September 9, 2014

Response to Comments – Arc Terminals Oil Spill Contingency Plan

Arc has submitted its proposed oil spill contingency plan to DEQ for review. The plan outlines how the company will prepare for dealing with a spill, what the company must provide in terms of emergency response resources, and how the company will conduct cleanup operations along with other agencies. The public comment period for Arc Terminals was open from June 26th until July 28th.

The following is a summary of the comments received. DEQ has edited some comments for brevity and did not intentionally omit any comment.

1. **The plan should clearly require notifications of all spills, regardless of their size. Arc Terminals oil spill contingency plan appears to leave the determination of when to trigger the facility response plan up to the discretion of facility operators.**
   DEQ RESPONSE: Oregon Administrative Rule OAR 340-142-0050 requires a responsible party to immediately notify DEQ of any spill which enters or threatens to enter waters of the state, regardless of size. For spills onto land, spills must be reported if they are larger than 42 gallons. Failure to report a spill is a serious offense which would immediately be investigated and most likely referred to enforcement.

2. **Arc Terminals oil spill contingency plan fails to address the risk of fire or explosion resulting from a spill.**
   DEQ RESPONSE: DEQ rules for contingency planning found in OAR 340-141 are focused on spill prevention and protecting public health and the environment through effective and timely response and cleanup of spilled oil. DEQ regulations require facilities to train, prepare and respond to the threat posed by oil spills. Fires and explosions fall under the jurisdiction of local and state firefighting departments and Arc Terminals is subject to their regulations.

3. **Arc’s contingency plan should highlight the importance of increased safety and prevention measures at material transfer locations: 1) From railcar to storage tanks; 2) from storage tanks to pipeline; and 3) from the pipeline to barge vessels.**
   DEQ RESPONSE: DEQ does not have regulatory authority to govern the transfer of oil from railcars. DEQ rule OAR 340-141-0150 requires regulated facilities such as Arc Terminals to have prevention and safety measures established throughout the facility. These measures include internal and external corrosion protection, site safety plans, specialized training, and overflow prevention measures.

4. **Arc Terminals plan does not adequately have measures in place to identify spills occurring at night.**
   DEQ RESPONSE: Arc Terminals has fixed lighting is available throughout the terminal. Arc Terminals conducts transfers from shore to ship by using the nearby dock owned by Chevron’s Willbridge Terminal. Chevron’s staff operates the dock for Arc Terminals. The DEQ approved
oil spill contingency plan for the Chevron facility, including the dock, describes the lighting methods used to identify spills at night.

5. **DEQ should require Arc to commit funding for local emergency responders. Arc should provide training and funding for local emergency responders to address the specific hazards involved with crude oil transfers.**

   DEQ Response: ORS 468B does not contain requirements for facilities to make payments or contributions to the local emergency response agencies. DEQ does require the plan holder to discuss coordination with other plans, which would include local fire and emergency medical.

6. **DEQ is cutting back on oil spill training and staffing at a time when more and more crude oil is being shipped through the state.**

   DEQ Response: DEQ’s emergency response program has the same staffing level as two years ago. DEQ has limited some cleanup staff from participating in industry exercises based on projected future funding shortfalls and other workload considerations.

7. **DEQ is charged with protecting the safety of the community and the environment. Simply requiring the minimum standards found in ORS 468B ignores DEQ’s obligation to protect the state from dangerous oil spills and fires.**

   DEQ Response: DEQ is charged with enforcing ORS 468B consistent with the rules defined under OAR 340-141. While DEQ cannot make requirements more strict than the minimums found in ORS 468B facilities may exceed those standards on their own. Facilities are required to conduct annual drills and exercises and often times at the conclusion of an exercise improvements to the oil spill contingency plan are suggested as “lessons learned.” In the past facilities have implemented environmental protection strategies such as pre-booming all transfers or increasing training for facility staff, upgrading communications, and improving equipment. Furthermore, as a member of Clean Rivers Cooperative overall response equipment and personnel have increased across the board in the Columbia and Willamette Rivers in recent years.

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