



Jason Brune, Commissioner

Alaska Department of Environmental Conservation

Division of Spill Prevention and Response

555 Cordova St., Anchorage, AK 99501

January 31, 2022

Re: NOTICE OF PROPOSED CHANGES TO OIL POLLUTION PREVENTION
REQUIREMENTS

Mr. Brune,

The department proposes to adopt by reference the “*Oil Spill Response Exercise Manual-A Guide for Planning, Conducting, and Evaluation Exercises*”, (*Exercise Manual*) Draft Version-October 27,2021 to formulate and establish a discharge exercise program in Alaska for entities regulated under 18 AAC 75. The program as described in the Exercise Manual is designed to comply with HSEEP requirements, which are typically applied to community led emergency response by entities such as the Federal Emergency Response Agency (FEMA). The resulting guidance as proposed will have significant impacts to Alaska’s bulk fuel storage and handling industry.

Without clear objectives on desired outcomes, this proposed Exercise Manual will be difficult, if not impossible for the State of Alaska and Industry to comply with.

Challenges to Implementation of the Exercise Manual

Items from the proposed Exercise Manual that are overly burdensome include:

- An onerous twelve month planning period for each full scale drill exercise.
 - For on-shore facility based plan holders with multiple facilities within the State of Alaska, this could result in several full scale drill exercise events each year involving the highest levels of the plan holders management team.
 - For example, a Company that owns 17 bulk fuel facilities throughout the State of Alaska would be required to perform approximately 3-4 full scale drills per year to successfully perform the full drill exercise described in the Exercise Methods section of the Exercise Manual and meet the requirements for a ‘Full Scale Exercise’. Considering that the IMT for this Company would likely involve the same executive management group, and the twelve month planning period, this

- means all of the drills would have overlap and be planning for and/or running at the same time.
- A twelve month planning window is an excessive timeframe, especially given that drills are often performed in specific seasons to avoid poor weather – which often coincide with the busiest fuel transport times of the year.
 - There is potential for conflict with drill exercises impacting a companies ability to provide fuel to rural communities.
 - This Exercise Manual does not provide any limitations to the scope of an exercise and does not define terms such as “well in advance”, "significantly deficient" and "inadequate" which allows for great inconsistency in the application of the evaluation process.
 - The discharge exercise process and scope should be clearly defined to ensure the same outcomes for each plan holder.
 - ADEC pre-approval and participation in all other drill exercise elements is required.
 - ADEC currently struggles to review ODPCP renewals within the established 240 days at its current staffing level.
 - Adding ADEC pre-approval and participation will create a bottleneck of drill exercise approvals and participation by ADEC that will delay plan holders ability to meet the requirements of the proposed Exercise Manual in a timely manner.
 - Scheduling drill exercise components around ADEC’s availability on a state wide calendar will be problematic.
 - Alaska’s weather creates seasonality to worst case drill response exercises (where the summer season has the highest risk to environmental damage) and this would create competition for prime drill exercise times between plan holders for limited ADEC staff resources. This must also be managed around ODPCP renewal and amendment activities with the same staff resources.
 - The proposed Exercise Manual allows non-Prevention and Preparedness staff from the State of Alaska to participate in evaluation of drill performance, without detailing the training or experience that staff member must have to provide adequate feedback or evaluation for sufficiency.
 - This presents an unfair situation for plan holders as they could potentially be evaluated and determined to be sufficient or insufficient by State of Alaska employees that are not guaranteed to have relevant training or industry experience or knowledge.
 - The Exercise Manual does not address how other State of Alaska employees will be chosen, nor does it limit their ability to hold any position within the drill exercise incident management chart.
 - By adopting the proposed Exercise Manual into regulation without specifying an edition or version, this removes the ability for public comment on any future changes to the Exercise Manual.
 - Public comment is essential to establishing guidance that includes balanced input from ALL stakeholders and allows for all areas of expertise to be represented.

- Although the number of State staff and their roles can expand or contract based on the type of exercise, what's proposed to determine whether an ODPCP spill response scenario is adequate is excessive.
 - The ODPCP Reviewer, Exercise Planner, Exercise Evaluator, and Improvement Planner as described are essentially the same ADEC staff person for most plan holders.
 - During a full drill exercise, the State of Alaska must fill up to 16 observer, participant, and incident command roles. (Figure 1, Exercise Manual)
 - The SPAR division currently has approximately 60 employees that are already tasked with active spill response, ODPCP plan review, and facility inspections. ADEC does not have the trained staffing available to fill all these individual roles for all 362 currently active plans.

ODPCP holders need to maintain flexibility about how exercises are planned, designed, and implemented to best utilize their resources. They should not be subjected to the HSEEP planning, design, and evaluation process when they are already subject to the PREP process and requirements. I recommend that ADEC continue to recognize and formally adopt into regulation the nationally recognized PREP guidelines since the program is consistently applied throughout the industry both in Alaska in the United States and has clear objectives and definitions already in place.

Suggested Additions

If this Exercise Manual is not withdrawn, I have the following suggestions that I feel would increase the ability of the State and Industry to comply with the intent of the Exercise Manual.

- Add the ability for regional or area-wide drill exercises to allow plan holders in the same cities or regions to choose to pool resources and consolidate planning efforts.
- Allow alternatives for plan holders with multiple facilities and a centralized Incident Management Team that would allow for a reasonable level of drilling at the IMT level without the onerous burden of performing in a full scale exercise multiple times per year.
- Allow 'credit' for actual spill events to be used to meet some exercise components, which is in line with PREP allowances.
- Clearly define the terms 'inadequate' and 'significantly deficient'
- Clearly define what 'corrective actions' will encompass if a plan holder is determined to be inadequate or significantly deficient.
- Clearly define the outcomes plan holders will be expected to meet in each area of the ODPCP spill plan scenario. Leaving it to be developed during each drill component will create great inconsistency in application, and does not allow Industry to anticipate or plan for expected outcomes ahead of time.
- Clearly define what role PRAC/OSRO contractors are expected to perform to meet defined outcomes. The Exercise Manual prohibits 'discussion-based exercises' however

there are many components of a drill exercise that are impractical and costly if not deployed for an actual event.

- Physically moving people or equipment to remote locations may also temporarily hinder a PRAC/OSRO groups ability to response region-wide.
- If it is the State's intent to determine these details during the exercise planning process, please address how the State will ensure consistency of application across all regions and control costs.
- How will the perceived value to the drill exercise be evaluated as compared to cost to the host plan holder? For example mobilizing ten trained PRAC spill responders to Juneau would be significantly less expensive than mobilizing ten trained PRAC spill responders to Saint Paul Island.
- Add a public review component to any future amendments to the Exercise Manual.
- Add a description of the training and knowledge State of Alaska employees must have to hold specific roles to evaluate or participate in drills.
- Add several ADEC positions per region to allow for the increased workload.
- Several components of the drill exercise planning require an experienced facilitator, specifically during the drill and during evaluation and conclusion of the drill. Define what 'experienced' means and/or select a State of Alaska approved certification course for the 'Facilitator' position.

Thank you for this opportunity to comment on the proposed changes. We look forward to working with the Department of Environmental Conservation to establish a fair and equitable spill response exercise program for all ODPCP holders we represent.



Shannon E. Oelkers, Principal Consultant

Integrity Environmental LLC