

**Washington Conservation Action | Friends of the San Juans |
Washington Physicians for Social Responsibility | San Juan Islanders for Safe Shipping |
San Juan Preservation Trust | Evergreen Islands | Communities for a Healthy Bay |
Citizens for a Clean Harbor**

August 7, 2024

Jason Reichert
Spills Facilities Team Lead
Department of Ecology

Sent via email to Jason.reichert@ecy.wa.gov and Ecology's website comment portal

RE: Vane Line Bunkering- Delivering Vessel Safe and Effective Determination Report public comment

Dear Mr. Reichert,

We appreciate this opportunity to provide comment on the Vane Line Bunkering's Delivering Vessel Safe and Effective Determination Report. This is our first attempt to review and provide input on this type of report after the recent rule making that codified changes to sections in Chapter 173-184-130 WAC.

Overall, the undersigned [#] of organizations that work on environmental and conservation issues in Washington State which include protecting the Salish Sea watershed, wildlife, conservation values, human health, and public safety, feel that the Delivering Vessel Safe and Effective Determination Report for Vane Lines Bunkering meets the requirements of Chapter 173-184-130 WAC. However, upon review of the report we have some observations, comments, and questions.

Safe and Effective Thresholds

It is unclear where exactly Vane Line Bunkering conducts Rate A transfers for both cargo (bunker) delivery and vessel to vessel lightering operations. Under the section “B. Sea State/ Water Current/ Wind Speed” on pages 12-16, the report lists four locations (Seattle Elliott Bay, Port Angeles, Anacortes, and Tacoma Commencement Bay & Quartermaster Harbor) in an attempt to address and meet requirements under WAC 173-184-130 2(c). Further along in the report, on pages 20-23 under section “F. Geographic Considerations in determination of safe booming”, it lists eight different locations with detailed descriptions (Port Angeles Anchorages and city dock, Seattle Harbor and Elliott Bay, Tacoma Harbor and Commencement Bay, Anacortes Terminals & Anchorages, Fidalgo Bay and Padilla Bay, Vendovi anchorage, Port of Olympia, Yukon Harbor anchorage/Manchester, Quartermaster Harbor).

The report should be revised with consistent listings of all the locations where Vane Line Bunkering conducts oil transfer operations.

Furthermore, if section “B. Sea State/ Water Current/ Wind Speed” on pages 12-16 attempts to meet WAC 173-184-130 2(d) then all eight locations need to be included under each threshold value and supported as required:

2(d) The owner or operators must provide a detailed analysis of the proposed threshold values for the transfer location including:

(iii) Supporting data, references, graphs, tables, pictures, and other relevant information. Supporting data must cover multiple years, including data recent enough to reflect existing conditions and collected no more than 10 years from the date of the safe and effective threshold determination report.

As written, Section “B. Sea State/ Water Current/ Wind Speed” appears incomplete with only nominal supporting data that “*must cover multiple years*” for each threshold value. While the report provides supporting historic data at only “the major bunkering locations” for wind speed and direction threshold value, it lacks supporting data, maps, and for the same “major bunkering locations” for Wave Heights and Currents threshold values. For example, there is only one graph for the whole Puget Sound region for Wave Heights (pgs 14-15). There are only two charts for Currents (pg 15-16), Seattle and Tacoma areas. The information about the other 6 “major bunkering locations” is missing.

It is disconcerting that for the Wave Heights value, the report references a surf forecasting website (www.swellinfo.com) that lists three coastal surf spots in Washington- La Push, Westport, and Long Beach. And, it relies on a book that was published 40 years ago, Weather of Western Washington, Lilly (1983) which is three decades out of compliance with WAC 173-184-130 (1)(d)(iii)*including data recent enough to reflect existing conditions and collected no more than 10 years from the date of the safe and effective threshold determination report.*

It appears that the hyperlink to “Surf forecast and sea conditions in Puget Sound (WA)” was not included nor was there information about the source for the information. An internet search did come up with NOAA’s National Data Buoy Center (<https://www.ndbc.noaa.gov/data/Forecasts/FZUS56.KSEW.html>), yet while it provides daily forecasts for inland waters of western Washington and the northern and central Washington coastal waters including the Olympic Coast National Marine Sanctuary, further investigation to find historical data for the past three years could be useful. Similarly, historical data may be derived from the NOAA document 1670 DS1 Tidal Current Charts of Puget Sound Northern Part (for Seattle) and Southern Part (for Tacoma) that is referenced under Currents section.

Another source of information provided and listed by Vane was the Puget Sound Partnership report on Puget Sound Marine Waters 2022 (www.psp.wa.gov/PSmarinewatersoverview.php) under “IV. Other sources of meteorological information”. It is unclear what and how the information from the 2022 report was used as only the description of the report, which is verbatim from Puget Sound Partnership’s website (www.psp.wa.gov/PSmarinewatersoverview.php), was included:

It covers areas such as climate and weather, river inputs, seawater temperature, salinity, nutrients, dissolved oxygen, ocean acidification, phytoplankton, biotoxins, bacteria and pathogens, shellfish resources, and more.

This report should be revised with the specific sources for the sea state, water current, and wind speed data for each of the locations where Vane Line Bunkering conducts oil transfer operations.

Alternative Measure Requirements

The underlined and italicized language below is troubling since it downplays requirements in WAC 173-184-115 Section 9 (c) , (d), and (e) that specifically outlines Rate A alternative measures and the time frames to meet prebooming requirements when it is not safe and effective. This paragraph is saying that the boom team prioritizes response above prevention and contradicts Department of Ecology’s mantra and goal to prevent oil spills in the first place with a zero spills strategy:

“In the event it is unsafe to boom, alternative measures as outlined in WAC 173-184-115 must be carried out regarding standby personnel and equipment immediately available. Even if the boom has not been predeployed due to concerns for safety and effectiveness, the equipment and the personnel are still prepositioned in the immediate geographic area to contain the spill and respond if a release were to occur. Additionally, Vane is contracted with numerous Oil Spill Response Organizations (OSROs) that have suitable boom, recovery equipment, storage capability and personnel to meet federal and state planning standards for spill response. During

an actual release, the boom team will place more emphasis on responding since mitigating the consequences of environmental damage may override the additional risk to their personal safety when considering the risk/benefit analysis. Crews have more incentive to conduct an actual response during adverse weather conditions as compared to simply conducting prebooming. In the event of extreme weather conditions where the U.S. Coast Guard COTP has restricted vessel movement, the responders will consult with the Unified Command to determine appropriate response mobilization."

To be truly proactive in preventing oil spills and meeting Ecology's goal of zero spills, if weather conditions are so bad that the US Coast Guard restricts vessel movements, then oil transfers should be prohibited as well until it is safe to do so. We recommend that the last sentence in the above paragraph be rewritten to say, "In the event of extreme weather conditions where the U.S. Coast Guard COTP has restricted vessel movement, oil transfer operations should be prohibited."

It is unclear whether this report describes **how** the alternative measures will be met under WAC 173-184-130 2(j) *Description of how alternative measures will be met in the event of a spill if conditions exceed safe and effective values, including transit to the transfer location and deployment.* The only indications are statements that "Vane will meet Alternative Measure Requirements" and rely on booming contractors (Global Diving and NRC/Republic) who "are familiar with additional requirements and will have all the required equipment on standby during these transfers" and "the equipment and the personnel are still prepositioned in the immediate geographic area..."

Section 4.0 Safe and Effective Threshold

The table provided in the report on page 9 is slightly inconsistent with the Rate A prebooming requirements published in WAC 173-184-115 2(c). The Safe and Effective Threshold for water current velocity is listed as .5-3.0 knots while the Impact Threshold is listed as >1 knot. WAC 173-184-115 2(c) (iii) states that "the deliverer must use the following safe and effective threshold values for water current velocity of 1.5 knots or greater". So why is Vane providing the high value of 3.0 knots as Safe and Effective Threshold Value?

A few editorial observations:

1. On page 16, there is a reference to an example of a document the Vane Port Captain sends out daily to transfer locations, "An example of this is attached in Appendix A item 8". It should be Appendix A item 6.

2. On page 15, the third sentence of the paragraph about the wave period needs an edit. Currently, it reads “It could also impact splash over during shorter period waves.....”. Should it be written as “It could also impact splash over during shorter wave periods.....”

Thank you again.

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