

AOSC  
0175  
V.2

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

ALASKA OIL SPILL COMMISSION

DECEMBER 5, 1989

ANCHORAGE, ALASKA

OIL SPILL COMMISSION MEMBERS

Walter B. Parker, Chairman  
Esther C. Wunnicke, Vice-Chairman  
Margaret J. Hayes  
Michael J. Herz  
John Sund  
Timoth Wallis  
Edward Wenk, Jr.

VOLUME II OF II

1 it stops this from being one of 15 duties that is given to  
2 somebody and who therefore gives that duty a very low  
3 priority. So you're raising safety -- the consciousness of  
4 safety within the administration -- I mean, sometimes that  
5 safety officer is damn useless. But you've got one. He  
6 doesn't do anything but that and he, furthermore, he can  
7 knock on the door of the president or he has to -- he's  
8 required to give a report to the president on the safety of  
9 that company.

10 I think our experience with the carriers that have  
11 come up is that they do not have an independent accounting  
12 for the security and safety of their system, so that  
13 they're mixed in with other duties all the way up and down  
14 the scale.

15 MR. SUND: Indirectly I think we're trying to do  
16 that with the State, also. That's the trouble we've been  
17 having in trying to identify where in the State's priority  
18 of things should this safety, or preventiveness or concern  
19 be. And we wrestled with should we establish a separate  
20 entity dealing with response, dealing prevention, or do we  
21 roll it into existing entities and assign similar duties to  
22 it, but I just wanted to kind of point out that we weren't  
23 really, in my mind, able to handle that with the State, and  
24 it's the same problem over here.

25 You're trying to avoid the ringing telephone

1 syndrome that, you know, envelops everybody that instead  
2 paying attention to preventing this or being ready to  
3 respond you, you know, it's answer that phone, you know.  
4 That's more important than worrying about the rest of the  
5 issues. I don't necessarily disagree with it, I just think  
6 it's a pretty difficult task.

7  
8 MR. WALLIS: It's always easier to tell someone to  
9 do something than do it yourself. Mr. Chairman, if I will,  
10 if we were to adopt this I'd recommend -- or suggest, I  
11 should say -- that other than it being a sole duty I think,  
12 you know -- that it should at least be his primary duty.

13 MR. SUND: Well, I think the problem we run -- I think  
14 this came out of the Alyeska experience where they were  
15 supposed to have a response -- I know we're still under  
16 prevention, but it was under the response issue that  
17 response was everybody else's second or third respon-  
18 sibility. They were full-time employees and the response  
19 corps, the people who were supposed to be there and all  
20 that stuff, had been done away with a couple, three, four  
21 years ago or longer, and they just assimilated into their  
22 existing duties and did nothing about it. So that seems  
23 where this is directed and just move that over to the  
24 prevention side.....

25 MR. WALLIS: Well, I guess my point being that if  
he has other duties and -- but this being his primary

1 duties -- then I think he contributes to the company rather  
2 than just being a pain in the ass.

3 MR. PARKER: Well, during construction days  
4 Alyeska operated in a very large structure of this type and  
5 there's no particular reason why it should be anathetical  
6 (sic) to the same corporate philosophy that existed then to  
7 maintain it during the operational period.

8 MR. HERZ: My problem with this is that the intent  
9 is fine, it's just that it is -- we're addressing a  
10 concept, and particularly drawing on what Mike said this  
11 morning, I don't understand the intent. Are we creating a  
12 person who is gonna be charged with doing a safety audit of  
13 the company, and is he gonna be charged with filing an  
14 annual safety report that's like -- number of near-misses  
15 and so on that we're asking the Coast Guard or whoever to  
16 do, or -- I don't have a sense of what the duties are that  
17 -- conceptually it's nice, it's motherhood and apple pie,  
18 we're trying to get the companies to be more responsible  
19 and run a safer operation, but we're not being explicit  
20 enough -- we're not charging anybody with anything.

21 MR. PARKER: The duties are to ensure that the  
22 contingency plan for the system that is accepted is totally  
23 operational at all times. That there is boom at Yukon  
24 Crossing adequate to ensure that whatever happens in the  
25 contingency plan that'll do the job.

1 MR. SUND: I have a simple question.  
2 MR. PARKER: Commissioner.  
3 MR. SUND: How many times do you think the EC  
4 should inspect the Alyeska Terminal in a year? Once a  
5 month, once a week, once a quarter, four times a year?  
6 MS. WUNNICKE: (Holding up four fingers) Uh huh.  
7 MR. WALLIS: I'm not qualified to answer that.  
8 MR. DOOLEY: From day one to day 365.  
9 MR. SUND: Every day?  
10 MR. DOOLEY: Continuously. It's a continuous  
11 inspection, not one subject to (indiscernible).  
12 MR. HERZ: It's a very large facility with a large  
13 amount of oil pouring through it daily -- 2.2 million  
14 barrels a day.  
15 MR. SUND: I just wondered -- it's a threshold  
16 question here. I don't know what we're asking. If you  
17 wanted to investigate every day then Alyeska'd have to have  
18 someone there to go around with the investigator every day,  
19 and now it's not a part-time position it's a full-time  
20 position.  
21 MR. HERZ: But if this is the principal facility  
22 in the State of Alaska generating oil, then -- and every-  
23 body cares as much as it sounds like everybody cares --  
24 there should be a full-time State person there overseeing  
25 the entire operation of the plant.

1 MS. HAYES: John, I guess I didn't -- when I read  
2 it I didn't even think of Alyeska, to show you how naive I  
3 was. I thought you were getting at one of the problems we  
4 identified when we had our array of shippers, that some of  
5 them didn't have any presence in Alaska at all, much less  
6 an environmental safety officer. I think it was Exxon that  
7 doesn't have anybody working here -- in the shipping end of  
8 things, at Valdez or anyplace else in terms of calling them  
9 up and talking to them or going and inspecting the ships on  
10 the company's behalf, much less, you know, somebody else's  
11 behalf. And within, you know, a company the size of Exxon  
12 or Amaretto Hess or anybody else that we talked to, one guy  
13 located in the Virgin Islands or Houston or wherever it is,  
14 isn't gonna make very much effect on Alaskan transportation  
15 of crude oil.

16 MR. HAVELOCK: Well, they have more effect than the  
17 guy they have now who's there doing that.

18 MR. PARKER: That's a good point, John, as to, you  
19 know, what is required on their oil that they're shipping  
20 in our waters. And if we're going to make this a require-  
21 ment (indiscernible) has a (indiscernible) for us, or at  
22 least making an effort to do that.

23 MR. HERZ: Don't other industries like meat-  
24 packing and canneries sometimes have full-time inspectors  
25 who -- from a regulatory agency on their premises con-

1           tinuously overseeing the process if in fact the public  
2           health impact -- potential impact..... Huh?

3           MR. SUND: Under USDA for packing meat there's a  
4           mandatory inspection process and the Federal Government  
5           pays for that inspector to be there. Under fishery  
6           processing it's done under FDA and it's more of a -- what  
7           they call a good manufacturing process where you have a  
8           periodic inspection and a check-list and then you run your  
9           plant according to what they call GMPs and then you have  
10          unannounced periodic inspections. People come back and run  
11          through and see whether you're complying with the operation  
12          plan. If you are you're fine, if you're not they can shut  
13          you down and make you alter. And I just -- the reason I  
14          bring it up is DEC just announced today that in the  
15          fisheries world they're gonna inspect my plant 18 times a  
16          year. That's once every three weeks to have a seafood  
17          inspector coming through a very small fish plant. It seems  
18          to me that they ought to inspect an Alyeska terminal at  
19          least 36 times a year if there gonna -- if they have enough  
20          personnel to send someone through my plant every three  
21          weeks they ought to have enough people to send someone  
22          through -- you know, they're gonna come by once a month for  
23          thermal processing, four times a year for smokers, that's  
24          16, and twice a year for fresh and frozen. That's two more  
25          -- so 18 times a year they're gonna wander through there.

1 And that means 18 times a year someone in my plant has to  
2 walk around with them. Seems to me Alyeska could do at  
3 least the same thing.

4 MR. HERZ: What proportion of 85% of oil is  
5 responsible for 85% of the revenue of the State is the --  
6 goes through the Alyeska Terminal?

7 MS. WUNNICKE: Most of it.

8 MR. PARKER: Yeah. All but -- .....

9 MR. HERZ: I mean, I frankly feel -- I mean, I  
10 thought at first that Dennis was being facetious, but the  
11 more I think about it the more I think that there should be  
12 a continuous presence. I mean, if this is the principal  
13 place where you interface between the oil and the water,  
14 why not have one full-time person relative to the amount of  
15 money that's generated and what the potential impacts are,  
16 you could combine a bunch of the different functions that  
17 we've talked about in that presence's job -- ship inspec-  
18 tion, plant inspection, pipeline, tanks -- there are a  
19 whole lot of things. And that person would be a highly-  
20 trained person.

21 I mean, if the industry can make the move to bring  
22 in a Mike Williams, who is a highly-trained professional in  
23 his business, to run the response-side of that operation,  
24 the very least the State can do, if in fact the State is  
25 intent on controlling and regulating and enhancing safety



1 with that system, the least they can do is place a full-  
2 time person in that facility.

3 MS. WUNNICKE: So you're back up under 2C rather  
4 than 3C, right?

5 MR. HERZ: Yeah (indiscernible - simultaneous  
6 talking) they're related.

7 MR. WENK: Mr. Chairman, I -- I'd like to --  
8 Commissioner Wunnicke hit on the point I was just about to  
9 raise in response to Commissioner Herz. I think, though,  
10 the -- it comes back to a key proposition that the State of  
11 Alaska is going to consider prevention a major -- I'll use  
12 the word "new" function. It isn't new, but it's restating  
13 it. And that if -- and I don't believe the Commission can  
14 get into this detail as to how many people it's gonna take  
15 to inspect Alyeska. I think we can say what is the minimum  
16 that needs to be done in order that the State fulfill that  
17 function, and one of them is, of course, the monitoring of  
18 the Terminal.

19 But it's simply that I -- it's very difficult to  
20 deal with the detail of each of these points, but I think  
21 if we make the principal clear, and especially since every  
22 one of these things is gonna take action by the State  
23 Legislature. Somebody's gonna have to flush this out, and  
24 I don't think that's the Commission's job.

25 MR. PARKER: Well, I think, you know, to answer,

1 you know, Mike's problem. One way of insuring the presence  
2 here is the same way in contingency plans. They can either  
3 contract for the service with Alyeska or they can contract  
4 with an independent contractor with an Alaska base to  
5 ensure that the presence described in here is maintained.  
6 And to answer your question, the difference is there's 2.2  
7 million barrels a day through Valdez and 36,000 barrels a  
8 day at Drift River. You know, three sailings a day out of  
9 Valdez, two sailings a month out of Drift River. So, you  
10 know, that's the difference in proportion that we're  
11 talking about and why Valdez is predominant in our thought-  
12 s. Of that 100,000 barrels, however, goes in to Cook Inlet  
13 which creates a maximum impact on Cook Inlet. The --  
14 anything else on C?

15 MS. WUNNICKE: Well, Mr. Chairman, I'm still  
16 confused. Under 3C I hear Mike talking about DEC or State  
17 inspectors. As I read 3C.....

18 MR. HERZ: No, that's B. C is the company.

19 MR. PARKER: It's merely requiring those elements  
20 to do what they did once, or said they were going to do  
21 once, in ensuring that environmental safety will be  
22 predominant in their thoughts. You know, one part of the  
23 insurance (indiscernible). Anything else on C?

24 MR. HERZ: Are we gonna leave C as vague as it is,  
25 or are we gonna direct Staff to come up with a little more

1 explicit language so that there is, in fact, a task or a  
2 function, because I still have a problem. I don't know  
3 what it is we are asking. I know what the intent is and  
4 I.....

5 MR. HAVELOCK: We'll include the two things you  
6 mentioned, anyway.

7 MR. HERZ: Okay.

8 MR. PARKER: Okay, number 4. Establish within the  
9 University of Alaska system, etc. Whatever happened to the  
10 Prince William Sound Institute concept which is being  
11 funded by the Congress?

12 MR. HAVELOCK: I guess the policy issue that I'm  
13 raising here is whether we should recommend that that  
14 institute -- that whatever institute is established, that  
15 it be within the University rather than free-floating.  
16 That's one policy issue. What?

17 MARILYN: Aren't you talk -- yours is talking about  
18 safety and training. The one you're talking about that's  
19 in Congress is research and development.

20 MR. HAVELOCK: Well, I'm -- no I'm talking R&D and  
21 with the training aspect. Yes.

22 MARILYN: Okay. Does anyone want to know the  
23 status of what is in the bill? (Indiscernible) The House  
24 bill contains a research and development program and  
25 there'd be one located in Alaska, specifically stated. And

1 that was separate -- it was an institute separate of the  
2 University that was created.

3 MR. HERZ: Say that again. Separate from the  
4 University?

5 MARILYN: Right. It was a separate institute  
6 created for that purpose.

7 MR. HERZ: But independent or affiliated with the  
8 University?

9 MARILYN: I think it's independent. I think there  
10 is on the board is the -- the University is represented on  
11 the board of the institute.

12 MR. PARKER: One of the problems, of course, that  
13 is -- the University in its Kenai branch is concentra -- is  
14 expanding its oil program -- is going in for its fire-  
15 fighting school -- was expansion to its fire-fighting  
16 school in this Legislature and so forth and -- they -- and  
17 most of the lower level courses in petroleum technology are  
18 in Kenai right now. It appears to me that what you're  
19 proposing here, the training part of that, would fit very  
20 much within the Kenai programs that are either existing or  
21 planned down there right now. The research part of it,  
22 Marilyn's described, and a large part of the research  
23 effort, of course, is always going to be in this particular  
24 area up in (indiscernible) other departments in Fairbanks  
25 (indiscernible) in Anchorage so..... John?

1 MR. SUND: I think perhaps the recommendation  
2 should be that the State of Alaska ought to become involved  
3 in researching the prevention technology techniques and let  
4 the Legislature figure out where they want to put it. You  
5 know, some of us went through trying to create a center for  
6 energy in the University and have -- actually have Alaska  
7 take some of its returning wealth of the oil and make a  
8 contribution to world energy concepts back in the early  
9 Eighties. It was right alongside of the arc and the  
10 fishery technology center that was created over in Kodiak,  
11 and it all felt on deaf ears then and nobody wanted to  
12 commit those dollars, but I think now -- I don't think it's  
13 very much of a debatable issue. We ought to be contribut-  
14 ing something here. We ought to be funding it, but let the  
15 politics of higher education figure out where it ought to  
16 go.

17 MS. HAYES: I just wanted to remind John that one  
18 of our testifiers suggested having some kind of a prize  
19 awarded for prevention techniques and things like that as  
20 an incentive going back to -- rather than always using the  
21 scourge sometimes use an incentive. And I don't know  
22 whether that idea really has much merit, how big the prize  
23 would have to be to have much meaning. But there might be  
24 something about having some kind of incentive like that as  
25 the end result for anybody to compete with not just the

1 University (indiscernible - simultaneous talking).

2 MR. SUND: Well, you know, we do have the -- what  
3 do we call it -- science and technology grant system set up  
4 now and they are dishing out research grants, and what's  
5 happening is a lot of our research people in the State are  
6 leaving State service and going over to the private sector  
7 and getting qualifications for these grants from this  
8 research center to go out and do research because the State  
9 won't fund research anymore. So, I think they're amply set  
10 up to -- if you want to take a program to 'em to figure out  
11 a research project for oil cleanup or oil pollution, that  
12 would be right up their alley. And they would probably  
13 fund it. But I think this one here -- let's just say --  
14 encourage the Legislature to fund some programs regarding  
15 prevention technology techniques and some appropriate body.

16 MR. WENK: I'd like to call to the attention of the  
17 Commission a partial study by the Marine Board of the  
18 Academy having to do with the status of naval engineering  
19 research and education. The interest in the United States  
20 in this field, generally, has declined to the degree that  
21 we will have, by the end of this year, only two naval  
22 architectural schools left in the entire country, and one  
23 of them even wondering about whether it will stay in  
24 business.

25 MR. PARKER: Which one?

1 MR. WENK: MIT will probably not be doing this any longer.  
2 Michigan may be the only one left. The University of  
3 California has virtually gotten out of the business. The  
4 point being that associated with this decline -- this  
5 decline, incidentally, is associated with the sorry state  
6 of the whole maritime basis and the lack of interest in  
7 this area in Washington D.C., etc., etc. But the point,  
8 however, is vis-a-vis a new center in the University of  
9 Alaska system, I only wanted to underscore this whole  
10 question of whether this idea of sponsoring a new center  
11 and having to find people to operate it, and funds and so  
12 on, is running into -- is gonna run into a difficulty here  
13 in light of this national decline. If there were to be a  
14 renewed emphasis on prevention, I'm just guessing on a  
15 national basis there would not -- on a national basis there  
16 might be funds for one such center in the whole country.  
17 And so the question is, notwithstanding the intent here and  
18 the justification, whether or not you really ever get a  
19 critical mass that would do the job necessary. And whether  
20 it would be terribly frustrating to set out with some  
21 purpose of this kind only to run into the problem. Also,  
22 the whole question of how much money it's gonna take even  
23 to reach critical mass. This is not trivial. It means  
24 laboratories as well as people.

25 MR. PARKER: Yep.

1 MR. DOOLEY: This is the only area in the proposed  
2 recommendations where we deal with research (indiscernible)  
3 research and development. It was very illustrative last  
4 week at the Nome workshop on technology. The EPA gives a  
5 minor toxicology review (indiscernible - coughing) approved  
6 technologies. There is no major efficacy of one method  
7 over another or any guidelines to present to people making  
8 decisions on how to utilize one tool versus another.  
9 That's not available anywhere. The State Department of  
10 Environmental Conservation is attempting to draft a  
11 protocol that may approach that only for the purposes of  
12 cleaning up beaches for next summer. They're not dealing  
13 with the broader issue or an on-going research program or  
14 anything else. One of the things that did come out of it  
15 was we had four or five groups making samples about our  
16 beaches last summer that were not coordinating with one  
17 another. Some are doing much more extensive (indiscerni-  
18 ble) of mapping, long-term studies, and they don't know  
19 whether they're gonna be long-term or short-term. If you  
20 don't have a central group providing that neutral base to  
21 get to some of the questions that were being asked by this  
22 Commission last summer, what research or what peer group  
23 review of the focus of that research is occurring. And I  
24 don't think that we ever got a handle on that actually  
25 taking place. People went on there own and chose moments



1 of opportunity. And if you don't have something that's  
2 focused, I suggest it isn't going to get focused.

3 MR. WENK: Mr. Chairman. Yeah -- I agree with John  
4 that -- you know, I don't think we should get into the nuts  
5 and bolts of where it goes or that sort of thing. I think  
6 that if the Legislature wants to do something like this  
7 that they'll hold hearings and get input from the Univer-  
8 sity, from the Science Foundation, from industry, and maybe  
9 just come up with a heck of a plan. And I think that it  
10 should -- if I might -- the State should initiate research  
11 in spill prevention technologies and techniques, and  
12 developing and administering training and education  
13 programs, period. And let it go at that.

14 MR. PARKER: John.

15 MR. HAVELOCK: Well, I don't think much would  
16 happen if we did that. I mean, I don't think then -- the  
17 action is around institutions at the moment. And I think  
18 there is gonna be an institute anyway. You know, I think  
19 the issue that Commissioner Wenk raises is moot. I think  
20 Senator Stevens will prevail. I think there will be in  
21 this legislation some form of institutional setting as a  
22 way of providing R&D in this area, both in prevention and  
23 response. And the question that I'm trying to address  
24 institutionally, is to prevent that from dying out. That  
25 is my anticipation on that is that, you know, Senator

1       Stevens has six years to go, or whatever, and someday he's  
2       gonna get tired of being in the Senate, he might even die  
3       someday. And the question is, how do you hold on to this  
4       creation that is coming anyway, or is it just going to die  
5       out, again, the sort of a general experience that you've  
6       all commented on of interest in these matters dying out.  
7       And I thought that by binding it in through a State co-  
8       sponsorship, if you will, of this thing, and including the  
9       University, that you give an institutional home to the R&D  
10      function. And I would anticipate the model would be that -  
11      - you know, I mean if money did -- I'm sure money is gonna  
12      die down anyway, then the first Federal funds are not gonna  
13      last forever. I assume at some point they're gonna have to  
14      make their peace with the Marine Science Lab and those  
15      people who have overlapping responsibilities and as we  
16      said, it's sometimes hard to tell why this thing is being  
17      put in Cordova when there's an existing institutional  
18      establishment. Be that as it may, it is going to exist.  
19      And the way Federal funds keep going, when you don't have  
20      an angel up there, is because the University -- and when it  
21      goes looking for budget and Federal funds -- it includes  
22      this institute, like the Geophysical Institute and its  
23      other institutes on its list of its sub-constituencies that  
24      it goes and looks for money for in Washington. So you --  
25      so the idea is to keep R&D alive and operating in Alaska

1 even if it's gonna wither away elsewhere.

2 MR. PARKER: Yeah, I -- couple of other points.  
3 The Legislature, as expressed at least to me, the ones I  
4 have talked to, an extremely high interest in the R&D and  
5 what will come out of this partly is because they have been  
6 --have a lot of vendors nipping at their heels all summer.  
7 But they do have that high interest. The Governor, of  
8 course, has historically a high interest in this area as  
9 expressed by the Science and Technology Foundation. So,  
10 generally, you're talking in politically reasonably  
11 friendly ground. And, you know -- and what Ed brought up  
12 does create, in effect for Alaska, a window of opportunity  
13 if they choose to cease it. If I was to advise a young  
14 person who wanted to get into naval engineering, and  
15 especially with no other aspects right now, where to go,  
16 I'd say go to Helsinki. That's where they're doing all the  
17 great innovative things in ship-building. Small people in  
18 a northern climate are able to maintain themselves at the  
19 front of technology in marine affairs. And there's no  
20 particular reason why it can't be done here if that  
21 critical mass can be achieved somehow, and if there is a  
22 will. So, anything else?

23 MR. HERZ: I would like to -- if we're gonna have  
24 this recommendation, I'd like to at least throw out for  
25 discussion that it include some policy aspect -- policies

1 for regulators, so that if you're gonna do training and if  
2 you're gonna do R&D it's not only the hardware but the  
3 software too.

4 MR. HAVELOCK: Mr. Chairman, I -- you know, the -  
5 - if you read, it seems to me that this institute or this  
6 center, whatever it is, is going to have a seat on the  
7 policy -- on the State policy board. So I would assume  
8 it'll -- well, part of the function of R&D is to feed into  
9 policy.

10 MR. HERZ: Yeah, but I was suggesting explicitly  
11 that the subject.....

12 MR. HAVELOCK: Policy (indiscernible).

13 MR. HERZ: Yeah. That the subject matter include  
14 policy research.

15 MR. PARKER: Esther.

16 MS. WUNNICKE: You had mentioned the marine  
17 research, and I've often thought that Alaska had given --  
18 and you heard John Sund on this yesterday -- given the  
19 importance of its lands and waters and resources, and given  
20 some of the uniqueness that managers of those resources and  
21 protectors of those resources face in the Alaska environ-  
22 ment -- that an institute of natural resources was a  
23 natural within the University system. It seems to me that  
24 maybe within that context with the kind of emphasis that  
25 we're putting on it because of the look that this Commis-

1 sion has given to marine safety and oil transport safety,  
2 might be a way of gathering more support and accomplishing  
3 more purposes than just the research and development with  
4 respect to prevention technology and oil transport. And  
5 would cover a lot of the things that John was addressing in  
6 terms of building a cadre of professional, expert people to  
7 manage and protect those resources if we felt that it was  
8 important enough to do that.

9  
10 MR. DOOLEY: You might run into there's three  
11 institutes already at the University -- the Institute of  
12 Arctic Biology, the Institute of Northern Forestry, the  
13 Institute of Marine Sciences. You're pretty much taken  
14 care of -- as well as an Institute of Geophysical -- four  
15 right off the top and I haven't reviewed the agenda, that  
16 already would see them as a part of this institute you're  
17 speaking of. They might see that as a threat.

18 MR. PARKER: Well, it's also an institute they can  
19 join too. There's nothing that keeps one from being a  
20 member of two institutes in a University. I used to do  
21 that.

22 MR. WENK: Just a brief point (indiscernible -  
23 simultaneous talking) where the bucks were. When I was  
24 speaking earlier, Mr. Chairman, I was maybe taking too  
25 literally the focus of this item on prevention technology  
and techniques. I think what I've heard discussed now is

1 not just prevention technology and techniques, we're  
2 talking oil transportation technology and techniques,  
3 including problems of containment, cleanup, and so on and  
4 so on, which is much broader than prevention. We're not -  
5 - and this is -- in thinking about prevention I honed in on  
6 naval architecture and naval engineering, which is only a  
7 part of the picture given all the other disciplines that  
8 have to brought into play here and especially if we do  
9 encourage getting into the policy area we also ought to  
10 look at the impact question -- the social-economic as well  
11 as the environmental impact questions, which were not  
12 answered during the time of this emergency. So there is an  
13 opportunity, but that's a much broader scope than I read  
14 into it and maybe that's really what's intended.

15 MR. SUND: I'm with the concurrence, maybe, with  
16 my colleague (indiscernible) will surrender on the issue of  
17 trying to take the words "University of Alaska" out of this  
18 issue and I suggest that we move on. I see nobody in  
19 dispute on the whole issue. I'm not a big fan of the  
20 University's, so I give on that one.

21 MR. PARKER: You've got those 8,000 fishing boats  
22 as a clientele too.

23 MR. SUND: Well, they killed my community college.  
24 I'll hang that on 'em for the next 50 years.

25 MR. PARKER: Okay, next is a big one. The port

1 authority, words which I have been urged to not use.....

2 MR. HAVELOCK: The harbor authority. Let's take  
3 that out.

4 MR. PARKER: The harbor authority or harbor master  
5 concept.....

6 MS. WUNNICKE: There you go. I like harbor master  
7 better.

8 MR. HAVELOCK: All right, harbor master.

9 MR. DOOLEY: You already have harbor masters and  
10 they -- as a term -- there's about 55 or 60 of 'em in the  
11 State, and they view themselves as maintaining small  
12 fishing boat floats. And I wanted to make sure that  
13 there's a distinction between that one and what the duties  
14 of this.....

15 MR. SUND: Well, I disagree a little bit. I'd say  
16 Paul Fuse (ph) out at Dutch has a little bit more than a  
17 small fishing boats running in and out of his harbor, and  
18 there's a few others. But I understand your point.  
19 Different issue.

20 MR. DOOLEY: And the guy in Seward is a harbor  
21 master, the guy in Whittier is a harbor master, the guy in  
22 Anchorage is port (indiscernible). None of those titles  
23 (indiscernible).

24 MR. HAVELOCK: I call your attention, Mr. Chairman,  
25 that from the point of view of a lot of the outline here,

1 we're moving to a series of issues here involving local-  
2 ities, and we're dealing with Prince William Sound. And  
3 you'll notice that then Cook Inlet and then the pipeline  
4 and so on. So we're dealing with area-specific 'cause it  
5 seemed to me there were a lot of recommendations that could  
6 not be made on a State-wide basis and you really were  
7 looking at areas.

8 MR. PARKER: Yeah, I think, you know, the problem  
9 with the port authority is that there's simply no agree-  
10 ment. Dooley and I both broke our pick on port authority  
11 a dozen times in the last 20 years and I don't want to  
12 confuse our discussions with port authority discussions in  
13 the Legislature this Spring.

14 MR. HAVELOCK: Well, then I guess my question is  
15 this is presumably a Valdez something-or-other. So it's a  
16 -- is it a -- if it's a Valdez harbor master, are we  
17 treading on an existing toe.

18 MR. PARKER: Yes. There is a harbor master.....

19 MR. HAVELOCK: And are we going to -- what happens  
20 to that guy?

21 MARILYN: That could be oil prevention and response  
22 authority.

23 MR. WALLIS: What's he in charge of?

24 MARILYN: Valdez and (indiscernible).

25 MR. WALLIS: Port of Valdez? Does that include the



1 Terminal?

2 MR. HAVELOCK: The present one doesn't. The guy  
3 there now just has the small boat harbor and -- well, he  
4 probably controls some of the larger boats that come in  
5 there, right, to the city dock.

6 MR. WALLIS: He probably has everything except the  
7 Terminal.

8 MR. HAVELOCK: Maybe we can make it the Prince  
9 William Sound -- Alan suggests -- so we got, so that we  
10 don't mess with that. So Prince William Sound harbor  
11 authority or harbor master.

12 MR. WALLIS: Well, what are we gonna do about Cook  
13 Inlet?

14 MR. HAVELOCK: Cook Inlet is the next one and  
15 you've got to decide. I suggest a similar configuration.  
16 I keep it fairly vague 'cause I assume that the folks in  
17 Cook Inlet are gonna decide that.

18 MR. PARKER: Deserting the name of the (indisce-  
19 rnible) immediately proceeding -- for the moment proceeding  
20 to the functions -- this opens the area which Allison  
21 Reeser brought up to us about the agreement that -- some of  
22 the agreements that the State of Maine had reached with the  
23 Coast Guard on exercising Federal authority through State  
24 programs. And it gives a very -- it offers up a great deal  
25 of flexibility to achieve goals using existing positions

1 and existing authorities simply by getting some of those  
2 agreements nailed down, so.....

3 MR. WALLIS: Why don't we call them the State  
4 harbor administrator.

5 MR. PARKER: State harbor administrator. Boy,  
6 that's a great one.

7 MR. SUND: Well, Tim brings up a good point. Who  
8 writes the paycheck?

9 MR. PARKER: Yeah, that's one of the key elements  
10 in this that's gotta be worked out. But -- here again, do  
11 we work it out or do we (indiscernible) something clear the  
12 way?

13 MR. WALLIS: Well, we could recommend. I'd  
14 recommend that they be within the Department of Public  
15 Safety.

16 MR. PARKER: Which has some merit. No doubt about  
17 that. One of our dog-gone problems in Alaska is that  
18 getting through the names of the departments to the core of  
19 what they really do is -- .....

20 MR. SUND: Is that, Tim (indiscernible) that that's  
21 based on Ed's comments that -- his -- they do truck  
22 inspections and inspect brakes and safety -- do they  
23 inspect safety of vehicles carrying cargo in the city?

24 MR. WALLIS: No, that was independent of Ed's  
25 comments. This was -- I guess I have that authority too,

1 but on inspections -- on ship inspections I kind of wanted  
2 to -- I have thoughts of them falling under this harbor  
3 master or harbor administrator and also with the concept in  
4 mind that they do have police powers, if you will.

5 MR. HERZ: How do you envision this authority  
6 relating to the Coast Guard in the muddy areas where the  
7 Coast Guard supposedly has the authority but is not  
8 exercising it.

9 MR. DOOLEY: Ask for the delegation to the State.

10 MR. HERZ: Is there a precedent for that?

11 MR. PARKER: Yeah.

12 MR. DOOLEY: Well, there's -- I think the Reeser  
13 article suggests that there were (indiscernible) for the  
14 Coast Guard, you know, sort of license the State to take  
15 over some of its responsibilities in terms of safety in  
16 that -- .....

17 MR. WALLIS: I think they've said they would  
18 contract with the State, don't they?

19 MR. HERZ: So does the State operate its own vessel  
20 traffic system, I mean, is that what you envision with  
21 this?

22 MR. DOOLEY: Oh, I'm not sure it got implemented,  
23 but (indiscernible) discussion (indiscernible).

24 MR. HERZ: But is the intent here to create an  
25 authority which would operate a vessel traffic system and

1 would be an authority like we heard about in (indisce-  
2 rnible) or in Norway?

3 MR. HAVELOCK: If the Coast Guard won't do it, yes.

4 MR. HERZ: But -- what my first question was, in  
5 an area where the Coast Guard is sort of doing it what do  
6 you do? In other words, if the Coast Guard wants to  
7 continue to operate the Prince William Sound traffic system  
8 using a radar that doesn't quite get to where you want it  
9 to be, do you suggest that the State take over the entire  
10 function or shared function, or is that to be negotiated  
11 and is too detailed to get into in this recommendation?

12 MR. HAVELOCK: Well, I think it's too detailed,  
13 one, but also I -- just as an answer, it seemed to me that  
14 -- remember that the State and the Coast Guard used to  
15 operate jointly together anyway, and that process was  
16 eliminated by the -- and when it was eliminated I think we  
17 heard, maybe it was just Marilyn saying that since she's  
18 going on something that the Coast Guard started to get  
19 laxer after they stopped working with the State. I assume  
20 that the State was serious -- people there are seriously  
21 dissatisfied with Coast Guard performance they would kick  
22 it upstairs and it would go to your policy council as a  
23 recommendation or a warning-bell or whatever, that this had  
24 to be addressed. And the council would address it by  
25 proposing local regulations and would require the Coast

1 Guard to do it, for example, or they would address it  
2 politically by bringing it up with the State delegation to  
3 the Governor.

4 MR. PARKER: Got an idea. How about a marine --  
5 create a marine safety office with power to do these  
6 things, putting it in Public Safety. It makes the tie --  
7 gets us away from the port authorities since it's specifi-  
8 cally doing only these things and it's not doing all the  
9 economic development stuff and so forth that the port  
10 authorities (indiscernible) and.....

11 MR. WALLIS: Well, I don't care what you call them  
12 I just though mine was a little more sexy than yours.

13 MR. PARKER: And it ties it to the Coast Guard's  
14 marine safety offices.

15 MARILYN: If I could speak political realities for  
16 a moment would that be okay?

17 MR. PARKER: Hmm?

18 MARILYN: Could I speak to political realities for  
19 a moment?

20 MR. PARKER: Okay.

21 MARILYN: The Department of Public Safety has, for  
22 the last three years that I've worked in the Legislature,  
23 begged for more money from the Legislature -- doesn't begin  
24 to have the kind of people to do just the basic public  
25 safety work that they are mandated to do. One example of

1 what happened in a (indiscernible). Three years ago,  
2 Representative Hurley (ph) introduced a bill for community  
3 right-to-know, which tied into this State Emergency  
4 Response Commission for hazardous substance response, which  
5 required Public Safety to do inspections (indiscernible)  
6 where there was hazardous substances stored, provide the  
7 fire-fighters with the information they need to know when  
8 they go out and fight a fire, where hazardous substances  
9 are located. That program was never funded. To this day  
10 it is not funded. So we don't have the training and we  
11 don't have that program working. I guess I would just  
12 hesitate to put something else in Public Safety that  
13 doesn't fall directly into their highest mandated priori-  
14 ties, because they don't -- at least under this existing  
15 regime -- do not take -- aren't taking on additional  
16 priorities.

17  
18 MR. PARKER: How are they doing on Fish and Game  
19 enforcement?

20 MARILYN: That's.....

21 MR. SUND: That's another bone of contention, Mr.  
22 Chairman, that I was not gonna raise 'cause of it's obvious  
23 problems. It's the brown shirts versus the blue shirts.  
24 The brown shirts are losing.

25 MR. PARKER: They didn't do any better when they  
were in Fish and Game, that's why we put 'em in Public

1 Safety.

2 MR. SUND: Well, Marilyn's got a -- hit the point  
3 on -- right on here (indiscernible) with any of these  
4 agencies, right, of it's the same thing we got into -- the  
5 Coast Guard doesn't inspect tankers because passenger ships  
6 have people on 'em. And if you read the paper this morning  
7 of two more murders out in the Bethel area. They've got  
8 seven troopers out there and -- they're not gonna do it.  
9 I had my experiences with them. They had a program in  
10 there where they -- it cost them \$50,000 and they made  
11 \$200,000 a year in revenue to the State, net \$150,000 a  
12 year to the State and they cancelled it, terminated the  
13 guy, 'cause it cost them \$50,000 in their budget, they  
14 didn't get credit for the revenue to the State. So they  
15 did away with the position. And that was Public Safety's  
16 point of view. So.....

17 MR. WALLIS: Well, Mr. Chairman -- you know -- what  
18 agency do we put it in that we feel comfortable about and  
19 maybe with the next Governor, you know, that agency may not  
20 be a pet agency.

21 MS. HAYES: Yeah, I was gonna say (indiscernible -  
22 simultaneous talking).

23 MR. SUND: I just -- I was gonna get to the point  
24 that perhaps we work on the functions we'd like this marine  
25 safety officer to do, and maybe lay two or three options

1 out -- I think you can -- I think we all keep falling back  
2 to DEC is where it all keeps falling back to. But I think  
3 there's options but I think you have to recognize that it  
4 has to be somebody's priority or the ringing telephone  
5 syndrome will prevail.

6 MR. WALLIS: Yeah. Well, I don't know if DEC's a  
7 safe department either.

8 MR. SUND: I'm not entirely sure of it myself, but  
9 --

10 MR. WALLIS: But I would agree that maybe we just  
11 ought to make a recommendation and let the Legislature  
12 decide where it should be.

13 MR. PARKER: Ed.

14 MR. WENK: Just a quick point. I want to recall  
15 for the Commission that earlier today we talked about a  
16 strong State, and the term used here -- written here, is  
17 Pollution Policy Advisory Commission. I think we've kind  
18 of moved to feeling it's policy, planning and coordinating,  
19 and maybe the word council rather than commission, at least  
20 the way I'm inclined to separate the two. I'm not sure  
21 that's a clear distinction. Is that a clear distinction  
22 here? And if this council, serving the Governor, fulfills  
23 the functions I believe this Commission has in mind, these  
24 details that we're discussing now on jurisdiction can be  
25 left to, in a sense, another level of decision-making. Not



1 the Commission's decision-making. The most important  
2 thing, again, one of the functions to be performed and who  
3 can the Commission hold responsible for making sure it  
4 happens without getting down to agency by agency by agency.  
5 This is the thing we avoided, I think, by putting the  
6 president in charge when dealing with the Federal one and  
7 I wonder if it isn't -- if you don't have a parallel  
8 situation here in just saying it's the Governor's job to  
9 fulfill the functions the Commission wants performed, with  
10 the aid of this policy-planning, coordinating council, and  
11 not get into too much other detail. Otherwise, the Commis-  
12 sion's in danger of stepping on somebody's toes no matter  
13 what you do, and that will make the Commission's report  
14 vulnerable to nibbling away by almost everybody in the  
15 government who thinks there's -- in the State government -  
16 - who thinks their toes are stepped on.

17 MR. PARKER: Well, that's a good point, and the  
18 other point to make is (indiscernible) that there's no  
19 safety in any -- either -- in any of the departments 'cause  
20 the thing could erode away under any department if the  
21 pressure is not continually there through one mechanism or  
22 another to maintain it in a viable budgetary posture.

23 MR. DOOLEY: I'm gonna play devil's advocate for  
24 a minute (indiscernible). If we have feelings that they  
25 ought to go somewhere, why I think the Commission ought to

1 say that. If the Governor is in disagreement with this  
2 it's just a mere matter of slight-of-hand in putting it  
3 into something that he knows is gonna be unpopular with the  
4 Legislature. And it doesn't get acted on and yet he can  
5 say, hey, I implemented your recommendations. It's a  
6 matter of political slight-of-hand and it ends up with his  
7 desired result of killing your recommendation. And I think  
8 if you have preferences they ought to be stated.

9 MR. SUND: You're not gonna run any of this down  
10 any Governor's throat.

11 MR. DOOLEY: No. I didn't say that.

12 MR. SUND: You know, that's -- we have a very  
13 powerful governor, if he wants to do it he can do it.

14 MR. PARKER: Okay, getting back to the functions.  
15 Is there any additions or disagreements with these func-  
16 tions that are stated here?

17 MR. WALLIS: I don't know if I have any disagree-  
18 ments, but as to this harbor administrator we're talking  
19 about?

20 MR. PARKER: Uh huh.

21 MR. WALLIS: Are the marine -- what?

22 MR. PARKER: The marine safety office is where we  
23 are right now, subject to revision, new ideas, change, etc.

24 MR. WALLIS: Just the things I had down for  
25 function was -- authority to close harbors, is that right?

1 MR. PARKER: Yep.  
2 MR. WALLIS: Monitor ships?  
3 MR. PARKER: Yeah.  
4 MR. WALLIS: Ship lanes. To.....  
5 MR. PARKER: Did you say ships and ship lanes?  
6 MR. SUND: Vessel monitoring system.  
7 MR. WALLIS: Well, to make sure they're in the  
8 lanes. To make sure they're in the lanes.  
9 MR. WENK: But also the ships themselves, okay, I  
10 mean.....  
11 MR. WALLIS: Inspection, enforcement of regula-  
12 tions, and to make recommendations for improvements. Is  
13 that right? Is that what we're talking about?  
14 MR. PARKER: Yep.  
15 MR. SUND: It's basically the same list we went  
16 over earlier when we were talking about making this a part  
17 of DEC and we decided to just give functions. And Ed had  
18 a list of maintenance check-list logs, boarding vessels,  
19 etc., etc.  
20 MS. WUNNICKE: Question. All things that are now  
21 within the Coast Guard's purview, right?  
22 MR. HAVELOCK: That's right.  
23 MS. WUNNICKE: So, are we.....  
24 MR. HAVELOCK: Stand-by authority one might say.  
25 MS. WUNNICKE: So are -- we are creating a -- for

1 these purposes, a new little Coast Guard at the State  
2 level?

3 MR. HAVELOCK: We are creating some level of  
4 redundancy, that's right.

5 MR. SUND: I think what we're doing is we're saying  
6 this -- going back to the goal, that the State has a role  
7 to play in prevention and we're gonna exert that State  
8 authority to the -- out to the farthest degree as we can,  
9 and if it overlaps with some Coast Guard functions, fine.  
10 Maybe in those cases you try to negotiate with the Coast  
11 Guard to get a contract or MOU or some other type of  
12 agreement to do those functions. Or you do 'em side by  
13 side.

14 MR. PARKER: (Indiscernible) the same deal as  
15 they're going forward with on the pipeline when they get  
16 the DNR and BLM in the same office and -- under whatever  
17 agreement.

18 MS. WUNNICKE: But they do have certain (indisce-  
19 rnible) areas of jurisdiction.

20 MR. PARKER: Well, you've got different geographi-  
21 cal areas.

22 MS. WUNNICKE: Geographic (indiscernible).

23 MR. WENK: Well, excuse me, just to elaborate on  
24 this, though. I think there really is a fundamental issue  
25 that arises, Mr. Chairman, in connection with the gyro

1 example you used earlier, or some other vital piece of  
2 safety-related equipment, where the State, from where I  
3 sit, if I were a resident here, I'd like to have the State  
4 have an override. The Coast Guard can say under pressure  
5 from somebody on the telephone, okay go ahead and you can  
6 leave with a bum gyro, I'd still like -- as I say, if I  
7 were living here, and sure in heck like to have an override  
8 by the State.

9 MS. WUNNICKE: Well, that was gonna be my next  
10 question is if there's disagreement, then, as to whether  
11 the ship should be in port or not. Who has the final  
12 authority.....

13 MR. HAVELOCK: Well, on any decision, unless  
14 there's preemption, it's gonna be the strictest standard,  
15 so it'll be the State.

16 MARILYN: You'd have to delegate the authority  
17 directly, though. Or have a memorandum of understanding.

18 MR. DOOLEY: Only in areas where it's specifically  
19 preempted.

20 MR. PARKER: I think, you know, what the two of  
21 them buttressing each other do, Coast Guard marine safety  
22 and State marine safety, is you're keeping the highest  
23 level of safety rather than the lowest common denominator.

24 MS. WUNNICKE: And you're not letting the Coast  
25 Guard off the hook.

1 MR. PARKER: Yeah. No. On number two there on the  
2 enthusing in everybody's budget to be adequate to perform  
3 their responsibilities the idea is (indiscernible), right?

4 MS. HAYES: Well, I -- something you said a while  
5 back -- and probably this goes back further -- back in our  
6 discussion, but what about requiring the shippers to have  
7 a -- especially like a terminal -- to have a place for the  
8 State employee to actually work out of in the facility. A  
9 work space, an office space or a cubicle or someplace to  
10 actually work out of, and whether that would work into the  
11 ability to get to your job-site -- actually having a place  
12 there. Would that get to some of our problem about having  
13 adequate oversight from the State?

14 MR. HAVELOCK: I have no problem with that. I'm  
15 sure it could be easily arranged. The main -- the prob-  
16 lematic one in number two, there, is the second sentence,  
17 of course. And the issue being addressed there, which is  
18 in part a problem, is this. That the Terminal -- that the  
19 oversight of the Terminal in large part is done under DNR  
20 authority through the accident, if you will, that the  
21 exercise of authority over the pipeline and terminal is  
22 done through a right-of-way permit. Functionally speaking,  
23 however, the functions involved are really DEC functions,  
24 not DER. It doesn't have to do with real estate or  
25 whatever, it has to do with the regulation of safety. And

1 there was some discussion that the confusion of authority -  
2 - that is, there is some agreement between DNR and DEC now.  
3 But my understanding was that none-the-less it depended  
4 that DEC, lacking independent authority for all those same  
5 functions felt handicapped in administering -- that is in  
6 administering the DNR authority. Maybe Commissioner  
7 Wunnicke has more personal experience in how that relation-  
8 ship worked.

9 MS. WUNNICKE: Not really with respect to what  
10 you're talking about. Except I guess I have not seen DEC  
11 as -- having had this role in the past. We're really  
12 giving DEC a new role, I think, in terms of prevention --  
13 by this kind of a recommendation.

14 MS. HAYES: Marilyn or John, maybe you can refresh  
15 my memory, but what -- I mean, DNR's authority on the  
16 Terminal site is related to the oil -- to the site lease.  
17 Correct?

18 MR. HAVELOCK: Right.

19 MS. HAYES: So it's a realty -- so there relation-  
20 ship is a realty, one of a landlord to a lessee. And what  
21 is DEC after, are they trying to use the threat of closing  
22 down the lease as a way of getting compliance?

23 MR. HAVELOCK: Well, there are stipulations that  
24 go with a right-of-way permit. And those stipulations are  
25 enforced, so they're contractual-based rather than regula-

1 tory-based and therefore, nominally, the person in charge  
2 of the lease is the enforcer, which was DNR.

3 MR. PARKER: Yeah. Part of that, for example, is the  
4 tankage -- was a part of the stipulation which (indiscerni-  
5 ble) expanded on in what he set up.....

6 MS. WUNNICKE: That was a very good piece of work,  
7 I thought.

8 MR. DOOLEY: And the air and water quality stan-  
9 dards are essentially those that DEC was monitoring, so it  
10 made some sense to divide -- to partition the enforcement  
11 on certain provisions spatially.

12 MR. HAVELOCK: And incidentally, it seemed to me  
13 the tank farm expansion is important enough that I will put  
14 it down as number three under this list here, to make it an  
15 additional recommendation.

16 MS. HAYES: Well, I guess just for closure on that  
17 one point, is that -- I would like to see it tightened up  
18 so that we don't have two State agencies thinking that  
19 they're administering the realty part of that lease. If  
20 it's stipulations reflecting environmental quality I don't  
21 have any problem with that, but I don't -- I wouldn't like  
22 to see DEC have to get into the realty business.

23 MR. PARKER: (Indiscernible)

24 MARILYN: I think where this all came out of was  
25 the -- there was some question on the part -- after the



1 spill, there was some question by the resource agencies,  
2 particularly DNR, as to who had control over the pipeline.  
3 The terminal I don't think is as big a problem. I could be  
4 wrong. Because DEC does have control over the terminal and  
5 can close down the air -- they have air quality permits.  
6 They have a water quality permit there, so they have  
7 control over the discharge of waste or air quality,  
8 whatever. But I think the pipeline was where there was  
9 some question because it's the right-of-way permit that..-

10 ...

11 MS. WUNNICKE: That has the stipulation.

12 MARILYN: Right. And DEC -- the question as to  
13 whether DEC has authority over the pipeline -- more in the  
14 regulation of it, etc. -- that I think is the more gray  
15 area. But I'm not certain. I think we could do a little  
16 more research into the (indiscernible) -- this -- the way  
17 this was brought up is there was an attorney general's  
18 opinion discussing this 'cause there was some question  
19 legally who had authority. And they both.....

20 MS. WUNNICKE: Have we seen that? I've not seen  
21 it.

22 MARILYN: Yeah. It -- I'll make sure you get a  
23 copy of it. The -- but the question is, I think, just  
24 who's gonna oversee this. Is DNR going to be doing the  
25 sections over the pipeline or is DEC, and how are they

1 gonna -- my recommendation was different than this. My  
2 recommendation was that there be coordination between DEC  
3 and DNR over the pipeline as to the regulation of it,  
4 similar to the way that there's the agency coordination on  
5 the North Slope for overseeing leases. What I think they  
6 could probably do very easily -- it just wasn't, up till  
7 now -- and I guess I would expand on this a little bit more  
8 -- which is that presently there is very minimal State  
9 resources going toward oversight of the pipeline. Whether  
10 it be leaks from the pipeline, or whatever. And that is  
11 due to lack of personnel more than anything. BLM at the  
12 Federal level is overseeing it. I don't know if they're  
13 looking for those types of things -- such as leaks or  
14 potential spills. But one thing that was going on is that  
15 DNR is working with Alyeska presently to look at the  
16 contingency plan for the pipeline. And DEC has not been as  
17 involved in that process, I don't think, as they probably,  
18 of course, should be.

19 MS. HAYES: And then, Mr. Chairman, why bother  
20 saying by contract, and do we really care? Can we take  
21 that phrase out.

22 MS. WUNNICKE: But this only talks to terminal  
23 environmental safety in Prince William Sound, and your  
24 talking about the pipeline.

25 MR. PARKER: Yeah, that's covered down below --

1 pipeline, but -- .....

2 MR. HAVELOCK: We go on to the pipeline, but I  
3 think -- the pipeline I think is point-in-fact the terminal  
4 site is owned in fee-simple by Alyeska or by the owners.

5 MR. PARKER: I thought it was long-term lease  
6 (indiscernible).

7 MR. HAVELOCK: Is it a 30-year lease?

8 (Indiscernible - simultaneous talking)

9 MS. WUNNICKE: It doesn't matter.

10 MR. SUND: Mr. Chairman, I guess - I just want to  
11 voice my little problem here in saying it should be funded  
12 at adequate levels. I mean, if you really want to do that  
13 you gotta go through and ask what of those things they're  
14 supposed to do and what are the adequate levels, and if I  
15 recall there was a request of DEC to come back and it was  
16 like 20-40 million dollars to fund them at adequate levels  
17 to do what they're already authorized to do. I would  
18 rather approach it from the point that we recommend what we  
19 -- things that we think could happen to help prevent oil  
20 spills from a specific point of view. And if they already  
21 have the authority with -- my guess when we get through  
22 this list, if you say, here's what ought to be done, here's  
23 what we think they ought to do, and then you go look and  
24 say do they have the authority to do it? I bet you 80-90%  
25 of the authority's already there. Then it's a question of

1           how much does it take to do it. But I don't quite know how  
2           to respond to the first sentence of -- .....

3           MR. HAVELOCK: Well, maybe it's just in terms of es-  
4           tablishing -- making some findings in regard to your --as  
5           you mentioned before, that funding isn't there because the  
6           State doesn't devote that much money to natural resources.

7           MR. SUND: But, if you get into Harmon's (ph) point  
8           here this morning, here are the specific things that we  
9           think should be done and here's who we think maybe should  
10          do it and here's what it takes the authority -- do they  
11          have the authority, if they don't -- if they don't here's  
12          some specific recommendations of authority that should be  
13          given to 'em, and lastly, here's our best shot at the cost.  
14          And maybe there's some options or something to get through  
15          that, but -- .....

16          MS. WUNNICKE: Well, I just don't want to see  
17          something that -- used as a vehicle to rearrange State  
18          government if it hasn't been shown that that failure to  
19          rearrange State government in that manner was a cause or a  
20          potential cause of an oil transport spill. I think you're  
21          shoe-horning a lot of things in here that need to be looked  
22          at. Some of these need to be looked at for the ultimate  
23          consequences of them.

24          MR. HAVELOCK: (Indiscernible) discuss them again  
25          when you come to the pipeline.

1           MR. WALLIS:   Well, do we still have contract  
2 between DEC and DNR?

3           MR. PARKER:   Yeah, I think we just need to specify  
4 more clearly the -- what's (indiscernible - coughing) we  
5 can get around some of the problems that have been brought  
6 up at the -- done like what I wanted to do in 1976 -- put  
7 the pipeline office in DOT, we'd have a real mess now so I  
8 escaped that one, but (laughter).....

9           MR. HAVELOCK:   Mr. Chairman, I would like you to  
10 move on and to consider at number three, the problem which  
11 has been identified in the tank farm as having low capacity  
12 and that an appropriate recommendation be that the expansion  
13 of that tank farm be (indiscernible) required.

14          MR. HERZ:   Where are we at?   Where are we moving  
15 to?

16          MR. PARKER:   Well, it's number three, which is not  
17 written in here, which is.....

18          MR. HERZ:   Oh, in addition.

19          MS. WUNNICKE:   And that -- I have some back-up on  
20 that I think that Staff provided.

21          MR. PARKER:   Well, we got an answer from Alyeska  
22 to our letter on some elements, but not on tankage expansion,  
23 which they said they were still working on.   And --  
24       Spivey's (ph) write-up is the most recent thing that's  
25 before you in that regard.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

UNIDENTIFIED SPEAKER: Mr. Chairman, if pipeline capacity is declining, isn't there some more careful position that has to be taken on urging the construction of extra tanks?

MR. PARKER: Pipeline capacity is only declining for the moment. The plan is that the pipeline will be filled for the next 30 years.

MR. DOOLEY: Capacity isn't declining, production is.

MR. PARKER: Yes. Production decline, you know, is an area, you know -- we're gonna be at the present level for the next several years.

MS. WUNNICKE: And it does decline precipitously. Nineteen -- what -- '92? It starts down very rapidly.

MR. PARKER: Well, there's an option which can be offered here in that, you know, through-put is slow to adjust to tank capacity during the periods of inclement weather, which it's designed to get around. So that's the.....

UNIDENTIFIED SPEAKER: So that avoids the cost of construction of extra tanks?

MR. PARKER: Yeah. But I, you know.....

MS. WUNNICKE: We could recommend it in the alternatives.

MR. PARKER: I think the way to phrase it is that

1 it's planned that, you know, that tank capacity's gotta  
2 match through-put. The present tank capacity was designed  
3 for through-put of 1.2 million. They're now operating at  
4 2.2 million, so they only got about half the tank capacity  
5 you need. Spivey (ph) lays it out very clearly in his  
6 memo.

7  
8 MR. DOOLEY: We also haven't received it yet, but  
9 I've requested it. We'll be getting some other information  
10 on this relationship between through-put capacities,  
11 storage capacities and water. And size of ships, that's  
12 the other thing that's increased that also causes an  
13 increase in storage -- as the size of the ships increase  
14 you need more storage to accommodate it.

15 MARILYN: See here's an example that's -- if I can  
16 interrupt for a moment -- of how DNR's authority over the  
17 terminal -- see and through the permit we can say, put more  
18 tanks in, but DEC as the oversight entity cannot require  
19 putting more tanks in.

20 MR. DOOLEY: Are they gonna talk to one another?

21 MS. WUNNICKE: So?

22 MR. SUND: The Governor's gonna make that call  
23 anyway.

24 MR. PARKER: Yes. Okay anything more on tank farm  
25 expansion.

MR. WALLIS: Well, where are we on it?

1 MR. PARKER: Where we are on it is that we want to  
2 make a statement that we're not satisfied with the present  
3 situation. And we want it worked out that we either match  
4 through-put to tankage or increase tankage to match  
5 through-put, one or the other.

6 MS. WUNNICKE: I think that's the way to state it.

7 MR. SUND: The basic rationale is that we're  
8 compromising or causing an unsafe condition because we  
9 wouldn't -- I don't know, we would back off on closing the  
10 port because of bad weather or allowing a ship to sail with  
11 an unsafe ship -- unsafe hull -- because of the inability  
12 of the tank farm to hold the oil necessary, or the in-  
13 ability to shut the line -- or slow the through-put down.  
14 Is that the.....

15 MR. PARKER: Absolutely. That's it exactly. And  
16 the -- you know, we've got a fair amount of testimony to  
17 the fact that there are pressures to sail when people don't  
18 want to sail because of that. Al?

19 AL: Mr. Chairman, I don't whether I'm a devil's advocate  
20 today or just muddle-minded, but it seems to me that it  
21 would be better to frame this statement in terms of tank  
22 capacity in relation to safety, as John suggested, rather  
23 than in any direct relationship of pipeline capacity and  
24 tank capacity. The reason being that there are a number of  
25 variables in terms of size of tanker, speed of tankers, and



1 other things that I think can change. And you can set up  
2 a standard in relationship to safety that can be further  
3 defined later and I think you should avoid locking in on  
4 some standard which might not be appropriate.

5 MR. PARKER: We're not trying to lock in on any  
6 standard. I think we're establishing a relationship  
7 between through-put and tankage and daily sailings. And,  
8 you know, bigger tankers don't get you off the hook.

9 MR. HAVELOCK: Mr. Chairman, I'd like to move on off of  
10 this issue and I think we have a little bit of staff work  
11 to do here, I guess without a doubt, to give you some --  
12 certainly the findings seem to be fairly clear, but the  
13 nature of the recommendation -- and I can see a certain  
14 caution is in order in it, and that for some purposes the  
15 finding itself may be enough to make things happen that are  
16 needed to make happen.

17 MR. PARKER: Yeah, I think at least we need to wait  
18 for our reply from Alyeska before we get.....

19 MR. HAVELOCK: Yeah. It may be clarified further.

20 MR. PARKER: Next one. Federal Government.  
21 Regional advisory councils. They're in both Senate and  
22 House bills, right?

23 MR. HAVELOCK: That's right.

24 MARILYN: Right. Yeah, they look different but  
25 they're in both bills. Actually I should clarify. That's

1 incorrect. The Senate bill contains an advisory --  
2 citizen's advisory committee for Cook Inlet and Prince  
3 William Sound as models -- oh no, I'm sorry. And the House  
4 bill only has one for Cook Inlet -- I mean for Prince  
5 William Sound, not for Cook Inlet. And the Hou -- that was  
6 due to political battles, but -- right now they don't both  
7 contain (indiscernible) advisory committees.

8 MR. PARKER: The congressman from California told  
9 what's-his-name that they'd given back the Cook Inlet back  
10 in the conference.

11 MARILYN: Oh, he did?

12 MS. HAYES: I guess after our series of hearing  
13 that we had this summer, and the people that spoke to us  
14 long and loud about things, I think that the idea of having  
15 local advisory committees -- or commissions, or whatever  
16 you want to call them -- is a good one. It's a positive  
17 one. One of the things I'm concerned about, however, is  
18 that some of our communities are so small in population  
19 that you get three or four or five of these various  
20 committees and we've got people that are doing nothing but  
21 going to meetings and that -- people lose enthusiasm for it  
22 real fast and you end up with a lot of vacant seats. Is  
23 there a way to incorporate some of our existing councils,  
24 committees, and whatever into the same thing by giving --  
25 charging them with additional tasks rather than creating a

1 whole different thing.....

2 MR. HAVELOCK: Well, this isn't a generic recommen-  
3 dation. This is just the two regions. I'm not proposing  
4 that -- any such council for anywhere else, and I would  
5 assume that functions that are involved would have to be  
6 worked out in other areas in the context of their -- of the  
7 existing functional arrangement. For example, in the  
8 Arctic, maybe if you would deal with the existing structure  
9 of coastal zone councils, rather than trying to create a  
10 new structure, you give that responsibility there. But I  
11 don't think we're going to get into it. We just --we can  
12 acknowledge that the kind of responsibilities are there,  
13 but each region is gonna have to face them on its own.

14 MR. PARKER: I don't think we have any area outside  
15 of the two areas you're talking about. I think the rest of  
16 the State is pretty well blanketed by coastal zone dis-  
17 tricts now. I don't think there's anything (indiscernible)  
18 unless (indiscernible).

19 (Indiscernible - simultaneous talking)

20 MARILYN: I guess, Mr. Chairman, you might want to  
21 just clarify that, yes you would like other -- for other  
22 than these two areas, for some sort of regional committee  
23 to be set up whether it's something that already exists,  
24 giving them additional authority or not, but that -- for -  
25 - so that the Commission is stating the need for regional

1 advisory committees from all areas of the State -- State  
2 impacted rather than just those two areas.

3 MR. PARKER: Yeah, I think we need to consult with  
4 the coastal zone policy council and some of the districts  
5 and get their feeling on this, and it would seem to be the  
6 most rational thing to do would be to treat them as part of  
7 the coastal zone management.

8 MS. WUNNICKE: Yeah, well I think we support this  
9 proposed action by the Congress. It's kind of getting the  
10 cart ahead of the horse since we don't have a council in  
11 place to require them to report to a council that doesn't  
12 exist, and that's -- this isn't gonna be a future recommen-  
13 dation to the Congress to amend that legislation.

14 MR. WENK: Mr. Chairman, I was gonna ask about that  
15 because I do recall, when we were discussing the council  
16 earlier, this question of citizen input was raised and I  
17 think we, in a sense, sort of deferred more detailed  
18 discussion until we came to it here.

19 MS. WUNNICKE: But as the Chairman points out,  
20 we're dealing here just with Prince William Sound.

21 MR. WENK: Right. And that's the thing that bothers me  
22 a little bit if it -- in view of the other regions which  
23 ought to be represented -- whose interests ought to be  
24 represented to this council. Now, I think that's easy to  
25 take care of, when we go back and polish up the council,

1 but it's simply an awareness that we don't want to be a  
2 party to creating too many different little entities.

3 MS. HAYES: Yeah. I agree.

4 MS. WUNNICKE: I agree.

5 MR. PARKER: Yeah, it'd be nice to go before the  
6 Legislature and say we made every possible effort to use  
7 existing mechanisms.

8 MR. HAVELOCK: Well, that the Congress is mandating  
9 these -- I mean, I was just gonna buy into the Congres-  
10 sional mandate, which I assume, incidentally, may well  
11 carry a few Federal bucks with it.

12 MR. WALLIS: Where are we at?

13 (Indiscernible - simultaneous talking)

14 MR. HAVELOCK: I suppose if we asked them to make  
15 it a -- well. I think that they did it this way intention-  
16 ally because of the money aspect. They don't want to open  
17 up a national program with spreading dough all around every  
18 foot of American coast, so we probably ought to leave the  
19 Congress with their (indiscernible) intent here.

20 MR. WENK: In this regard, Mr. Chairman, may I  
21 respectfully recall the use of a thousand points of light  
22 as a source of citizen input.

23 MR. HAVELOCK: That's the navigation system.

24 MR. SUND: Marilyn, what -- the original advisory  
25 councils in the Federal legislation -- what do they report,

1 and who do they report to -- you know, do they report to  
2 the Coast Guard.

3 MARILYN: If you had read my memo on the citizen's  
4 advisory committees you would know the answer to that.

5 MR. SUND: Well now that you've stated to the world  
6 and myself that I haven't read the memo on it, what does it  
7 say.

8 MARILYN: Okay. There are two different methods  
9 for this reporting to take place. One is the Senate method  
10 and one is the House method. The Senate is designed after  
11 the solemn-vote approach. And what happens is you have  
12 regional advisory committees which report to what they  
13 called an advisory council -- I think it was advisory-  
14 something -- which is made up of four individuals. One  
15 from State government, one from Federal government, and one  
16 from Alyeska or the industry, and the other one -- I think  
17 one from the Terminal, one from the shippers -- or some-  
18 thing, I can't remember. I'll have to reread my own memo.  
19 But there's a council that these advisory -- this advisory  
20 committee reports to. But at the (indiscernible) of the  
21 House bill, it's a little different. They -- what it is,  
22 is just an advisory committee, which has changed several  
23 times. I mean, that's why I guess I'm not that clear on  
24 it. But originally it was advisory council, which is  
25 called the ACAC (ph), that's what we were talking about -

1 - Alyeska/Citizens Advisory Committee. They report, I  
2 guess, directly to the Terminal, and there isn't a sort of  
3 intermediary body that collects that information, but --  
4 like I said, it's subject to.....

5 MR. SUND: Report to whom at the Terminal.

6 MARILYN: I don't think it's clearly stated.

7 MR. HAVELOCK: The function of the recommendation -  
8 -the second sentence, at any rate -- is to make sure that  
9 the State gets cut into this loop. We have some concern  
10 that the State is being bypassed, so we wanted to make that  
11 recommendation.....

12 MR. PARKER: I think the intent of the Congress is  
13 that the advisory committees stand by themselves -- or the  
14 advisory councils.

15 MR. WALLIS: Mr. Chairman.

16 MR. PARKER: A question?

17 MR. WALLIS: The state-wide policy council proposed  
18 to be created by the Commission -- is it this Commission?

19 MS. WUNNICKE: That one we were talking about that  
20 --

21 MR. WALLIS: The pollution? Yeah.

22 MS. WUNNICKE: Yeah.

23 MR. SUND: I was gonna defer it all -- see, there's  
24 a whole laundry list of people who should be on that State-  
25 wide policy commission. I was just kind of personally

1       deferring that so at the end here that somebody gets up on  
2       the board and draws out little arrows 'cause we're all gone  
3       here and then we can hash it out, but I didn't think we  
4       should hash it out one item at a time.   It's not very  
5       fruitful.

6               MS. HAYES:   John, I just wanted to recall for  
7       everyone's memory that when we were in Kodiak there was a  
8       lot of feeling about people there that felt that they were  
9       being treated as second-class citizens by Exxon. They were  
10      miffed at the State for failing to take the actions that  
11      they thought were necessary -- and Kodiak is far enough  
12      away that most people don't think its one of the stake-  
13      holders in what's going on up at Alyeska. And is there  
14      anyway that we can think of about these -- you know, beyond  
15      the narrow geographic areas that we've talked about of  
16      Prince William Sound and Cook Inlet, of having people --  
17      you know, people that we already have experienced being  
18      impacted by something they thought would never happen -- to  
19      be more involved with it. Is there any merit to that, is  
20      there any way we can do it?

21              MARILYN:   Right. That's what happened with the  
22      actual ACAC, is that Kodiak was put on it, so was Kenai,  
23      people are represented -- Tim Robinson from Seldovia's on  
24      it. However, that is changing right now, and I do have a  
25      memo explaining -- I just got it yesterday -- how that ACAC



1 just sort of sat down with George Miller and some other  
2 people in Congress and tried to figure out what is what  
3 they -- what is it that they really want which is a little  
4 different than what originally was created. And so I don't  
5 know if those people are represented on it.

6 MS. HAYES: I just want to point out that the spill  
7 made everybody realize that their backyard was bigger than  
8 they thought it was before the spill. And we shouldn't  
9 make the same mistakes, I guess, in defining that.

10 MS. WUNNICKE: I would think we would just add  
11 Kodiak on this list of area-specific items, and if nothing  
12 more, make that recommendation that they be represented on  
13 a council.

14 MR. HAVELOCK: It's not -- in other words, it's not  
15 Prince William Sound the -- but Gulf of Alaska, or what-  
16 ever.

17 MS. WUNNICKE: Uh huh. 'Cause you got Prince  
18 William Sound, then you're gonna do Cook Inlet, then you  
19 should also do -- we've got the Arctic. I guess Hinchin-  
20 brook, south, maybe.

21 MARILYN: There's some gray area because they're  
22 sort of -- the Kenai Peninsula, which would be affected by  
23 a Cook Inlet spill, or a Prince William Sound spill. So  
24 then, are they on the Prince William Sound advisory or are  
25 they on the Cook Inlet?

1 MR. DOOLEY: They don't have to be on one or the  
2 other. They may well be on both. The same way with  
3 Kodiak.

4 MR. PARKER: Yeah. I just feel like (indiscernible  
5 - coughing) establishing the correct relationship with  
6 coastal zone may get us out of this. I don't know how  
7 effective the coastal zone committees are, but if you give  
8 'em more duties and more to relate to they may become more  
9 effective with what they're doing.

10 MR. DOOLEY: And I think the coastal zone dis-  
11 tricts, and the way they're set up, suffer from some of the  
12 arguments that Meg's (indiscernible). That backyard is a  
13 lot bigger than they thought it was. And they don't have  
14 that relationship until we get to the State-wide coastal  
15 zone policy council.

16 MR. PARKER: Well I know, you know, at least  
17 there's (indiscernible) in Kodiak. I've often wondered how  
18 they worked out their particular problems, but since I  
19 didn't have to solve them for 'em I just as well as stayed  
20 away from them.

21 MS. WUNNICKE: But in this connection, with respect  
22 to Prince William Sound, and just this topic, Alyeska  
23 itself is instituting local advisory committee. And I  
24 think all that we're addressing here is just what change  
25 we'd make in the Federal legislation.

1 MR. PARKER: Well, as you accurately pointed out,  
2 it's pretty hard to give Congress advise on what it should  
3 do there until we agree on our councils, so. But once they  
4 come back we should have agreement on that, so once they go  
5 into conference we should be ready to -- I don't see any  
6 particular problem there. It seems to me that they're  
7 something that they would (indiscernible - simultaneous  
8 talking).

9 MR. SUND: The point here is to have some citizen  
10 advisory council to help remind the Legislature and the  
11 Governor that -- paying attention to prevention aspects on  
12 tanker safety is something that should be done down the  
13 road. So, I'm not really concerned on how you make 'em up  
14 or how you put 'em together. Or else we have to recommend  
15 some specific legislation.

16 MR. PARKER: Okay.

17 MR. WALLIS: We'll go ahead and adopt this, just  
18 run me through this a little bit. Are we going to run back  
19 to Congress and have them insert this in the (indisce-  
20 rnible)?

21 MR. PARKER: Yeah.

22 MR. WALLIS: Before the Governor and the Legisla-  
23 ture approve this report?

24 MR. PARKER: No, after. In other words, we're not  
25 going to ask them to insert an entity in there that doesn't

1 exist yet.

2 MR. WALLIS: I'm just wondering about the steps and  
3 whether this will all be done before -- (indiscernible)  
4 argument on this point.....

5 MR. SUND: Well, I think on the Federal side what  
6 you could do is you could use some language that -- if an  
7 entity like this is created in the State then there be some  
8 relationships.

9 MR. PARKER: That's the way we did it before.

10 MR. SUND: If there isn't, there isn't.

11 MR. PARKER: Okay. The way they did it before was  
12 that -- you know, if an entity like this is created it's  
13 fine and if the State doesn't create the entity, why the  
14 Department of Commerce takes over the State and runs it -  
15 - that's the way the Congress handled it before.

16 MR. SUND: Just think subsistence, Tim.

17 MR. PARKER: Okay. Let's take a five-minute break.

18 (Off Record)

19 (On Record)

20 MR. PARKER: .....should be represented on the  
21 regional advisory committee structure and on whatever we  
22 develop, okay.

23 MS. WUNNICKE: What -- yeah, question of Staff.  
24 When you say port authority are you talking about the State  
25 council?

1 MR. HAVELOCK: No. That's what the regional  
2 advisory -- well, no. No, I'm not even sure -- we're  
3 talking about local government. We're still under the  
4 Valdez area. And what I was suggesting is that whatever -  
5 - that some -- the people from local governments should be  
6 involved in whatever structure it is you set up.

7 MS. WUNNICKE: Okay.

8 MR. PARKER: Now, okay. Industry.

9 MR. HAVELOCK: Now, I don't know whether you may  
10 want to, I mean..... In some ways this structure was  
11 designed to set up areas that you need to focus on -- you  
12 know, pay attention to. So I put in local government.  
13 Nobody's talked a whole lot about local government, and I  
14 thought that the structure of our state was all about local  
15 government and that you maybe need to think a little bit  
16 about how local government does fit. I mean, we're  
17 throwing everything at the State and the Federal government  
18 when we have so much testimony that local government was  
19 ignored and that local government should be involved, etc.,  
20 etc. How do you implement that? I did not have specific  
21 recommendations other than they be represented on at least  
22 these two bodies.

23 MR. PARKER: How you and I would have such dif-  
24 ferent perceptions of what our state is all about -- you  
25 think it's all about local government, I think it's all

1 about a low bunch of elitists now get to get together down  
2 in Juneau and dole out 10% of the oil booty to the local  
3 governments occasionally, when it suits their purposes, and  
4 --

5 MR. SUND: Ten percent's a big number now-a-days.

6 MR. PARKER: Yeah. Well, that's the last figure  
7 I saw was revenue-sharing was 10%, so -- .....

8 MS. WUNNICKE: I agree. I agree. I agree Alyeska  
9 should be represented to. This is going to Cook Inlet.

10 MR. PARKER: Okay. Industry should be represented.  
11 Okay, Cook Inlet.

12 MR. HAVELOCK: Now, Mr. Chairman, to introduce the  
13 Cook Inlet we do have somebody here that has been working  
14 on the Cook Inlet plan and that's -- if you could come  
15 forward, Jim, and introduce yourself to them and tell them  
16 what you do and maybe make a few observations. He has been  
17 sitting here listening to what we have been doing to Valdez  
18 so no doubt he's got some (indiscernible - simultaneous  
19 talking).....

20 MARILYN: Bill (indiscernible) is Jim Butler's  
21 other half, but (indiscernible) few people to look at Cook  
22 Inlet and what recommendations need to be made on tanker  
23 traffic, etc. And (indiscernible).

24 JOE: All right. Joe Saunder (ph) with DEC here in South  
25 Central out of Anchorage, and as Marilyn pointed out I've

1 been working with Jim Butler for a couple months now with  
2 the Cook Inlet situation, trying to get some sort of  
3 improvement on the spill preparedness -- prevention,  
4 response aspects of the Cook Inlet situation. Obviously,  
5 Cook Inlet's a lot more complicated than Prince William  
6 Sound. You have a single product in Prince William Sound,  
7 you have a single response -- or terminal, being Alyeska,  
8 and the vessels that come in there basically haul crude oil  
9 from the North Slope. In Cook Inlet you have a variety of  
10 traffic. Anything from ammonia to liquid natural gas, jet  
11 fuel, diesel, oil going in all different directions from  
12 Drift River to Anchorage to the Nikisky area. You have  
13 what is believed to be more severe weather conditions in  
14 the Inlet. Strong tides up to six to eight knots in some  
15 places. Icing conditions. A lot more variables involved  
16 in the Cook Inlet area. I guess the biggest problem is you  
17 also have some pluses too, and I don't want to go into the  
18 whole scope of everything that we've determined in the last  
19 two months, but it is a shal -- it's basically shallow.  
20 You have the option of anchoring in Cook Inlet much more  
21 easily than you would in Prince William Sound -- one of the  
22 pluses.

23  
24 But there's a number of things our department  
25 primarily focuses -- or our regulations and statutes focus  
on the response aspect to any fuel spill or hazardous waste

1 spill. In this case that's kind of hindering us in getting  
2 any sort of preventative measures, which I think in Cook  
3 Inlet, and possibly anywhere, is where you want to put most  
4 of your efforts. In some areas, when you have a spill,  
5 you're likely to get maybe 20%, maybe 15 or 20%, that I  
6 guess are high figures of some of the average spills that  
7 have taken place around the world. In Cook Inlet you're  
8 probably lucky to get that. It's a silty environment. A  
9 lot of it's going to sink. The tides and currents and  
10 everything else, weather conditions, are gonna make it  
11 extremely difficult to respond to a spill and actually  
12 expect to pick up substantial quantities of it. So you  
13 have to focus on prevention. And basically, most of the  
14 preventive measures are under the authority of the Coast  
15 Guard at this time.

16 Just briefly, some of the things that Jim Butler  
17 and I, and the industry, and some of you here have also  
18 been involved in this some of these meetings we've dis-  
19 cussed, I guess what I see as being some of the better  
20 ideas would be either a port -- maybe not necessarily port  
21 authority -- but some sort of terminal control. We have no  
22 control over our vessel traffic that I'm aware of under the  
23 State, or at least DEC. We can't tell vessels how far off  
24 shore they need to be. We can't tell 'em what lanes they  
25 can come into in Cook Inlet. We can't tell them when they



1 can dock, when they can't dock, under what conditions. If  
2 we want good prevention this is the one area where we'll  
3 probably get a lot -- a big, large improvement. It  
4 probably isn't gonna be easy to put something like that in  
5 place.

6 For instance, when we had a meeting back in October  
7 -- which I believe Mr. Parker was there with the industry -  
8 - they indicated that they would -- the industry indicated  
9 that their vessels coming from Prince William Sound would  
10 stay 25 miles off the coast of Kenai before entering Cook  
11 Inlet. This was viewed as a big plus by the fishermen  
12 because previously they were calling for response equipment  
13 in Seward, and tugs, vessels, assist vessels, in case there  
14 were a tanker being disabled or lost steering off the Kenai  
15 Peninsula. Well, if you put yourself 25 miles off the  
16 coast you give yourself a lot of flexibility for respond-  
17 ing. So you probably don't need to have response capabili-  
18 ty in Seward, you might better be able to have them in  
19 Homer where they can be used for two different purposes.  
20 But we have no means of verifying that -- that those  
21 tankers are actually doing that. The industry came up two  
22 months and said they were gonna do it, but there's nothing  
23 in place to enforce that or oversee it, short of DEC  
24 jumping up in helicopters and checking it out. But even if  
25 we -- even if they weren't there we have no authority to

1 tell them to maintain that distance. The same goes true  
2 for Cook Inlet, they can basically go where they want to.  
3 And they have had a pretty good record in there, although  
4 there's been a few incidents, primarily the Glacier Bay  
5 which happened, I guess, while it was at anchor -- it  
6 struck an uncharted rock while anchored, so overall the  
7 industry probably has a pretty good record, but there's a  
8 general consensus that there's an accident out there  
9 waiting to happen.

10 At Valdez we didn't have any major incidents until  
11 last year. But when you have one it's substantial. So  
12 that would be one of the better things that would help.  
13 Control the traffic. Both traffic lanes of some sort in  
14 Cook Inlet and some sort of control -- terminal or port  
15 control over those vessels, telling them what conditions  
16 they can dock under, what conditions they can leave the  
17 port under, or transit from Nikisky to Drift River under  
18 certain ice conditions. Norway does that with some of  
19 their ships. For docking they have wind minimums.  
20 Scotland has minimums of how far off land a vessel can be  
21 under certain wind conditions. When the wind conditions  
22 are bad they -- I believe they have to maintain a 10-mile  
23 distance -- I'm not sure about that.

24 That's pretty much -- there's a number of other  
25 things that we've looked at that we've been trying to work

1 with the industry to get a lot of these things voluntarily.  
2 We've asked for assist vessels, response vessels, and of  
3 course we have a commitment to have one assist vessel in  
4 the Inlet. It's not fully operational at this time, and  
5 I'm not sure that it's gonna suit the purpose for the long  
6 run as far as in relation to what they're doing in com-  
7 parison to Valdez. We want it to be able to assist a  
8 disabled tanker and possibly respond to a spill. One  
9 vessel may not even be enough -- we'd recommend maybe two  
10 or three. These things -- industry's gonna be reluctant to  
11 do a lot of these things on their own. They're giving us  
12 a little bit but it's hard to get exactly what's needed out  
13 there without the proper regulations.

14 MR. PARKER: In discussions with pilots and some  
15 of the shippers, they've assured me that they stay safely  
16 down at Anchor Point in Anchorage until there berth-time at  
17 Nikisky is assured and then proceed so as to arrive there  
18 after the berth is cleared and the departing tanker will be  
19 well out of the way. And others have told me that at times  
20 there is some congestion at Nikisky and the system doesn't  
21 work quite as ideally as it's been described to me. What's  
22 your opinion on that?

23 JOE: I've heard varying stories also. There's a  
24 concern -- the platforms -- I guess there's a maneuver that  
25 some of the tankers make when they come out of Nikisky --

1 not all of them do this, and I didn't witness this, but  
2 apparently the Coast Guard was on board a vessel -- I don't  
3 know if it was last year, or so -- that made a turn that if  
4 they would've lost power they very easily could have been  
5 carried into one of the platforms. And I guess this is a  
6 fairly routine maneuver, and one that probably -- you know,  
7 need to be corrected if it hasn't already been. Those kind  
8 of things -- last year -- I think it was last year -- we  
9 had one of the ships that came in, and I don't know what  
10 the tide or wind conditions were, but it had trouble  
11 docking. It punched a hole in the tanker and they had a  
12 small spill at the dock.

13 MR. DOOLEY: I just think it points out that -- you  
14 know, it elaborates largely what ECO presented earlier and  
15 the emphasis on these vessel-monitoring systems. Cook  
16 Inlet is a lot harder to deal with for the reasons he's  
17 enunciated. Different operators, different needs and  
18 requirements. The other issue that makes it more difficult  
19 that didn't get raised, is you're dealing with large cargo  
20 vessels of major size as well. The vessel traffic lanes,  
21 we've had some mixed reports from pilots whether or not  
22 those would be adequate. Perhaps if you had a vessel-  
23 monitoring system with (indiscernible), the definition of  
24 lanes per se may not be a requirement, but can be directed  
25 from a traffic system.

1           JOE: That may be a real advantage too, because I  
2 have heard some of the fishing groups are -- might be  
3 reluctant to have vessel lanes because they wouldn't be  
4 allowed to fish in them. And that might be a real concern  
5 in Cook Inlet.

6           MR. PARKER: Well, they worked that out with Prince  
7 William Sound, and the fishermen and the tankers learned to  
8 live together with the lanes over time, and -- .....

9           MR. DOOLEY: There's a wider body of water there,  
10 though, for that, and the primary concern with fishermen,  
11 if I remember in Prince William Sound, was crab pots. And  
12 there wasn't a drift fleet. And here we have a relatively  
13 smaller body of water, a little more stronger incidence of  
14 heavier travel, and the congestion area is considerably  
15 more circumscribed than what we have in Prince William  
16 Sound.

17           MR. PARKER: Drift season's only open from 20 to  
18 40 days a year depending on what the forecast is, so.....

19           MR. SUND: And oil spills.

20           MR. PARKER: And the oil spills, you know, but the  
21 oil spills.....

22           MR. SUND: They usually gotta be open during the  
23 spill season.

24           MR. PARKER: But there's the other 340 days of the  
25 year where the drifters are not in the tankers way, so.....

1 Marilyn.

2 MARILYN: I think I just have a question for Joe,  
3 in that has there been discussions with the Coast Guard as  
4 to how, maybe, some of this authority would be delegated,  
5 and have there been discussions of how that type of  
6 authority would work. Would it work on the local level or  
7 on the State level?

8 JOE: We haven't really gotten into the meat of it  
9 yet. I think it's still being tossed around whether or not  
10 that it needs to happen, and who would assume authority is  
11 hard to say. Jim and I've talked about the Borough,  
12 possibly, being the best focal point, but I don't know,  
13 that remains to be determined.

14 MS. WUNNICKE: Mr. Chairman. Would the assist  
15 vessel that you mentioned -- you said you asked for that.  
16 You've never been told by anyone in DEC that you had  
17 authority to require an assist vessel, or require any of  
18 the things that you're talking about?

19 JOE: We requested an assist vessel -- actually,  
20 we requested a response vessel, which we suggested have tug  
21 or tow capabilities. We have response -- authority to  
22 require response capabilities. This vessel is outfitted  
23 with boom, skimmers, skiffs, able to deploy equipment in  
24 response to a spill. It so happens that it also has  
25 capability -- it's large enough to haul the -- or tow the

1 largest tanker that comes into Cook Inlet, and I believe  
2 that they put a tow package on it which would allow them to  
3 more easily hook up to most of the tanker. The problem,  
4 again, in Cook Inlet -- in Prince William Sound they do  
5 have tow packages that are required, the Prince William  
6 Sound towing package.

7 All the vessels that come in there have to have  
8 it and they can be hooked up fairly efficiently, and they  
9 have drills. In Cook Inlet not all of the vessels have  
10 towing packages, so even if you put a towing package on the  
11 tug a vessel that's coming from the Far East or some other  
12 foreign flag may not have that tow package. So, that's  
13 another situation that has to be looked at, you know, even  
14 if we were to have these assist vessels in the Inlet long-  
15 term, which we would like to see, you still need to get all  
16 the different industry members and the foreign ships to  
17 comply with our requirements. And it's gonna cost some of  
18 them some money. Some are gonna be more reluctant to do  
19 that than others. We have vessels coming into Cook Inlet  
20 where the whole crew virtually speaks a foreign language.  
21 We have trouble communicating with them.

22 MR. PARKER: How have you been handling the  
23 communication problems?

24 JOE: I haven't gotten into that very much. I  
25 couldn't tell you. I just that heard that -- that the one

1 ship that came in last year, the oriental freight that  
2 comes in quite frequently, and I'm not sure what the crew -  
3 - I think it's a Japanese crew, but I'm not sure. But we  
4 had some problems. This one that had the spill last year  
5 when it bumped into the dock, and one of our people in  
6 Kenai said there was some communication problems between  
7 the vessel and the dock at the time of the spill, because  
8 they couldn't find anybody to speak English. But I haven't  
9 been able to verify that. I don't know the details, but  
10 those are the kind of problems that you have there that you  
11 probably don't have in Prince William Sound.

12 MR. HAVELOCK: Are you contemplating a control  
13 system that'll include the Port of Anchorage?

14 JOE: We've talked a little bit about the Port of  
15 Anchorage, not a lot yet. We have been focusing on oil  
16 tanker traffic, and oil tanker traffic at this time doesn't  
17 come in to Anchorage. But the Port of Anchorage would  
18 certainly want that we should consider including that in  
19 any sort of a port authority or -- you know, port --  
20 terminal or vessel control that we may set up.

21 MR. PARKER: Your products tankers come into  
22 Anchorage.

23 JOE: Right. Refined products. That's correct.

24 MS. WUNNICKE: How many port authorities, just to  
25 use that term, would be necessary to exercise that control



1 for Cook Inlet. Nikisky?

2 JOE: I'm not really sure, but I'd probably say  
3 just off-hand, probably Anchorage and maybe one at Nikisky.  
4 I'm not sure how far-reaching.....

5 MR. HAVELOCK: Why would you need more than one?

6 JOE: You might not. I'm not.....

7 MR. HAVELOCK: You may have a problem with mixing  
8 the two regional governments and that might be solved by  
9 legislation, particularly if you decide that you're gonna  
10 put this in Public Safety or something, and local govern-  
11 ment doesn't become as relevant. But it sound to me from  
12 what he's saying that they need a boost from State legisla-  
13 tion either enabling or creating a joint-borough or a tri-  
14 borough port authority and giving a little assistance on  
15 it, or else putting it in Public Safety.

16 MR. PARKER: Tried a tri-borough once for air  
17 quality. Didn't get anywhere with it as I remember.....

18 MR. HAVELOCK: Well, that's 'cause it wasn't  
19 mandated by the State.

20 MR. PARKER: That's why we didn't get anywhere with  
21 it. That's what we were trying.....

22 MR. DOOLEY: You tried the harbor authority  
23 approach, though, like you were talking about in Prince  
24 William Sound. It certainly gets beyond the city boun-  
25 daries of Valdez and outside any borough context. And in

1 some areas it affects the Kenai Borough as well. So if you  
2 deal with a harbor authority as a traffic management tool,  
3 I don't know there needs to be circumscribed to the  
4 confines of a borough or not. We've got three boroughs in  
5 Cook Inlet -- four if we want to count Kodiak as one of the  
6 major stake-holders.

7 MS. WUNNICKE: You certainly have clarified  
8 something for me because I must have mis-remembered  
9 Commissioner Kelso's (ph) testimony in Soldotna that the EC  
10 had the kind of authority that we're talking about. The  
11 kind that they exercised on an emergency basis in Prince  
12 William Sound. I understood from him that you had that  
13 authority absent in an emergency and -- apparently that's  
14 not the case, so I must not have remembered that correctly.

15 JOE: You talking about preventative measures? According  
16 to the regulations that I'm familiar with, I don't think we  
17 have that.

18 Usually when we try to -- a preventative measure  
19 we've usually got to try to implement it through our  
20 response capabilities, such as with the vessel, and, you  
21 know, certainly industry in some case is willing to  
22 cooperate and give us more than we can require, because  
23 it's convenient -- it's easy to do. But we don't have the  
24 stiff-arm to do that. One other thing I would like to  
25 mention, one other thing in Cook Inlet which we are trying

1 to -- or looking into -- is we don't have one central --  
2 specific response -- team, as you might have. Alyeska at  
3 this time is basically covering Prince William Sound.  
4 Well, in Cook Inlet you have CIRO, which is Cook Inlet --  
5 now called the Resource Organization, no longer called the  
6 response organization -- they changed their name, I think  
7 a year ago or so, I think as a result of the Glacier Bay  
8 spill. They're just -- basically a warehouse. Then you  
9 have Alaska Clean Seas which has some equipment. Then you  
10 have various contractors such as Martec (ph) that are  
11 listed as response contractors with the vessels. All of  
12 them have.....

13 MR. PARKER: Is Martec (ph) still alive?

14 JOE: Pardon? Martec (ph) is.

15 MR. PARKER: Do they have any personnel. Do they  
16 have equipment available?

17 JOE: Yes. It's -- Martec (ph) bought out Unitec  
18 (ph). Unitec (ph) used to be (indiscernible) response  
19 aspect, but what they have compared to CIRO is very small  
20 and CIRO is -- you know, needs to be -- have some addition-  
21 al response equipment themselves. So, if you put all three  
22 those together you -- what we need to do is maybe focus at  
23 one (indiscernible). Because the industry in Cook Inlet  
24 probably (indiscernible) to afford the kind of response and  
25 prevention capabilities they need, what they need to do is

1 a cooperative -- an area like Puget Sound has a cooperative  
2 that seems to be working. I'm not real familiar with it,  
3 but I'm going to look into it a little bit more, and a lot  
4 of the same companies that are in that cooperative are up  
5 here too. And they seem to have a hard time with trying to  
6 put that same concept together up here. I don't see why  
7 it'd be that difficult.

8 MR. SUND: Mr. Chairman, I hate to corrupt a nice  
9 technical discussion here, but I'm not sure where we're  
10 going.

11 MR. HAVELOCK: That's it. Just wanted to bring you  
12 up to date with what they're doing there, which is not a  
13 whole lot. From the point of view of institutions they  
14 don't appear to have moved beyond where we are.

15 MR. PARKER: Okay, the -- Cook Inlet. Do you --  
16 anything you wish to add to what (indiscernible) Cook  
17 Inlet then? It appears, based on what we just heard, with  
18 what we've discussed, that -- is needed and the structure  
19 of the centralized response team structure and some  
20 structure for prevention. Any additions anyone wants to  
21 make? Okay. Pipeline. A large part of this seems to be  
22 well underway.

23 MR. HAVELOCK: I'd like to call your attention to  
24 Dick Plotter fax that came in this afternoon under the Sea  
25 Grant Title.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

MARILYN: Page six of the fax starts his recommendations on the pipeline. He has several.

MR. HAVELOCK: He lists some of the problems that we should be concerned about in.....

MR. WALLIS: What page? I'm sorry.

MARILYN: Of this fax -- it's five of the real pages and six of the faxed pages. It says "Prevention Recommendations." And -- .....

MR. HAVELOCK: It's on page five in mine. I have a later draft maybe.

MARILYN: No, I just got it. Six is the fax number at the corner of page six.

MR. HAVELOCK: Okay (indiscernible).

MARILYN: Do you want me to just go through them? Sure.

(Indiscernible)

MR. HAVELOCK: Let me -- if you want me to identify the principal ones -- first of all, it seemed to me that he supports the proposition that I have in the outline, which is that there should be a task force -- he calls it an audit team -- to do with the Federal Government a Federal review of where the pipeline safety currently is. He also thinks that we should mandate reporting on the part of Alyeska, which is not now mandated, with respect to the current status of their corrosion protection system -- and

1 the specific reports of their corrosion monitoring.

2 I guess, maybe to expand on that, he thinks that  
3 there should be a -- that Alyeska should share with us all  
4 the information that they have with respect to the pipe-  
5 line, security and safety and this -- and that they should  
6 be required to collect such information as they are not now  
7 collecting. But we can assume that a certain amount of  
8 that collecting is already going on. Particular on the  
9 corrosion issue. But as you'll notice at the beginning  
10 there he talks about some other issues which -- maybe the  
11 leak-detection is one that we've had occasion to comment on  
12 before. The initial promise of the Alyeska ownership was  
13 that the state-of-the-art would provide us with virtually  
14 instant information regarding a leak caused by the penetra-  
15 tion of a rifle bullet. The current information is that  
16 the best they can do is something on the -- 2,000 gallons  
17 a minute, which is not a rifle bullet.

18 MR. PARKER: No, that's almost a total rupture.

19 MR. HAVELOCK: You can -- he's got a review of the  
20 findings, most of which we already know, are the first four  
21 pages, and then he's got some recommendations that have  
22 some detail to them, but the general structure is as I've  
23 described it. They should provide us with more informa-  
24 tion. We should have a task force to investigate.

25 MR. PARKER: The 2,000 gallons per minute has been

1 with us for some time. Where did that originate?  
2  
3 MARILYN: It was some kind of -- DEC Northern  
4 Regional Office, basically told us that.  
5  
6 MR. PARKER: That's right. DEC's Northern Regional  
7 Office.  
8  
9 MR. DOOLEY: (Indiscernible) detect a spill like  
10 that (indiscernible).  
11  
12 MR. HAVELOCK: Yeah. We were impressed.  
13  
14 MARILYN: We were impressed with the math.  
15  
16 MR. HAVELOCK: We thought of it filling up this  
17 room in an hour or so.  
18  
19 MARILYN: (Indiscernible -- simultaneous talking)  
20  
21 MR. DOOLEY: How was Atican (ph) detected? What was the  
22 rate of leakage at Atican (ph) Pass and how was that  
23 detected?  
24  
25 UNIDENTIFIED SPEAKER FROM AUDIENCE: I don't know.  
26  
27 MR. PARKER: Fifteen hundred gallons a minute.  
28  
29 MR. DOOLEY: Atican (ph) Pass was detected by  
30 someone driving by and smelling it. It wasn't detected by  
31 any mechanical means.  
32  
33 UNIDENTIFIED SPEAKER FROM AUDIENCE: But it also  
34 wasn't (indiscernible).  
35  
36 MR. PARKER: Well, we could.....  
37  
38 MR. HAVELOCK: We need to explore that more,  
39 anyway, and Marilyn, no doubt has a point.

1 MR. DOOLEY: Mr. Chairman, this focus is on the  
2 Alyeska one. We have the same -- I share the same parallel  
3 concerns with the Nikisky Pipeline, which has already been  
4 stated by John, in a little more arduous terrain just where  
5 it crosses the Turnagain Arm. And it's getting nearly --  
6 it's approximately the same age.

7 MR. PARKER: You're referring to the natural gas  
8 line?

9 MR. DOOLEY: No, I'm not. I'm talking about the  
10 product pipeline from Nikisky to Anchorage.

11 MR. HAVELOCK: I guess all that I wanted to.....

12 MR. PARKER: That's an eight-incher?

13 MR. DOOLEY: I don't know if it's eight or 12.

14 MR. HAVELOCK: Before we get bogged down in the  
15 technical, all I think that we really need for Staff  
16 guidance on the report is, do you want to recommend a task  
17 force to oversee the condition of the TAPS line as it comes  
18 to the end of its planned useful life -- the 20-year plan.  
19 And secondly, do you.....

20 MS. WUNNICKE: Given the nucleus that's already  
21 begun, yeah.

22 MR. HAVELOCK: Pardon?

23 MS. WUNNICKE: Given the nucleus of such a task  
24 force that's already begun.

25 MR. HAVELOCK: Given the nucleus that is begun,



1 you're considering if the Federal Government is doing it  
2 anyway are we gonna sit there and watch the Feds do it for  
3 us?

4 MS. WUNNICKE: No.

5 MR. HAVELOCK: I thought that would get you.

6 (Laughter)

7 MS. WUNNICKE: Mr. Chairman, Counsel. Before the  
8 other paper that Zig gave us on the pipeline sees the light  
9 a public review, there is a graphic in there that shows a  
10 pipeline from Prudhoe Bay to Chicago -- and does he know  
11 something we don't know? Really, I mean it should be.....

12 MR. PARKER: Did they go ahead and build?

13 MS. WUNNICKE: I don't know -- it's just a graphic  
14 that shouldn't be there.

15 (Indiscernible - simultaneous talking)

16 MR. HAVELOCK: The other issue is simply, do we  
17 want to ask for -- as a matter of regulatory authority --  
18 to require that they provide the information with respect  
19 to the environmental security of the line? I assume that's  
20 an amendment to DEC regulations, or DNR, take your pick.

21 MARILYN: See and that's -- I guess that's just -  
22 - I just was gonna quickly talk about the contingency  
23 planning review of the pipeline, because up till now  
24 there's a stack of contingency plans for Alyeska. The  
25 first few deal with Prince William Sound, the rest is the

1 pipeline. And -- I don't think the State has -- I just  
2 would add to that, that there be a review of the contingency  
3 plan as part of that task force's purpose -- pardon me.

4 MS. WUNNICKE: I think your task force would have  
5 to have (indiscernible).

6 (Indiscernible - simultaneous talking)

7 MR. PARKER: Ed.

8 MR. WENK: I'm keenly interested in the pipeline  
9 from the point of view of its vulnerability and so on. By  
10 coincidence I worked on this question of pipeline corrosion  
11 down in Texas in 1956, and I'm well aware of what the  
12 hazards are here and I think there's due reason to be  
13 concerned. But from the point of view of the Commission,  
14 we haven't really had much in the way of inputs during  
15 hearings or through any other documentation that would give  
16 us a sound basis for any specific recommendations that I  
17 can see.

18 But, speaking for myself, I think this is important  
19 enough to be included within one type of scope of Commis-  
20 sioner recommendations. Then when we go back to that  
21 proposal of Commissioner Wunnicke's for this council, it  
22 seems to me if we make the terms of reference of the  
23 council oil transportation, which includes prevention,  
24 includes contingency planning response, but also includes  
25 the pipeline, that -- and for the Commission to be specific

1 in saying that it includes the pipeline -- and I can  
2 imagine our really getting this on the agenda in an  
3 appropriate way without getting ourselves into some areas  
4 of uncertainty of what in more detail we can say with  
5 confidence.

6 MR. PARKER: Well, I -- does that sound all right  
7 to you Counselor?

8 MS. WUNNICKE: We had not limited it to marine  
9 transportation.

10 MR. PARKER: Yeah.

11 MR. HAVELOCK: I'm not sure that I fully understood  
12 what he was waiving to the State policy counselor. Is he  
13 saying we should not recommend a task force for -- that the  
14 State participate in the task force to look at the TAPS  
15 line?

16 MS. WUNNICKE: No, he just wanted to go back, I  
17 thought, to what this oil pollution council, or whatever  
18 you want to call it, and be sure that it was not just  
19 limited to marine transport of oil but included all of the  
20 transport of oil.

21 MR. WENK: Well, if you're referring to, John, the  
22 -- and all I have in front of me now is a very compact  
23 analysis that I guess Marilyn made -- the Presidential task  
24 force to conduct the audit of the pipeline system?

25 MR. HAVELOCK: Yeah.

1 MR. WENK: Frankly, before going any further I'd  
2 like to know more details as to what that consists of and  
3 who's gonna do what and so on and so on. I realize that  
4 there is a need for the State not to be preempted from an  
5 involvement here. I'm not -- I just know nothing about how  
6 that got into this legislation.

7 MR. HAVELOCK: Marilyn will tell you.

8 MARILYN: I'll tell you. There was a bill called  
9 HR3277 introduced by Representative George Miller -- in the  
10 House -- to create a Presidential task force on the  
11 pipeline. And he had done some research, he brought teams  
12 of people up here to look at the pipeline because of  
13 corrosion problems he had heard back in Washington D.C. It  
14 was all an impetus of this -- you know, a response to the  
15 spill. And what it is, is a -- let me read to you. "The  
16 Presidential task force can make recommendations to the  
17 President and Congress and function as a permanent forum  
18 for improved oversight and enforcement of safety and  
19 environmental laws related to TAPS. The scope includes  
20 matters related to operations of TAPS, the terminal, tanker  
21 traffic.....", and then it goes on -- I'm not getting  
22 specific of pipeline, but basically it's a full review of  
23 the pipeline as well.

24 MR. WENK: Well, but -- it strikes me, if I heard  
25 you correctly, that it goes well beyond just a review.

1 This is looking toward some future monitoring and operating  
2 responsibility of -- I guess I'm.....

3 MARILYN: Here, I can tell you what the respon-  
4 sibilities are right now.

5 MR. WENK: Well.....

6 MARILYN: The present (indiscernible) says, advise  
7 Congress and the President on whether the holder of the  
8 Federal and State right-of-way is and has been operating in  
9 full compliance with these agreements, with the agreements  
10 of the right-of-way pipeline, the operational and struc-  
11 tural soundness of the pipeline, terminal and related  
12 facilities, necessary improvements for the pipeline,  
13 terminal and facilities, necessary improvements in oil  
14 spill response capabilities and contingency plans for  
15 Prince William Sound, necessary improvements in security  
16 for TAPS, and necessary improvements in the vessel traffic  
17 control.

18 MR. WENK: Okay, let me give you a quick reaction  
19 to that. Number one, that's stating what the Federal  
20 Government is doing with its initiative vis-a-vis the  
21 pipeline -- it's interesting that that same legislation  
22 does not say what the Federal Government is doing with  
23 regard to oil spill prevention on the maritime leg of it,  
24 which is really what has been the heart of this Commis-  
25 sion's business. They're talking about the pipeline. All

1 of those good words and ideas that are there, it seems to  
2 me, should have appeared in that legislation with regard to  
3 the marine leg. Point number one.

4 MARILYN: Here it says the scope includes matters  
5 to operation of the TAPS, the terminal at the Port of  
6 Valdez and tanker traffic in Prince William Sound.

7 MR. WENK: So it does say tanker traffic?

8 MS. WUNNICKE: Uh huh.

9 MR. WENK: Sorry, I didn't see that. Okay. Or I  
10 didn't hear that.

11 MARILYN: And that is also in the citizen advisory  
12 committee memo.

13 MS. WUNNICKE: (Laughter) You're gonna get us to  
14 read that yet.

15 MARILYN: Yes.

16 MR. WENK: That's the whole ball of wax that the  
17 Federal Government's gonna do according to that. I mean -  
18 - you know, that's astonishing.

19 MR. PARKER: Well, Congressman Miller's been very,  
20 very energetic and active.

21 MARILYN: Now, it's not through conference commit-  
22 tee yet.

23 MR. PARKER: Hmm?

24 MS. HAYES: You're not home yet.

25 MARILYN: That's right. It still has to get

1 through conference.

2 MS. WUNNICKE: But, Mr. Chairman, as the Chairman  
3 was saying earlier today, there are some other positive  
4 things happening locally between the State and Federal  
5 governments with respect to the pipeline, in that the  
6 Department of Natural Resources has jurisdiction over  
7 pipeline on State lands and the Bureau of Land Management  
8 has jurisdiction over Federal lands, (indiscernible)  
9 together have elevated their surveillance to higher levels.  
10

11 So, there is some attention being paid to it.

12 MR. WENK: Well, I feel better educated now. John  
13 was asking what my feeling was about the State, is that it,  
14 participating on this task force. Gee, the State's gotta  
15 be involved? It's just no question.

16 MR. PARKER: Do you need any other direction on  
17 that one, Counsel?

18 MR. HAVELOCK: No.

19 MR. WENK: Excuse me. The only thing that puzzles  
20 me though, is again a question of my lack of information.  
21 Is the State itself doing any of this with regard to the  
22 pipeline at the present time, or have -- are there plans.

23 MR. PARKER: There are plans. The State's gonna  
24 get briefed by Alyeska on the 9th or some such date to --  
25 on what the status of their -- of Alyeska's corrosion  
review is. The State is starting to take an interest, but

1 the State only had one person funded for pipeline oversight  
2 and portions of other people, so.....

3 MR. WENK: So there we go again, yeah.

4 MR. PARKER: You know, probably two full man-  
5 eaters was about all they were devoting to pipeline  
6 oversight.

7 MS. WUNNICKE: But in response to this event the  
8 State has elevated that office within the Department of  
9 Natural Resources.

10 MR. WENK: Pipeline.

11 MS. WUNNICKE: Yes.

12 MR. WENK: Pipeline office.

13 MS. WUNNICKE: Yeah. And they, together with the  
14 Bureau of Land Management, are giving more attention to it  
15 than has been given in the past.

16 MR. PARKER: Yeah. I think total man-years now are  
17 four on the State side, you know, as soon as they get  
18 somebody hired to buttress the people they already have in  
19 place, and BLM has six people working on it. So that's  
20 what you're bringing to it in manpower at the moment.  
21 Dennis.

22 MR. DOOLEY: Well, I think the record also indi-  
23 cates there was a response not only to this proposed  
24 legislation, but the fact that the corrosion problem has  
25 become much more visible and apparent to the public and the



1 State. (Indiscernible) been in the record presented to  
2 this Commission.

3 MR. HERZ: In the findings that we reviewed  
4 yesterday was there any explicit language about this  
5 pipeline corrosion problem? It seems to me that that ought  
6 to be in the findings and we ought to be, if not more  
7 explicit in other areas, we ought to make some explicit  
8 statement about the State's getting access to the existing  
9 data. I mean, that seems, frankly, outrageous that the  
10 information.....

11 MARILYN: I should clarify that they -- I don't  
12 know -- maybe Esther maybe could help me, but DNR does get  
13 a report from Alyeska on the pipeline. I just don't know  
14 how detailed that report is and how much the State is  
15 authorized to be able to ask of information from.....

16 MR. HERZ: The Zig Plotter memo -- I don't know  
17 what that's based on 'cause it doesn't say what the sources  
18 are -- it makes it appear as if all the information is  
19 proprietary and there is no concrete information made  
20 available to the State.

21 MR. DOOLEY: You had a testimony from Tom Hawkins  
22 who said he gets the PIG reports. He just doesn't know how  
23 to read 'em or what to do with 'em.

24 MR. HERZ: Where'd the data that was -- I mean, is  
25 the Zig Plotter.....

1           MR. HAVELOCK:   Well, the independent -- the  
2 contract that Alyeska let was the proprietary contract to  
3 have their corrosion problem studied. It is now -- they  
4 have certainly made it available now, but there was no  
5 legal requirement that they -- and there is not any legal  
6 requirement that Alyeska make available to the State all  
7 data relating to the safety of the pipeline that is  
8 developed.

9           So it gives some reports, like the PIG report, are  
10 given t o Mr. Hawkins, but they can do whatever else they  
11 feel is appropriate without necessarily sharing it with the  
12 State with respect to other safety data.

13          MR. HERZ: My point is, though, that that's self-  
14 regulation, and I thought one of the things that we're  
15 trying to say is that the State ought to be in the business  
16 of regulating the pipeline and, therefore, they ought to  
17 have access to those data. And by the way, if in fact what  
18 you're saying is true, that this Zig Plotter December --  
19 whatever the thing we just got hot off of a fax, is a very  
20 seri -- makes very serious allegations that are not true,  
21 and I don't know that we ought to be.....

22          MR. HAVELOCK: Which one do you have in mind?

23          MR. HERZ: Well, about -- at least my quick read  
24 of this makes it sound as if all this infor -- none of this  
25 information has been made available -- about the NKK

1 survey.

2 MR. HAVELOCK: The NKK was not automatically made  
3 available, it's not required to be made automatically  
4 available. I think the point he's making is that that  
5 stuff should come automatically as a part of our regulator  
6 oversight.

7 MR. HERZ: Well, my recommendation is that we make  
8 some recommendations to that effect, with very strong  
9 language about the State having access automatically to  
10 those -- that information.

11 MR. HAVELOCK: If there's no dissent I'll take that  
12 as a recommendation.

13 MR. WALLIS: Esther, do you want to include that  
14 in lease agreements?

15 MR. PARKER: Didn't hear you.

16 MS. WUNNICKE: In lease agreements I think they're  
17 already written.

18 MR. WALLIS: If they're already in the lease  
19 agreements then there's no need for this thing.

20 MS. WUNNICKE: I don't know -- no, I don't know  
21 whether they're included in lease agreements or not.

22 MARILYN: Could I -- just for the record clarify  
23 on thing, which I don't know if I'll do very well at  
24 clarifying, but there is a potential lawsuit about to take  
25 place, or is being researched by the State, against

1 Alyeska, dealing with corrosion along the pipeline and some  
2 sort of -- Mike might be able to expand upon it -- but it -  
3 - the Attorney General -- it has to do with tariffs more so  
4 than corrosion. But the Attorney General has hired a  
5 specialist to look at corrosion, so there are some things  
6 going on. But then the question comes in.....

7 MR. PARKER: The AG's hire him or DNR's hired him?

8 MARILYN: The AG. They get to hire every -- .....  
9 But there's when.....

10 MR. PARKER: I knew that the attorneys would wind  
11 up doing the (indiscernible).

12 MARILYN: So, but if I could just follow up on just  
13 -- then because of this lawsuit it might make it that much  
14 more difficult for the State to gain access to that  
15 information about the corrosion on the pipeline. So it is  
16 a very gray area, I think is the bottom line. I don't know  
17 if -- I would say that there is some information, but I  
18 don't know how much and what authority the State has to  
19 demand it.

20 MR. HERZ: Equally worrisome, if I read what you  
21 said correctly, it sounds as if the review of the pipeline  
22 contingency plans is stuck. And I don't understand whether  
23 that's a person-power problem or what, but I think we ought  
24 to speak to that with recommendations too, because that  
25 seems like something that needs to be done. Hello?

1 MS. WUNNICKE: Mr. Chairman, I think we're at a  
2 point and I think Mr. Wenk said it. We need to fly these  
3 flags and make these recommendations, but it's true that  
4 this Commission has not spent the amount of time on the  
5 Trans-Alaska Pipeline to merit very detailed recommenda-  
6 tions. But it certainly should alert the public and the  
7 Governor and the Legislature and whomever reads our report,  
8 that this is a big problem that needs to be addressed. But  
9 beyond that I think we can't be too specific because we  
10 truly have not addressed that issue (indiscernible -  
11 simultaneous talking) too concerned with the marine  
12 (indiscernible - simultaneous talking).

13 MR. HERZ: My point was that we would be remiss if  
14 we didn't at least say something.

15 MS. WUNNICKE: I agree. I agree (indiscernible -  
16 simultaneous talking).

17 MR. PARKER: But I -- you know, we undertook our  
18 course and were overtaken by events about six weeks ago  
19 when the whole pipeline issue began to accelerate very  
20 rapidly. And, you know, it's not been structured or had  
21 the time to do anything very definitive about it, so you're  
22 right, we'll just fly the flags and leave it to our  
23 successors to proceed with a more -- a stronger evalua-  
24 tions.

25 MR. HAVELOCK: By the same token, moving right

1 along with respect to the Arctic, we don't know a whole lot  
2 be we certainly ought to say something about the need to  
3 develop a prevention regime in the Arctic. What we know  
4 is that there isn't one.

5 MR. WALLIS: So we're going to do something other  
6 than what you have written here.

7 MR. HAVELOCK: Well, what I've got written says,  
8 given the long lead time, we're gonna have to lead it to  
9 the --should say the scientific community -- for the long  
10 term needs to develop regimes that cannot be ignored.  
11 That's the put-off. That's all we're saying is that -- in  
12 fact, I would -- you know, you could say that if our -- if  
13 the institute center still held in your recommendations,  
14 this is certainly something that should be referred to that  
15 center for -- as a development project. Because it's  
16 something that's needed.

17 MR. PARKER: One way to force this particular issue  
18 is the next time that the government of Canada plans a  
19 sailing from the McKenzie Delta through -- across the  
20 Alaska Arctic coast through Bering Straits to wherever that  
21 oil is destined -- I think it's Japan -- why, the United  
22 States say, you know, should demand a contingency plan for  
23 the passage of that tanker. Certainly the Canadians have  
24 been very stern with us about utilization of the Northwest  
25 Passage and have -- kind of placed them on their own

1 (indiscernible) in international law if the State Depart-  
2 ment chose to do so.

3 But the -- I have lost -- completely lost track of  
4 what's going on in the McKenzie, I have no idea if next  
5 summer the Canadians will dispatch a tanker on that route,  
6 but that would be the one that would force the issue if  
7 they did plans to do that.

8 MR. HERZ: Do you have a parallel recommendation  
9 on response for the Arctic.

10 MR. HAVELOCK: Yes.

11 MR. WALLIS: I asked the Coast Guard once to  
12 furnish us a copy of how many sailings they had through the  
13 Arctic. Did they ever give that to us.

14 MR. PARKER: No, I think they indicated they don't  
15 know, but they never replied formally.

16 MR. WALLIS: Well, they said they didn't know but  
17 they would get us the information. I just wondered if they  
18 ever did or if as usual they neglected us.

19 MR. DOOLEY: Yeah, I haven't gotten that yet.  
20 We're trying to get that through our contractor from  
21 Canada.

22 MR. PARKER: Were there any sailings this summer  
23 that you know of, Dennis?

24 MR. DOOLEY: No, I don't.

25 MR. PARKER: Well, I didn't hear of any.

1 UNIDENTIFIED SPEAKER FROM AUDIENCE: I did some  
2 research on that (indiscernible) regular safety of demon-  
3 stration project. And several years ago and (indisce-  
4 rnible).

5 MR. PARKER: Yeah, I was not aware of anything this  
6 -- the only other thing I was aware of was the dispatch of  
7 the ships to the Chukchi, but -- there were several of them  
8 -- they were using the Kanmar III (ph) up there on station  
9 in the shelf prospecting the Chukchi.

10 MS. WUNNICKE: Mr. Chairman, I just think I would  
11 say that in -- with respect to these things that we know  
12 are potentially part of the problem, that we just take care  
13 in the recommendations that we make that we don't foreclose  
14 their inclusion in the future. So that we aren't so  
15 specific to Prince William Sound, or so specific to Cook  
16 Inlet, or so specific to the marine leg that we foreclose  
17 these future potential problems. I think that would be the  
18 best we could do.

19 MR. PARKER: Yeah, and ECO is providing us with  
20 white paper on response in the Arctic. We don't have  
21 anything on prevention 'cause there's nothing much to hang  
22 our hats on on prevention yet. Most of -- there's a lot of  
23 work done but it's privy to -- it's all done by the  
24 industry and --everybody (indiscernible) accomplished by  
25 architects whose out of business now, and God knows where



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

(indiscernible).

MS. WUNNICKE: Well, there's a lot that's been done in terms of leasing and off-shore development.....

MR. PARKER: There was a lot done by (indiscernible) industry and tanker traffick too, but it's -- you don't have to police it 'cause they're not saving any tankers or trying to. Okay.

MR. HAVELOCK: Well, maybe there ought to be an absolute prohibition of that until there is -- as a prevention measure -- until there is an adequate study of the safety of the route.

MR. PARKER: Yeah, and I think like I say, if the Canadians plan any more demonstration projects that's when we enforce it, but -- Hincinbrook South -- tanker lanes 200 miles off-shore. Where'd the 200 miles come from.....

MR. HAVELOCK: Nowhere -- what do you want -- a hundred?

MR. PARKER: Well, a hundred's what's -- been -- I don't know.

MR. HAVELOCK: A hundred. Okay.

MR. PARKER: I --

MS. WUNNICKE: Could be the foundation for either one.

MR. PARKER: Well, ARCO's (indiscernible).

MR. SUND: What you want is a tanker lane far

1 enough off-shore so that if a total loss of the vessel  
2 occurs that subsequent oil loss from that does not hit  
3 Southeast Alaska.

4 MR. HAVELOCK: It just goes to Kodiak.

5 MR. SUND: Okay, as long as it goes north you can't  
6 do much about it.

7 MR. PARKER: Well the sun's simulation's one sight  
8 was 50 miles off shore, the other was 150-mile sight  
9 reading southward to southeast, 100-mile sight this  
10 (indiscernible).

11 MR. SUND: Well, theoretically it missed Southeast.  
12 It cruised up the -- a couple miles off of Sitka, but you  
13 still have a big pot of oil laying out there that could get  
14 blown ashore on any type of westerly or south-westerly type  
15 of wind, but.....

16 MR. PARKER: I never got into -- the only reason  
17 I brought it up -- I never got into 200 miles -- 100 miles  
18 is a familiar figure, but 200 miles I -- really never got  
19 into. So --

20 MR. HAVELOCK: I guess this really is my question,  
21 is do you have any other recommendations with respect to  
22 that. I mean, do you -- are you -- I assume at the moment  
23 there is.....

24 MR. SUND: I don't know what the current -- I've  
25 never seen a map of western -- or eastern Pacific, I guess,

1 as it shows a tanker line out of oh -- from here to  
2 Hinchinbrook to Seattle, or Hinchinbrook to Long Beach, or  
3 Hinchinbrook to Panama. Do we have anything -- a map that  
4 just kind of draws a line where they normally go -- or.....

5 MR. HAVELOCK: Well, it's not this -- as I under-  
6 stand it the Canadian government actually does mandate a  
7 tanker lane, and they in fact have a -- the control  
8 systems. And I suppose you -- If you wanted -- if you felt  
9 confident enough, you could recommend that that type of  
10 system be continued up to the engine room. MR. SUND:  
11 Well, you're asking whether we should recommend 100, or 200  
12 or 250 -- I'm saying -- I don't even know what it is today  
13 -- I don't know what -- where they're going.....

14 MR. HAVELOCK: Whatever they feel like doing.

15 MR. SUND: Yeah. Well, there's an optimum route  
16 to follow on the curve of the globe, or the earth, somehow,  
17 that on a given set of circumstances, when tides are  
18 current or whatever that gets you there faster than another  
19 route.....

20 MR. DOOLEY: I think I can get you the maps that  
21 you want.

22 MS. WUNNICKE: Okay.

23 MR. SUND: Okay.

24 MR. HAVELOCK: Well, what are you gonna do with the  
25 map?

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

MR. SUND: I just wanted to see how far off they are now.

MR. DOOLEY: He doesn't want to make a standard list of what they're already doing.

MR. HAVELOCK: They -- at the present time they're inside a hundred. The route that they do from where the Canadians forced them to be off the Hinchinbrook entrance will provide -- the most direct route will provide that they come within 100 miles (indiscernible).

MS. WUNNICKE: Well, my recollection too was that -- didn't ARCO -- when the shippers reported before us said that they had instructed their tankers -- how far off shore?.

UNIDENTIFIED SPEAKER: 100 miles.

MR. HAVELOCK: Virgil told me that if we had a 100 mile route it was gonna cost them -- depending on where they do the dog leg, it's gonna cost the oil company an hour and a half, or something like that on the tanker route, to stay outside. Which amounted to X-thousand dollars per trip -- something like that.

MR. SUND: Depending on where they can make it through their (indiscernible - simultaneous talking) Puget Sound, San Francisco or Anchorage.

MR. HAVELOCK: So it's -- we're not proposing something that is less than -- at 100 miles it is still

1 (indiscernible),

2 MR. SUND: Plus a difference of 150.

3 MR. HAVELOCK: Yeah.

4 MR. SUND: This is one we (indiscernible).

5 MR. PARKER: Okay (indiscernible) recommendations  
6 in that particular memo. Where do you want to go, Counsel?

7 MR. HAVELOCK: The next memo is the -- .....

8 (Off Record)

9 (On Record - AOSC Tape #3A - 12/05/89)

10 MR. WALLIS: I thought we were gonna revisit the -  
11 - (indiscernible) pollution policy advisory commission.

12 MR. PARKER: We were gonna what?

13 MR. WALLIS: Revisit the State pollution policy  
14 advisory commission.

15 MR. PARKER: Yeah, after we get through the  
16 response we'll come back to it.

17 MR. WALLIS: Okay.

18 MS. WUNNICKE: 'Cause it has to do with everything.

19 MR. SUND: On your way out of prevention, Mr.  
20 Chairman, I would just like to note this report we got  
21 today from Mary Evans on the effects of U.S. Coast Guard  
22 safety performance in oil tanker safety. I would say it  
23 is an excellent piece of work. It's very easy to read.  
24 The executive summary is three pages -- or two pages long -  
25 - and you can go to the conclusions in the back, and the

1 technical representation, which is about four pages, and it  
2 concisely wraps up almost everything that we've been  
3 talking about for the last two days. And it's a very.....

4 MR. PARKER: Is this a final draft of what she  
5 submitted earlier, or .....

6 MS. WUNNICKE: We've really got our money's worth  
7 out of -- yeah. That's a good report.

8 (Indiscernible - simultaneous talking)

9 MR. HAVELOCK: I think it's the best piece of work  
10 we've got. (Indiscernible).

11 MR. SUND: Maybe the Staff should have an award  
12 system for -- gold star for the best piece of research  
13 work and then you can figure out what it costs (indisce-  
14 rnible).

15 MS. WUNNICKE: Where are we on findings?

16 MR. HAVELOCK: Institutions, recommendations,  
17 response. The word response is under -- looks the same as  
18 the memo you just got, on the front page, except it says  
19 the response (indiscernible), And hopefully we can go at  
20 lightning speed through this because institutionally  
21 speaking response normally will follow prevention --  
22 institutionally. But we start off with one hot one.

23 (Laughter)

24 MR. HAVELOCK: Which is, that your Staff in order  
25 to stimulate your little gray cells, wants you to consider

1 shifting the response authority from the Coast Guard to the  
2 Corps of Engineers for that part of spill response that  
3 relates to containment and cleanup of oil. Not the safety  
4 of the vessel, rescue of the vessel, and the cargo -- but  
5 that part that relates to the spill.

6 And one of the reasons for that is that, in fact,  
7 the Corps of Engineers actually had close to the strongest,  
8 if not the strongest presence, for that purpose, anyway.  
9 That is, the Coast Guard brought in the Corps to have them  
10 do this, and there's the question of, why not get somebody  
11 that really knows about spill clean-up and has that as a  
12 substantial duty to do that. Do you want to add anything  
13 to that, Dennis?

14 MR. DOOLEY: The Corps does have substantial  
15 authority in terms of (indiscernible) review. They have  
16 a water board presence in the State. They also have the  
17 water board equipment that are more appropriate for this  
18 kind of activity. They have, perhaps in some cases, and if  
19 this were implemented I'm sure wouldn't be hard for an  
20 upgrade, a greater local knowledge of the areas. I mean,  
21 they are busy doing some of these navigation studies, the  
22 port harbor studies, the current studies -- some of these -  
23 - it integrates some of the functions from some of their  
24 other responsibilities. You give them a little better  
25 presence.

1                   It also corresponds to the fact that there should  
2                   be three simultaneous activities occurring without a  
3                   delusion -- an athlete gives the Coast Guard his premiere  
4                   role, which I don't think is perceived adequate (indisce-  
5                   rnible) yet in terms of salvage of the ship. But it does  
6                   give to someone else, when they're not fighting over  
7                   priorities for which phone to use, in order to initiate  
8                   cleanup of (indiscernible).

9                   MR. PARKER: Plus we have here an organization,  
10                  which based on its past track record, in taking an obscure,  
11                  little environmental statute which was ignored by EPA,  
12                  Interior, and everyone else, and transforming it into a  
13                  world-girdling empire.

14                 MR. HERZ: But, they didn't do that voluntarily.

15                 MR. HAVELOCK: Also, since the corps is DOD we  
16                 figured that they were gonna be at least at that successful  
17                 if not more successful in bringing the Navy in, which has  
18                 even more capacity.

19                 MR. DOOLEY: One additional argument is that you  
20                 create an independent agency that then can discuss the  
21                 issue, in the event of a major spill, if the Coast Guard  
22                 has employed certain defensive mechanisms in vessel design,  
23                 how much more successful their mission could have been. By  
24                 now that whole discussion is pretty much kept internally in  
25                 the Coast Guard.



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

MR. PARKER: Tim?

MR. WALLIS: Yeah, Mr. Chairman, not bad -- but I think a little a late. You know, we got -- by the time we get this through and everything else and -- you know, the conferences have already -- Staff's already talking -- I don't know how much input we would have, in fact, we might look kind of silly -- coming in here with something like this. I would -- to give 'em food for thought, I would probably whole-heartedly agree with this if we were to say, rather than Coast Guard, say -- EPA -- and -- take.....

MS. WUNNICKE: At least for the on-shore.....

MR. WALLIS: For on-shore -- take it away from EPA and give it to the Corps of Engineers because they are right, they do have authority for wetlands, and they should --if they have authority to govern that, then they should also protect it. And as we know, roughly, what is it -- 95% of Alaska's wetlands -- 90, 95%.....

MR. SUND: 100% in some areas.

MR. WALLIS: And -- you know, we might want to think about that. Since EPA didn't do nothing (indiscernible) last time, anyway.

MR. HERZ: Mr. Chairman? Whereas I think this may be a worthy suggestion that's worth some consideration, my concern is that we're eating up an awful lot of time and we

1 could spend a half a day discussing the pros and cons of  
2 this. I would rather work through the rest of the preven-  
3 tion recommendations and then revisit this after we've done  
4 it rather than having an open-ended discussion on this.

5 MR. PARKER: Okay. Ed?

6 MR. WENK: Well, I'm rather intrigued by this, but  
7 I'm handicapped by not having any hard information on which  
8 to make a judgment. I'd like to know what the capabilities  
9 are of the Corps of Engineers here in Alaska, but also, and  
10 (indiscernible) in terms of the additional support neces-  
11 sary to bring in if that locally available is too limited,  
12 and I suspect on a big scale it would be, what experience  
13 they've ever had in dealing with oil spills. At least the  
14 Coast Guard's had some experience -- bitter experience --  
15 but it all boils down to feeling a little uneasy about  
16 coming to some rather dramatic conclusion like this on the  
17 base of -- gathered from the evidence, and --I'm just  
18 wondering if there's a way to handle this, either from the  
19 point of view of a new Staff paper of some depth, on the  
20 base of which we could make a judgment, or some way to  
21 finesse this in terms of simply listing alternatives. That  
22 to me is a little weak, but at least it gets it before the  
23 public.

24 MS. WUNNICKE: Or, Mr. Chairman, one other alterna-  
25 tive would be to do as you had in earlier suggestions --

1 ask that Coast Guard consider delegating its responsibility  
2 for these functions to an entity such as the Corps of En-  
3 gineers. I agree with Ed. We don't have a -- we have had  
4 no testimony, we have no papers before us. My only  
5 judgment of the Corps of Engineers goes back a long time  
6 ago, and my reaction was that they ground exceedingly slow.  
7 And exceedingly fine. But that may not be the way that  
8 they would work in response to a responsibility like this.  
9

10 MR. WENK: Well, I won't give them credit on the  
11 response thing -- I know exactly what you're referring to.  
12 And I had that impression until the Mt. St. Helens eruption  
13 and they were called in very swiftly to make sure that the  
14 water-way wasn't still clogged up with all of the ash, and  
15 they brought -- I don't know where they got all of the  
16 money to get contractors in there with dredges and rigs -  
17 - you can't believe -- really in swift order.....

18 MR. SUND: They're pretty good at moving water and  
19 dirt.

20 MR. PARKER: In addition to their remarkable record  
21 on wetlands, which is recent, the Corps of Engineers es-  
22 tablished the first pipeline through the Congress, and has  
23 maintained it for the past two centuries with great  
24 devotion. You know, they -- they know how to.....

25 MR. WENK: The pipeline and the Congress.

MR. PARKER: They know how to -- you know -- they

1 do know how to work the Congress and.....

2 MR. SUND: I would put then right up with oil  
3 companies in their ability to pump fluids and spend money,

4 MR. DOOLEY: They did avoid two other questions  
5 Coast Guard has raised which is an impediment to themsel-  
6 ves. One question Coast Guard raised, and that's the  
7 funding, and their many task missions. The other one is,  
8 in terms of career development as I understand with the  
9 Corps of Engineers, is they allow people to specialize and  
10 work vertically. And is that not the case in the Coast  
11 Guard where they rotate officers a month or so. And that  
12 brings that expertise that we've been talking about trying  
13 to (indiscernible). Institutionally it embodies many of  
14 the qualities you're trying to reexamine in the Coast  
15 Guard.

16 MR. SUND: I think the point here is that I don't  
17 think anybody here's necessarily opposed to it. The fact  
18 is we have had nobody from the Corps to talk to about it.  
19 Where does it fit, how does it fit.....

20 MR. PARKER: If you want to wait till Thursday I'll  
21 get that brigadier general from Washington D.C.

22 MR. HAVELOCK: I was wondering how would the  
23 Commission would feel. I could see the Commission is not  
24 going to "bite-the-bullet", shall we say, but how about -  
25 - would you agree to -- that this is a subject that we

1 should urge for further study.

2 MS. HAYES: Yes. I would prefer that, than simply  
3 asking the Coast Guard to consider -- delegating respon-  
4 sibility. Because I -- I would -- my experience with the  
5 Corps recently has been with the coastal management  
6 program, and I'm -- one of the reasons I'm in favor of this  
7 tentatively is that they've learned so much and have a  
8 data-base available about what the coastal resources are  
9 that in terms of our overall questions about what's  
10 happening, much less the work that they've done on ports  
11 and harbors and things, I think it's a really neat idea.  
12 And I'd like to see somebody with more expertise and time  
13 and money look into it as a real viable option.

14 MR. HAVELOCK: Is there any objection to that?

15 MR. PARKER: No, I think that's a rational way to  
16 go. It -- you know, we haven't --.....

17 MR. HAVELOCK: Then would you move on, Mr. Chair-  
18 man, then.

19 MR. PARKER: Okay. D.

20 MR. WALLIS: Mr. Chairman?

21 MR. PARKER: We're gonna stop deferring to IMO.  
22 Tim?

23 MR. WALLIS: I think we ought to separate that from  
24 where it says containment and cleanup, we ought to make  
25 that Item C. We're talking about two different things

1 there aren't we? The second sentence in B should be Item  
2 C.

3 MR. WENK: Well, Mr. Chairman, excuse me, I don't  
4 fully understand what these international standards are for  
5 cleanup. What are we talking about?

6 MR. HAVELOCK: I think actually what we're talking  
7 about is the preemption of State effort to apply contain-  
8 ment and clean-up plans and jurisdictions as a result of  
9 the restraints on interstate and international commerce  
10 that prevent us from requiring foreign-flag vessels from  
11 complying fully with containment planning requirements --  
12 or cleanup -- prevention.

13 MR. SUND: I think it goes two ways it's -- my  
14 point was that the State -- the United States should stop -  
15 - or should start being unilateral in its requirement for  
16 specific vessel design entering its waters -- and I think -  
17 - well, I think this is a take-off of that, that then you  
18 get into requiring -- well, it's vessel design and then  
19 that leads you into containment and.....

20 MR. WENK: I don't think it does. I think the  
21 functions are so vastly different, I just don't see the  
22 connection there.

23 MR. HAVELOCK: Well, the requirement that you carry  
24 on-board equipment capable of either congealing your cargo  
25 or booms for areas that you go into that do not have a

1 local response capability.....

2 MR. SUND: But we're not requiring that on any U.S.  
3 vessels.

4 MR. DOOLEY: What it's saying though, is that in  
5 if -- any practice, such as the contingency plan require-  
6 ment on U.S., ships -- any practice we're requiring should  
7 be in terms of clean-up response, and/or liability, that  
8 are applicable in the U.S. should be applied to all vessels  
9 coming in. But the contrary to that is saying, we would  
10 wish that they be allowed to use some other standards.

11 MR. WENK: Is it not true that foreign vessels,  
12 foreign-flag vessels, now entering the waters of the U.S.  
13 must comply with our environmental laws?

14 MR. DOOLEY: I'm not sure. I think that's the  
15 sense of this.

16 MR. WENK: Well, not sense of this. I'm talking  
17 about the past.

18 MR. HAVELOCK: I guess the answer is that they are  
19 not necessarily so. Not State environmental laws. They  
20 could -- they would be required to comply with Federal laws  
21 which were made applicable to foreign flags.

22 MR. WALLIS: When I read this I just assumed that -  
23 -and I guess assumed wrong -- that you had mentioned during  
24 a number of meetings that, you know, United States, every  
25 time it attend these -- what do you call it, the.....

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

(SEVERAL VOICES): IMO.

MR. WALLIS: .....IMO meetings that -- you know, we basically got beat down and couldn't do nothing and.....

MR. WENK: That was on double-bottoms.

MR. DOOLEY: That's on prevention and clean-up.

MR. WALLIS: And so I had assumed that what they were talking about here was that we were going to quit doing that, quit listening to 'em and make that recommendation. And those things I thought that -- they were going to get them from you.

MR. DOOLEY: IMO is currently viewed as the international promulgator of environmental standards and so forth, it's an arm of the U.N. It's about the only thing going. It has also passed Resolution A-300 (ph) in 1978 which said, we will not promulgate new standards until the lesser developed countries catch up with the current standards as if 1978. If you followed that logic through, foreign vessels from Panama, etc., etc., would not necessarily be required to conform to any unilateral suggestions that this station made, and/or the State. This is a catch-all to make sure that that conformity would be required. Unilaterally. And I guess the question is, if this isn't endorsed are you saying you're going to allow foreign vessels to come in with different standards and expectations.



1 MR. SUND: Oh. I think in some regards we do  
2 enforce our air quality laws are enforced on tour ships -  
3 - in Ketchikan and Juneau, anyway. They get cited for  
4 blasting black smoke out of their stacks all the time.

5 There's no (indiscernible) requirement (indis-  
6 cernible) number seven or something on your (indiscernible)  
7 meter you've got to pass. So I think there's some areas  
8 there. But as to design of the vessel, and crewing of the  
9 vessel, and manning, those are all -- I think those are  
10 under our jurisdiction.

11 MR. HAVELOCK: Crewing and equipment are not.

12 MR. PARKER: Crewing and equipment are not what?

13 MR. HAVELOCK: Not subject to State jurisdiction  
14 at all, and Federal jurisdiction -- the Federal jurisdic-  
15 tion has a provision that says that the Coast Guard, as I  
16 recall, is supposed to certify that the nation from which  
17 the vessel is -- the flag us coming -- as an equivalent  
18 system of == or respect for -- manning and ship-design  
19 characteristics. It sounded to me like a somewhat unenfor-  
20 ceable provision. They have a general provision that says  
21 that they're supposed to see that that the country from  
22 which they come has some sort of regulatory scheme covering  
23 the same issue.

24 MR. SUND: Mr. Chairman, I think we're all in  
25 somewhat of agreement if I get here that we should make

1 ships entering our waters -- at least I am anyway -- ships  
2 entering our waters can conform to our environmental  
3 standards, and maybe that's all we need to say without  
4 worrying about whether it's containment or clean-up or  
5 planning or design.

6 MR. PARKER: Okay. Number two, the EPA and NOAA.  
7 You figure out what you want write in there?

8 MR. WALLIS: On the Coast Guard -- do we want to  
9 make any type of recommendation or something that the -- we  
10 might want to look at possibly contracting from the Coast  
11 Guard and performing some of the functions that we want to  
12 or need to or whatever?

13 MR. DOOLEY: That would certainly parallel some of  
14 the suggestions we have on harbor authority, or whatever,  
15 in terms of the suggestion that they consider it (indisc-  
16 ernible).

17 MR. WALLIS: I understand the State can do that  
18 with the Coast Guard -- contract with them to perform some  
19 of their functions. Is that correct?

20 MR. HAVELOCK: I think we could -- I think it'd be  
21 useful. I think that we've already agreed that that ought  
22 to be done, or that -- and format-wise it probably ought to  
23 be in here again.

24 MR. PARKER: Okay. Number two is the EPA and NOAA.  
25 Do you have anything you wish to insert there?

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

MS. WUNNICKE: Same discussion we had before.

MR. WENK: Mr. Chairman, a question here that may be either easy or hard to answer, having to do with the EPA role for in-land spills. My recollection is that they have responsibilities for the in-land spills -- comparable to what we think the Coast Guard does now for the water-front spills. And since we didn't get -- I see it stand on item four -- the concept of a presidential task force for pipeline safety, but I thought I overheard some serious uneasiness on EPA readiness to deal with a spill on the TAPS, and if, indeed, this is a serious problem I know we - again, we've said we can't go into detail on this, but I can imagine saying something about EPA preparedness here.

MR. PARKER: Yeah, I think there's a big hole here, but.....

MS. HAYES: I would suggest that we use the similar language that we talked about in "1.A" about Coast Guard, as Tim suggested, and maybe even make it stronger with regard to EPA and Corps of Engineers on land.

MR. PARKER: Any objection to that?

MR. HAVELOCK: What is it?

MR. PARKER: We're gonna take "1.A" and put it under EPA and change Coast Guard to EPA and then knock out the stuff about the salvage of the ship and so forth.

MR. HAVELOCK: You want to transfer responsibility

1 to the Corps. Another study. Okay. All right.

2 MS. HAYES: Study. But we'd like to make it a  
3 little stronger, even, if possible.

4 MS. WUNNICKE: Given the absence of EPA's effec-  
5 tiveness.

6 MR. PARKER: (Indiscernible) is that we don't think  
7 we can do anything about oil spills in Alaska with a two-  
8 man office.

9 MR. WALLIS: This report -- were we going to put  
10 Secretary of Transportation with direct input from Coast  
11 Guard. Wasn't that what we decided earlier?

12 MR. PARKER: We haven't left EPA and NOAA yet.  
13 Okay, we've taken care of Mr. Riley and his (indisce-  
14 rnible), now what do we want to do about NOAA?

15 MR. SUND: Number three?

16 MR. HAVELOCK: Are you in NOAA, or are you into  
17 number three?

18 MARILYN: Could I just clarify one thing, first,  
19 before we move on?

20 MS. WUNNICKE: In terms of response you have to  
21 speak here about NOAA's participation in terms of the --  
22 what do they call the SKAT (ph) committees, or whatever,  
23 that decided where the clean-up was to take place?

24 (Indiscernible - simultaneous talking)

25 MS. WUNNICKE: But wasn't it the lead, or -- wasn't

1       it the lead in terms of those committees on response --  
2       NOAA?

3               MARILYN: Monitoring. Wasn't NOAA (indiscernible)  
4       is that what you were asking?

5               MR. PARKER: I believe it was, yeah.

6               MARILYN: Could I go back to the Corps of Engineers  
7       for a moment (indiscernible)? I guess I just am -- you --  
8       - or for EPA on (indiscernible) bills on Federal lands --  
9       I guess I really feel the need to say that you have two  
10      things -- divide the response out -- there's oversight to  
11      the response and there's actual response. And this is  
12      gonna tie over when we get to the State level too, so I  
13      guess I just wanta clarify that, you know, if you say that  
14      it's -- you should study the Corps of Engineers responding,  
15      we should be careful to talk about what response we're  
16      talking about.

17              We're talking about actual clean-up response.  
18      Because normally what EPA is going to do on the clean-up us  
19      contract. They don't have the people, is right, so what  
20      they will do is contract with someone to provide that  
21      clean-up. And there are State contractors, and Federal  
22      contractors, I'm sure, they could go to. But I guess I  
23      just want to be clear about what portion of it, because  
24      separate of the actual clean-up -- and you're talking about  
25      Alyeska doesn't respond, or the Coast Guard -- I guess I

1 don't know what you're -- what Coast -- what the -- Corps  
2 of Engineers does. Or what -- what you're asking to be  
3 transferred.

4 MR. WALLIS: Go ahead.

5 MR. WENK: No, you go ahead.

6 MR. WALLIS: I was just looking at the clean-up.  
7 EPA's got the police action over it, or the inspection to  
8 make sure it's done right.

9 MR. HAVELOCK: If it's Federalized, I would assume  
10 that Corps of Engineers becomes the on-scene coordinator  
11 for an upland spill.

12 MARILYN: Well, I guess what I would do is I  
13 would.....

14 MR. WALLIS: The same relation between what we were  
15 proposing for military affairs and DEC.

16 MS. WUNNICKE: What is the policy (indiscernible)  
17 DEC operation?

18 MR. WALLIS: Yeah.

19 MARILYN: Okay, then my question is, should we also  
20 have in that, a delegation -- as you recall, when Al Ewing  
21 was here, he talked about that fact that, at one time, the  
22 State was delegated as the lead-agency for on-land spills -  
23 - rather than EPA. And then that authority was taken away  
24 and he wasn't very clear on why. But whether we want to  
25 study also the State overseeing those on-land spills or

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

not.

MR. PARKER: I just say keep the Feds doing it if possible, I mean, you know.....

MR. DOOLEY: He did amplify on the separation and it was a disagreement on a billing reimbursement to the State -- on some clean-up activity and EPA didn't wish to pay it so the agreement was dissolved.

MR. WENK: Mr. Chairman?

MR. PARKER: Ed.

MR. WENK: We're still on EPA and NOAA -- am I right?

MR. PARKER: Uh huh.

MR. WENK: I'm trying to find back through the material Counsel provided us earlier on findings, in the belief that the spring-board for each of our recommendations has to be some kind of explicit, hard-hitting finding which says, this is the thing that's broken and ought to be fixed. And I can't find something explicit enough about this.

MR. HAVELOCK: Oh, I'm glad you mentioned it because we'll put it in. But it is no problem from the record finding -- to make a finding that the EPA has virtually no capacity to respond to a spill in Alaska.

MR. WENK: Okay.

MR. PARKER: And also either in manpower or money.

1 MR. WENK: But then -- well -- what is the recom-  
2 mendation - that's the finding. Is the recommendation that  
3 they be so empowered with and money, or that the authority  
4 to do this be transferred elsewhere.

5 MS. HAYES: That the authority be.....

6 MR. HAVELOCK: We want it transferred to someone  
7 that actually has some capacity, even if it's not perfect.  
8 I assume that the Congress in it's wisdom may decide -- I  
9 mean, one of the things we're doing, let's face it, with  
10 this kind of recommendation, is we're ringing a very loud  
11 bell with respect to the competency of the EPA. And either  
12 the Congress could respond by saying things are so bad up  
13 there that they just want to get rid of the EPA and give it  
14 to the Corps, so therefore we ought to rehabilitate the  
15 EPA, or they may say, well, maybe they're right, maybe the  
16 Corps is a better agency to do this.

17 But I think it's a more effective message to the  
18 Congress by going -- suggesting the more radical remedy.

19 MR. WENK: Well, now for just -- for one little bit  
20 of amplification, my recollection is that still water-  
21 front spills Coast Guard's the operating arm, EPA is an  
22 advisor with regard to potential hazard to wildlife, etc.,  
23 etc., etc.

24 MR. HAVELOCK: Right.

25 MR. WENK: Now, the alternative with regard to the



1 Corps of Engineers is to have them do both -- that is, do  
2 both the Coast Guard job and the EPA job?

3 MR. HAVELOCK: They would do the Coast Guard job -  
4 - presumably the EPA would still send in their advisors  
5 from Washington D.C., or wherever, to talk to them about  
6 how it ought to be done.

7 MR. WENK: Okay, so then the Corps of Engineers is  
8 not, lo, isn't relevant to item 2, it's really relevant to  
9 1A. We come back to what is broken in EPA, and what's  
10 broken is no people, no money. So it seems to me your  
11 recommendation there can be very explicit.

12 MS. HAYES: But it's not only that -- they're not  
13 an operational organization in Alaska. And the Corps of  
14 Engineers is. The Corps of Engineers has people that do  
15 things here.

16 MR. DOOLEY: The EPA can be an advisor to any  
17 group. But the fact is they do not have a response  
18 mentality, resources, and/or interest.

19 MR. HERZ: Well, this is true everywhere, this  
20 isn't true just in Alaska. They're not -- they weren't  
21 envisioned as a response agency any place. But they can  
22 get a response authority (indiscernible - simultaneous  
23 talking).

24 MS. HAYES: Well, you can (indiscernible - simul-  
25 taneous talking).

1 MR. WENK: Now we're just talking water-front now,  
2 we're not talking uplands. At least I'm still just talking  
3 water-front.

4 MS. WUNNICKE: Oh no, we're talking pipeline.

5 MR. HAVELOCK: We're talking about the pipeline.  
6 Possibly the Yukon River.

7 MR. WENK: Okay. But I want to come back to our -  
8 - our findings aren't -- certainly about the pipeline and  
9 Yukon River. When I started this question it had to do  
10 with what are our findings vis-a-vis EPA, and you were  
11 telling me that there's ample evidence in the record about  
12 what went wrong and I agreed with you, but what went wrong  
13 has nothing to do with the pipeline.....

14 MR. HAVELOCK: Huh uh. There's ample evidence that  
15 EPA has no capacity, is what I said. There's ample  
16 evidence that they have responsibility without capacity.

17 MR. WENK: Let me suggest that we separate EPA role  
18 into two parts. One dealing with the pipeline, and one  
19 dealing with the water-front response.

20 MS. WUNNICKE: Oh, good point.

21 MR. HAVELOCK: We are.

22 MARILYN: We already did.

23 MR. WENK: Well, where is that here?

24 MS. WUNNICKE: What their role -- what Ed is  
25 getting at is what is EPA's role on a water-front spill as

1 a part of the response -- you're right -- yeah, absolutely.

2 MR. HAVELOCK: All right, I see what you're saying.  
3 In that respect, I assume we will leave EPA alone.

4 MR. WENK: Well, but should we?

5 MS. WUNNICKE: But they are still advisor to  
6 the.....

7 MR. WENK: That's right. They still have a key  
8 role and they dropped the ball, and they'd drop it again if  
9 it happened again.

10 MR. PARKER: Well, what was their role other than  
11 a toxicology advisor?

12 MR. WENK: Well, I don't know if we can replace  
13 them, we might make a recommendation to add Corps.

14 MR. PARKER: I think the area we're looking at here  
15 in that -- where they failed is their miserable failure to  
16 do any R&D on response technology, and that's what we want  
17 to hit on -- we either want recommend that that respon-  
18 sibility be taken away from 'em and given to somebody who  
19 wants to do it, or that they be told to go get the money  
20 from the Congress to do it adequately, 'cause obviously  
21 "zero" doesn't generate any R&D and that's where they've  
22 been. Does that kinda get where you're.....

23 MS. HAYES: That's a third role, in my mind.

24 MR. WENK: Well, what was trickling through my mind  
25 was the -- I'm thinking now of an ideal situation where the

1 Coast Guard did their job, and the EPA did their job, and  
2 the EPA's job would be to advise the Coast Guard in terms  
3 of what was or was not safe from the point of view of  
4 environmental damage. Because the Coast Guard doesn't have  
5 that expertise, and so EPA would have that role. It's  
6 clear in this case they didn't do that.

7  
8 MR. HERZ: NOAA really is the one that dictated  
9 that information. Their job is specifically, explicitly  
10 the scientific support coordinator is an advisor to the  
11 Coast Guard on habitat and resources.

12 MR. WENK: Well, the more we talk the less I see  
13 what EPA's actual role was supposed to be.

14 (Indiscernible - simultaneous talking)

15 MR. HERZ: Mr. Chairman? Do we plan to finish  
16 response tonight by -- otherwise I gotta re-juggle some  
17 schedules here.

18 MR. PARKER: No, we're not gonna finish response  
19 tonight, obviously. What time you want to quit -- right  
20 now, or.....

21 MR. HERZ: Well, whatever you say. We could take  
22 an easy one like the DES military affairs one (indisce-  
23 rnible).

24 (Laughter)

25 (Indiscernible - simultaneous talking)

MR. PARKER: Unless somebody has strong objections

1 we'll adjourn until tomorrow morning down at the -- our  
2 offices across from our offices at 9:00. That may give us  
3 time to research the point you brought up that there are -  
4 - it's a critical point, and also.....

5 MR. HAVELOCK: I'm not sure I understand what that  
6 is.

7 MR. PARKER: What the EPA's real role in here is  
8 compared to -- if NOAA (indiscernible), you know, if NOAA  
9 with all of it's constituent parts (indiscernible) is  
10 providing the environmental information to the Coast Guard  
11 on marine spills, what environmental information is EPA  
12 providing, I mean.....

13 MR. DOOLEY: I think you got that in a letter when  
14 you asked them to be a witness. They (indiscernible -  
15 simultaneous talking).

16 MR. PARKER: Said we don't do anything, yeah.

17 MR. DOOLEY: .....we didn't do anything. We didn't  
18 really have any need to be there.

19 (Indiscernible - simultaneous talking)

20 (Off Record)