

**MINUTES**  
**Massachusetts Oil Spill Prevention and Response Act Advisory Committee**  
**Thursday, March 4, 2010**  
**Manomet Center for Conservation Sciences, Manomet, MA**

**Attendees:**

Janine Commerford, MassDEP	Clint Walker, Northeast Pilots
Rich Packard, MassDEP	Marty McCabe, Boston Pilots
Patrick Hurley, MassDEP	Tom Bushy, Pilot Commissioner – D3
Steve Mahoney, MassDEP	Joe Gibbs, Barnstable Harbormaster
Chris Ayers, MassDEP	Pamela Garcia, USCG – Sector Boston
David Janik, MA EEA / CZM	Kerri Dunning, USCG – Sector SENE
Dale Young, MA EEA	Greg Gifford, Steamship Authority
Kirk Franklin, Oil Spill Response Organization	Steve Dodge, Mass Petroleum Council
Adrienne Beaudoin, Dept. Fire Services	Don Smith, Gulf Oil
Mark Rasmussen, Coalition for Buzzards Bay	Steve Downs, Clean Harbors
Andrew Cartoceti, NE Wildlife Center	Elise DeCola, Nuka Research
Gary Clayton, Mass Audubon	Bill Cass, NEWMOA
Kristin Decas, New Bedford HDC	Rachel Smith, NEWMOA
Trevor Lloyd-Evans, Manomet Center	

**Welcome and Introductions:**

Janine Commerford, Assistant Commissioner, Massachusetts Department of Environmental Protection (MassDEP), welcomed the group and reviewed the agenda planned for the meeting.

**OSA 2009 Amendments, Regulations, and Trust Fund Fee Increase:**

Ms. Commerford began the meeting by talking about the recent amendments to the Oil Spill Act, including the legislation for the state-provided tug escort program for vessels traveling the Cape Cod Canal in Buzzards Bay. MassDEP completed two iterations of a Request for Response (RFR) and proposal review and very recently awarded a contract to a company to supply this service. Emergency regulations were promulgated in order to implement the legislation. There is a public hearing on March 23, 2010 before the final regulation will become effective.

Another amendment is the fee increase on barrels of oil from 2¢ per barrel to 5¢, which is paid for by the owners of the petroleum terminals. This fee increase goes into effect on April 1, 2010. She noted that additional fee increases to 7¢ per barrel may be appropriate in future years, depending on the status of the OSA Trust Fund and program components.

Ms. Commerford also showed a 5-minute video demonstration on the upcoming multi-state oil spill exercise drill, referred to as a Spill of National Significance (SONS), which is to take place on March 24-25, 2010. The exercise is led by the U.S. Coast Guard (USCG); the industry partner is Shell; and the drill involves spill response teams on the local, regional, national, and

international (i.e., Canada) level. The purpose of the exercise is to test oil spill response plans and equipment in a real-world scenario. The National Oceanic and Atmospheric Administration (NOAA) looked at past storm data to help simulate weather conditions that would lead to the spread of oil modeled in the exercise.

The exercise will begin on March 21<sup>st</sup> with an oil tanker bound for Portland, Maine carrying approximately 1 million gallons of oil. Because of severe weather and white-out conditions, the tanker collides with a car carrier and starts releasing oil in the Portland area. The spilled oil starts moving south, which initiates the response and thus begins the SONS exercise. The headquarters are going to be set up in Portland, Maine where the spill will occur, and there will be command centers along the coast all the way down to Virginia/Washington DC, with two centers in Massachusetts (Boston and Maynard).

Ms. Commerford, as well as several of the other attendees at the meeting, will be observing and/or participating in the SONS exercise.

### **Threat Evaluation and Equipment Inventory Update:**

Elise DeCola, Nuka Research, provided an update on the *Threat Evaluation* and *Equipment Inventory* reports prepared for MassDEP. She noted that both reports are posted on the MassDEP oil spill website.

The *Threat Evaluation* focuses on the potential threats to the Massachusetts coastline from exposure to petroleum products. The Report includes an assessment of oil spill threats from vessel movement (i.e., oil tankers and barges); resident vessel fleets in harbors (e.g., ferries, fishing vessels, and recreational boats); and land-based storage (e.g., above ground storage tanks). As expected, the greatest threats are from oil tankers and barges, mostly because of the large amount of fuel they carry. The second greatest threat was from land-based storage; and although resident vessels contribute to less catastrophic oil spills, spills often occur more frequently from these sources. The Report also assessed the areas in Massachusetts that would most likely be impacted by an oil spill. Boston Harbor was at the greatest threat of exposure, mostly because of the large amount of vessel traffic in the area; followed by the Cape and Islands.

The *Equipment Inventory* consists of a spreadsheet with the types and locations of oil spill response equipment in Massachusetts, as well as the surrounding states. The inventory includes local-, state-, and federally-owned equipment, but does not include private terminals because their equipment would not necessarily be available for spills. Examples of the types of equipment included in the Report are: boom, skimmers, temporary storage devices, and dispersants. Most of the response equipment in Massachusetts is located in Boston and is owned by the USCG. Maine and Massachusetts have the greatest quantity of boom, with the most open-water boom in Massachusetts located in Cape Cod. Dispersants were located mainly in Maine and New Jersey, but could be sent to Massachusetts in the event they were needed.

Ms. DeCola noted that both of these reports may be updated in the future. Nuka and MassDEP are currently working with the oil spill removal organization (OSRO) and the USCG in Boston

to identify gaps in their spill response equipment. MassDEP also plans to diversify the equipment stockpiles throughout Massachusetts.

Mark Rasmussen, Coalition for Buzzards Bay, suggested that future reports split the threat areas by water body rather than region. He noted that the current organizational system in the *Threat Evaluation* splits Buzzards Bay down the middle between the South Coast and Cape and Islands regions. Gary Clayton, Massachusetts Audubon Society, also recommended that future study be conducted on the volume of activity in these areas in relation to their response equipment. For example, the *Equipment Inventory* indicates that Massachusetts has the most oil spill response equipment in New England. However, Massachusetts, and especially Boston Harbor, has much greater vessel activity than in other states, which increases the threat of an oil spill and the need for access to spill response equipment.

### **Marine Pilot Program and Escort Tug Procurement:**

Rich Packard, Program Manager, MassDEP, reviewed the provisions of the 2008 amendment to the Oil Spill Act which established a notification system for double hulled vessels carrying more than 6,000 barrels of petroleum transiting Buzzards Bay. In addition to the notification, eligible double-hulled vessels can request a state-funded marine pilot to board – single-hulled vessels are already required to have a marine pilot on board under federal regulations. The program has been in place since March 2009 and has cost approximately \$700,000 for this first year. A total of 470 notifications have been received by the Massachusetts Emergency Management Agency (MEMA), 300 of which have requested a state pilot. The 2009 amendment to the statute requires the assessment of triple-fines if an eligible vessel, which spills oil in Buzzards Bay, does not take a state pilot.

Patrick Hurley, Contract Procurement Officer, MassDEP, provided an update on the tug escort procurement process. After two rounds of bids and a review of all eligible proposals, MassDEP has awarded a contract to McAllister Towing of Narragansett Bay. The amount of the contract is estimated between \$2.5 and \$2.75 million – depending on the amount of escorts. Under the contract, McAllister is required to monitor vessel movement through an automatic identification system (AIS) and all unescorted, double-hulled vessels carrying more than 6,000 barrels of oil through Buzzards Bay.

Clint Walker, Northeast Pilots, suggested that MassDEP consider prioritizing by petroleum product in the event that there are more vessels transiting Buzzards Bay than there are tugs to escort them. In instances where a storm is imminent, there may be no vessel movement, but as soon as the weather is clear, tank barges will all travel at the same time. McAllister has identified one primary tug and up to six back-up tugs for when there is more than one vessel.

The current berthing location of the primary tug is in Fall River, which is a long distance away from the Buzzards Bay operating area. Mr. Hurley noted that the contract is based on an eight-hour trip. Overtime travel from Fall River to the canal is not paid to McAllister under the contract; however, the extra fuel costs will be covered. MassDEP is in discussions with McAllister to possibly move berthing locations to New Bedford or other location closer to the operating area.

## **Status of Ongoing Program Implementation Activities:**

### **Equipment Procurement**

Mr. Packard reported that MassDEP has completed distribution of oil spill response trailers to 68 communities and 2 MassDEP regional offices. Their next step is to coordinate with Boston Harbor regarding their equipment needs. MassDEP has also purchased an extra 2,000 feet of offshore boom for Buzzards Bay – 1,000 feet will be stored at the Massachusetts Maritime Academy and 1,000 feet will be stored at New Bedford Harbor. Following the distribution of the spill response trailers and equipment, the first responders in these communities received training to familiarize themselves with the equipment. MassDEP also held seven regional trainings for multiple communities in the fall of last year.

### **Geographic Response Plans**

MassDEP is continuing to work with Nuka to develop geographic response plans (GRPs) for coastline areas in Massachusetts. They recently finished a GRP for the North Shore and will start working on the GRP for Boston Harbor this month. MassDEP is working with the USCG and local responders to field-test these GRPs through oil spill response trainings. Three trainings were conducted in 2009 and MassDEP plans an additional six for 2010 in the North Shore, Buzzards Bay, and Cape and Island communities.

### **OSA Three-Year Plan**

MassDEP and the Northeast Waste Management Officials' Association (NEWMOA) are continuing to update the Three-Year Strategic Plan and will update this Plan on an annual basis from now on. Mr. Packard stated that the updates should be finalized by June 30, 2010 and will be posted on the MassDEP oil spill website.

### **OSA Trust Fund Status:**

Mr. Packard also reviewed the current status of the OSA Trust Fund and projections for the coming years. He noted that the revenue collected in previous years has been fairly stable (approx \$1.6 million) but that 2010 has shown a significant decrease in revenue, with annual projections at \$1.1 million under the current fee system of 2¢ per barrel, which is a 30 percent decrease. One reason for this decline in revenue may be the stagnant economy, which results in lower fuel consumption. In addition, there has been an increase in spending activities under the OSA with state-funded marine pilot program. Ms. Commerford noted that the fee increase to 5¢ per barrel should help to stabilize the fund. The projected revenues under this fee system are \$2.78 million annually.

Mr. Packard stated that the expenses paid out of the fund for the state funded tug escort program are dependent on the number of transits in the canal. However, the additional revenue expected to be generated by the 5¢ per barrel fee system may just barely cover the expenses of this program. Captain Walker reminded the committee that in 2014, all vessels will be required to be double-hulled rather than single-hulled, which will increase the number of tug escorts required, thereby raising the expenses of this program. Ms. Commerford acknowledged that MassDEP will need to re-evaluate the costs associated with this program and the fee system over the next

few years. MassDEP may eventually need to make a request to the legislature for a fee increase to cover all of the associated costs.

### **New Bedford Harbor Waste Oil and Bilge Water Collection Facility:**

Kristin Decas, Executive Director of the New Bedford Harbor Development Commission (HDC), gave a presentation on the activities conducted by the New Bedford HDC and their future plans. She explained that the New Bedford port faces two main challenges: derelict vessels and oil spills.

Derelict vessels are vessels or boats that are considered un-seaworthy. Many of these are loaded with fuel and there is the potential for them to sink and leak oil, which is damaging to the environment. There are also public safety concerns associated with abandoned or unsafe vessels and economic issues associated with vessels taking up valuable birthing space in the harbor that could be used for other boats. Ms. Decas reported that recent initiatives by the New Bedford HDC resulted in the removal of 22 un-seaworthy vessels from the port.

Oil spills are the other big challenge for the New Bedford port. In the last year, there were 16 oil spills and approximately 144 gallons of oil released. The sources of these “mystery spills” are unknown, but they are most likely from the commercial fishing industry. Oil can be released when there is a leak but it is also released when vessels actively pump out bilge water into the port. The New Bedford HDC is beginning outreach efforts and has imposed a fine system to prevent this from happening. They are also working with a consultant to determine alternative systems for vessels to use when they pump out their bilge water. Some options include a trucking system, land-based facility, and/or barge system. Their consultant, Green Seal, is looking at the cost effectiveness and feasibility of all three systems and will prepare a report to New Bedford HDC within the next 90-days. Ms. Decas noted that, depending on the alternative that is chosen, New Bedford HDC will need financial assistance to build the system and/or cover the annual operation and maintenance costs.

Ms. Decas also briefly discussed recent initiatives to make the Port of New Bedford the first “green port” in Massachusetts, including prevention, recycling, and energy-efficiency/renewable energy activities.

### **Manomet Center for Conservation Sciences:**

Trevor L. Lloyd-Evans, a Senior Scientist at the Manomet Center for Conservation Sciences, gave a brief presentation on the Center’s various projects and activities, including their efforts on bird conservation and ongoing research.

### **Adjournment:**

Ms. Commerford thanked everyone for their participation and adjourned the meeting. She noted that the presentations and meeting minutes will be posted on the MassDEP OSA website. The next OSAAC meeting will be planned for approximately four to six months from now.