

# Oil Spill Contingency Planning Annual Report

October 2019



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DEQ is a leader in restoring, maintaining and enhancing the quality of Oregon's air, land and water.



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# Executive summary

This report documents fees collected for oil spill contingency planning and related activities conducted by the Oregon Department of Environmental Quality, for the 2019 fiscal year beginning July 1, 2018 and ending June 30, 2019. This report provides an analysis of the fees collected to ensure that revenue is sufficient to meet DEQ's budgetary needs to operate an effective oil spill contingency planning program. This report is made available to those who paid fees under Oregon Revised Statute (ORS) 468B.405, and to the general public.

This report is required by ORS 468B.412. ORS 468B.405 establishes fees to be submitted to DEQ for covered vessels and facilities. The fees are dedicated to implement work required of DEQ by ORS 468B.300 through 468B.500, the statutes governing oil spill contingency planning and preparedness. Each year DEQ publishes a report for the previous fiscal year documenting:

- Fees assessed and collected under ORS 468B.405 on covered vessels, and facilities located offshore and onshore
- DEQ activities conducted during the year as required by ORS 468B.410(4)
- Details on penalties received due to willful or negligent discharge of oil and the use of those funds

Fees collected by DEQ under ORS 468B.405 are used to review industry oil spill contingency plans, and participate in drills and exercises to ensure plan holders and state responders are able to quickly and effectively respond to oil spills. To be approved by DEQ, oil spill contingency plans must meet requirements specific to protecting Oregon's navigable waterways. There are 20 contingency plan holders that submit plans for DEQ review and approval, which must be renewed on a five-year schedule, and updated throughout that five-year period for substantive changes in the plan resulting from changes in industry operations. In any given year, DEQ conducts review and approval of three to five plans annually. DEQ also works with plan holders to design, stage and evaluate oil spill exercises.

Significant changes for 2019 include the passage of Oregon Senate Bill 41 that establishes new fees collected under ORS 468B.405. The additional revenue will allow DEQ to fully staff existing positions, and hire an additional staff person for technical support of preparedness activities.

# Program revenue and expenditures

The following sections explain the mechanisms for funding Oregon DEQ's Oil Spill Preparedness Program, which is primarily funded by fees paid by oil storage facilities that transfer oil over Oregon's navigable waters and fees on covered vessels. Generally, covered vessels include tank vessels, cargo vessels, passenger vessels, and dredge vessels that are over 300 gross tons displacement. Specific definitions for covered vessels and facilities can be found in Oregon Revised Statute 468B.300.

## Fee categories

Oregon Revised Statute 468B.405 establishes fees to fund DEQ's oil spill contingency planning requirements, which include reviewing required contingency plans, conducting inspections of the facilities, exercises, training and the activities required under ORS 468B.345 to 400. DEQ collects these fees from facilities (including pipelines) that transfer oil in bulk over state-defined navigable waters and covered vessels. Covered vessels include vessels more than 300 gross tons, tank ships, barges transporting oil in bulk and dredges.

With the passage of Senate Bill 41 in 2019, pipelines were separated from the facility category and divided into new categories based on the pipeline size and assigned new fees based on this division.

The table below shows the current fee for each category (SB 262 Fees, established in 2015) and the fees that become effective on Sept. 30, 2019 (SB 41 Fees).

**Table 1: Fees by Category**

Category	SB 262 2015 Fees	SB 41 2019 Fees
Facilities	\$9,250	\$20,000
Pipelines </= 6"	\$9,250	\$15,000
Pipelines > 6"	\$9,250	\$25,000
Cargo Vessels	\$105	\$220
Tank Vessels >300T	\$2,100	\$5,500
Tank Vessels <300T	\$85	\$160
Barge Type 1	\$85	\$160
Barge Type 2	\$110	\$220
Barge Type 3	\$250	\$1,850
Dredges (Days)	\$50	\$100

**Notes:**

Barge Type 1 – Vessel that carries less than 25,000 barrels of oil

Barge Type 2 – Vessel that carries more than 25,000 and less than 100,000 barrels of oil

Barge Type 3 – Vessel that carries more than 100,000 barrels of oil

Fee rates for facilities (including pipelines) are paid annually; vessels fees per trip; dredge fees per day of operation

SB 262 became effective Oct. 23, 2015

SB 41 became effective Sept. 30, 2019

## Fee-generating activities

Covered facilities (which includes pipelines) are charged fees annually, and vessel fees are based on the number of trips. A trip for the purpose of assessing fees means travel to the appointed destination and return travel to the point of origin within the navigable waters of the state (see ORS 468B.405). Table 2 shows the actual fee-generating activities for fiscal years 2010 through 2019, as well as a 10 year average for fee generating activities.

## Projected and collected revenue

DEQ has worked with the petroleum and maritime industry to forecast the number of annual activities generating fees under Oregon Revised Statute 468.B.405. Table 3 shows the 10-year average revenue for the fiscal years 2009 through 2018 and compares the projected revenue for fiscal years 2017 and 2018 which had been based on forecasted activity levels for each fee category and the actual revenue collected those two years. The total projected revenue levels calculated for 2017 and 2018, \$479,600 per year, was approximately \$30,000 less than forecasted. This was the primary reason for requesting the fee increase in the 2019 Oregon Legislature. Senate Bill 41 increased fees according to risk level posed by the activity, and separated oil pipelines within the categories of facility types that pay into the fund. Table 3 also shows the Actual Funds collected in 2019, and the anticipated revenue in FY 2020 from the Senate Bill 41 fee increases based on 2019 activity.

**Table 2. – Fee-Generating Activities for Fiscal Years 2010 through 2019**

Facility/ Vessel Type	FY 2010 Activity	FY 2011 Activity	FY 2012 Activity	FY 2013 Activity	FY 2014 Activity	FY 2015 Activity	FY 2016 Activity	FY 2017 Activity	FY 2018 Activity	FY 2019 Activity	10 YR Avg 2010- 2019
Facilities	20	17	17	17	17	18	18	16	16	11	17.3*
Pipelines <= 6"	*	*	*	*	*	*	*	*	*	1	N/A
Pipelines > 6"	*	*	*	*	*	*	*	*	*	4	N/A
Cargo Vessels	1,386	1,457	1,393	1,386	1,465	1,385	1183	1436	1432	1346	1397.9
Tank Vessels LRG	54	49	54	52	32	31	26	21	30	55	41.5
TV Small	0	0	0	0	0	0	0	0	0	0	0
Barge T1	581	554	454	294	314	288	156	161	108	101	317.0
Barge T2	492	386	425	602	680	527	374	353	472	568	495.0
Barge T3	55	41	43	66	96	89	85	85	88	73	70.1
Dredges	73	84	61	96	69	112	106	117	104	59	91.7

\* Pipelines were moved into new category in 2019 with the passage of SB 41 as shown above, but were included in the 10-yr Facility Average

**Table 3 – 10 Year Revenue Analysis for Existing and New Fee Rates**

Type	10 Year Average Funds (FY 2009-2018)	SB 262 2015 Fees	SB 262 Projected 2017/18 Funds/YR	Actual Funds FY 2017	Actual Funds FY 2018	Actual Funds FY 2019	Projected Activity FY 2020 (based on 2019 Activity)	SB 41 2019 Fees *	Projected Funds FY 2020 (based on 2019 Activity)**
Facilities	\$119,010	\$9,250	\$166,500	\$148,000	\$148,000	\$148,000	12	\$20,000	\$207,750
Pipelines </= 6"	N/A	***	N/A	N/A	N/A	N/A	1	\$15,000	\$13,563
Pipelines > 6"	N/A	***	N/A	N/A	N/A	N/A	4	\$25,000	\$84,250
<b>Total Facilities</b>	<b>\$119,010</b>		<b>\$166,500</b>	<b>\$148,000</b>	<b>\$148,000</b>	<b>\$148,000</b>			<b>\$305,563</b>
Cargo Vessels	\$111,284	\$105	\$149,100	\$150,780	\$150,360	\$ 141,330	1346	\$220	\$257,423
Tank Vessels >300T	\$53,760	\$2,100	\$63,000	\$44,100	\$63,000	\$ 115,500	55	\$5,500	\$255,750
Tank Vessels <300T	\$0	\$85	\$0	\$0	\$0	\$0	0	\$160	\$0
Barge Type 1	\$21,132	\$85	\$29,750	\$13,685	\$9,180	\$8,585	101	\$160	\$14,266
Barge Type 2	\$37,638	\$110	\$52,250	\$38,830	\$51,920	\$62,480	568	\$220	\$109,340
Barge Type 3	\$10,405	\$250	\$15,000	\$21,250	\$22,000	\$18,250	73	\$1,850	\$105,850
Dredges (Days)	\$3,844	\$50	\$4,000	\$5,850	\$5,200	\$2,950	59	\$100	\$5,163
<b>Total Vessels</b>	<b>\$234,219</b>		<b>\$309,100</b>	<b>\$268,645</b>	<b>\$301,660</b>	<b>\$349,095</b>			<b>\$747,791</b>

Total Program Revenue Forecast for 2020 \$1,053,354

\* SB 41 does not become effective until Sept. 30, 2019

\*\* Estimated fees are based on 0.25 x 2019 activity x HB 262 fee rates + 0.75 x 2019 activity X SB 41 fee rate due to 9/30/2019 effective date for new fee structure

\*\*\* Pipelines included in general Facilities category with same fees under SB 262

Revenue generated from the oil spill contingency planning fees have typically been less than the 2015 forecast used to establish the fees enacted in the 2015 Legislative session. The fee increases passed into law in 2015 took effect on Oct. 3, 2015, so the full realization of the annual fee revenue was not evident until the completion of fiscal year 2017. When DEQ worked with industry to establish the current fee structure, it agreed with stakeholders that the fee rates should be set at levels that would provide carryover between biennia with adequate funding to avoid the need to request fee increases each legislative session.

Two onshore facilities closed during 2016, which reduced the amount of revenue generated from facility fees in fiscal years 2017 and 2018. In FY 2019, facility fees received increased back to 2016 levels, and have remained at \$148,000 per year since that time.

Fees collected from cargo vessels dropped off dramatically during fiscal year 2016, with a reduction of over 14 percent from the prior fiscal year. During fiscal year 2017 cargo vessel traffic rebounded to levels similar to the years before fiscal year 2016. The number of cargo vessel trips in fiscal year 2018 was very similar to the previous fiscal year.

Fees from tank vessels and barges generated less revenue than projected, and barge vessel trips dropped substantially during fiscal year 2016. The type one and type two barge fees generated less revenue than projected during fiscal years 2016 through 2018, partially due to the reduction of bunkering on the Columbia and Willamette Rivers. The type three barges appear to have been consistent the last several years after experiencing an increase in 2014. After hitting a low of 21 tank vessel trips in fiscal year 2017, there were 30 tank vessel trips in fiscal year 2018. Part of the increase is due to the export of crude oil from Portland. Crude oil exports present a new challenge for response and preparedness activities. The properties of the crude oil may require additional types of detection and removal equipment. Tank vessel and barge fee revenue continued to rebound in FY 2019, however, the total program revenue from fees has not kept pace with expenditures as total revenue never reached projected/forecasted revenue. DEQ



managed these program activities with fewer full-time equivalent positions than legislatively approved during fiscal year 2017 and has remained at that level since that time to adjust for decreased revenue.

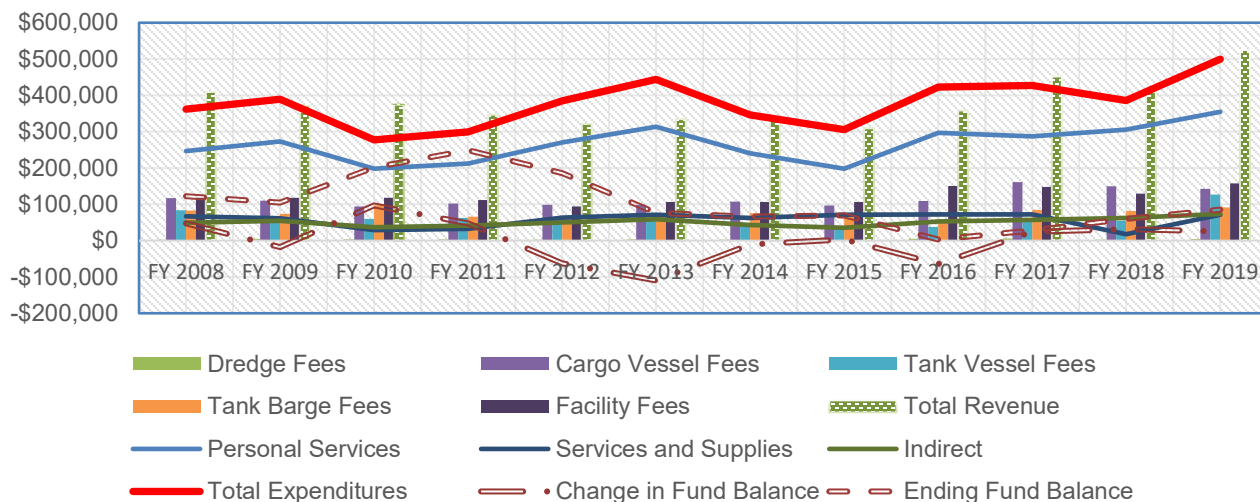
## Oil Spillage Control Fund

The original Oil Spill Contingency Planning Act, passed in 1991, established the Oil Spillage Control Fund (Oregon Revised Statute 468B.455). All penalties recovered through civil penalties for violations related to the willful or negligent discharge of oil are to be deposited in this fund. House Bill 262, passed during the 2015 regular legislative session, changed the allowable use of the Oil Spillage Control Fund. Before the 2015 regular legislative session the fund could only be used for the advancement of costs incurred in carrying out cleanup activities and for the rehabilitation of affected fish and wildlife. Senate Bill 262 amended the allowable uses of the fund to include: reviewing contingency plans; conducting training, response exercises, inspections and tests to verify equipment inventories and ability to prevent and respond to oil release emergencies or establish the preparedness of the state; verify or establish proof of financial responsibility; and reviewing and revising the oil spill emergency response plans required by Oregon Revised Statutes 468B.495.

Additionally, Senate Bill 262 requires that the report required by Oregon Revised Statute 468B.412 (this report) shall detail penalties recovered by DEQ and the agency's activities related to this account. The Oil Spill Control Fund received \$7,633 for fiscal year 2017 and \$ 3,146 for fiscal year 2018. No expenditures from the fund were used for the additional duties authorized by Senate Bill 262. During fiscal year 2017, \$28,849 was used to carry out cleanup activities which were authorized under the original statutes. During fiscal year 2018, DEQ used \$9,850 from the Oil Spillage Control Fund for the purposes authorized under the original statutes. Also during fiscal year 2018 DEQ transferred \$48,000 to the Oil Spill Contingency Planning Fund for activities authorized under Senate Bill 262. The May 2018 balance in the Oil Spill Contingency Planning Fund was down to \$211. DEQ transferred funds from the OSCR to cover the remainder of the fiscal year. By the end of the biennium, fees generated \$48,000 and the fiscal year ending balance was \$58,970. Therefore, the \$48,000 transferred to the Oil Spill Prevention Fund is still held in reserve.

Figure 1 below provides an overall analysis of expenditures and revenue for the Oil Spill Contingency Planning program since fiscal year 2008. Total revenue, reduced from earlier years, leveled off between 2012 and 2015 and the ending balance for each year has gone down slightly. Personnel Services shows a reduction during fiscal year 2013 through 2015 and an increase to approximately 2.6 full-time equivalent positions during FY 2016. Personnel services for FY 2017 and FY 2018 was approximately 2.4 full-time equivalent positions versus the 3.35 authorized in the 2015 legislation. Although fee revenue has increased since the lowest period (2011 to 2015) it has not reached levels that would sustain the positions required (authorized) to conduct the program.

**Figure 1 – Analysis of Oil Spill Prevention Fund Revenue and Expenditure FY 2008 to FY 2019**



## Legislatively approved staffing

DEQ charged approximately 2.4 full-time equivalent staff positions to the oil spill contingency planning fund during fiscal year 2017. This increased from 1.8 full-time equivalent staff positions charged in fiscal year 2015 and compares to 3.0 full-time equivalent positions during the 2011-13 biennium. DEQ’s operating budget allows for 3.3 full-time equivalent positions. Table 4 below shows the total staff (in FTE) in the Emergency Response Program, and the number of FTE dedicated to Preparedness Program activities funded by the OSPF.

**Table 4 – Program Staff FY 2014 to FY 2019**

<b>Total Program Staff</b>					
<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>
5.75 FTE	5.75 FTE	4.5 FTE	5 FTE	5 FTE	4.5 FTE
<b>Preparedness Program Staff (funded by OSPF)</b>					
3.3 FTE	3.3 FTE	2.4 FTE	2.4 FTE	2.4 FTE	2.4 FTE

## Staffing adjustments and fund transfers

The fee increase approved by the legislature in 2015 was intended to increase program revenue to allow DEQ to return to the level of staffing to the legislatively authorized level (3.3 FTE) that allows for continuation of oil spill contingency planning and preparedness to protect Oregon’s waterways.

Because industry activity (and resultant fees collected) did not provide the anticipated revenue increase, DEQ managed the shortfall of fee revenue by using carryover funds from fiscal year 2015 and by carefully managing staff activities. The ending balance for 2016 was \$3,117. During fiscal year 2017, with the current fees in place for the entire year DEQ only received enough revenue to pay for 2.4 full-time equivalent positions. The ending balance for fiscal year 2017 was \$27,865. During fiscal year 2018, DEQ allocated 2.4 full-time equivalent positions that were paid for with a combination of funds from the Oil Spill Planning. In June 2018, the Oil Spill Planning Fund balance declined to a level that required

\$48,000 to be transferred from the Oil Spillage Fees into the Oil Spill Planning Fund to cover monthly operational expenses. The final balance for the Oil Spill Planning fund was \$58,970. Without additional revenue, DEQ anticipated needing to further reduce the level of staffing to 1.6 FTE during the 2019-2021 biennium due to rising personnel costs.

During discussions with industry before the fee increase in 2015, stakeholders anticipated that there would be enough carryover funds to fund future years without fee increases. However, revenues for fee activities did not rebound significantly, and DEQ was anticipating a need to further reduce the number of full-time equivalent positions by approximately 50 percent of the legislatively approved level for the 2019/2021 biennium or seek a fee increase.

DEQ monitored fee-generating activities closely during fiscal year 2018 and based on those activity levels, which appear to have stabilized, DEQ recommended a fee increase during the 2019 legislative session to return program staffing to previous levels. DEQ estimates the cost of 3.3 full-time equivalent positions for the 2019/2021 biennium to be approximately \$747,000 each year through fiscal year 2021. The cost of 4.25 full-time equivalent positions is estimated at approximately \$958,000 per year.

During the 2019 Oregon Legislature, ORS 468B.405 was amended to increase the oil spill prevention fees associated with most types of facilities and vessels, and changed fees for pipeline facilities in the state. In addition to generally increasing the revenues to fund the spill prevention/planning programs at DEQ, the fees were adjusted to more accurately distribute the fees based upon the relative risk each type of facility or vessel presents and the volumes of oils stored or transported. SB 41 approved a fee schedule to support 4.25 FTE based on currently projected activity.

## **Oil spill contingency planning activities conducted in fiscal year 2018-2019**

DEQ responsibilities under the state's statutes on oil spill contingency planning are:

- To ensure all regulated vessels and facilities have prepared oil spill contingency plans and that those plans meet requirements specific to protecting Oregon's navigable waterways
- To verify that equipment listed in oil spill contingency plans is available and adequately maintained, that personnel listed in the plans are trained, and that drills and exercises are conducted
- To conduct drills and exercises in accordance with the [Northwest Area Contingency Plan](#) and promote a consistent approach to incident response to oil spills.

DEQ activities also charged to the Oil Spill Contingency Planning Fund include:

- Geographic Response Plan updates
- Developing and maintaining an interagency response plan for oil or hazardous material spills
- Northwest Area Committee participation (Updates to Northwest Area Plan, Regional Response Team coordination)

- Oil spill preparedness training (including drills and exercises)
- Pacific States/British Columbia Oil Spill Task Force activities

Figure 2 depicts the relative proportions of various planning, plan review and exercise components conducted in FY 2019. The largest program activity during this period was for contingency plan review, with general preparedness coordination and geographic response planning each approximately 25% of the total program activities time. DEQ spent approximately 5% and 3% on NW Area Committee and Oil Spill Task Force activities, respectively. The activities DEQ conducted in these areas in FY 2019 are described in more detail in sections below.

**Figure 2 – Program Activities FY 2018-2019**

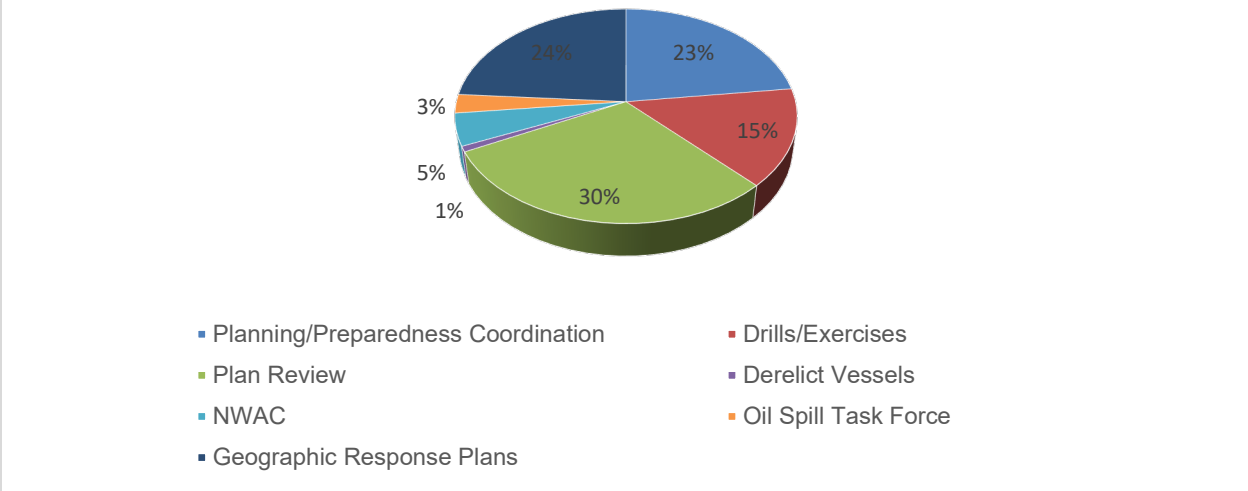
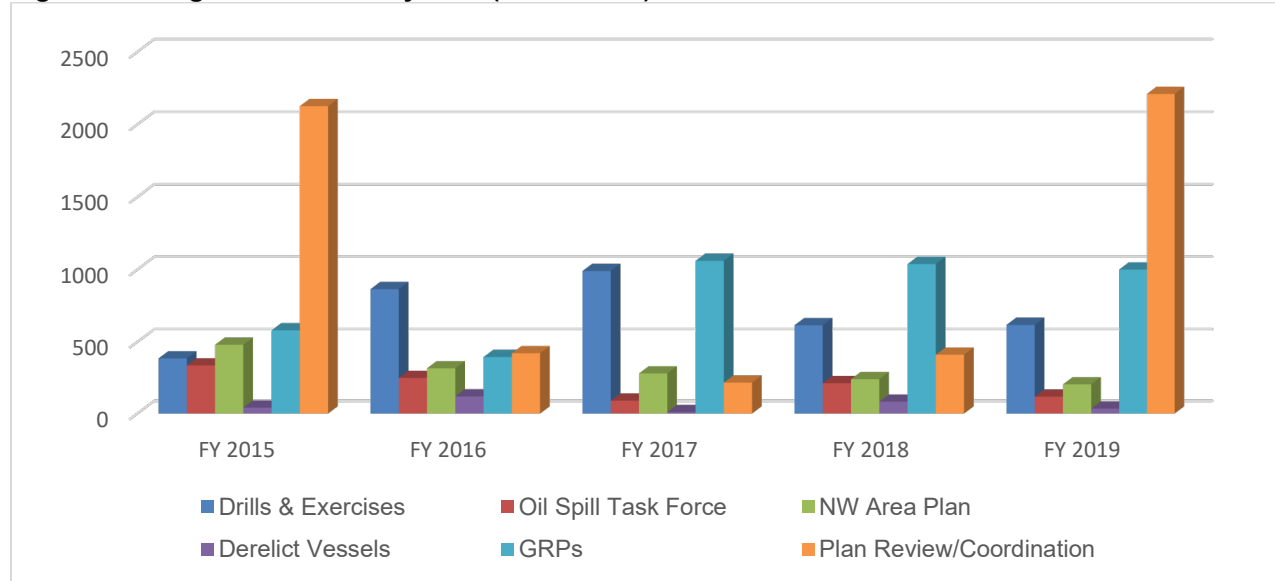


Figure 3 shows the time spent in various activities by year within DEQ’s Spill Preparedness Program. The variations in activities year to year are typically due to the hosting of a States/BC Oil Spill Task Force Annual Meeting, the initiation of a geographic response plan update, or the review and approval of a significant contingency plan change.

**Figure 3 – Program Activities by Year (Staff Hours)**



DEQ charged approximately 2.4 full-time equivalent staff positions to the oil spill contingency planning fund during fiscal year 2017. This increased from 1.8 full-time equivalent staff positions charged in fiscal year 2015 and compares to 3.0 full-time equivalent positions during the 2011-13 biennium. DEQ’s operating budget allows for 3.3 full-time equivalent positions.

## Plan review and coordination

DEQ currently has 12 facilities, 4 Petroleum Pipeline Facilities and four vessel plans to review and maintain. DEQ approves plans for a five-year period and reviews any significant changes to plans made during the year.

DEQ has a public comment period of no less than 30 days for each plan under review. DEQ makes plans available for public review through its website or by hard copy at DEQ Headquarters office.

Five contingency plans will be need to be renewed during FY 2020. Six plans currently still need to be reviewed from FY 2019. This backlog is due to several companies changing names or changing the types of oil that they transfer, which required an immediate review of the facility response tactics. One plan also takes more time than usual for review since it has 2 facilities and 2 pipelines under an integrated plan which requires close analysis.

## Drills and exercises

DEQ participated in and evaluated several exercises during FY 2019. Drills and exercises are an important aspect of this program testing the organizational and operational skills of plan holders. Drills and exercises help meet DEQ’s objective to work with industry and agency counterparts to train and prepare for spills. Drills and exercises demonstrate the ability to respond to an oil spill in a quick, efficient manner. Lessons learned from drills and exercises assist participants in improving the incident response capacity. This year’s focus included a spill to a wetland, impacts to public drinking water, simulated protesters disrupting cleanup operations, cultural and archaeological resources impacted, liaison, social media, volunteer management, tribal coordination and neighborhood evacuations. Overall, DEQ planned and participated in 9 oil spill exercises in FY 2019.

**Table 5 – Drills and Exercises Conducted in FY 2019**

Drill / Exercise	Date	Type	# DEQ Staff
MFSA	August 2018	TTX	4
Tidewater Barge Lines	August 2018	TTX	1
Coos Bay Response Coop	September 2018	TTX	3
Phillips 66	September 2018	WCD	9
Columbia Pacific Bio-Refinery	October 2018	WCD	9
Kinder Morgan Willbridge	October 2018	WCD	6
Harley Marine Services	December 2018	WCD	6
MFSA	May 2019	TTX/Deployment	4
Kinder Morgan Pipeline	June 2019	WCD	10

Note: TTX = Tabletop Exercise  
WCD = Worst Case Discharge Exercise

DEQ followed the Northwest Area Contingency Plan and protocols extensively at drills and exercises. DEQ staffed positions in the Unified Command including Command Staff, Joint Information Center, Planning Section, as well as liaison and environmental unit. DEQ also participated in the annual Clean Rivers Mutual Aid Exercise (equipment deployment and Geographic Response Plan verification) on the Columbia and Willamette Rivers.

Six plan-holders are scheduled for worst-case discharge exercises in fiscal year 2020.

## Regional Response Team/Northwest Area Committee

The Region 10 Regional Response Team (RRT) consists of key federal and state agencies in Oregon, Washington and Idaho involved in emergency response to hazardous materials, and tribal nations who have become members. The RRT is chaired by the US Coast Guard, District 13 and the US Environmental Protection Agency, Region 10. The Northwest Area Committee is chaired by the US EPA, and the USCG Sectors Columbia River and Puget Sound. Both the NW Area Committee and the Regional Response Team support development and maintenance of the Northwest Area Contingency Plan.

Each year the Northwest Area Committee and stakeholders conducts an Annual Summit to identify elements of the Northwest Area Contingency Plan to improve in the coming year. The committee meets for the Annual Summit in December to hear proposed changes, additions or improvements to the NW Area Contingency Plan and to begin establishing task forces to work on each of these high-priority areas. After task forces are identified, the NW Area Committee Members commit their organization's resources to the task forces as task force leaders, active participants, or advisory members who weigh in at critical times for product review. Once task forces have developed their work products (by mid-August each year), they go through a final review by the Steering Committee before adoption in the Area Plan update.

### **In FY 2019, DEQ participated in the following Northwest Area Committee Task Forces:**

**96-Hour Plan Toolkit Development:** The Northwest Area Committee created a 96-hour plan and an accompanying toolkit in 2017 to provide responders with a game plan for the first four days of an emergency response. Each year, a decision is made whether to continue to stand up the 96-Hour Plan Toolkit Task Force, based on the need for additional plans, templates or other items for inclusion in the Toolkit. In 2018 the contents of the 96-hour Plan Toolkit were moved to a permanent location on the NW Area Committee's website with a link from the homepage. New items to be developed for toolkit were identified at the 2018 Annual Summit, and are itemized below:

Initial Incident Decontamination Plan – DEQ led the development of an Initial Incident Decontamination Plan template to expedite the establishment of equipment, personnel and vessel decontamination early in the response.

Health and Safety Plan Template – DEQ participated in the scoping and review of the updated Health and Safety Plan template for inclusion in the Area Plan.

These resources will be added to the 96-Hour Toolkit in 2019 and as appendices to the 2020 NW Area Contingency Plan.

**Dispersants Review:** The Dispersants Review Task Force was charged with reviewing the results of the Arctic SONS drill, the Endangered Species Act Biological Opinion, the National Academy of Sciences study on dispersants and the West Coast Response Plan to determine if new scientific

findings warranted changes in the NW Area Contingency Plan. A white paper was developed to document needed changes. DEQ was an advisory participant on the task force.

**GRP Survey Task Force:** DEQ participated on the GRP Survey Task Force led by the Washington Department of Ecology. The survey was conducted in July 2019 to identify the GRP user community, how the GRPs are used, what forms/format and mechanism for distribution of GRP content would be most useful, and how important the individual contents are to the response community. DEQ (and other NW Area Committee members) will use the survey information in the future design, production, and delivery of GRPs to responders and the public.

**Surface Washing Agents Decision Making Tool:** DEQ was an advisory member of this task force whose purpose was to create a tool, based on similar tools in the NWACP, to expedite the authorization of surface washing agent use, if needed to support a response.

**Tribal Engagement:** DEQ was an advisory member to the Tribal Engagement Task Force who was tasked with developing a Tribal Engagement Presentation Team, development of presentation materials for tribes on oil spill response and how to engage with the NWAC and Regional Response Team, and develop a tribal needs/gap assessment and a timeline for filling these identified gaps.

In addition to working on the task forces above, DEQ also continued to review and submit comments on the United States Coast Guard directive to separate the Northwest Area Contingency Plan into separate documents covering each Coast Guard Sector. The U.S. Environmental Protection Agency will cover the inland area. Although the form and format of the reorganization of the Northwest Area Contingency Plan has not been finalized, the reorganization is slated for completion in fiscal year 2020.

## Geographic Response Plan development/update

DEQ develops and maintains geographic response plans to cover the first 24 to 48 hours after a significant spill or release to coastal shorelines, bays or major river systems. These plans identify sensitive resources and describe strategies to protect these resources and recover released oils. Response contractors and responding agencies use these plans to provide a coordinated initial response until a Unified Command is established. DEQ periodically updates the plans as information changes or new resource information becomes available. However, due to a lack of resources (including staff and information-technology resources) it has been approximately 20 years since the coastal plans have been updated.

In fiscal year 2017, DEQ was matched with a NOAA Coastal Management Fellow under a joint proposal with the Oregon Department of Land Conservation and Development's Coastal Management Program, to further develop the means of publishing Geographic Response Plan data, and assist in producing updated coastal zone plans. In Aug. 2017, DEQ began a two-year project to revise and update the plans covering the north and south coast of Oregon and the estuaries and bays. This additional resource allowed DEQ to devote nearly two full-time equivalent positions (one DEQ Emergency Response Planner funded by the Oil Spill Planning Fund and one NOAA Fellow funded by NOAA and the Oregon Department of Land Conservation & Development Coastal Program).

In 2018-2019, DEQ conducted the following activities in support of GRP development:

- Developed a Geographic Response Plan template for integrating Geographic Information System data and tabular/text data into a two-page document for each plan strategy.

- Developed a geodatabase of natural resource information to help in the prioritization of areas to be protected during Geographic Response Plan strategy development.
- Developed a strategy-naming convention that utilizes river mile markers for strategies along rivers and within estuaries, and utilizes Highway 101 mileposts for open coast strategies and strategies which are not located along rivers.
- Conducted field inspections along the entire Oregon coastline and major streams/estuaries during the summer of 2018 to identify opportune locations for capturing spilled oil, and to design protective strategies for natural, cultural and economic resources where possible.
- Reviewed existing strategies and made them more specific, feasible and user-friendly.
- More than doubled the number of individual response strategies along the Oregon Coast and estuaries, bringing the number of response strategies from 171 up to more than 400.
- Created more than 500 new notification strategies to keep sensitive nearby facilities informed in the event of an oil spill.
- Met with local public works agencies, aquaculture operations personnel, hatchery managers, aquarium operators, harbormasters, and managers of other sensitive facilities to design notification and protection strategies.
- Met with local natural resource agencies to help identify and prioritize protection of endangered species, public shellfish and other sensitive natural resources in the coastal zone.
- Created a GIS Story Map to explain the project to the public, resource agencies and response agencies. The GIS Story Map can be found at this address: <https://goo.gl/jfno7q>

DEQ had planned to complete the development of a Geographic Response Plan publishing system, use that system to publish new coastal zone plans for Oregon, and make the data available to stakeholders and response industry partners and agencies in 2019. However, the NOAA Coastal Fellowship was terminated when the fellow was offered a job in another area of the agency, and DEQ could not continue to support the project at that level (nearly 2 FTE) without that dedicated (externally funded) resource. In 2019, DEQ continued to progress the project on a protracted timeline, focusing on the vetting of strategies by tribal partners, the Oregon State Historical Preservation Office, and Oregon Department of Fish and Wildlife, and incorporating the feedback into revised strategies. The strategies have been made available as GIS datasets on a provisional basis to support incidents that occur before they can be finalized and officially adopted.

During the 2019 Legislature, DEQ sought hiring authority and was authorized to hire a full time GIS/Data Specialist to assist with GRP production and develop other GIS/data capabilities to increase our spill preparedness and response capacity. This marks the first time DEQ's Emergency Response Program will have dedicated GIS staff to support preparedness and response, and is a direct result of the passage of SB 41 and the increase in fees that will support that resource.

## **Pacific States/British Columbia Oil Spill Task Force**

Oregon is a member of the Pacific States/British Columbia Oil Spill Task Force. The task force provides a regional forum for coordination and collaboration on oil spill prevention and response policy issues.



Task force members are the state and provincial government directors of the oil spill prevention and response programs in Hawaii, California, Oregon, Washington, British Columbia and Alaska. DEQ's Land Quality Administrator serves as Oregon's representative to the task force.

DEQ is selective about participation in task force activities, as some projects are not within scope of the Oregon Oil Spill Contingency Planning and Preparedness program. Task force projects that DEQ participated in during the past year include:

- Oil Spill Task Force Strategic Planning
- Regional Oil Spill Database
- Task Force Oil Spill Data included in NOAA'S Environmental Response Management Application (ERMA)
- Abandoned and Derelict Vessel Project
- Drill and Exercise Project
- Legacy Awards
- Federal Partnership meetings

Due to new and emerging oils spill risks, the Task Force members review and refresh the strategic plan allowing for adaptation to new risks. The strategic plan can be found [here](#). The Task Force develops biennial work plans based on the strategic plan.

DEQ spent less time during FY 2019 on Task Force participation than FY 2018. During FY 2018 DEQ hosted the 2018 Oil Spill Task Force annual meeting and associated meetings in Portland. DEQ also hosted the 2018 Clean Pacific Conference and participated in the planning and implementation of the conference during 2018.

## Conclusions

For the past 10 years, fees for oil spill contingency planning and preparedness have not been sufficient to maintain 2.4 full-time equivalent (FTE) positions to support the oil spill contingency planning program. In the 2015 and 2019 legislative sessions, DEQ worked with industry to develop fee increases to fully support existing positions (3.3 FTE authorized by Oregon Legislature) and add an additional technical staff person for a total of 4.25 FTE. Had fees not increased, DEQ would have had to reduce personal services levels to 1.5 full-time equivalent positions, resulting in a long backlog of contingency plans requiring review and drastically reduced DEQ participation in drills and exercises.

With the passage of Oregon Senate Bill 41, fees for contingency plan holders have increased with an aim of establishing fees in relative proportions to the risks posed by the different fee categories.

The new revenue from the SB 41 fee increases are anticipated to bring in approximately twice the funds received in FY 2019, assuming that vessel and facility activity levels remain at 2019 levels. In FY 2020 (approximately 25% of FY under older fee schedule), DEQ anticipates revenue generated to total approximately \$1,041,791. This level of revenue will allow DEQ to fully fund existing staff positions, and will allow for the addition of a Geographic Information Systems (GIS)/Data Specialist to support planning activities, drills and exercises, and be available for response to incidents should they occur.