



*“The mission of the Council is to represent the citizens of Cook Inlet in promoting environmentally safe marine transportation and oil facility operations in Cook Inlet.”*

**Members**

December 30, 2021

**Tourism Organizations**

Megan Thibodeau  
City of Kenai  
210 Hidalgo Ave  
Kenai, AK 99611

**Alaska Native Groups**

**Environmental Groups**

RE: Background information regarding the revision of Oil Discharge Prevention and Contingency Plan regulations; 18 AAC 75 Article 4

**Recreational Groups**

Dear Ms. Thibodeau:

**Aquaculture Associations**

The Cook Inlet Regional Citizens Advisory Council (CIRCAC) is a nonprofit corporation created by Congress under the Oil Pollution Act of 1990. Our Mission is to represent citizens in promoting environmentally safe marine transportation and oil facility operations in Cook Inlet.

**Commercial Fishing Organizations**

Under our Oil Pollution Act of 1990 mandate, CIRCAC is charged, among other things, with reviewing adequacy of oil spill prevention and contingency plans in Cook Inlet. Currently, CIRCAC is also one of two non-governmental entities named in State regulations as having the opportunity to review and comment on Oil Spill Discharge and Contingency Plans (ODPCP), per 18 AAC 75.408(c)(4). We take this responsibility seriously and have reviewed hundreds of contingency plan submittals, renewals, and amendments since 1992. In doing so, CIRCAC strives to provide comments that will enhance the clarity, accuracy, and utility of the documents and support compliance with Alaska regulations. In most cases, contingency plans represent the only way that our constituent communities and stakeholders can be assured of the measures in place to prevent or respond to a spill from a company's Cook Inlet operations.

**City of Kodiak**

**City of Kenai**

**City of Seldovia**

**City of Homer**

Although they were not perfect, the regulations in place have provided a robust framework to ensure meaningful spill response preparedness, a basic yet critical transparency (bolstered in recent years with plan documents posted on the ADEC website), and a largely predictable process for key parties to offer suggestions based on their interest and knowledge.

**Kodiak Island Borough**

A company's responsibility under the plan requirements is tailored to the nature of their activities and potential spill risks. Contingency plans are by necessity locally specific and require a consideration of the conditions, accessibility, resources, and sensitivity of the area where a spill response may occur. Reasonable incentives are in place for a company to prevent spills, while at the same time recognizing that no operation is immune to unforeseen events or errors that may result in a spill. The plans do not just inventory equipment, vessels,

**Kenai Peninsula Borough**

**Municipality of Anchorage**

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and personnel, but provide a holistic picture of how the many critical elements of a spill response would be brought together to protect Cook Inlet's environment and communities. When considering the potential for changes to the regulations, we believe it is essential that they continue to meet the following key functions:

1. Provide a usable emergency plan;
2. Provide a detailed response plan and procedures;
3. Demonstrate access to equipment and resources to meet response planning standards and the ability to protect environmentally sensitive areas;
4. Assess past and potential spills and how they can be prevented;
5. Demonstrate the use of best available technology by the plan holder;
6. Ensure a company's operations comply with Article 1 regulations (18 AAC 75.005-085).

In response to the ADEC's request for comments as part of their scoping effort of October 2019, we offered our observations related to *implementation* of the regulations followed by some specific recommended changes to the regulations themselves. CIRCAC chose to address a few examples of specific, minor changes rather than attempting to create a lengthy documentation of all the parts of the regulations. Closing our recommendations, CIRCAC requested that the public review period be significantly longer than the 30 days required under regulation, to allow the public sufficient time to thoroughly review any revisions.

Leading up to the regulation revision the ADEC attended CIRCAC and PWSRCAC Board meetings to address concerns and provide insight regarding the State's approach and process for the revision and review. On November 1<sup>st</sup>, 2021 the ADEC provided the proposed revisions to 18 AAC 75 for public review and comment.

We hope the aforementioned information will be helpful. If you have any questions or wish to discuss this further, I can be reached at [REDACTED] or via email at [Stevecatalano@circac.org](mailto:Stevecatalano@circac.org).

Sincerely,

*Steve Catalano*

Steve Catalano  
Director of Operations