

Interim Plan for Implementing the Massachusetts Oil Spill Prevention and Response Act

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Prepared by:
The Commonwealth of Massachusetts
Department of Environmental Protection
Bureau of Waste Site Cleanup

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Introduction

The Massachusetts Oil Spill Prevention and Response Act (OSA) became law on August 4, 2004. A key provision of the OSA established a trust fund, financed primarily by a 2-cent/barrel fee on petroleum products delivered to marine terminals in the state. The trust fund is to be used by the Massachusetts Department of Environmental Protection (MassDEP) to improve protection of the Massachusetts coastline from oil spills through spill prevention and response efforts that may include: improvements to vessel navigational systems and infrastructure; development of spill response plans for local, regional, and/or state responders; procurement and maintenance of spill response equipment and supplies for local, regional, and/or state responders; development and implementation of spill response training opportunities; spill prevention/response research efforts, and interest-free emergency loans and damage claims.

To assist MassDEP in effectively managing the use of the Trust Fund, an Advisory Committee has been established. The Oil Spill Act Advisory Committee (OSAAC) will advise the MassDEP on:

- approaches, actions, programs, systems and procedures to implement the OSA, in a manner that will optimize the integration and effectiveness of local, regional, state, inter-state, federal, and private-sector spill-response assets;
- prioritization of areas for disbursements from the Trust Fund; and,
- other technical and/or policy issues that arise in the course of implementing OSA.

Please refer to Attachment D for a list of Advisory Committee members.

The MassDEP has initiated various activities to implement the OSA since the law was enacted.

These activities include:

- procuring oil spill protection and cleanup equipment for use by coastal municipalities;
- conduct multi-agency response training exercises;
- establishing contracts for OSA related services;
- reinforcing information exchange with other state oil spill programs; and,
- enhancing coordination and cooperation with the U.S. Coast Guard sponsored Area Planning Committees;
- planning for future implementation activities

Over the next several months, MassDEP will develop a comprehensive Strategic Plan for implementation of the OSA. The Strategic Plan will identify priorities, establish policies and procedures, and outline budget plans for the next 3-5 years. In the meantime, MassDEP, in consultation with the OSAAC, will proceed with planned activities and purchases as described in this Interim Plan.

Interim Plan Summary

This Interim Plan provides information about the timing, cost, and purposes of Oil Spill Act-related work planned over the next six to nine months, including a list of work products, task descriptions, proposed deadlines, and work assignments. Planned work has been organized into four categories: planning/administration, prevention, response, and outreach.

The main focus of MassDEP's initial efforts as outlined in this Interim Plan is to implement lessons learned from the 2003 Buzzards Bay spill as reflected in the mandates of the Oil Spill Act. This experience has shown that during the first 24 to 48 hours of response to a coastal oil spill a well equipped and trained local response is essential to conducting important mitigation activities while Federal/State and Responsible Party resources are brought to action. This Interim plan seeks to provide local municipalities with the basic equipment, training and response plans necessary to perform the initial stages of an effective response to such spills. The plan also seeks to identify those activities or areas where enhanced efforts and focus will lessen the risk of future oil spills and therefore promote the prevention of releases before they occur.

- I. PLANNING/ADMINISTRATION:** A. Finalize this Interim Plan; B. Develop a three- to five-year Strategic Plan for effective and efficient implementation and administration of the Oil Spill Act and related trust fund; C. Establish policies, procedures, and priorities for administering the OSA Trust Fund; D. Conduct a coastal oil spill risk assessment that will serve as the basis for prioritizing future equipment and training deliveries and Geographic Response Plan development; E. Administer the Mass Oil Spill Act Trust Fund, implement the Interim Plan and other program objectives.

Tasks

- A. Develop an OSA Interim Implementation Plan (May – September 2007) (completed)

Task to be conducted by MassDEP with assistance from NEWMOA

Key Milestones-

1. Consolidate existing work lists/plans and prepare an interim budget for internal MassDEP review
2. Discuss and review with the OSAAC
3. Identify planning participants and their roles & responsibilities
4. Identify and establish OSAAC Training and Prevention Subcommittees
5. Adopt Interim OSA Plan

- B. Develop a Strategic Plan (3-5 year) to include elements from each of the OSA Objective Areas including: Planning/Administration, Response, Prevention, Outreach (January 2008 - June 2008)

Task to be conducted by MassDEP with assistance from NEWMOA

Key Milestones-

1. Develop plan outline
2. Examine other state oil spill response programs
3. Determine policy regarding OSA coverage for inland spills
4. Distribute Discussion Draft for comment
5. Adopt Final OSA Strategic Plan

C. Establish policies, procedures, and priorities for administering the OSA Trust Fund (February – July 2008)

Task to be conducted by MassDEP with assistance from the Massachusetts Department of Revenue (DOR) and NEWMOA

Key Milestones-

1. Determine reserve account goal (Up to \$10MM maximum-less annual operating budget) (February – April 2008)
 - survey selected Federal, State, other agencies (FEMA, SBA, etc.) to identify existing programs, scopes and costs available to address damage claims associated with a large spill
 - identify proposed targets for damage claims, loans, natural resources damage restoration, and administration
 - determine proposed annual reserve account accrual rate for next 3-5 years

2. Develop procedures and criteria for processing damage claims (May – July 2008)
 - identify existing procedures and methods for filing, evaluating and ranking/scoring claims
 - develop proposed OSA procedures for filing, evaluating, and ranking/scoring claims and disbursing funds for review by the OSAC

D. Conduct a coastal oil spill risk evaluation that will serve as the basis for prioritizing future equipment and training deliveries and Geographic Response Plan development. (November 2007 - March 2008)

Task to be conducted by contractor with assistance and oversight by MassDEP

Key Milestones-

1. Select contractor
2. Approve scope of work
3. Identify major marine transportation routes and destinations.
4. Identify coastal marine areas that have been location of frequent oil spills.
5. Identify coastal areas with physical, geographical or natural resource features that increase risk of oil spill.

6. Develop risk based ranking system that can be applied to future equipment, training and GRP development prioritization decisions.
7. Complete risk evaluation report
8. Present risk evaluation report to Oil Spill Act Advisory Committee.

E. Administer and implement Mass Oil Spill Act mandates, Trust Fund and Interim Plan. (Ongoing)

Task conducted by MassDEP staff

1. Establish Oil Spill Act Advisory Committee to assist and advise MassDEP on OSA Implementation. See Attachment D for Advisory Committee members.

Task conducted by MassDEP, completed March 2007

II. PREVENTION : A. Evaluate and identify Vessel Traffic Systems, B. Physical Oceanography Real-Time Systems or P.O.R.T.S that may prevent or mitigate the risk of future oil spills as directed by OSA, C. Identify those areas within industrial ports that are the locations of chronic small-quantity spills or discharges of oil or fuel, and develop and implement strategies for the reduction and elimination of these frequent spills or discharges and identify, D. Identify other oil spill prevention strategies.

Task to be conducted by OSAAC Spill Prevention Subcommittee with contractor assistance

Tasks

A. Vessel Traffic System - Review options for enhancing or improving Vessel Traffic System (VTS)/Vessel Movement Reporting Systems (VMRS) in Buzzards Bay and the Cape Cod Canal. (Sept 2007 – April 2008)

Key Milestones-

1. Prevention Sub Committee will evaluate planned USCG/ACOE and regulation changes, system enhancements, timing, and navigational needs for vessel traffic in Buzzards Bay and Cape Cod Canal. Report findings & recommendations to the OSAAC. (Sept 2007- June 2008)
2. If necessary, MassDEP will establish a Memorandum of Agreement with the ACOE and the USCG following the establishment of a Regulated Navigation Area in Buzzards Bay.

B. **P.O.R.T.S** - Review Options/Status of Physical Oceanography Real-Time System (P.O.R.T.S) (July, 2008)

Key Milestones-

1. Identify status of current and planned systems under consideration by USCG/NOAA and others for Buzzards Bay.

1. Report Findings to OSAAC (July 2008)

C. **Chronic Oil Spills in Harbors** - identify the industrial port/location within Massachusetts where frequent small-quantity spills and discharges of oil or fuel occur, and develop and implement strategies for the reduction and elimination of these frequent spills/discharges. (Timeline established in Long Term Strategic Plan,)

Key Milestones-

1. Meet with MA DEP, CZM, USCG and other parties (Harbor Development Commissions) to determine the locations where significant numbers of small scale spills and discharges occur. Estimate the quantity of oil and fuel that is discharged into the marine environment at these locations and identify the sources. Identify and evaluate actual and potential impacts of these spills.
2. Identify and evaluate with the appropriate federal, state and municipal officials previous efforts to identify, reduce and eliminate the spills/discharges.
3. Develop a consensus approach or strategy for reducing or eliminating the spills/discharges.
4. Develop detailed designs and an implementation schedule.

D. Identify other prevention improvement plans for inclusion in 3-5 year strategic plan.

III. **RESPONSE:** A. Equipment; Identify and provide the equipment and supplies that will enable local and state responders to effectively and efficiently contain and remove oil spills; B. Training; Identify and provide training opportunities that will enable local and state responders to effectively and efficiently deploy equipment and conduct other actions necessary to protect coastal resources; C. Geographic Response Plans (GRP); Develop GRPs for sensitive coastal areas to improve effectiveness of oil spill response; D. Wildlife Rehabilitation; Develop strategies and methods to improve the Commonwealth's ability to respond to and care for oiled wildlife.

Tasks

A. Equipment

1. Procure Oil Spill Response Trailers and Associated Equipment
Task to be conducted by Fleet Environmental Inc. with MassDEP assistance and oversight

Key Milestones

- Procure and deliver nineteen 20-foot spill response trailers for communities on Cape Cod, Martha's Vineyard and Nantucket. (Completed August 30, 2007)
- Procure and deliver two 12-foot spill response trailers to MassDEP's Northeast and Southeast Regional Offices (Completed July 30, 2007)
- Procure and deliver ten (20-foot) spill response trailers during FY 08 for communities identified by risk evaluation developed under Objective I, Task D. (April – Sept 2008)

2. Develop inventory of currently available (public and private) oil spill response equipment resources available to protect coastal areas. (November 2007 – March 2008)

Task to be conducted by contractor with MassDEP assistance and oversight

Key Milestones-

- Select contractor
- Approve scope of work
- Provide list/maps of currently available MassDEP purchased equipment
- Develop list/maps of equipment available from federal/state /local/OSROS/private owners and other states

3. Develop oil spill trailer and equipment purchase and deployment schedule for the next 3-5 years based on oil spill risk evaluation in Item 1D. (June 2008)

Task to be conducted by MassDEP with assistance from NEWMOA

Key Milestones-

- Develop purchase and deployment schedule using information from equipment inventory developed in Objective III, Task A (2), and oil spill risk evaluation developed under Objective I, Task D
- Present to OSAAC
- Incorporate into Strategic Plan

4. Develop equipment maintenance and re-supply procedures (January - April, 2008)

Task to be conducted by MassDEP with contractor assistance

Key Milestones

- Select contractor to assist with scope development
- Approve scope of work
- Develop spill trailer and equipment maintenance and inspection procedures checklist

- Procure an equipment maintenance contract
 - Develop equipment re-supply procedures
5. Develop a Mutual Aid Protocol for sharing of equipment and supplies by municipalities and other New England states (November 2008)
Task to be conducted by MassDEP

Key Milestones

- Determine the feasibility of an Interstate Response Agreement/Mutual Aid Agreement modeled after proposal by RIDEM.

B. Training

Tasks to be conducted by various contractors with MassDEP and OSAAC Training Subcommittee oversight and assistance

1. Conduct familiarization and deployment training to local responders associated with current spill trailer and equipment procurement and deployment (August – November 2007) *Task to be conducted by Fleet Environmental and Horsley-Whitten.*
2. Produce and distribute a training CD of familiarization and deployment for local responders (August - November 2007) *Task to be conducted by Fleet Environmental and Horsley-Whitten.*
3. Conduct a multi-agency spill response training exercise (October – November 2007, Postponed due to weather) *Task to be conducted by RHH, Fleet, NEWMOA, Nuka and MassDEP.*
4. Conduct an inventory of existing training available with a description of the training category/type/dates/costs for review by OSAAC (February 2008)
5. Poll stakeholders to identify other general training priorities and needs (May 2008)
6. Develop a 3-5 year training plan and budget for inclusion in the OSA Strategic Plan (Timeline established in Long Term Strategic Plan)
7. Conduct familiarization and deployment training to local responders associated with future spill trailer and equipment procurement and deployment (September – October 2008) *Task to be conducted by Contractor.*

C. Geographic Response Plans

Task to be conducted by NUKA, Inc. and Coalition for Buzzards Bay with assistance and oversight by MassDEP

1. Update and reformat the Buzzard's Bay Geographic Response Plan (February 2007 - January 2008)
 - Select contractor (completed February 2007)
 - Approve scope of work (completed May 2007)
 - Complete outreach and information gathering
 - Modify and reformat strategies
 - Present to Area Committee and distribute (Spring 2008)
2. Develop Geographic Response Plans for Cape Cod and the Islands (February 2007 - February 2008)
 - Select contractor dates (completed)
 - Approve scope of work dates (completed)
 - Establish project work group (completed)
 - Establish project web page (completed)
 - Completed draft strategies (December 2007)
 - Present to OSA advisory committee (February 2008)
 - Present to Area Committee and distribute (Spring 2008)
3. Develop next GRPs for other Massachusetts coastal areas based on oil spill risk assessment in Item 1D. (May – December 2008)

D. Wildlife Rehabilitation

Develop strategies and methods to improve the Commonwealth's ability to respond to and care for oiled wildlife. (Timeline established in Long Term Strategic Plan)

Task conducted by contractor with oversight from MassDEP and MA DFW staff.

1. Pre-identify possible locations throughout the coastal areas of the state where facilities for the care of wildlife impacted by a spill either already exist or can be rapidly set up.
2. Develop a concise handbook that will help guide the rapid set up of such a facility in the first stages of response to an oil spill.
3. Pre-identify organizations with expertise in the rescue and care of bird and other wildlife during oil spills.

4. Pre-identify organizations in various regions of the state that are likely to have the ability to mobilize significant numbers of volunteers for bird and wildlife rescue efforts.

IV. OUTREACH: Establish a transparent, participatory process for administering the OSA (Ongoing)

Tasks

Task to be conducted by MassDEP with contractor assistance

A. Establish Regular Communications with Key Stakeholder Groups

Key Milestones-

1. Meet with harbor masters and fire departments
 - Present OSA goals, objectives and plans at fire and harbor master conferences
2. Participate in Sector Boston and Sector S. E. New England Port Safety & Security forums and Port Area Committee meetings (quarterly)
 - Present OSA goals, objectives and plans at fire and harbor master conferences
3. Complete and maintain oil spill web page
4. Hold regular meetings/other communications with nearby state oil spill response programs

Attachment A

MASS OIL SPILL ACT PROJECT PLANNING

Projects in Process	Budget	Expenditures as of 10/17/07	Outstanding Balance
Procure Trailers and Training for CC&I Communities	\$729,850	\$631,534	\$98,316
Develop GRP for CC&I Communities	\$83,640	\$27,755	\$55,885
Update GRP for Buzzards Bay Communities	\$35,885	\$1,323	\$34,562
Multi Agency Drill	\$11,140	\$0	\$11,140
Program Technical Support	\$50,000	\$19,386	\$30,614

Total Outstanding Project Expenses

\$230,517

Proposed Projects	
Conduct Coastal Risk Evaluation	\$20,000
Develop Equipment Maintenance Procedures	\$50,000
Procure Next Round of Trailers and Training	\$750,000
Develop OSA 3-5 year Strategic Plan	\$10,000
Develop Claims Criteria and Process	\$35,000
Develop Next Round of GRP's	\$50,000
Program Technical Support	\$50,000
Program Salaries and Support	\$190,000

Total Cost Proposed Projects

\$1,155,000

October 23, 2007

Attachment B

OIL SPILL TRUST FUND BALANCE					
As of October 17, 2007					
	FY05	FY06	FY07	FY08	Totals from Inception
				YTD	
Beginning Balance	\$0	\$1,410,369	\$2,838,038	\$4,127,537	
Revenue Collected	\$1,492,186	\$1,817,058	\$1,789,321	\$355,339	\$5,453,904
Expenditures	(\$81,817)	(\$389,389)	(\$499,822)	(\$347,589)	(\$1,318,617)
Available Balance	\$1,410,369	\$2,838,038	\$4,127,537	\$4,135,287	\$4,135,287

Attachment C

<i>Uncommitted Funds Available To Be Spent In FY 08</i>	
As of October 17, 2007	
Total Revenue Collected	\$5,453,904.
Expenditures FY 05 - 08	(\$1,318,617.)
Outstanding Balance FY 07 *	(\$230,517.)
Planned Expenditures FY 08	(\$1,155,000.)
Total Available	\$2,749,770.

* Funds committed to FY 07 projects but not paid yet.

Attachment D

Massachusetts Oil Spill Act Advisory Committee Members

Organization	Sector/Interest/Expertise	Member
1. MassDEP	State/Program Management	<p>Janine Commerford, Chairperson Assistant Commissioner, Bureau Waste Site Clean up Mass. Department of Environmental Protection 1 Winter Street Boston, Ma. 02108</p> <p>617 556-1121 617 574-6861 (fax)</p> <p>E mail: Janine.Commerford@MassMail.State.MA.US</p>
2. US Coast Guard	Federal/Spill Responder	<p>Commander Claudia C. Gelzer Chief, Waterways Management Division U.S. Coast Guard, Sector Boston 427 Commercial Street Boston, Massachusetts 02109</p> <p>617-223-3001 617-223-3032 (fax)</p> <p>Email: Claudia.C.Gelzer@uscg.mil</p> <p>Alternate;</p> <p>Mr. Ed LeBlanc, Chief, Waterways Management Division, U.S. Coast Guard, Sector Southeastern New England, 20 Risho Ave. East Providence, RI. 02914-1208</p> <p>(401) 435-2351 E mail; ELeBlanc@MSOProv.uscg.mil</p>
3. US Army Corps of Engineers	Federal/Maritime Navigation	<p>Larry Davis Assistant Canal Manager US Army Corps of Engineers Cape Cod Canal Field Office P.O. Box 1555 Buzzards Bay, MA 02532</p> <p>508 759-4431 ext. 565 508 759-8923 (fax)</p> <p>Email: lawrence.t.davis@usace.army.mil http://www.nae.usace.army.mil/navigation/index.htm nae-pn-nav@usace.army.mil</p>

<p>4. Executive Office of Environmental Affairs</p>	<p>State/Maritime Resources</p>	<p>David Janik CZM South Coastal Regional Coordinator 2870 Cranberry Highway East Wareham, MA 02538</p> <p>(508) 291-3625 x20 (508) 291-3628 (fax)</p> <p>Email: david.janik@state.ma.us</p>
<p>5. Massachusetts Department of Fire Services</p>	<p>State & Local /Spill Responder</p>	<p>Kevin P. Partridge Director of Homeland Security and Emergency Response Department of Fire Services PO Box 1025, State Road Stow, MA 01775</p> <p>978-567-3179 978-567-3121 (fax)</p> <p>Email: Kevin.Partridge@dfs.state.ma.us</p>
<p>6. Massachusetts Harbormaster Association</p>	<p>Local/Harbor Regulation</p>	<p>David Fronzuto, President Nantucket Harbormaster 34 Washington St. Nantucket, Ma. 02554</p> <p>508-228-7261</p> <p>Email: marine@nantucket-ma.gov</p>
<p>7. Pilot Association</p>	<p>Private/Maritime Navigation</p>	<p>Gregg H. Farmer, President, District 1 (Primary) Boston Harbor Pilot Association LLC 256 Marginal St. Building #11 E. Boston, MA 02128</p> <p>(617) 569-4501</p> <p>Email: gfarmer@bostonpilots.com</p> <p>Capt. E. Howard Mc Vay Jr, President, District 3 & 4 (Alternate) Northeast Marine Pilots 243 Spring Street Newport, RI 02840</p> <p>(800) 274-1216</p> <p>Email: captmcvay@cox.net</p>
<p>8. Massachusetts Petroleum Council</p>	<p>Private/Industry perspective</p>	<p>Steve Dodge Massachusetts Petroleum Council 11 Beacon Street Boston, MA 02108</p> <p>617-227-4227 617-227-5743 (fax)</p> <p>Email: dodges@api.org</p>

<p>9. Oil Spill Response Organization (OSRO)</p>	<p>Private/Responders</p>	<p>Kirk Franklin Frank Corp. 615 Tarklin Hill Road New Bedford, MA 02740</p> <p>508-995-9997</p> <p>Email: KFRANK132@aol.com</p>
<p>10. Cape Cod Commission</p>	<p>Regional Planning/Municipal perspective</p>	<p>No Current representative</p>
<p>11. Coalition for Buzzard Bay</p>	<p>Advocacy/public perspective</p>	<p>Mark Rasmussen, Exec. Dir./Baykeeper Coalition for Buzzards Bay 620 Belleville Ave. New Bedford, MA 02745</p> <p>508-999-6363 508-984-7913 (fax)</p> <p>Email: rasmussen@savebuzzardsbay.org</p>