

**CITY OF HOMER
HOMER, ALASKA**

Aderhold

RESOLUTION 19-083

A RESOLUTION OF THE CITY COUNCIL OF HOMER ALASKA STRONGLY DISCOURAGING ANY LEGISLATIVE OR REGULATORY CHANGES THAT ERODE OIL SPILL PREVENTION AND RESPONSE STANDARDS; STATING THAT IF THE SYSTEM CREATED AFTER THE 1989 OIL SPILL IS WEAKENED, ALASKANS WILL LIKELY FACE AN INCREASED RISK OF RELIVING ANOTHER MAJOR OIL SPILL; AND ASKING THE STATE OF ALASKA TO HALT THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION'S PUBLIC SCOPING PROCESS UNTIL DETAILED INFORMATION IS PROVIDED TO THE PUBLIC AS TO THE DRIVING FACTORS THAT LED TO THIS REGULATORY AND STATUTORY REFORM INITIATIVE

WHEREAS, The Alaska Department of Environmental Conservation (ADEC) is seeking input from the public on oil discharge prevention and contingency plan regulations under 18 AAC 75 Article 4 and is accepting comments on its statutory authorities relevant to contingency planning under AS 46.04; and

WHEREAS, Based on the input ADEC receives, a formal regulation drafting and review process may be initiated that would be subject to public review and comment; and

WHEREAS, ADEC's mission statement is "Conserving, improving, and protecting Alaska's natural resources and environment to enhance the health, safety, economic, and social well-being of Alaskans"; and

WHEREAS, Residents of the City of Homer were instrumental in the Alaska Legislature passing legislation in 1976 to buyback oil and gas leases in the waters of Kachemak Bay because of concerns for the impact oil and gas exploration and development could have on the marine ecology of the bay, the livelihood and economy of Homer, and human health; and

WHEREAS, The concerns of Homer area residents about the impact of an oil spill were realized when the M/V Exxon Valdez ran aground in Prince William Sound in March 1989; and

WHEREAS, the City of Homer and the citizens of Homer were among the many communities directly affected by the Exxon Valdez oil spill; and

WHEREAS, Congress enacted the Oil Pollution Act of 1990 that included, among other things, the creation of citizen advisory councils for Cook Inlet and Prince William Sound; and

43 WHEREAS, The City of Homer has representatives on both regional citizen advisory
44 councils and relies on them to promote environmentally safe marine transportation and oil
45 facility operations; and

46
47 WHEREAS, After the Exxon Valdez oil spill, Alaska citizens and the Alaska Legislature
48 worked together to protect the state from major oil spills by enacting comprehensive laws
49 and regulations dealing with prevention, response, contingency planning, financial
50 responsibility, oversight, monitoring, and other subjects related to the safe handling and
51 transportation of oil and other hazardous substances; and

52
53 WHEREAS, These laws and regulations were based on real world experiences and the
54 painful lessons of the Exxon Valdez oil spill and were crafted in coordination with State
55 government and oil industry partners, requiring extensive compromise in the determined
56 Response Planning Standards; and

57
58 WHEREAS, Oil spill prevention and response contingency planning regulations were
59 adopted by the State of Alaska in 1992, and the regulations have been revised on nine
60 occasions to clarify the requirements, streamline the review process, and make the process
61 of drafting contingency plans less onerous and the review of those plans more predictable
62 and expeditious; and

63
64 WHEREAS, As a result of post-Exxon Valdez oil spill laws and regulations, Alaska has
65 world-class oil spill prevention and response requirements to protect its people and its
66 environment, as well as commercial and sport fishing, aquaculture, recreation, tourism,
67 subsistence, and cultural interests; and

68
69 WHEREAS, As part of the current scoping process the ADEC Commissioner stated he
70 has “heard from many Alaskans that contingency plans are unnecessarily burdensome while
71 lacking corresponding environmental benefits,” and that ADEC has identified regulations that
72 can be eliminated or significantly reformed; and

73
74 WHEREAS, Despite repeated requests by the regional citizens advisory councils, ADEC
75 has yet to identify companies, organizations, or Alaskans that have said the existing system is
76 too burdensome, or identify specific regulations or statutes they believe can be eliminated or
77 significantly reformed; and

78
79 WHEREAS, It is unreasonable for ADEC to claim now, after 30 profitable years of
80 industry compliance with laws under AS 46.04 and regulations under 18 AAC 75 Article 4, that
81 they are too burdensome, and this claim disregards the hard work of hundreds of Alaskans
82 who worked tirelessly after the Exxon Valdez oil spill to create oil spill prevention and
83 response standards to ensure the State of Alaska would never again suffer an environmental
84 disaster like the Exxon Valdez oil spill; and

WHEREAS, Reducing the burden on industry by rolling back or eliminating proven oil spill prevention and response requirements transfers the risk and burden of another oil spill to the communities, citizens, and environment; and

WHEREAS, Over the past 30 years, Alaska's Congressional Delegation has steadfastly supported prudent and sensible actions to help lessen the risks, trauma, and injury to Alaska and its citizens from another major oil spill.

NOW THEREFORE BE IT RESOLVED, that the City Council of Homer, Alaska strongly discourages any legislative or regulatory changes that erode oil spill prevention and response standards, increase the risk of a catastrophic spill, or demonstrate a return to complacency on the part of the oil industry and regulators that Congress determined to be a primary cause of the Exxon Valdez oil spill; and

BE IT FURTHER RESOLVED, that the Homer City Council believes that if the system created after the 1989 oil spill is weakened, Alaskans will likely face an increased risk of reliving another major oil spill that could damage human health; Alaska's commercial, sport, and subsistence fishing; sport and subsistence hunting; other businesses; fish; wildlife; the environment; and the culture and quality of life of the people; and

BE IT FURTHER RESOLVED, that the Homer City Council asks the State of Alaska to halt ADEC's public scoping process until detailed information is provided to the public as to the driving factors that led to this regulatory and statutory reform initiative, identifying the Alaskan companies and organizations that have contacted them with claims that the existing regulations are too burdensome, and providing information on the statutes and regulations ADEC claims can be eliminated or significantly reformed.

PASSED AND ADOPTED by the Homer City Council this 25th day of November, 2019.

CITY OF HOMER

KEN CASTNER, MAYOR

ATTEST:

MELISSA JACOBSEN, MMC, CITY CLERK

Fiscal note: N/A