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**CITY OF HOMER
HOMER, ALASKA**

Aderhold

RESOLUTION 22-009

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA
PROVIDING INPUT TO THE ALASKA DEPARTMENT OF
ENVIRONMENTAL CONSERVATION ON PROPOSED CHANGES TO
REGULATIONS ON OIL DISCHARGE PREVENTION AND
CONTINGENCY PLANS

WHEREAS, As a result of the work of Alaska citizens and the Alaska legislature following the 1989 *Exxon Valdez* oil spill (EVOS), Alaska has world-class spill prevention and response requirements to protect its people and the environment; commercial, sport, subsistence, and personal use fishing; aquaculture and mariculture practices; recreation; tourism; and cultural interests; and

WHEREAS, The shores of Kachemak Bay and lower Cook Inlet were oiled by EVOS and residents of Homer and the Kachemak Bay region were negatively impacted economically, culturally, and socially by that event; and

WHEREAS, Because of the negative impacts to Homer residents and our surroundings, the City of Homer holds board seats on both the Prince William Sound (PWS) and Cook Inlet (CI) Citizens Advisory Councils (RCACs) that were formed as part of the Oil Pollution Act of 1990 following EVOS; and

WHEREAS, In 2019, the Alaska Department of Environmental Conservation (ADEC) sought public input on oil discharge prevention and contingency plan regulations under 18 AAC 75 Article 4 and its statutory authorities relevant to contingency planning under AS 46.04 during a formal scoping process; and

WHEREAS, The Homer City Council responded to ADEC's request for public scoping process with Resolution 19-083, resolving the following:

- Strongly discouraging any legislative or regulatory changes that erode oil spill prevention and response standards, increase the risk of a catastrophic spill, or demonstrate a return to complacency on the part of the oil industry and regulators that Congress determined to be a primary cause of EVOS
- Stating that if the system created after EVOS is weakened, Alaskans will likely face an increased risk of reliving another major oil spill that could damage human health; Alaska's commercial, sport, and subsistence fishing; sport and subsistence hunting; other businesses; fish; wildlife; the environment; and the culture and quality of life of the people

- 44 • Asking ADEC to halt the public scoping process until detailed information was
45 provided to the public as to the driving factors that led to this regulatory and
46 statutory reform initiative, identifying the Alaskan companies and organizations
47 that have contacted them with claims that the existing regulations are too
48 burdensome, and providing information on the statutes and regulations ADEC
49 claims can be eliminated or significantly reformed; and
50

51 WHEREAS, ADEC issued a “Notice of Proposed Changes to Oil Pollution Prevention
52 Requirements in the Regulations of Alaska Department of Environmental Conservation” on
53 October 28, 2021 with a comment period on the proposed regulations open from November 1,
54 2021 to January 31, 2022 that includes numerous proposed regulatory changes under 18 AAC
55 75 Article 4; and
56

57 WHEREAS, The PWS and CI RCACs have voiced appreciation for a number of positive
58 proposed changes, including increased clarity within the regulations, combination of
59 redundant sections, and use of technology in the interest of modernizing workflow; and
60

61 WHEREAS, The RCACs also have expressed concerns about the proposed regulations
62 that must be addressed before public comment closes on January 31, 2022; and
63

64 WHEREAS, The Homer City Council agrees with the RCACs and submits the following
65 comments on the proposed regulations.
66

67 NOW, THEREFORE BE IT RESOLVED that the Council of the City of Homer requests that
68 Alaska regulations specify the minimum number of exercises required for crude oil plans be set
69 at one significant Incident Management Team and two field deployment exercises each year,
70 as well as other unannounced exercises as ADEC deems necessary, and that the commitment
71 requiring additional exercises or other appropriate action if a plan holder fails to demonstrate
72 the ability to implement their plan be retained; and
73

74 BE IT FURTHER RESOLVED that the Council of the City of Homer believes that regulatory
75 changes should not result in any diminished emphasis on best available technology, including
76 retaining the requirement that a Best Available Technologies Conference be held every five
77 years or otherwise stating how they will examine new technologies to meet the mandates of
78 AS 46.04.030(e); and
79

80 BE IT FURTHER RESOLVED that the Council of the City of Homer notes that federal law
81 and the Alaska Oil Spill Commission have recognized the special role of RCACs in reviewing
82 contingency plans; and requests that Alaska regulations continue to name the PWS and CI
83 RCACs as recipients required to be notified of plan reviews, updates, and amendments,
84 electronically or otherwise; and
85

86 BE IT FURTHER RESOLVED that the Council of the City of Homer requests that the option
87 to use the PWS tow package should remain, with regulations at 18 AAC 75.990(96) revised to
88 meet the breaking strength requirements set by the International Maritime Organization
89 standard and note the tow package system should be able to be deployed in 15 minutes from
90 the bow; and

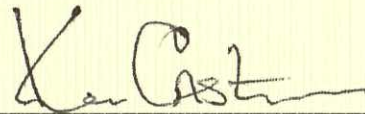
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92 BE IT FURTHER RESOLVED that the Council of the City of Homer requests that a change
93 in plan holder ownership be treated as a major amendment to the Oil Discharge Prevention
94 and Contingency Plan, affording the opportunity for public review prior to approval; and
95

96 BE IT FURTHER RESOLVED that the Council of the City of Homer requests that Article 4
97 of 18 AAC 75 incorporate language requiring Oil Spill Prevention and Contingency Plan holders
98 to comply with all applicable State and Federal Regulations concerning human and
99 environmental safety; and

100
101 BE IT FURTHER RESOLVED that the Council of the City of Homer requests that any new
102 language or repealed language within Article 4 of 18 AAC 75 that has the potential to diminish
103 prevention or response capabilities be revised or reinstated to ensure previous levels of human
104 and environmental safety are met.

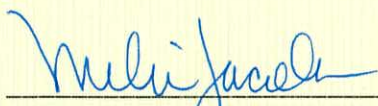
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106 PASSED AND ADOPTED by the Homer City Council this 10th day of January, 2022.
107

108 CITY OF HOMER

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112 KEN CASTNER, MAYOR

113 ATTEST:

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116
117 MELISSA JACOBSEN, MMC, CITY CLERK

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119 Fiscal Note: None

