contract -- contracted access to 100 trained shoreline cleanup workers and training appropriate for every ten shoreline cleanup workers, one supervisor. And all the appropriate HAZWOPER and ICS courses, all of that. And adequate equipment for passive recovery for three miles of shoreline on three tide lines, and access to clean up mobile storage cache that can support 80 to 100 shoreline cleanup workers with personal protective equipment, hand tools, and other

logistical support for three to five days.

So that kind of specificity I think gives the public assurance that for shoreline cleanup in that section of the regulations that currently exist there is some detail that gives us assurance that the response capacity is going to be available, on scene, and responding to a spill. And in the -- in the table under WAC 173182-324(2) there isn't that specificity and the way I read it is that it's an outline. It's a good outline, but it also appears to be a suggested outline.

There doesn't appear to be language that says you will have these types of equipment and you will have it -- there is no specificity on the quantity and nothing about personnel. In terms of the wildlife response sections, it's great that you're updating that. It definitely is needed. And there is a good start here. But again, there is a lack of specificity. You've got a requirement for a minimum of two wildlife response personnel to arrive within 12 hours and then another seven to arrive within 48 hours. And that's just not enough to deal with all the different wildlife response operations that you've identified.

Again, more specificity to ensure that there is sufficient wildlife response personnel and equipment to perform all the operations that you've identified. And I'll submit this for the record too. Thank you.