

Alternative Planning Criteria (APC) for Self Propelled Tankers Operating in Western Alaska Approved by U.S. Coast Guard for Implementation on 17 March 2012

On February 2, 2012 Coast Guard headquarters approved the implementation of the Western Alaska Alternative Planning Criteria (APC) for oil tankers submitted by the Marine Exchange of Alaska as a means of providing a viable and cost effective option for meeting the Coast Guard's Oil Pollution Prevention Regulations in 33 CFR 155. The APC applies to self propelled oil tankers transiting Western Alaska waters west of Cook Inlet that are required to comply with the pollution prevention equipment requirements in 33 CFR 155.1035. Full compliance with these regulations would require the procurement, staging and maintenance of oil recovery equipment throughout the Aleutian Islands, Bering Sea and Arctic maritime regions, which would be prohibitively expensive for the approximately 30 tankers subject to these regulations. The APC compliance option is comprised of a suite of prevention and response measures and capabilities that provide a viable alternative for meeting the intent of the oil pollution prevention regulations, that of protecting the marine environment.

Background: The Coast Guard Pollution Prevention regulations in 33 CFR 155 require tank vessels operating in U.S. waters extending out to the 200 miles of the U.S. EEZ (Exclusive Economic Zone) to have oil spill removal equipment available to respond to incidents sufficient to meet the regulatory criteria. While the Oil Spill Removal Organization (OSRO) Alaska Chadux is in place for Western Alaska, it does not have the equipment required to meet the nearshore, offshore or open ocean oil spill recovery criteria required for tankers, throughout the region. To date, the Coast Guard has approved "one trip" waivers of these regulations, however, in 2010, the Coast Guard took the position that full compliance with the response regulations or adherence to an Alternative Planning Criteria (APC) would be required in the future.

The Marine Exchange of Alaska, in consultation with members of the maritime community, submitted a proposed Western Alaska Alternative Planning Criteria WA-APC-T to the Coast Guard in May 2011. This document outlined the prohibitive cost of full compliance with the oil pollution prevention regulations and outlined a suite of prevention and response measures that more cost effectively meet the OPA-90 objectives of protecting the remote and expansive western Alaska maritime environment. After review by Captain of the Port Western Alaska, 17th Coast Guard District and Coast Guard headquarters in Washington, D.C., the APC was approved on February 2, 2012 and will go into effect 45 days later on 17 March 2012.

The non-profit Alaska Maritime Prevention and Response Network has been established to implement the provisions of the APC. Initially, most communications and guidance will be provided by the Marine Exchange of Alaska via its web site at www.mxak.org.

Tank ships that participate in the Network are required to pay an annual fee to support the cost of establishing and maintaining the Network's implementation of the APC's risk reduction and oil pollution prevention capabilities.

The Network in implementing the APC will provide for:

- Maintenance and operation of an AIS network in Western Alaska monitored by a 24 hour watch capable of early detection of vessels sailing on higher risk routes, disabled vessels and vessels capable of providing assistance. If anomalies in vessel operations are detected, the AIS watch will provide notification to the Coast Guard, the vessel or the vessel's owner or operator and other entities (OSRO, QI, or State of Alaska) as appropriate.
- Expanded oil pollution prevention equipment capabilities, including but not limited to emergency towing systems, oil containment boom, oil skimmers and temporary storage containers.

Risk Reduction Measures: Vessels that participate in the Network are required to comply with the risk reduction measures outlined in the APC that include:

- Sailing on routes that provide a safe distance from shore in case a vessel is disabled; the distance required for the vessel to drift before grounding allows time to effect repairs or for an assist vessel to arrive. (e.g. 75 miles offshore in the Aleutians)
- Timely notification to the Coast Guard of any casualties incurred that affect the vessel's seaworthiness.

Failure to comply with either the APC when it takes effect or the pollution prevention requirements prescribed in Coast Guard regulations may subject a vessel to possible Coast Guard enforcement action.

Implementation: Specific guidance on enrolling vessels in the Network and the APC program, documentation, fees, and procedures that vessels' masters are required to follow will be available on 1 March 2012.

The APC submitted by the Marine Exchange and the Coast Guard approval letter are provided below. Questions should be directed to Captain Ed Page, Marine Exchange of Alaska, Ph: (907) 463-5078