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October 8, 2001

Ms. Bonnie Friedman  
ADEC/JPO  
411 West 4th Avenue  
Anchorage, AK 99501

**Re: Alaska Forum comments on the Trans-Alaska Pipeline 2001 Draft Oil Spill Contingency Plan (submitted by The Alaska Forum October 8, 2001)**

Dear Bonnie:

This letter contains the Alaska Forum for Environmental Responsibility's comments on the 2001 Draft Oil Spill Contingency Plan (C-plan) for the Trans-Alaska Pipeline System (TAPS). The Alaska Forum is a 501(c)(3) organization that is dedicated to holding industry and government accountable to the laws designed to safeguard the environment.

**Overview**

Following the *Exxon Valdez* oil spill in 1989, there was an increase in public attention on spill prevention and response in Alaska; this includes not only the marine transportation system, but also TAPS. The Alaska Forum acknowledges that many advances to C-plans have been made in that time. But the Alaska Forum also believes that the ability of the Alyeska Pipeline Service Company (APSC) to prevent and respond to an incident has been steadily eroded over the past several years due to pump station closures and budget reductions, while operating modifications related to decreased oil throughput and aging infrastructure appear to have increased operating risks.

The many unanswered questions about past and current C-plans, coupled with clear indications of inadequate training and ineffective exercise performance, demonstrates that APSC and the Joint Pipeline Office have allowed a general degradation of the TAPS C-plan. Worse still, the Alaska Forum's view that ADEC and JPO have permitted the obfuscation of the most basic points that any C-plan should address: Does the TAPS C-plan contain provisions necessary to prevent or reduce the likelihood of spills, and, if a spill does occur, can APSC provide prompt and effective actions to minimize oil loss and clean up spilled oil?

Preliminary comments on the spill of October 4 spill at MP 400 – now barely 96 hours old -- will be discussed in a separate section, below. Meanwhile, a review of recent training exercises does not inspire confidence. One representative of the Alaska Department of Environmental Conservation (ADEC) was overheard stating that the exercise on the Klutina River, two weeks ago, was an exercise in “self-flagellation.” A June 2000 drill at Minton Creek revealed continued flaws in the communication systems. And an exercise on the Lowe River (June 2001) demonstrated the inability to effectively boom the river after six hours – this despite APSC carefully planning and orchestrating the exercise far in advance, a luxury that would not be available in the case of an actual event.

The post-exercise report for the Lowe River drill prepared by APSC and issued on 8/21/01 states that the “responder’s performance **met expectations** and the objectives of the exercise” (emphasis added). But only one sentence later the report acknowledges that the “effectiveness of containment boom deployed to deflect oil to recovery points in the exercise area **was marginal**” (emphasis added). Later, this report states that “the responders demonstrated their persistence and commitment to achieve the best possible results in those [unfavorable high water] conditions.” While we appreciate ADEC’s apparent desire to praise diligence in the face of less than ideal weather conditions, these factors should be considered as constants; what about the ability to clean up oil?

The Alaska Forum believes the recent history of the TAPS C-plan indicates that the historical nemesis of spill prevention and response – complacency – has again set in. Senator Frank Murkowski, certainly no card-carrying environmentalist, commented on how complacency played a significant role in the *Exxon Valdez* spill: “[T]he real cause of the spill was probably complacency and the tendency of all of us to underestimate the potential for multiple human and mechanical mishaps” (*Anchorage Daily News*, 7/26/01).

Despite the voluminous draft C-plan submitted by APSC to ADEC earlier this year, and despite the equally daunting quantities of paperwork this issue has generated, the public still cannot fully ascertain whether APSC can prevent and/or respond to a spill. And when one compares the simple quantity of resources available to APSC in the mid-1990s to those available at present, it leads to the conclusion that the pipeline, APSC employees, the general public, and the environment are very much at risk.

Our more detailed comments are arranged as follows:

- I. General Comments Regarding Fundamental Changes In Spill Prevention and Response Since 1994
- II. Drills, Trainings, and Exercises
- III. Can they find it and can they pick it up?
- IV. Seismic Events
- V. Efficacy of the Stakeholders Process
- VI. Crude spill near Livengood (MP 400 spill, 10/4/01)
- VII. Conclusion

## **I. General Comments Regarding Fundamental Changes In Spill Prevention and Response Since 1994**

### ✍ TAPS Surveillance

The Alaska Forum understands that, prior to September 11, the number of pipeline surveillance flights has been cut in half, compared to 1994. This decrease has occurred despite the fact that more pump stations open at that time resulted in more supervisors at each site, which then translated to more actual flight hours. We also understand that: (1) daily helicopter surveillance flights were eliminated due to budget restrictions; (2) there are only 4 dedicated helicopters where once there were 6; (3) the dedicated, trained observers who formerly flew the line have been replaced by engineers (some believe that the spring 2000 shift at Atigun Pass would have been discovered in a matter of days with the daily flight/dedicated observer system); (4) APSC is relying more heavily on outside help the services of contractors whose personnel may not be adequately trained or available at times of need (this possibility was revealed during the June 2000 Minton Creek exercise when the Army National Guard helicopter pilot who was bringing observers to the site did not know how to find Minton Creek drill site, but instead flew to a remote communications site far to the south of the drill area). In this regard, the Alaska Forum is concerned that when aerial surveillance failed to detect significant pipe movement south of Atigun Pass in May 2000 – a condition that had existed from one to five months -- ADEC took no action to ensure that Alyeska was in compliance with state requirements of weekly pipeline inspection flights (weather permitting), or that those overflights provided adequate surveillance (18 AAC 75.055[a][3]).

It is not clear that anything has changed in the last 24 years to warrant the reduction in TAPS aerial surveillance. The Alaska Forum therefore believes that the aerial surveillance program should be thoroughly evaluated to determine its efficacy in detecting and responding to problems on TAPS.

### ✍ First-Line Personnel/Response Facilities/Equipment

The Alaska Forum understands that the number of first-line responders has similarly decreased since 1994, possibly by as much as 50%. ADEC should determine what, if anything, has changed in the last 24 years to warrant such a dramatic downturn in TAPS first-line responders. In view of pump station closure and reductions to heavy equipment and light vehicles available for spill response (due in part to budget constraints), we are concerned that personnel and equipment that were strategically and uniformly placed along the pipeline are now both reduced and spread too far out to provide prompt and effective spill response.

### ✍ TAPS Communication System

The pipeline's microwave communication system is based on an outdated analog system. The promised improvements in digital communications never materialized when the new fiber optics system failed to work. How does APSC, which is quick to boast of state-of-the-art technology, intend to improve its antiquated communication system? Has Alyeska taken adequate steps to improve communications systems during the hiatus?

### ✍ Warm Storage

The Alaska Forum understands that there is 25% less warm storage space on the pipeline now than in the mid-1990s. The Alaska Forum believes that the addition of mobile field vans to the spill response equipment roster, while commendable, does not adequately compensate for this reduction.

#### ✍ TAPS ROW Access

The Alaska Forum understands that the TAPS ROW access roads were formerly cleared, plowed of snow, and generally open 365 days a year, but that recently the roads are allowed to become “snowed-over.” One has only to drive the Richardson Highway in winter to notice the number of access roads blocked by several feet of snow. To what extent is this change due to budgetary restrictions and does ADEC view that as sufficient cause for the obvious hindrance to TAPS access?

#### ✍ TAPS ROW Drainage Structures

The Alaska Forum questions whether TAPS ROW drainage structures – such as culverts and low water crossings that would be “control points” in the event of a spill – are maintained to the same standards today as in the early 1990s. We believe that ubiquitous budget restrictions have caused these structures to deteriorate, thereby reducing their ability to function as control points.

#### ✍ Maps

The Alaska Forum believes that APSC has the ability to produce a single mapping system containing all pertinent information – such as roads, equipment locations, and distinct environmental characteristics – that crews would find of vital importance, especially in the event of an actual incident requiring rapid deployment. To ensure prompt and effective spill response, the Alaska Forum believes a consolidated mapping system must be developed and implemented.

## **II. Drills, Trainings, and Exercises**

The Alaska Forum was disappointed that the draft C-plan we reviewed contains the same scenarios submitted for the 1998 plan. In order to prepare TAPS responders to deal with spills wherever they occur, the Alaska Forum believes new scenarios should be designed and tested. We further question what purpose is served by resubmitting the same old scenarios for approval. The old scenarios might also be used as the basis for limited drills or training exercises that test the lessons learned from those scenarios.

The Alaska Forum notes that the new C-plan once again does not provide a schedule of drills that demonstrates whether APSC can implement its plan promptly and effectively in the event of an actual spill. We reiterate our previously stated concern that each of the scenarios should be fully tested – some in surprise drills and the remainder in full tests, rather than limited-purpose drills or training exercises.

We will not support a request by APSC that “training” or “table-top exercises” be substituted for real-time, in-field drills. While field equipment training and table-top

exercises must be performed, those should be done on their own schedule and not at the expense of a real-time, in-field exercise schedule that demonstrates and improves actual response capabilities.

### **III. Can They Find It and Can They Pick It Up?**

It is our understanding that, in the past, government regulators would place large pieces of black plastic somewhere out on the line and tell APSC to go find it. In discussions with you and other JPO personnel we learned that this practice was discontinued and that such a test may not actually reveal much about APSC responsibilities in the C-plan. But the question remains: Is APSC capable of finding a crude release in a timely manner? I have, over the past few years, read hundreds of pages pertaining to the TAPS C-plan and I cannot positively answer that question based on the documentation I have reviewed. Why not lay out a piece of black plastic – you could even alert APSC that it will happen sometime in the next 6 months – and see how long before your phone rings? That simple exercise could answer the above question where hundreds of pages of documentation could not.

In discussions with you and other JPO personnel, we have come to recognize that evaluating APSC's performance on a drill can be an intricate process. Nevertheless, we still advocate dropping oranges in a river to see how many the spill responders can pick up, and how long it takes. (A temporary screen might be placed downstream to pick up the oranges that escape the containment equipment.)

### **IV. Seismic Events**

Seismologist Kent Lindquist with the Alaska Earthquake Information Center was quoted in a *Fairbanks Daily News-Miner* article (2/10/01) that "it's just a matter of time before the big one hits." Lindquist also commented: "In the last century we've had three earthquakes in Fairbanks that were bigger than 7.0. Scientifically it would not surprise me at all if we had another 7.0 earthquake sometime in the near future." The three earthquakes that Lindquist refers to occurred in 1904, 1937, and 1947.

An earthquake with magnitude 5.7 hit Interior Alaska last November (a 5.5-magnitude aftershock hit seconds later). We understand that APSC did not send out any crews or personnel following that incident to check on any part of the pipeline. The reason given was that the earthquake did not reach the threshold at which APSC would be legally required to perform such a check. We believe that it is only prudent – and requires minimal effort – to put two guys in a pickup and have them drive the line in the vicinity of such an event.

It is also our understanding that APSC formerly launched a helicopter following seismic events, but that that does not happen any longer. Is this downturn in aerial

surveillance due to budgetary restrictions? If so, does ADEC/JPO consider that to be a satisfactory reason?

## **V. Efficacy of the Stakeholders Process**

To put it bluntly, the stakeholders process – by which interested parties are allowed access to information about the C-plan, to observe/evaluate drills and exercises of the C-plan, and to have dialogue with regulatory personnel involved in C-plan oversight – is not working.

### ☞ Stakeholders' Difficulty In Obtaining Information

Citing ADEC's inability to provide substantive preparatory information that would permit citizens to participate in stakeholder meetings on an informed basis, Alaska Forum researcher Richard Fineberg advised us earlier this year that he would no longer represent the Alaska Forum in the stakeholder process. Without revisiting the history that led Dr. Fineberg to withdraw from that process, the Alaska Forum would like to note the following events for the record: After the Glennallen stakeholders meeting in December 1999, Alaska Forum researcher Richard Fineberg and Board Member David Lacey addressed problems with that meeting in a letter December 12, 1999. Following Ms. Betty Willey's unresponsive reply of February 15, 2000, Fineberg and Lacey reiterated their concerns in a letter of March 1, 2000. Prior to another stakeholders meeting scheduled for November 2000, Fineberg requested, on behalf of the Alaska Forum, that certain subjects of interest be addressed. Instead, ADEC decided to let APSC brief stakeholders on topics Alyeska had selected. Subsequent to that meeting, Mr. Fineberg addressed concerns similar to those expressed in December 1999 to Ms. Susan Harvey in an e-mail letter of November 24, 2000. After ADEC failed to respond constructively, Mr. Fineberg advised the Alaska Forum that he did not wish to participate in – and therefore implicitly ratify – a stakeholder process that did not enable citizens to participate on an informed basis.

The draft 2001 C-plan was published earlier this year by APSC and submitted to ADEC. The Alaska Forum asked for, and was given, a copy in July 2001. However, when our colleague Ruth McHenry of Kenny Lake contacted APSC to obtain a hard copy of the C-plan, she was told that copies were not provided to individuals, but only to organizations, and that she was welcome to view the copy on display at her nearest library. Ruth would have been able to view the C-plan only during library hours and would have been unable to highlight certain passages or jot notes in the margin of a public copy. In view of Ruth's conscientious efforts to participate in the stakeholder process on behalf of the Copper Country Alliance, we cannot understand why APSC would not wish to cooperate with her efforts to inform herself to comment on the current plan.

Along the same lines, although the Alaska Forum was provided a hard copy of the seven-volume draft C-plan, for reasons we do not understand we found it difficult to obtain an electronic version of the draft.

I cite these examples briefly to make the following point: there is something seriously wrong with a stakeholders process when those stakeholders must jump through hoop after proverbial hoop just to obtain documents and basic information that would aid in their understanding of the very issues the stakeholders process was implemented to address.

#### ✍ Inability of the Public to Observe/Evaluate Drills and Exercises of the C-plan

On June 27 of this year, an exercise was held at the Lowe River near Valdez. The Alaska Forum asked Tim Jones, a local resident who has extensive experience with C-plan exercises, to observe the exercise and evaluate the performance of APSC. As you know, Mr. Jones was asked to leave a controllers and evaluators meeting the day before the exercise and then, the day of the exercise, was escorted from the drill site by APSC security.

The explanation for this denial of access was that APSC regards Mr. Jones as an “observer,” not an “evaluator,” the difference presumably being that the latter is an agency representative with some area of expertise and is, by some law, regulation or statute, allowed full access to the exercise; while the former is a member of the general public and thus may be herded around and allowed to see only what APSC wants to be seen. I do not wish to quibble about distinctions between evaluators and observers; this situation point out again that members of the public who are willing to invest their time in this stakeholders process should not have to struggle to gain the information that would aid in their understanding of the pertinent issues. Again, something is seriously wrong with a stakeholders process that makes it this difficult for stakeholders to participate.

Additionally, I must express my disappointment that the “Lessons Learned” document written by ADEC personnel following the Lowe River exercise failed to note that Mr. Jones was removed from the site, while it did note that ADEC personnel “expressed perturbation” at the similar exclusion of the Prince William Sound Regional Citizens Advisory Council. In view of ADEC’s request that the Alaska Forum participate in the stakeholders’ process, I find it surprising that ADEC failed to speak up for the representatives of the Alaska Forum, and entity whose participation ADEC solicited and which ADEC is accountable.

#### Conclusion

Finally, it is my understanding that a planned stakeholders meeting in Fairbanks in February 2001 was never held because ADEC/JPO personnel received feedback that the meetings “do not provide a satisfactory level of detailed information.” May I suggest that a constructive solution to this problem is to achieve a satisfactory level of detailed information rather than simply cancel the meetings.

## VI. Crude spill near Livengood (Bullet hole incident, 10/4/01)

This past Thursday, October 4, 2001, an individual fired his rifle several times at the Trans-Alaska Pipeline near Livengood (MP400), puncturing it once, resulting in one of the largest spills in pipeline history. This section contains preliminary comments by the Alaska Forum based on what we know at this moment (96 hours after the incident). We request that the Alaska Forum – and every other group and individual who submits comments before the 5:00pm Monday, Oct. 8 deadline – be granted by ADEC/JPO an opportunity to submit further comments for this TAPS C-plan review as more information on the Livengood incident and APSC’s response becomes available. Meanwhile, our preliminary observations on the MP400 spill and APSC response follow:

✍ Section 1.7.2.2 (Temporary Patching/Repair/Isolation) of the current (1998) and draft (2001) TAPS C-plan both state that APSC “maintains a variety of clamps and sleeves for emergency patching or repair that can be used to stop a leak.” Among the types of clamps and sleeves listed are “Bullet Hole Clamps.”

?? Was this bullet hole clamp available for use at MP400?

?? Why was this clamp not used?

✍ Section 1.7.2.2 of the 2001 draft C-plan also notes a “48-Inch Pipeline Clamp” that “will undergo functional testing during the summer of 1998.” This language is also present in the current operational 1998 C-plan.

?? Why was the 1998 C-plan approved and approved by ADEC in November 1998 with language that a 48-inch clamp will be tested that previous summer?

?? Why does the 2001 C-plan contain language that a 48-inch clamp will be tested three years ago?

?? Did ADEC/JPO take any action to see if the clamp was tested in summer 1998 or subsequently?

✍ The preceding questions are not academic. The Alaska Forum understands that the 48-inch pipeline clamp is rated to 450 psi, but that APSC had only tested the clamp to 250 psi, and that APSC wanted to wait before using the clamp until the line at MP400 was at 200 psi.

?? Are the facts above consistent with the terms of the operative C-plan and the Best Available Technology requirements?

?? If the clamp was tested in summer 1998 or subsequently, under what pipeline pressure conditions was it tested (i.e. at what psi)?

?? How does this test and the rate of pressure for that test compare with the decision by APSC at MP400 to allow the bullet hole to emit a heavy stream of crude oil estimated at 150 gallons per minute onto the tundra until pressure in the pipeline fell to at least 250 psi before attempting to install the clamp?

✍ The Alaska Forum notes that the 2001 TAPS C-plan contains language pertaining to the TAPS leak detection systems (Section 3.1.8.3.2). The Alaska Forum understands that a post-spill review of the Transient Volume Balance (TVB) system revealed that it noted a discrepancy in throughput of 280 barrels per hour (approximately 6,700 bpd) several, but that it did not alarm.

- ?? Is this event, whereby the TVB detected a throughput discrepancy but failed to alarm, consistent with the terms of the operative C-plan and the Best Available Technology requirements?
- ?? Did the leak detection systems alert operators to the presence of a leak?
- ?? Did OCC in Valdez detect a pressure drop or similar anomaly prior to being notified by the helicopter that there was a pipeline leak?
- ?? Suppose that the leak had occurred at 10:00pm, and that the weather the following several days was such that the weekly helicopter surveillance was skipped: Can APSC estimate under such conditions when they would have discovered that crude was pouring onto the ground?

The Alaska Forum believes these concerns may indicate that the TAPS C-plan is regarded by some as a bureaucratic exercise in paperwork that has little relevance to actually protecting the environment. Both APSC and ADEC/JPO are working from a 1998 C-plan, approved November 30, 1998, that states the 48-inch clamp will be tested in the summer of 1998. Even more incredibly, the 2001 TAPS C-plan uses the exact same language, stating that the 48-inch clamp will be tested in the summer of 1998 -- over three years ago. One may understand that in this voluminous document, typos are sure to be found. But this is clearly in another category than a simple typo. This document -- the operative plan for protecting Alaska's environment, something promised by the TAPS owners over 30 years ago -- seems to have gone unread (or at least unproofed) by those charged with implementing it.

Finally, the *Fairbanks Daily News-Miner* (10/7/01) reported that ADEC Commissioner Michele Brown believes APSC had done "a good job" responding to the spill. Said Brown: "I think they really geared up quickly with personnel and equipment. They're not skimping." Brown also acknowledged that she was displeased with the delay in installing the clamp, but "that does not mean it is anybody's fault." She cited tough conditions like oil vapors. With all due respect to Commissioner Brown, oil vapors are bound to be present at any spill of crude; to state that "tough conditions" at the spill site somehow absolves APSC of fault in the delay in response is little short of ludicrous.

The Alaska Forum requests that ADEC/JPO, in all post-spill reviews and evaluations, arrive at conclusions based on the data -- the preliminary remarks of Commissioner Brown notwithstanding.

## **VII. Conclusion**

Based on our experience monitoring Alyeska's delivery on promises made when the 1998 C-plan was approved, and comparison to conditions after a major upgrade to the C-plan in 1993 (when 11 pump stations were functioning) the Alaska Forum believes that APSC's current spill prevention and response capabilities should be increased significantly rather than decreased. We cannot tell from the 7 binders before us, but we believe that the above points show that a general decrease in the APSC spill prevention and response capabilities has in fact occurred. It appears that the TAPS Owners, in their zeal to hold down unit shipping costs, have sought - and are seeking - continued reductions to the level of personnel and equipment dedicated to the TAPS C-plan. The Alaska Forum requests a thorough evaluation of all points raised in this letter. We believe that to approve a C-plan without clear answers and explanations to the above points and without substantive requirements to correct, quantifiably, the identified defects - represents a failure of ADEC/JPO to hold APSC accountable to both their public promises and contractual agreements to protect Alaska's environment.

Finally, ADEC may notice that in 1998, the Alaska Forum submitted detailed comments on that year's TAPS C-plan on behalf of several other environmental groups with a total membership of more than one million; but this year our comments are being submitted only on our own behalf. Despite the difficulties and frustrations we have experienced obtaining basic information necessary to provide informed input, the Alaska Forum will continue to monitor this process with all the vigilance we can muster.

Sincerely,

Ross Coen  
Executive Director