STATE OF ALASKA

FRANK H. MURKOWSKI, GOVERNOR

**DEPT. OF ENVIRONMENTAL CONSERVATION**
**DIVISION OF SPILL PREVENTION AND RESPONSE**
**INDUSTRY PREPAREDNESS PROGRAM**
**Marine Vessels Section**

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September 13, 2005

**OIL DISCHARGE PREVENTION**
**AND CONTINGENCY PLAN APPROVAL**

Bob Shields, President.
Island Tug and Barge, Ltd.
55 Rogers Street
Vancouver BC V6A 3X8 Canada

SUBJECT: **Conditional Amendment Approval. Island Tug and Barge, Ltd. (ITB) Oil Discharge Prevention and Contingency Plan (Plan) ADEC Plan Number: 032-CP-1165**

Dear Mr. Shields:

The Alaska Department of Environmental Conservation (Department) has received and conditionally approved the June 24, 2005 amendment application for the Island Tug and Barge, LTD. Oil Discharge Prevention and Contingency Plan, ADEC Number: 032-CP-1165.

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| PLAN TITLE: | **Island Tug and Barge, LTD. Oil Discharge Prevention and Contingency Plan, Dated – April 2003, consisting of one volume** |
| SUPPORTING DOCUMENTS: | **SEAPRO Technical Manual**<br>**Chadux Oil Spill Response Manual** |
| PLAN HOLDER: | **Island Tug and Barge, LTD.** |
| COVERED BARGES: | ***Island Trader (L822069), ITB 38 (L802744), ITB Vancouver (L820184) and Empire 45 (L392787).*** |

**Conditional Amendment APPROVAL**: Conditional Approval of the referenced amendment is hereby granted, effective September 13, 2005. This approval supersedes the previous plan approval and certificate of approval issued by the Department for vessels covered by this plan.

A certificate of approval stating that the contingency plan has been approved by the Department is enclosed.

This approval is subject to the following terms and conditions:

**TERMS AND CONDITIONS:**

1. Section 1, Response Action Plan
   a. "Emergency Contact List", Page 12. Please correct the telephone numbers and area listed for Alaska Chadux.
   b. Section 1.3.2 "Hazard Identification," states Chadux's hazardous gas detection equipment is described in Section 1.3.2.1, "Air Monitoring" of their Response Manual. The section cited does include health and safety information for selected contaminants but does not include hazardous gas detection equipment. Please revise the citation to refer to the section that does include the stated information.
   c. Section 1.5.4 "Transportation and Deployment of Resources, Alaska Chadux Deployment – Alaska (Except S.W. Alaska)" should read "(Except S.E. Alaska)".
   d. Section 1.6. E. "Maximum 'Most Probable Discharge' Scenario" (Alaska Chadux).
      i. The equipment list for ITB equipment onboard the Island Trader and needed for this scenario includes a skimmer that is not listed in the equipment list in Plan section 1.8.1 "Island Trader Oil Spill Response Equipment". The Department spoke with ITB on September 8, 2005 and understands ITB does maintain that skimmer on board its barges. Please correct the equipment list to be consistent with the scenarios.
      ii. A workboat onboard the Island Trader is listed in the equipment section for Scenario E and described in the narrative. The description of the work boat for the Island Trader is not included in Section 1.8.1. Please include length and power for all workboats listed in Section 1.8. for all barges.
      iii. The scenario mentions utilization of cargo hoses for lightering. The Department understands there are portable pumps and hoses located on the tugs that accompany the ITB barges. These pumps and hoses may be used for spill response. Please provide a description of the equipment and the minimum capacities in the response equipment section that will be available to the barge at all times while in State of Alaska waters.

2. Section 3 Supplemental Information
   Please provide a general chart showing routes normally used for the transportation of oil products within state waters, and the frequency of use for each route.

3. Section 3 Supplemental Information
   The Department has determined that this plan demonstrates ITB's ability to respond to an oil spill statewide. In addition to Condition 2 above and as a condition of this approval ITB must provide the Department general charts showing any new routes used

for transportation of oil products within state waters as they are established and no less than 5 days prior to ITB entering those routes.

4. Notice of Changed Relationship with Response Contractor. Because the plan relies on the use of response contractor(s) for its implementation, the plan holder must immediately notify the Department in writing of any change in the contractual relationship with the plan holder's response contractor(s), and of any event including but not limited to any breach by either party to the response contract that may excuse a response contractor from performing, that indicates a response contractor may fail or refuse to perform, or that may otherwise affect the response, prevention, or preparedness capabilities described in the approved plan.

**EXPIRATION: This approval expires August 24, 2008**. After the approval expires, Alaska law prohibits operation of the vessel until an approved plan is once again in effect.

**RENEWAL:** To renew this approval, the plan holder must submit a completed renewal application and plan to the Department no later than 180 days prior to the expiration of this approval. This is to ensure the submitted plan is approved before the current plan in effect expires. (18AAC 75.420).

**REVOCATION, SUSPENSION, OR MODIFICATION:** This approval is effective only while the plan holder is in "compliance with the plan" and with all of the terms and conditions described above. The Department may, after notice and opportunity for a hearing, revoke, suspend, or require the modification of an approved plan if the plan holder is not in compliance with it, or for any other reason stated in AS 46.04.030(f). In addition, Alaska law provides that a vessel or facility that is not in "compliance with the plan" may not operate (AS 46.04.030). The Department may terminate approval prior to the expiration date if deficiencies are identified that would adversely affect spill prevention, response or preparedness capabilities.

**DUTY TO RESPOND**: Notwithstanding any other provisions or requirements of this contingency plan a person causing or permitting the discharge of oil is required by law to immediately contain and cleanup the discharge regardless of the adequacy or inadequacy of a contingency plan (AS 46.04.020).

**NOTIFICATION OF NON-READINESS:** Within twenty four (24) hours after any significant response equipment specified in the plan becomes non operational or is removed from its designated storage location the plan holder must notify the Department in writing and provide a schedule for the equipment substitution, repair, or return to service (18 AAC 75.475(b)).

**CIVIL AND CRIMINAL SANCTIONS:** Failure to comply with the plan may subject the plan holder to civil liability for damages and to civil and criminal penalties. Civil and criminal

sanctions may also be imposed for any violation of AS 46.04, any regulation issued there under, or any violation of a lawful order of the Department.

**INSPECTIONS, DRILLS, RIGHTS TO ACCESS AND VERIFICATION OF EQUIPMENT, SUPPLIES AND PERSONNEL:** The Department has the right to verify the ability of the plan holder to carry out the provisions of its contingency plan and access to inventories of equipment, supplies and personnel through such means as inspections and discharge exercises, without prior notice to the plan holder. The Department has the right to enter and inspect the covered vessel or facility in a safe manner at any reasonable time for these purposes and to otherwise ensure compliance with the plan and the terms and conditions (AS 46.04.030(e) and AS 46.04.060). The plan holder shall conduct exercises for the purpose of testing the adequacy of the contingency plan and its implementation (18 AAC 75.480 and 485).

**FAILURE TO PERFORM:** In granting approval of the plan, the Department has determined that the plan, as represented to it by the applicant in the plan and application for approval, satisfies the minimum planning standards and other requirements established by applicable statutes and regulations, taking as true all information provided by the applicant. The Department does not warrant to the applicant, the plan holder, or any other person or entity: (1) the accuracy or validity of the information or assurances relied upon; (2) that the plan is or will be implemented; or (3) that even full compliance and implementation with the plan will result in complete containment, control, or clean-up of any given oil spill, including a spill specifically described in the planning standards. The plan holder is encouraged to take any additional precautions and obtain any additional response capability it deems appropriate to further guard against the risk of oil spills and to enhance its ability to comply with its duty under AS 46.04.020(a) to immediately contain and clean up an oil discharge.

**COMPLIANCE WITH APPLICABLE LAWS:** If amendments to the approved plan are necessary to meet the requirements of any new laws or regulations, the plan holder must submit an application for amendment to the Department at the above address. The plan holder must adhere to all applicable state statutes and regulations as they may be amended from time to time. This approval does not relieve the plan holder of the responsibility for securing other federal, state or local approvals or permits, and that the plan holder is still required to comply with all other applicable laws.

**ADJUDICATORY HEARING:** Any person who disagrees with this decision may request an adjudicatory hearing in accordance with 18 AAC 15.195- 18 AAC 15.340 or an informal review by the Division Director in accordance with 18 AAC 15.185. **Informal review requests** must be delivered to the Division Director, 410 Willoughby Avenue, Suite 303, Juneau, Alaska 99801, within 15 days of the permit decision. **Adjudicatory hearing requests** must be delivered to the Commissioner of the Department of Environmental Conservation, 410 Willoughby Avenue, Suite 303, Juneau, Alaska 99801, within 30 days of the permit decision. If a hearing is not requested within 30 days, the right to appeal is waived. Please send a copy of the hearing request to the undersigned.

**Please address conditions 1-2 with the publishing of this amendment.**

Please note: Any future amendments, including routine amendments, significant amendments and renewal plans should be submitted to the Department in red lined version. The method used to denote changes to the plan should make the changes clear and easily identifiable.

If you have any questions, please contact Elizabeth Stergiou at 907-269-7539.

Sincerely,

Betty Schorr
Marine Vessels Section Manager

Enclosure: Certificate of Approval, Number: 03-CER-2610.1

cc:

Todd Barbar, ITB
Betty Schorr, ADEC, Anchorage
Robin Willis, ADFG, Anchorage
Sam Means, ADNR, Anchorage
Mike Munger, CIRCAC
Thede Tobish, Coastal Coordinator, Anchorage, City of
Gary Williams, Coastal Coordinator, Kenai Peninsula
Carol Smith, Coastal Coordinator, Valdez, City of
Steve Hanis, Coastal Coordinator, Cordova, City of
Susan Lee, Coastal Coordinator, Matanuska-Susitna Borough
Rick Hohnbaum, Coastal Coordinator, Whittier, City of
Tina Anderson, Aleutians East Borough
Karol Kolehmainen, Aleutians West
Fred Pike, Borough Manger, Bristol Bay Borough
Andrew DeValpine, Program Director, Bristol Bay CRSA
Duane Dvorak, Kodiak Island Borough
Marv Smith, Coastal Coordinator, Lake and Peninsula Borough
Morris Nassuk, Coastal Coordinator, Bering Straits
Jim Dory, Coastal Coordinator, Nome, City of
Walter Porter, Coastal Coordinator, Northwest Arctic Borough
John Malone, Coastal Coordinator, Bethel, City of
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John Oscar, Program Director, Cenaliulriit CRSA
Project File