

A Newsletter
About Prevention,
Preparedness,
and Response

Spill SCENE

Summer 2000 Volume 4, Number 3

Washington State Department of Ecology

Court strikes protection standards

Intertanko – What Next?

On March 6, 2000, the U.S. Supreme Court ruled that several of Washington state's Best Achievable Protection (BAP) standards were pre-empted by federal law. The Court remanded the remaining BAP standards to the Ninth Circuit Court of Appeals for further review. On June 12, 2000, feeling that further litigation would not be fruitful, Ecology suspended enforcement of its BAP standards for tank ships and tank barges and filed a notice of expedited repeal for its remaining tank ship standards.

What does all that mean for tank vessel owners and operators who manage vessels operating in Washington waters? For many companies it means continuing to adhere to the BAP standards through participation in the Voluntary BAP Program recently established by the Spills Program. The Voluntary BAP Program offers companies demonstrating above average marine safety compliance and environmental stewardship the opportunity to be publicly recognized for their efforts by adding their company name to the BAP List published on the Spills Program Web site and in this newsletter.

For those companies that

choose to truly "go the extra mile" there is the Exceptional Compliance Program, or ECOPRO. This voluntary program requires compliance with standards that **exceed** the BAP Standards and clearly marks a company as a world leader in marine safety and environmental protection. Only one company has achieved this level of compliance to date, SeaRiver Maritime. (See *Spill Scene*,

Volume 4, Number 1.)

If you have any questions about the Voluntary BAP Program or ECOPRO, please contact Laura Stratton or Lori Crews at (360) 407-7455.

The Spills Program is eager to get beyond litigation and prevent oil spills through more effective partnerships with tank vessel owners and operators, and with the US Coast Guard.

Restoration Projects

Building Better Habitat

Throughout Washington crews are improving and restoring habitat, reconnecting the Westport Slough to the Clatskanie River, restoring farmland at the mouth of the Willapa River to estuary habitat, anchoring woody debris in the Columbia River for fish habitat, planting trees, and removing the invasive water weed, spartina, or cordgrass. Ironically, all this work to help the environment started as environmental damage from oil spills.

Oil spills larger than 25 gallons that reach water, whether Puget Sound, the ocean, freshwater lakes, rivers and streams, or groundwater, are assessed for the

damage they do and the spiller has to pay a natural resource damage assessment. This money goes into a special fund, to be used for restoration projects. When possible, the projects mitigate the original damage. If that is not possible, or if a greater environmental good can result, the funds may pay for work that improves or protects other areas.

Some of the restoration projects this year include:

Westport Slough Dike Removal – \$45,000, to restore the historical flow of the river and provide off-channel habitat for salmon and other fish.

Continued on page 2

WDOE Publication 00-08-017

Comings and Goings

After 27+ years with Ecology, **Jim Oberlander**, spill responder in the Southwest Regional Office, retired in April. In his time with the Department, Oberlander worked in the areas of water quality, hazardous waste, and toxics cleanup, doing outreach, inspections and safety training. He was responding to oil and hazardous materials spills throughout southwest Washington before the Spills Program was officially established.

"A responder always has to be ready to hit the road," said Oberlander. "Most importantly, though, we get to see things get fixed. We make a tangible difference in the environment – we keep things out of the water and the ground and take projects from A to Z."

In addition to his response

work, Oberlander has taught proper spill response and safety to fire departments, public works and health agencies, and law enforcers. He also trained many of Ecology's after-hours responders. Although he is officially retired, Oberlander plans to continue working, "probably in the area of clean water."

"Jim's retirement has left us with some big shoes to fill," said Spills Program manager Joe Stohr. "He was incredibly committed to his job, and to making sure it was done safely. We will miss him and wish him the best in his new life."

GayLee Kilpatrick has joined the Spills Program to work as a facilities prevention engineer. She worked previously as an environmental engineer for the Industrial Section in Ecology's

Solid Waste and Financial Assistance office.

Nida Rodriguez has taken the secretary position for the spill response unit in the Northwest Regional Office. She comes to Ecology from work as a claims specialist for Regence Blue Shield.

Carl Andersen is the newest spill responder at the Northwest Regional Office. He previously worked as an environmental health specialist for the Island County Health Department.

David Mora, facilities prevention planner, has moved from the Northwest Regional Office to the Spills Program headquarters office in Lacey.

Company Recognizes Prevention Section

The German shipping company, Aug. Bolten Wm. Miller's Nachfolger, recently recognized Stan Norman and the Prevention Section of the Spills Program for "outstanding, constructive, valuable and fair cooperation and service during the last four years. If all the

authorities would act in the same way, like you did so far, then the shipping world would surely be a better place to live in," read the certificate of appreciation signed by J. Josko, of the company's Shipowning Division.

Habitat continued

Spartina Removal – \$514,000, to augment the work being done by the state departments of Fish and Wildlife and Agriculture in removing this non-native, invasive water weed. Left unchecked, spartina traps sediment so that the mudflat habitat critical for all types of fish and other wildlife eventually disappears.

Willapa River Estuary Restoration – \$100,000, as part of the local match needed for more than \$4,000,000 in federal funds.

Removing 12,000 feet of dike and tidal gates will restore 600 acres of estuarine habitat, 19 percent of the total historical estuarine wetlands lost in Willapa Bay.

Capitol Lake Restoration – \$35,000 restoration project in the Tumwater Historical Park, to be performed by Washington Department of Transportation in partial settlement for a June 1998 road resurfacing oil spill into Capitol Lake.

Spill SCENE

Spill Scene is published by the *Washington State Department of Ecology* to provide information on oil and hazardous substance spill prevention, preparedness and response. We welcome your comments and questions. Call (360) 407-7211 or write: Editor, **Spill Scene**, Department of Ecology, Spills Program, P.O. Box 47701, Olympia, WA 98504-7701. Visit our website at <http://www.ecy.wa.gov/programs/spills/spills.html>.

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Ecology is an equal opportunity agency. If you have special accommodation needs, please contact the Spills Program at (360) 407-7455 (Voice) or (360) 407-6006 (TDD).

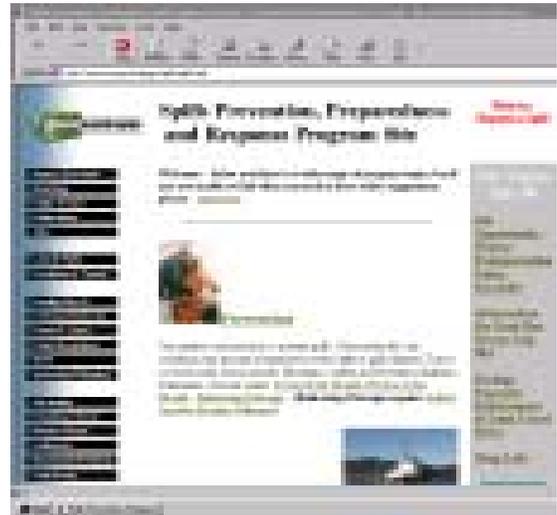


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Web site offers more information, graphics

The Spills program has recently updated its web site. The address is – <http://www.ecy.wa.gov/programs/spills/spills.html>. The updated site includes links to current “hot topics,” information on current spills, all the laws and regulations used by the spills program, messages from the program manager, prevention bulletins, drill information, on-line forms, and other frequently requested information.

This web site is a “work in progress” – we will use your comments to make it better. Please visit our site, and let us know what you think.



Whatcom Creek One Year Later

While investigators continue trying to determine the causes of the Olympic Pipe Line blast and fire that devastated Bellingham, Wash. in June 1999, the damaged ecosystems show surprising improvements a year later. But scientists working on the Whatcom and Hannah creek restoration effort caution that full recovery will take many years.

“Things really aren’t going to be normal here for at least eight years,” said Clare Fogelsong, environmental superintendent for the city of Bellingham. “It will take 70 or 80 years to get the full canopy back, but hopefully a canopy will be up to 20 feet high in 10 to 20 years.” Fogelsong added that parts of Whatcom Falls Park will remain closed for another couple years because of remaining erosion potential.

Much work remains to be done to fix nearly three miles of creek and old-growth forest that were deemed a “dead zone” after gasoline vapors and a corridor of fire killed thousands of fish, plants and insects. And scientists report some surprises – good and bad.

Jeff McGowan of state Fish

& Wildlife collected samples of small salmon and cutthroat trout in May to see if salmon smolt showed toxicity from gas in the creek and streambed.

“We were pleasantly surprised. The fish averaged about 70 centimeters and appeared fine,” McGowan said, though further laboratory testing could still indicate signs of toxicity. He added that while chinook and chum salmon don’t stay in the creeks very long, coho and cutthroat do and would be the most likely to show problems.

But the bugs haven’t rebounded as successfully. Mayflies and other insects that serve as important food for fish and birds have not returned to normal levels.

“We don’t have the original balance that was there,” said Bruce Barbour of Ecology’s Bellingham Field Office. “It’s not a community yet. We need to see the return of the long-lived species such as stoneflies before we can gauge the success of restoration.”

Many of the trees which were thought to be dead are sprouting new growth. Sword ferns, grasses and trillium are also returning to the

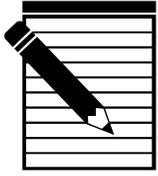
burn zone. Workers and volunteers have planted some 30,000 seedlings and continue the weekly battle of weeding to fend off 63 species of weeds that could take over quickly if not kept in check.

Mark Henderson, a water quality specialist with the Bellingham office, continues to sample the creeks each week. Immediately after the blast, gasoline constituents that measured 1,000 parts per million are now down to 4 ppm. Henderson said that when the hydrocarbon levels drop to 1 ppm, Ecology will consider the creeks clean.

Dick Grout, manager of the Bellingham office, is the state’s lead negotiator in hammering out a long-term restoration settlement with Olympic. He reports that chances are very good of reaching agreement with all involved parties within the year – a rather remarkable achievement given how long natural resource damage assessment negotiations usually take.

To view “before and after” photos of Whatcom Creek, readers can visit Bellingham’s web site at: <http://www.cob.org>

Upcoming Events



Ecology welcomes submittals of notices of public events related to oil and hazardous substance spill

prevention, preparedness and response. Ecology reserves the right to select events for publication. Please contact the Spills Program at (360) 407-7211 for more information regarding submittal deadlines.

August 9 – 9 a.m.

Resource Damage Assessment Comm.
Ecology Headquarters Bldg., R0A-36
Lacey, WA
Contact: Dale Davis, (360) 407-6972

August 9 – 10 a.m.

Puget Sound Marine Comm.
Port of Seattle Bldg.
Seattle, WA
Contact: Dave Schneider, (206) 728-3523

August 10 – 9 a.m.

Washington Pilotage Commission
2911 Second Ave., Level B. Conf. Rm.
Seattle, WA
Contact: Peggy Larson, (206) 515-3904

September 8 – 9 a.m.

Sanctuary Advisory Council
Olympic Coast National Marine
Sanctuary
LaPush, WA
Contact: Nancy Beres, (360) 457-6622

September 13 – 9 a.m.

Resource Damage Assessment Comm.
Ecology Headquarters Bldg., R0A-36
Lacey, WA
Contact: Dale Davis, (360) 407-6972

September 14 – 9 a.m.

Washington Pilotage Commission
2911 Second Ave., Level B. Conf. Rm.
Seattle, WA
Contact: Peggy Larson, (206) 515-3904

October 11 – 9 a.m.

Resource Damage Assessment Comm.
Ecology Headquarters Bldg., R0A-36
Lacey, WA
Contact: Dale Davis, (360) 407-6972

October 11 – 10 a.m.

Puget Sound Marine Comm.
Port of Seattle Bldg.
Seattle, WA
Contact: Dave Schneider, (206) 728-3523

October 12 – 9 a.m.

Washington Pilotage Commission
2911 Second Ave., Level B. Conf. Rm.
Seattle, WA
Contact: Peggy Larson, (206) 515-3904