



Oil Spill Contingency Planning Annual Report

Fiscal Year 2023

December 2023



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Executive Summary

This report documents fees collected for oil spill contingency planning and related activities conducted by the Oregon Department of Environmental Quality, for fiscal year 2023 beginning July 1, 2022, and ending June 30, 2023 (FY 2023). This report provides an analysis of the fees collected to ensure that revenue is sufficient to meet DEQ's budgetary needs to operate an effective oil spill contingency planning program.



State of Oregon
Department of
Environmental
Quality

This report is required by ORS 468B.412 and ORS 468B.405, which establish fees to be submitted to DEQ for covered vessels and facilities. The fees are dedicated to implement work required of DEQ by ORS 468B.300 through 468B.500, the statutes governing oil spill contingency planning and preparedness. Each year DEQ publishes a report for the previous fiscal year documenting:

- Fees assessed and collected under ORS 468B.405 on covered vessels, and facilities located offshore and onshore
- DEQ activities conducted during the year as required by ORS 468B.410(4)
- Details on penalties received due to willful or negligent discharge of oil and the use of those funds

Fees collected by DEQ under ORS 468B.405 are used to review industry-prepared oil spill contingency plans, prepare geographic response plans for specific areas, and participate in drills and exercises to ensure plan holders and state responders may quickly and effectively respond to oil spills.

During FY 2022, DEQ was able to fully resume exercises and drills in a virtual command post setting, and in FY 2023, in-person drills resumed and participant staffing levels increased.



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Program revenue and expenditures

DEQ has two mechanisms for funding its Oil Spill Preparedness Program: The Oil Spill Prevention Fund and the Oil Spill Control Fund. The prevention fund is primarily supported by fees paid by oil storage facilities that transfer oil over Oregon's navigable waters and fees on covered vessels. The control fund is supported by civil penalties imposed for willful negligence of oil discharges.

Oil Spill Prevention Fund

Oregon Revised Statute 468B.405 establishes fees to fund DEQ's oil spill contingency planning program. The allowable uses of the prevention fund include reviewing required contingency plans, conducting inspections of the facilities, exercises, training, and plan development activities required under ORS 468B.345 to 400. DEQ collects these fees from facilities (including pipelines) that transfer oil in bulk over state-defined navigable waters and covered vessels. Covered vessels include vessels more than 300 gross tons, tank ships, barges transporting oil in bulk and dredges. Specific definitions for covered vessels and facilities are in Oregon Revised Statute 468B.300.

Fee categories

Table 1 shows the fees for the various activities and facilities along with the fee-generating activities and revenue for FY 2023.

Table 1 – Fees by Category, Fee-Generating Activities and Revenue for FY 2023

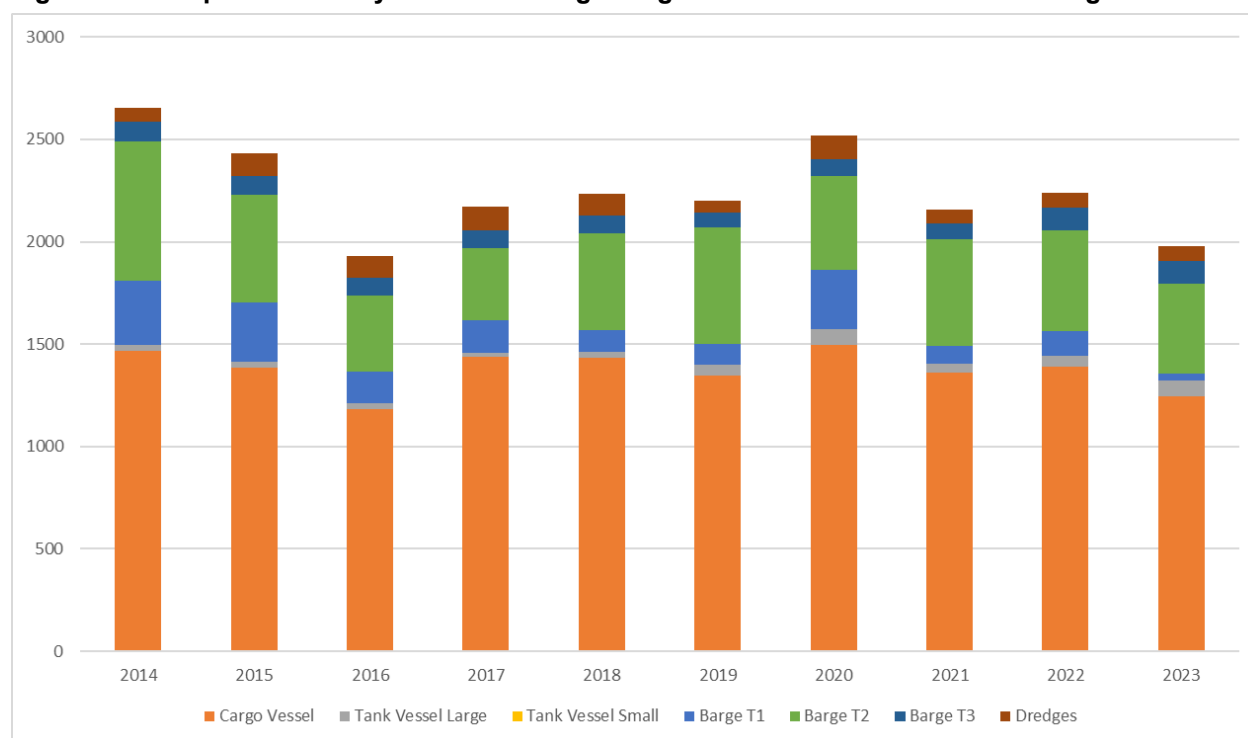
Activity Type	Fees	FY 2023 Activity	2023 Fee Revenue
Facilities	\$ 20,000	12	\$ 240,000
Pipelines <= 6"	\$ 15,000	1	\$ 15,000
Pipelines > 6"	\$ 25,000	4	\$ 100,000
Cargo Vessel	\$ 220	1247	\$ 274,340
Tank Vessel >300T	\$ 5,500	76	\$ 418,000
Tank Vessel <300T	\$ 160	0	\$ -
Barge T1	\$ 160	31	\$ 4,960
Barge T2	\$ 220	441	\$ 97,020
Barge T3	\$ 1,850	109	\$ 201,650
Dredges (/Day Ops)	\$ 100	76	\$ 9,600
Total Revenue			\$ 1,360,370

Fee-generating activities

Facilities and pipelines are charged fees annually, and vessel fees are charged based on the number of trips conducted. A trip, for the purpose of assessing fees, means travel to the appointed destination and return travel to the point of origin within the navigable waters of the state (see ORS 468B.405). Table 1 (above) shows the actual fee-generating activities for FY 2023. Note that actual revenue (shown in subsequent section) versus fee-generating activities differ slightly based on the timing of arrivals and the actual billing and collection of the fees.

FY 2023 saw overall fee-generating activity levels that are near the lowest for the past 10-year period (see Figure 1 - Comparison of Key Fee-Generating Categories for Fiscal Years 2014 through 2023). While oil handling facilities, Type 2 and Type 3 barge shipments and dredging activity were similar to previous levels, most other categories were down significantly in FY 2023. Large tank vessel arrivals increased slightly over the previous few years, which partially offset the drop in revenue that would have been expected for the overall decrease in fee-generating activities overall. Type 1 barges and cargo vessel arrivals were significantly down for FY 2023.

Figure 1 – Comparison of Key Fee-Generating Categories for Fiscal Years 2014 through 2023



The short-term variability and longer-term trends in the shipping industry make year-to-year projections for funding difficult and have had impacts on the stability of funding for DEQ's oil spill planning and prevention programs.

It continues to be challenging to forecast industry activities and the reasons for the variability are too complex to reliably predict. In 2019, Senate Bill 41 authorized DEQ to establish a revenue

buffer to fund program requirements when shipping activities fluctuate to mitigate this risk. Although fee-generating activities have not yet returned to the levels averaged from Fiscal Years 2010 through 2015, the revenue has been stable since FY2020 (see Figure 2 – Oil Spill Prevention Fund Revenue Breakdown for Fiscal Years 2020 to 2023 and Figure 3 - Oil Spill Prevention Fund Revenue, Expenses and Ending Balance for Fiscal Years 2017 through 2022).

Figure 2 – Oil Spill Prevention Fund Revenue Breakdown for Fiscal Years 2020 to 2023

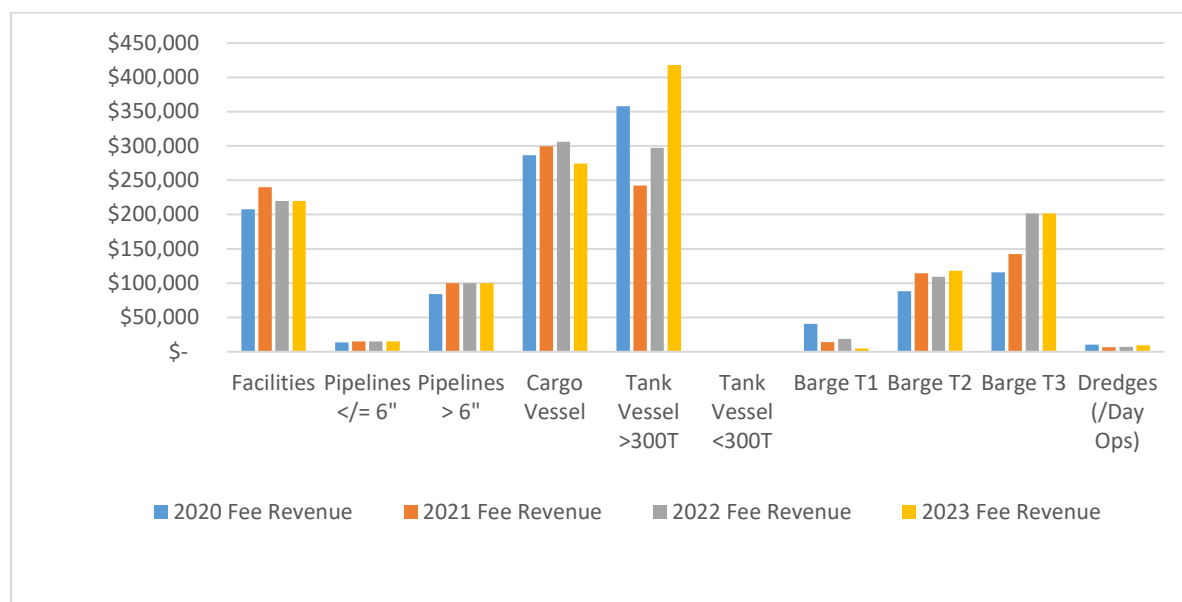
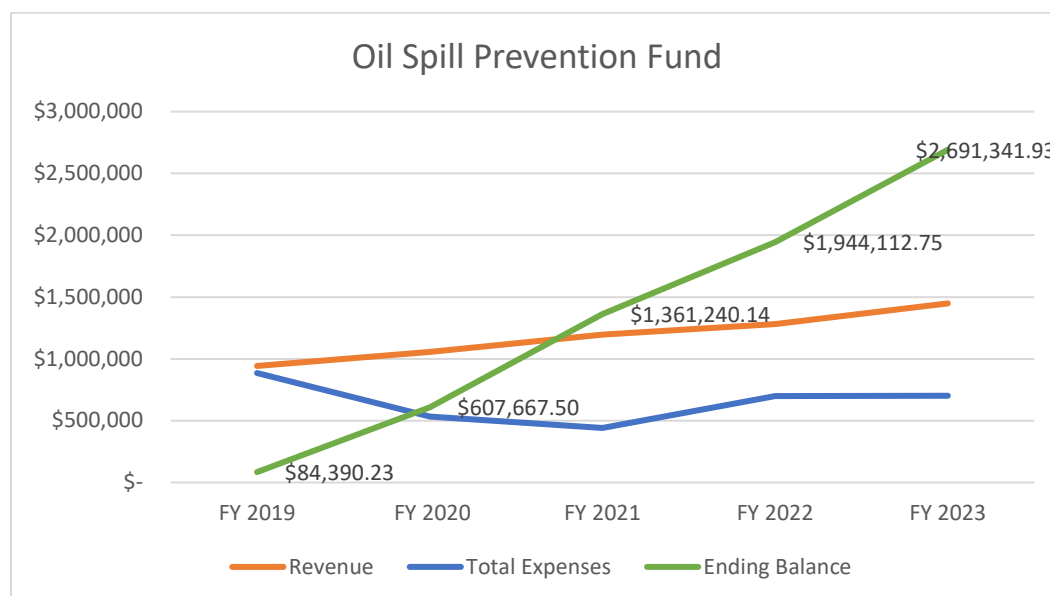


Figure 3 – Oil Spill Prevention Fund Revenue, Expenses and Ending Balance for Fiscal Years 2019 through 2023



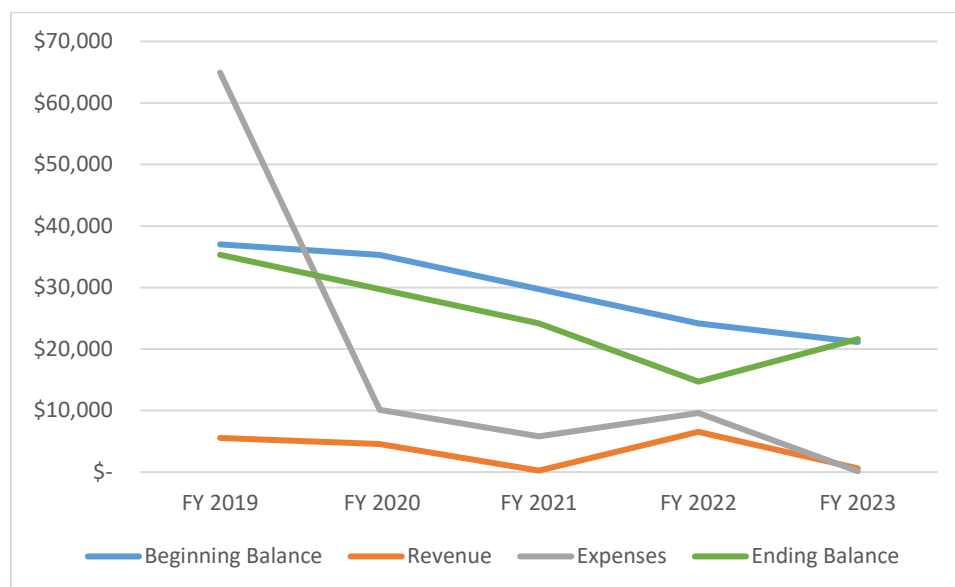
The bulk of the Oil Spill Prevention Fund is used to pay for staff time preparing to respond to large oil spills within the oil transport industry. Positive ending balances have stabilized revenue and allow DEQ to continue participating in drills and exercises and continue work on planning and oil spill industry coordination. Additionally, DEQ will continue to utilize the funding to conduct non-railroad oil spill planning, training, and other preparation to respond to oil spills.

Oil Spill Control Fund

The original Oil Spill Contingency Planning Act, passed in 1991, established the Oil Spill Control Fund (Oregon Revised Statute 468B.455). All penalties recovered through civil penalties for violations related to the willful or negligent discharge of oil are to be deposited in this fund.

The control fund received \$612 from fines in FY 2023. There were no expenses drawn from this fund in FY 2023, for an ending balance of \$21,619 (See Figure 4 - Oil Spill Prevention Fund Revenue, Expenses and Ending Balance for Fiscal Years 2019 through 2023).

Figure 4 – Oil Spill Control Fund Revenue, Expenditures and Ending Balance for Fiscal Years 2019 to 2023



Oil spill program activities conducted in fiscal year 2023

DEQ responsibilities under Oregon's statutes on oil spill contingency planning are:

- Ensure all regulated vessels and facilities have prepared oil spill contingency plans, and that those plans meet requirements specific to protecting Oregon's navigable waterways
- Verify that equipment listed in oil spill contingency plans is available and adequately maintained, that personnel listed in the plans are trained, and that drills and exercises are conducted
- Conduct drills and exercises in accordance with the [Northwest Area Contingency Plans](#) and promote a consistent approach to incident response to oil spills through the use of the Incident Command System throughout preparedness and response activities
- Develop and maintain an interagency response plan for oil or hazardous material spills

DEQ activities charged to the Oil Spill Prevention Fund include:

- Geographic Response Plan development and updates (excluding railroad routes which have separate funding)
- Northwest Area Committees and Regional Response Team participation
- Updates to the Northwest Area Contingency Plan/Regional Contingency Plan
- Reviewing the Sector Columbia River Area Contingency Plan
- Oil spill preparedness training and development of information needed for response
- Assisting plan holders in developing and conducting drills and exercises
- Participating in plan holder-led drills and exercises
- General oil spill planning and preparedness
- Participating in the Derelict Vessel Task Force
- Pacific States/British Columbia Oil Spill Task Force activities

The relative proportions of various planning, plan review and exercise components conducted in FY 2023 by Emergency Response Program staff have been similar to previous years, with the largest proportion of program activities during this period the review of oil spill contingency plans and the participation in oil spill drills and exercises to test those plans (approximately 40%). Significant work took place on the reorganization and plan development under the NW Area Committee(s) and Regional Response Team (approximately 10%) and participation in the Pacific States-BC Oil Spill Task Force activities (approximately 10%). DEQ continued to provide general oil spill training for staff to strengthen our core response team's readiness (approximately 25%) and the progress on the Oregon Coastal GRP update (approximately 15%). Details of these program activities are covered in more detail in following sections.

The variations in activities year to year are typically due to Oregon hosting a States/BC Oil Spill Task Force Annual Meeting, initiating a Geographic Response Plan update, or review and approval of a significant contingency plan change. Again, as in FY 2022, significant time was spent in NW Area Committee activities and reconfiguring the NW Area Contingency Plan, due to the US Coast Guard (USCG) requirement to separate the Area Contingency Plan from the Regional Contingency Plan, which had been combined since the early 1990s. This level of effort, begun in FY 2019, continues into FY 2024 to complete the separation of these plans and develop individual area plans (Local Area Plans) for the coastal zones in the northwest area. The goal of having version of the Sector Columbia River Area Contingency Plan that was complete enough to be signed by the states of Oregon and Washington by December 31, 2023 was not accomplished by the USCG. Further, in FY 2023, the members of the Region 10 Response Team (including DEQ, Washington ECY, USCG and EPA) have entered into a facilitated planning process to resolve regional planning issues that were spurred by the USCG oil spill contingency planning requirements. That process is described in more detail below.

Contingency plan review and coordination

Fees collected by DEQ under ORS 468B.405 are used to review industry oil spill contingency plans and participate in drills and exercises to ensure plan holders and state responders quickly and effectively respond to oil spills. To be approved by DEQ, oil spill contingency plans must meet requirements specific to protecting Oregon's navigable waterways. Fourteen individual contingency plan holders submit plans for DEQ review and approval. Some of these plans are for multiple entities including 12 fuel storage/transfer facilities, five petroleum pipelines and three vessels that are regulated by DEQ.

DEQ approves plans for a five-year period and reviews any significant changes made during the year. DEQ has a public comment period of no less than 30 days for each plan under review. DEQ makes plans available for public review through its website or by hard copy at DEQ headquarters office.

Approximately one half of the plans are currently due for review and approval. The existing plans remain in effect until the revised plans are reviewed and approved, and plan reviews have resumed in 2022.

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Approximately one half of the plans are currently due for review and approval. The existing plans remain in effect until the revised plans are reviewed and approved, and several plans were successfully reviewed and approved in 2023, with more expected in 2024.

Drills and exercises conducted in FY 2023

Drills and exercises are an important aspect of the program to test the organizational and operational skills of plan holders and prevent or reduce the impact of possible future disasters. DEQ participated in seven drills and exercises in FY 2023, all of which were conducted in-person. In some instances DEQ staff was connected to an exercise remotely to test our ability to support incidents with wider geographic participation while remaining as effective as possible.

Additionally, DEQ has been building an Incident Management Team (IMT) with 50 staff from all regions and many DEQ programs participating, which is a significant rise over the past several years. DEQ is using the drill and exercise program to train staff in the Incident Command System. When we have an incident to respond to which does not have a responsible party, the agency is expected to have a more effective response. The increased staffing by DEQ has been received positively by industry.

DEQ follows the Northwest Area Contingency Plan and the Incident Command System at drills and exercises. DEQ typically staffs positions in the Unified Command including Command Staff, Joint Information Center, Planning Section, Safety Officer, Liaison, and GIS Specialist. Per the NW Area Contingency Plan, DEQ is responsible for staffing and leading the Environmental Unit, Public Information Officer, and Liaison Officer in drills and actual responses.

Table 2 – Drills and Exercises Conducted in FY 2023

Plan Holder	Date	Drill Type	# DEQ Staff Attended	DEQ Hours
Coos Bay Response Coop	9/24/22	WCD	5	40
Chevron Willbridge	9/29/22	WCD	11	88
Kinder Morgan (pipeline)	10/6/22	WCD	9	45
Zenith	10/20/22	WCD	9	45
Seaport	11/17/22	TTX	2	16
Pacific Terminal Services	12/2/22	WCD	10	80
Kinder Morgan Willbridge	4/4/23	GIUE	2	16
			Total Staff Time	330

TTX = Tabletop Exercise; Virtual = Participants connecting remotely via collaboration platform (MS Teams, etc.)

TTX/Deployment = Tabletop Exercise combined with an equipment deployment drill

WCD = Worst Case Discharge Exercise; GIUE = Government Initiated Unannounced Exercise

Six plan-holders are scheduled for worst-case discharge exercises in FY 2024.

Training conducted in FY 2023

Training is an important element in maintaining and extending Oregon DEQ's preparedness to respond to incidents and participate within the Unified Command under an Incident Command System response.

In FY 2023 DEQ used funds from the Oil Spill Prevention Fund to allow for an increased number of DEQ staff to gain training in Emergency Response related classes, expanding the total amount of DEQ staff to 50 people undergoing some form of Emergency Response training. This included annual HAZWOPER training, classes on the Incident Command System, (ICS) and specialized classes for understanding the physical and chemical properties of oil and hazardous materials.

In June 2023, DEQ hosted the National Oceanic and Atmospheric Administration (NOAA) Science of Oil Spills (SOS) class in Portland, which allowed 43 students from around the country to attend. This class is only taught 3 times per year nationwide and has not been taught in Oregon for over a decade. Twelve DEQ staff attended, providing agency staff with a greater understanding of oil spill behavior, how various types of oil may weather under various conditions, and how to choose cleanup tools and methods which will most effectively remove oil from the environment.

Many staff took ICS classes as well and attended oil spill exercises to develop their skills. Some ICS classes included the core training of ICS 100, 200, 300, 400, 700 & 800 and some staff chose to pursue specialized training in Planning Section Chief, Liaison Officer, Environmental Unit Leader, Documentation Unit Leader, Resource Unit Leader, Safety Officer, Public Information Officer, and Incident Commander which is helping DEQ to further develop its Incident Management Team (IMT.) With continued support and training DEQ is hoping to train other critical ICS positions such as Finance, Logistics and Operations Section Chiefs, additional Unit Leader positions, and continue training staff to develop our emergency response skills.

Regional Response Team/Northwest Area Committee

The Region 10 Regional Response Team consists of key federal and state agencies in Oregon, Washington and Idaho, and member tribal nations involved in emergency response to hazardous materials. The team is chaired by the US Coast Guard, District 13 and the US Environmental Protection Agency, Region 10. For over 20 years, the RRT/NW Area Committee has published the NW Area Contingency Plan, which is a joint Regional and Area Contingency Plan covering both the marine and inland areas of Oregon, Washington and Idaho. This joint planning effort has resulted in a comprehensive and effective plan, and the shared workload has been an efficient way to conduct expansion and update of the content on a yearly basis.

The USCG Sectors were directed by the Commandant in 2018¹ to prepare individual area contingency plans for their areas of operation. This directive (incorporated into the [2020 USCG Emergency Management Manual - Volume 1](#))² ultimately forced a reorganization of the Northwest Area Committee, which is still in progress. A new charter has been in development for a few years, and the long-standing committees and sub-committees also need to be reorganized to adapt to the new organizational model.

The Regional Response Team member agencies, tribes, and departments have overseen the reorganization of the NW Area Committee required by the USCG planning system changes. Although the necessity to complete the reorganization has caused delays in updating the NW Area Contingency Plan, the postponed updates and additions to the plan were reinitiated in late CY 2021. Unfortunately, the USCG subsequently refused to sign the NW Area Contingency Plan, even after rebranding to the NW Regional Contingency Plan and Inland Area Plan had been agreed upon in previous negotiations. This impasse has resulted in the necessity to contract with the William D. Ruckelshaus Center³ for Collaborative Policy at Washington State University to assist with stalled negotiations on regional and area contingency planning structures suitable to the northwest planning partnering agencies. The Washington Department of Ecology has provided the funding to support the Ruckelshaus Center's leadership, and DEQ has committed time and staff resources to the process. It is anticipated that the negotiations and planning process will take approximately one year, which kicked off in earnest in Summer of 2023.

Throughout FY 2023, DEQ participated in the Steering Committee to guide the reorganization process, develop agendas for the three annual meetings, provided review and comment on the new Sector Columbia River Area Contingency Plan.

Additionally, DEQ co-chaired the Geographic Response Plan Workgroup and the Health and Safety Task Force, and participated in the Tribal Engagement Task Force.

In FY 2023, DEQ participated in the following Northwest Area subcommittees:

Geographic Response Plan Sub-Committee: DEQ participated as co-lead with the Washington Department of Ecology. During FY 2023 the subcommittee completed work on resources at risk and GRP standardization and began to address Endangered Species Act compliance within the plan and an update and expansion of the Best Management Practices appendix. The updated sections (currently NWACP sections 9301 and 9404) will be incorporated into the 2020 version of the NW Area Contingency Plan as addenda/resources until the plan is fully updated.

¹ [Commandant Change Notice 16000, 26 September 2018](#)

² [2019/2020 Commandant Instruction M3010.11E – USCG Emergency Management Manual, Volume 1: Emergency Management Planning Policy](#)

³ [William D. Ruckelshaus Center](#)

Health and Safety Task Force: DEQ participated as co-lead with the Washington Department of Ecology in the task force, whose purpose is to identify ways to increase protection of responder health and safety by implementing tools developed by the National Response Team to track responder exposures to hazardous materials and monitor for development of symptoms during and after significant responses. The task force additionally is tasked with developing guidance for incorporation of Public Health Assessment Units into the NW Area Contingency plan responses to streamline and better integrate public health protection actions into responses. The task force began midway through FY 2023, and will be extended into 2024 to complete its assigned tasks.

Tribal Engagement Task Force: DEQ was an advisory member to the Tribal Engagement Task Force until stepping into the role of co-chair. The task force conducted a tribal perspectives survey summary that was sent out to all tribes in the area to better understand the obstacles that tribes face in incident response. The Subcommittee also continues to pursue opportunities to engage with the Northwest Area Committee and Regional Response Team. This task force is responsible for developing a tribal needs and gap assessment and a timeline for filling these identified gaps through online surveys and other means.

In FY 2023, the task force continues to work with the GRP Sub-Committee/Resources at Risk Workgroup to determine the best ways to incorporate protection of resources important to tribes in the northwest. The Subcommittee is also working to ensure that area exercise and outreach information is made available to interested tribes, as well as ongoing work to ensure tribal contact lists throughout the northwest stay updated. Tribal members have expressed interest in participating in more drills and exercises, which is a goal for 2024.

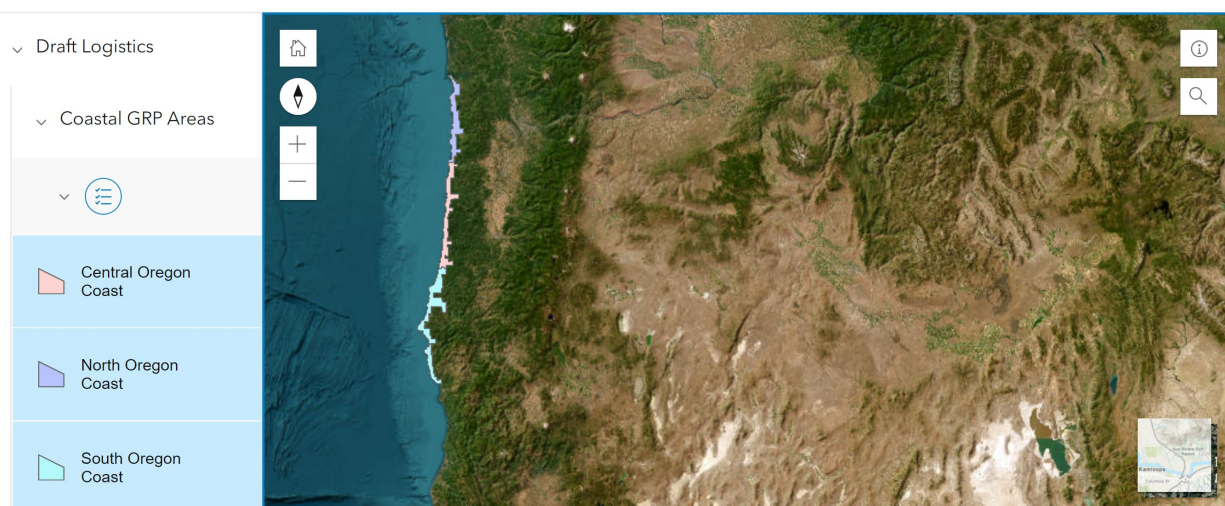
Geographic Response Plan development update

DEQ develops and maintains Geographic Response Plans to cover the first 24 to 48 hours after a significant spill or release to coastal shorelines, bays, or major river systems. These plans identify sensitive resources and describe strategies to protect these resources and recover released oils. Response contractors and responding agencies use these plans to provide a coordinated initial response until a Unified Command is established. DEQ periodically updates the plans as information changes and/or becomes available.

In fiscal year 2023, DEQ planning staff continued the development of the updated geographic response plans for the Oregon Coast. DEQ also continued to develop the information and publishing systems needed to finalize the coastal GRPs. The strategy information is nearly complete as of the end of FY 2023, with a rollout to stakeholders and natural/cultural resource trustees planned for 2024.

The plans will be made available as GIS datasets and on dedicated data viewers on a provisional basis to support drills/exercises and incidents that occur before they can be finalized and officially adopted in late 2024.

Draft Oregon Coast GRP Viewer



Pacific States/British Columbia Oil Spill Task Force

Oregon is a member of the Pacific States/British Columbia Oil Spill Task Force. The task force provides a regional forum for coordination and collaboration on oil spill prevention and response policy issues. Task force members are the state and provincial government directors of the oil spill prevention and response programs in Hawaii, California, Oregon, Washington, British Columbia, and Alaska. DEQ's Land Quality Administrator serves as Oregon's representative to the task force.

DEQ is selective about participation in task force activities, as some projects are not within scope of the Oregon Oil Spill Contingency Planning and Preparedness program. Task force projects that DEQ participated in during FY 2023 include:

- Crude oil transport information
- Abandoned & Derelict Vessels (ADVs)
- Oil spill data collection and statistics
- Drills & Exercise workgroup
- Mutual Aid Agreement
- Legacy awards
- Federal partnership meetings
- Assessment of state spill response capacity through personnel and training
- NOAA-sponsored Workshop on Renewable Fuels
- Oil spill research and development coordination

Due to new and emerging oil spill risks based on changes in types of oil and transportation/storage/use, the task force members review and refresh the strategic plan allowing for adaptation to new hazards. The strategic plan can be found on the [Pacific States – British Columbia Oil Spill Task Force Strategic Plan page](#). The task force also develops biennial work projects based on the strategic plan.