



Citizens for a
Healthy
Bay

535 Dock Street
Suite 213
Tacoma, WA 98402
Phone (253) 383-2429
Fax (253) 383-2446
chb@healthybay.org
www.healthybay.org

February 15, 2018

Sabrina Floudaras
WA State Dept. of Ecology- Spills Program
PO Box 47600
Olympia, WA 98504-7600
sabrina.floudaras@ecy.wa.gov

Re: Comments on updated U.S. Oil & Refining Co. McChord Pipeline Co. Oil Spill Contingency Plan – Pipeline

Executive Director
Melissa Malott

Dear Ms. Floudaras,

Thank you for providing the opportunity to review and comment on the revised U.S. Oil & Refining Co. McChord Pipeline Co. oil spill contingency plan.

Board of Directors

Jeff Barney
Brice Boland
Sherrie Duncan
Bryan Flint
Jerry Hallman
Charles Joy
Kelly McCord
Marco Pinchot
Angie Thomson
Sheri Tonn

Citizens for a Healthy Bay (CHB) is a 28-year-old organization whose mission is to represent and engage people in the cleanup, restoration and protection of Commencement Bay, its surrounding waters and natural habitat. We are a 501(c)3 nonprofit providing practical, solutions-based environmental leadership in the Puget Sound area. We work side-by-side with local citizens, businesses and governments to prevent water pollution and make our community more sustainable.

Staff and expert members of CHB's Policy and Technical Advisory Committee have reviewed the updated U.S. Oil & Refining Co. McChord Pipeline Co. oil spill contingency plan ("the plan" or "the C-Plan.")

Background:

In October 2016, the Washington State Department of Ecology (Ecology) adopted updates to the oil spill contingency rule, Chapter 173-182 WAC. This update included updating pipeline planning standards analysis, new air monitoring planning standards, and updated descriptions of response zones and worst-case discharge calculations.

U.S. Oil has provided Ecology with a revised version of their existing C-Plan to attempt to bring their planning standards up to compliance with the new rules. A consistently

updated and well-reviewed contingency plan helps to protect the surrounding environment and all consequent externalities such as detriment to the economic vitality of the region. The negative impacts can be significantly reduced if contingency is planned for efficient response and action time frames. For immediate response, key portions of a strong C-Plan include updated and extensive call-down lists with company personnel and relevant outside agencies, proven exceedance in equipment requirements, and intuitive documentation forms.

Comments:

CHB is profoundly concerned with the threat inherent in oil being transported by rail, vessel and pipeline in the state of Washington. A pipeline leak and resulting oil spill could destroy the quality of life and livelihoods of the nearby communities. A spill would also have devastating and irreplaceable impacts on our land and waterways, damaging sensitive habitats and harming wildlife, including birds, game, fish, shellfish and other aquatic life. The best contingency plan is always prevention. CHB's concerns with the proposed draft, organized by section of WAC 173-182, are outlined below.

1. WAC 173-182-250: Initial response actions

While the initial response actions in the event of an oil spill are outlined in the draft plan, there are several vague areas that require clarification in the final plan. The first is how often "periodic" is related to trainings or meetings with City of Tacoma responding personnel. CHB requests the final plan clarifies exactly how often these meetings take place, which should be monthly, and if they are mandatory at every level in the response protocol.

Secondly, the final plan should clarify how often the company's equipment is inspected and, specifically, what equipment will be used in situations of darkness or low visibility, as required by WAC 173-182-250. Finally, CHB requests more information in the final plan regarding equipment availability from the WSPA mutual aid group that is readily available in the event of an oil spill and specificity regarding the type and timeliness of equipment that will be provided.

2. WAC 173-182- 260: Notification and call-out procedures:

Prompt notification is necessary to effectively respond to a spill. We are not confident that the current plan imposes appropriate urgency in spill notification, potentially causing delay and inefficiency in spill response. There must be more information regarding the prioritization and authority of the entities listed on the call-down list. Though extensive, the list lacks quick information that the first responders may deem important in determining call priority.

The call-down list should, on the first page, include the information for a variety of resources, not just those pertaining to the internal organization, such as governmental agencies, response contractors, local environmental groups, and wildlife response partners. The quicker a diverse pool of responders are notified, the richer the acting resources will be. We request that CHB is added to the list of relevant organizations to be contacted in the event of an oil spill. We retain valuable resources, such as a patrol vessel with oil spill response equipment, to be able to assist

in a timely response to the projected impacts of an oil spill incident in and around Commencement Bay.

3. *WAC 173-182- 270: Maintenance records for response equipment*

A portion of the revised draft is Section 9.2 of the ICS 208 Health and Safety Manual.¹ In this section, U.S. Oil has indicated how equipment will be decontaminated after an oil spill incident. It is required to provide information about developed schedules, methods, and procedures for equipment maintenance.² The draft revision merely adds two lines that state it will be cleaned and gives a vague location for cleaning. This is not acceptable. We request a more detailed process outline for the cleaning of equipment used during an oil spill cleanup that includes: products used, cleaning equipment used, and personnel designated to oversee the proper clean up and disposal of runoff after the fact. Improper cleaning of equipment can further the detriment caused by an oil spill, perpetuating the cycle of oil in the environment. The information provided in the draft plan is not sufficient and, therefore, we cannot be confident in a comprehensive and efficient oil spill cleanup process.

4. *WAC 173-182-535: Pipeline planning standards for air monitoring to protect oil spill responders and the public*

One of the key updates made to the U.S. Oil C-Plan is the addition of Section 9.2 Pipeline Air Monitoring Standards.³ The final plan should contain more information about the measures taken to ensure the safety of the first responder(s) that conduct the first evaluation on-site. These responders are taking a tremendous risk being first on-the-scene and the equipment they are using to protect themselves should be included among the other details of the Initial Site Assessment in the final plan.

The specifications for testing equipment in the draft C-Plan are not detailed enough to meet the requirements in WAC 173-182-250. It should be noted what is considered a normal maintenance time interval for the multi-gas meters and provide a definition of “as required.” CHB is also concerned that after the specific multi-gas meter brand and model mentioned in the C-Plan is noted, U.S. Oil also mentions that “other equivalent gas detections systems may be used.”⁴ We want to know what the equivalent models are that can be used and why alternative meters would need to be used. Are there concerns by U.S. Oil with the availability of the designated meters or with the reliability of the technology in the equipment? We request more clarity about these specifics.

The C-Plan also requires further detail for the data management protocol. CHB would like the term “timely manner” to be clarified as specific time intervals between air monitoring and transference of data to unified commander. In the incidence of an oil spill with harmful air quality

¹ “Oil Spill Contingency Plan (draft): U.S. Oil and Refining Co. and McCord Pipeline Co.” Revision X. Page 209.

² WAC 173-182-535.

³ “Oil Spill Contingency Plan (draft): U.S. Oil and Refining Co. and McCord Pipeline Co.” Revision X. Pages 102-106.

⁴ “Oil Spill Contingency Plan (draft): U.S. Oil and Refining Co. and McCord Pipeline Co.” Revision X. Page 201.

impacts, timing is crucial to ensuring no one is in the immediate range of danger that may result in illness or death.

CHB also suggests the addition of a full timeline for the air monitoring process that details when air monitoring begins, what personnel based on title are called to the scene, how long air monitoring occurs based on the status of the spill, and how often reporting is done back from the air monitors to the unified commander. Additionally, we request that a template of the Air Monitoring Data Collection Form that the oil spill responders will use in recording the status of airborne chemical contaminants is added as an appendix to the final C-Plan.

5. WAC 173-182 Section 900: Recordkeeping

Recordkeeping is crucial to ensuring that all parties involved during an oil spill incident are held accountable for the response actions or lack thereof that they took in responding to a spill.

The documentation forms that U.S. Oil has provided are not sufficient in ensuring the first responders adequately document all pertinent information.⁵ It appears that U.S. Oil has only included outdated forms, not revised since June 2013. CHB requests that the forms are updated by restructuring the flow of information so that specific details about the oil spill incident are clearly stated as expectations of the recordkeeper. The forms lack any guidance to the recordkeeper as to what information should be written or, if not immediately known, sought out during an incident. The documentation should also include clear areas for correspondence with anyone called from the re-prioritized, per our recommendation, call-down list, or otherwise. The current form for this process is inadequate as it is unorganized and does not clearly ask for necessary details about the nature and actions required from emergency correspondence.

Overall, the revisions that include recordkeeping documentation for spill response do not demonstrate a level of preparedness that confirms effective communication of spill events. If U.S. Oil does not have the capacity to record spill events in a clear and detailed manner, spill assessment and response will be slowed, and potentially, less ineffective.

Conclusion

We must take the necessary precautions now by requiring U.S. Oil and other oil transport companies to comply with the law and by ensuring the safest possible transport of oil through our communities and natural spaces by preparing to respond to the maximum extent practicable to a worst-case spill. Due to the predicted increase in the volume of oil headed to Tacoma facilities via pipeline, we strongly urge Ecology to require the changes outline above. The current draft presented by U.S. Oil & Refining Co. McChord Pipeline Co. is not sufficient in ensuring response time and manner are efficient and maximally effective under Chapter 173-182 WAC Oil Spill Contingency Plan- Pipeline.

⁵ "Oil Spill Contingency Plan (draft): U.S. Oil and Refining Co. and McCord Pipeline Co." Revision X. Pages 268-271.

Please contact me if there are questions regarding my comments. Thank you for the opportunity to provide feedback on the proposed revisions made to U.S. Oil & Refining Co. McChord Pipeline Co. Oil Spill Contingency Plan- Pipeline.

Sincerely,

A handwritten signature in black ink that reads "Melissa Malott". The signature is written in a cursive, flowing style.

Melissa Malott
Executive Director, Citizens for a Healthy Bay
mmalott@healthybay.org, (253) 383-2429