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Please see attached file for comments.

Comments:

Alaska's Oil Spill Regulations 18 AAC 75 - Article 4 and Alaska State Statute 46.04, Oil and Hazardous Substance Pollution Control

Introduction:

I would urge you to widen your scope of concern with this effort to address revisions on oil spill prevention and response regulations and statutes. I would ask you to consider not only "businesses", but also the people who live in Alaska and the high value we place on keeping our environment and natural resources, managed and protected for ourselves and future generations.

I am a longtime resident, and have lived in rural and urban centers throughout Alaska. Please pause and reflect upon the importance of preparedness and resiliency, two approaches that have been a foundation of everything Alaskan. We and our ancestors have dealt with inclement weather, accidents, storms, a history of boom and bust extraction of our minerals, natural disasters, earthquakes and remoteness. Shortsightedness and cutting corners, has not served us as well as longterm vision and contingency planning.

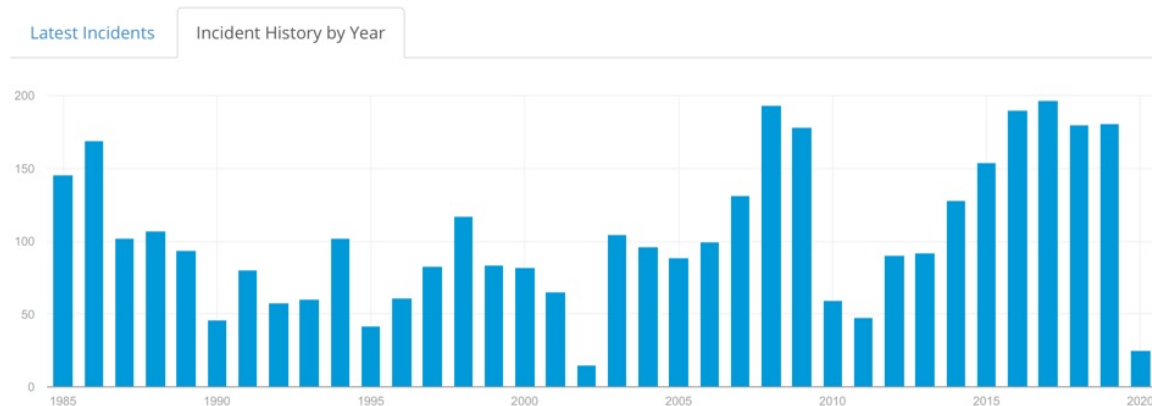
"Poor planning on your part does not necessitate an emergency on mine." A well used quote by Bob Carter, fits into this discussion. Could our "emergencies," "accidents" and "incidents" be prevented with appropriate planning and engineering or do we still have situations to unexpected to have a contingency plan in place? In Alaska, we have always planned for the unexpected, and we continue to be humbled by Mother Nature. I urge the DEC not be be rash in cutting regulations and rushing the process of evaluating the risks. Please increase the funding for DEC so adequate scientific and engineering reviews can be conducted on current and future permits. Strengthen, not weaken the regulations to address our risks of spilled oil, resulting from a breach of a containment device.

I appreciate the fact that you are looking at revising the regulations. With the concerns regarding uncertainties of climate change and changing weather patterns we are bound to see some more challenging situations develop soon. Oil wells and pads may become unstable with the melting of permafrost, ships encountering new weather patterns and storms may result in increased occurrences of sinking, grounding and discharging.

Some may have forgotten the Exxon Valdez spill, I have not. Recent spills may not be as newsworthy, but they are still occurring. According to NOAA, that keeps an inventory of oil spill incidents, there were 137 oil spills in 2018, which equates to about 11 per month (Figure 1- NOAA Incident News). The following chart from NOAA's website, shows the rate of spills from 1985-2020, is increasing.

Welcome to IncidentNews

This site has news, photos, and other information about selected oil spills (and other incidents) where NOAA's Office of Response and Restoration (OR&R) provided scientific support for the incident response. It contains information on thousands of historical incidents spanning 30 years of OR&R spill response. Please contact us if you have any questions.



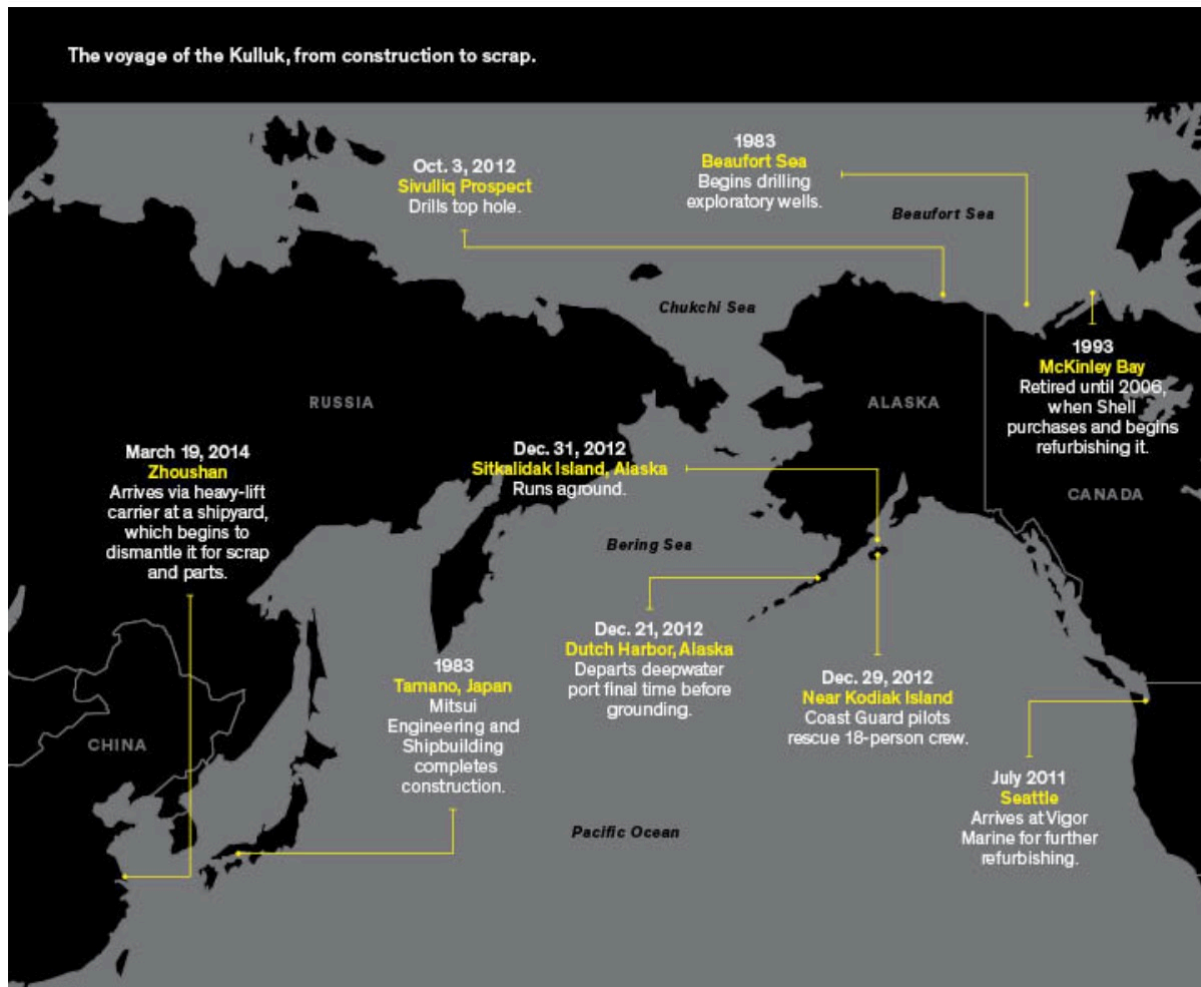
In 2004, one of Taylor Energy's Rigs in the Gulf of Mexico was damaged in Hurricane Ivan and it is estimated that it may continue to leak for 100 years.

In 2006, the largest oil spill to occur on the tundra of Alaska's North Slope deposited up to 267,000 gallons of thick crude oil over two acres in the Prudhoe Bay production facilities, and went undetected for days.

The Deep Water Horizon Incident, on April 20, 2010 was a fine example of trusting that the industry was honest and capable of addressing the risks of their operation. It was later shown that they were unprepared and did not even have the ability, nor the equipment on hand to conduct remedial actions.

I would strongly urge the DEC to improve and bolster the language in the regulations relating to off shore spills. In 2012, The Noble Discoverer Oil Rig was grounded. Later in its journey it was found to have illegally discharged oily waste water into the sea. Noble Drilling pleaded guilty to 8 felony charges and agreed to \$12.2 million in fines and community-service payments.

The Kulluck escapades in 2012, were another example of what can and did go wrong (Figure 2 - The voyage of the Kulluk, from construction to scrap). Many unplanned events, attributed to



both natural occurrences and mechanical failures led to a rescue operation and its eventual demise in a scrap yard in China.

In 2018, in Scammon Bay, an oil storage container failed releasing up to 7,000 gallons of gasoline.

The Alaska oil pipeline is aging and there will be uncertainties about its stability with permafrost melting and stream banks eroding. Have the effects of climate change been factored into the maintenance and potential failure points which may be increasing as the ground it has been built on, is and will be experiencing changes that were not factored into the original engineering designs? These revised regulations should factor in climate change projections on statewide oil infrastructure, and address remediation plans that would be necessary in the event of a spill or failure.

As the sea level changes, and permafrost melts, many villages throughout Alaska are dealing with erosion of embankments and even destruction of current communities. Due to the fact that much of our fuel is transported and stored near these eroding embankments, there will most likely be more “spill incidents” in coming years. Alaska needs additional funding and

regulations to help protect our environment and assist these communities in the remediation actions they will need to undertake, to get out ahead of containment failure.

As climate change melts the ice in the Arctic Ocean and oil companies move their exploration into these waters, there are few safeguards in place to respond to incidents that may or should we say eventually, will occur. If you DO NOT hold the operators to high standards of planning, operation and liability, then who will pick up that role and the tab? What safeguards must the oil industry provide to have response vessels available to quickly respond to spills?

According to a Report to Congress on Coast Guard Polar Security Cutter, dated May 9, 2019, “the operational U.S. polar icebreaking fleet currently consists of one heavy polar icebreaker, Polar Star, and one medium polar icebreaker, Healy. In addition to the Polar Star, the Coast Guard has a second heavy polar icebreaker, Polar Sea. Polar Sea, however, suffered an engine casualty in June 2010 and has been nonoperational since then. They both entered service in 1967 and 1978 and are now well beyond their originally intended 30 year service lives. The Polar Sea is now being used for spare parts for keeping the Polar Star operational.”

“The Coast Guard Polar Security Cutter (PSC) program is a program to acquire three new heavy polar icebreakers, to be followed years from now by the acquisition of up to three new medium polar icebreakers....The first PSC is scheduled to begin construction in 2021 and to be delivered in 2024.”

This does not support an argument that regulatory safeguards should be relaxed and made less “onerous and burdensome.” The costs of spill prevention and remediation response should be a part of doing business in Alaska. We all know the costs are not a hardship to the oil industry, as they will be passed along to the consumers as higher priced oil. If the shortcuts are justified for “saving” money, then the State should present scientific and economic data on how those “savings” compare to the costs of cleanups, loss of revenue to fishing industries and tourism (two of Alaska’s biggest revenue generating industries), the livelihood of Alaskans that depend upon the resources that could be impacted by oil spills, and the loss of natural resources which are valued by all Alaskans.

In conclusion, another favorite saying of most Alaskans is: “An ounce of prevention is worth a pound of cure.” Please beef up the regulations to address current and future concerns on oil spill prevention and response. The Corona Virus may be providing us with an important lesson for our upcoming challenge of climate change, if we don’t plan ahead it’ll end up costing us more in the end.