INTEGRITY ENVIRONMENTAL LLC

December 10, 2019

OIL DISCHARGE PREVENTION AND CONTINGENCY PLAN PUBLIC SCOPING

Public comment provided by Shannon Oelkers of Integrity Environmental LLC

18 AAC 75.405-420, 445, 455

The length of time for review of new and existing plans is excessive. Our firm averages 240 days for renewals of existing plans, with NO major changes to the plan contents. This average is based on renewing nine ODPCP in 18 months from 2017-2019. Many plan renewals take longer, especially if not being managed by a professional firm.

18 AAC 75.425 (e) plan contents

(1) Part 1 - Response Action Plan

(E) Deployment Strategies

Much of the contents of this section are covered by the Alaska STAR Manual. Current practice by ADEC reviewers is to require regurgitation of the manual contents and to include full hyperlinks to the actual manual sections, and fully referencing the STAR Manual in the bibliography for the plan.

We propose that this adds hours to both review and plan writing and does not add much actual value. A proposed solution would be to allow reference to the STAR Manual and the specific tactics required for the spill response scenario without regurgitating the Manual contents. It's a modern era and the STAR Manual can be easily accessed online for training and in the event of an emergency.

(F) Response Scenario

Comment #1: Currently, regulation makes no differentiation between primary and secondary spill response. Primary spill response (or initial response actions) are performed by the Plan Holder, and typically end in four to twenty-four hours depending on the remoteness of the facility. Secondary spill response actions are performed by contracted response through PRAC/OSRO companies. These actions begin where primary response ends and while Plan Holder personnel may continue to assist in spill response, they are no longer leading the response.

This creates the situation where plan writers are writing two days of theoretical response planning to demonstrate response actions and resources that are entirely contracted. This is an excessive amount of work and cost to the Plan Holder.

A proposed solution would be to adjust spill response for primary and secondary response actions. In-depth response planning for the initial response would still be the responsibility of the plan holder. For secondary response actions a listing of resources and deployment timelines

without the in-depth response scenario hypotheticals would provide the same information (verifying that there are enough contracted resources) without requiring plan writers to waste time writing scenarios for PRAC/OSRO responders that will not likely be utilized in an actual spill situation.

Comment #2: Current ADEC review requires spill response planning to account for and store all oily water generated during a spill response. This is not practicable, and in a real spill situation there are permits to allow decanting of oily water to avoid overwhelming limited contingency storage.

Regulation requires the storage of oil and oily wastes, and ADEC has chosen to interpret this to include decanted water. This interpretation was not present prior to 2017, and was put into practice from the December 2016 issuance of the "Plan Review Guidance Document" and a follow up December 2018 guidance document "ODPCP Procedures for Plans that Contain Decanting Operations".

This interpretation, along with the skimmer assumptions from the December 2017 guidance document "Skimmer System Derating for Contingency Planning: A Guide for Plan Holders" creates an imaginary situation in which skimmers are sucking in 80% water and 20% fuel. Then plan holders are held accountable for providing temporary or contingency storage for all recovered liquids.

This is a tower of assumptions that results in requiring plan holders to prepare for something that could never possibly occur in reality. If a skimmer was somehow sucking 80% water in real life the operator would adjust it, not continue operating it this way for 72 hours. Many skimmers, if they are the oleophilic type, are physically incapable of recovering excess water. The original 20% capacity reduction derating (as issued by the USCG) was to accommodate down time for maintenance, replacement of discharge storage, etc.

If there was a situation where the oil and oily water recovered were overwhelming the available temporary storage, the SOSC has the authority to allow for decanting. We understand that it's not an automatic or 'pre-approved' allowance, however, this situation is something that plan holders and reviewers prior to 2017 were able to address in a thoughtful and reasonable manner.

A proposed solution would be to requires a specific percentage of the on-water Response Planning Standard be met with on-site and contracted contingency storage. This would allow equal and fair application to all plan holders, and avoid over-emphasis on contingency storage when recovery, protection, and control may be better response options to protect the environment.

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(2) Part 2 – Prevention Plan

(E) Discharge Detection

Current review practice by ADEC is to use this section to justify a full engineering review of all existing tanks, at every renewal period. Our firm has found this engineering review to be inconsistent, and frequently in disagreement with third party engineering reporting.

We frequently describe this situation as similar to a review of your health insurance claim by a doctor retained by the insurance company (that has never seen you or treated you) reviewing your health claims and denying the recommendations of the doctor who did see and treat you.

We respectfully request consistency, and the avoidance of repeat reviews at every renewal period, especially when the tank, and the regulations have not changed.

(F) Waivers

We recommend removing this section, as waivers or other conditions are now typically issued as conditions of approval at renewal.

(3) Part 3 – Supplemental Information

(C) Command System

This entire section could be addressed with available FEMA and USCG training in ICS. Current review practice is to require a full listing of job duties for each key command position, and to include copies of all ICS forms. Again, in this technical era, all of these are widely available and referencing them in the plan with a hyperlink should be sufficient.

(F) Response Equipment

Current review practice requires MOA's or MOU's to be in place for key equipment. Our firm supports this. However, what is defined as key equipment is frequently debated, and our firm has been asked to obtain MOA's for vac trucks, aerial surveys, backhoes, and other items readily available in the communities commercially. We feel this is excessive and the MOA's should be required using common sense, and reserved for key equipment or personnel that is limited in a community.

(J) Protection of Environmentally Sensitive Areas

Current review practice requires excessive linking to the Sub Area plans –their recent updates, reorganization, and web presence have been highly inconsistent. This costs our clients hundreds of dollars every time we are required to update/adjust the links to accommodate the new

configuration. Our proposal is to create one main page link that does not change frequently and allow reference to that link, rather than dozens of specific links that frequently change.

(4) Part 4 – Best Available Technology Review

We recommend removing this section. While it made sense in 1992, the regulations have changed to require the best available technology and to adhere to generally accepted engineering standards and principles in all key areas of bulk fuel storage. This section no longer serves a useful purpose but costs the plan holder to review and renew.