



**16-01**

**April 27, 2001**

- ◆ ***Miscellaneous notes to our membership . . . We want to get your feedback on the contractor's forum discussed in last weeks' newsletter, so please contact us with your thoughts and comments ASAP!*** Also, be sure to send us your corporate information for posting on our web site ([www.scaa-spill.org](http://www.scaa-spill.org)) if you haven't done so already. We need your contact name, company name, address, phone, fax, e-mail, web address, a one-line description of the services/products your company offers, and your logo. Any information you have regarding awards you or your company has won are also welcome. Several members have sent along photos of spill equipment and response activities, which are in the process of being posted in the photo gallery of the web site. If you have pictures you'd like to send, please be sure to include a **general** description of each photo (e.g., "workers cleaning up the Exxon Valdez oil spill in 1989" or "inflatable oil containment boom used in open ocean environments", etc.). The purpose of the photo gallery is to provide users with an indication of the types of services, products, and equipment found in our industry and we will be careful not to promote a specific brand name, product, manufacturer, or contractor in this section of the web site. ***Finally, please post a link to SCAA's web site ([www.scaa-spill.org](http://www.scaa-spill.org)) on your company's web site if you've got one!*** Feel free to contact us with any questions or comments at telephone 1-313-849-2649, facsimile 1-313-849-1623, or e-mail [mikes@scaa-spill.org](mailto:mikes@scaa-spill.org) (Mike Snyder) and [marcs@scaa-spill.org](mailto:marcs@scaa-spill.org) (Marc Shaye).
- ◆ As you may recall, the National Scheduling Coordination Committee ("NSCC") hosted a workshop on the Preparedness for Response Exercise Program ("PREP") in August of 2000. The NSCC consists of representatives from the U.S. Coast Guard, U.S. Environmental Protection Agency, U.S. Office of Pipeline Safety, and the U.S. Minerals Management Service with responsibility for the oversight of industry's preparedness to respond to oil spills in or near U.S. navigable waters. The comments the NSCC received at the meeting, along with their initial response to each of the comments is now available on line at [www.uscg.mil/hq/g-m/nmc/response/nscwshp.pdf](http://www.uscg.mil/hq/g-m/nmc/response/nscwshp.pdf). More than 90 comments were received from 18 commenters on a variety of concerns related to the PREP. Comments cover suggestions for clarifying the language in the PREP Guidelines themselves, as well as concerns over sufficiency of the guidelines as a tool in governmental assessment of industry response capabilities. Comments on these issues and the document must be submitted to the Docket Management Facility ("DMF") by September 1, 2001. Reference Docket Number USCG-2000-7514 on all correspondence, and send comments to the Docket Management Facility [USCG-2000-7514], U.S. Department of Transportation, Room PL-401, 400 Seventh Street SW, Washington, DC

20590-0001. You can fax your comments to the DMF at 1-202-493-2251, or submit them on-line at <http://dms.dot.gov>. (Source: *Maritime Items* and *Federal Register*)

- ◆ Two significant fines for oil spills were handed down recently, one to Petrobras and another to BP Amoco Plc. (1.) Petrobras was ordered to pay \$8.9 million for spilling some 316,000 gallons of oil into the ocean when its oil platform suffered a series of explosions and ultimately sank on March 20. The fine also covered the spill that resulted when another of Petrobras' oilrigs suffered a blowout, spilling more than 6,600 gallons of crude oil into the sea. In addition, Petrobras was required to pay an additional \$890,000 for the inappropriate use of

detergents to break up one of the spills. (2.) BP Amoco recently agreed to pay an \$804,700 fine for dumping 162,500 gallons of oil into a Kansas river – a violation of the Clean Water Act. The incident occurred in January 1994 when a pipeline owned by Atlantic Richfield broke, and spilled oil in the Marais des Cygnes River. BP Amoco assumed the liabilities of Atlantic Richfield when it merged with the company last year. The company also agreed to spend at least \$145,000 on a supplemental environmental project involving reconstruction improvements to a water intake in the area. (Source: *Reuters* and *AP*)

- ◆ The Society of Maritime Arbitrators recently revised its shortened arbitration procedure, which is used to settle small and simple disputes. Last revised in 1991, the new procedure calls for the appointment of a single arbitrator and eliminates oral hearings. Submissions made by opposing parties are limited to an exchange of claim, defense, counterclaims (if any) and reply briefs or summaries. The procedure also limits to four the number of items in dispute unless the arbitrator rules otherwise. It also eliminates legal discovery unless the arbitrator finds that it's necessary. The full text of the revised procedure can be found on-line at [www.smany.org](http://www.smany.org). (Source: *JoC Week*)
- ◆ The U.S. Research and Special Programs Administration is planning to impose the same pipeline integrity management requirements on operators with less than 500 miles of pipeline that it imposed on large pipeline operators. The Notice of Proposed Rulemaking ("NPRM") addressing this issue appeared in the Federal Register in March, and calls for the affected pipeline operators to develop a baseline assessment plan for covered pipeline segments using internal inspection, pressure testing, or other means to discover potential leaks that could affect populated areas, commercially navigable waterways, and areas that are unusually sensitive to environmental damage from hazardous liquid pipeline spills. The NPRM requires that the baseline assessment be completed within seven years after the final rule is effective, and calls for periodic reassessment and evaluation of the pipeline segments within a five-year period. (Source: *Emergency Preparedness News*)
- ◆ The U.S. Court of Appeals for the Ninth Circuit recently ruled that the Oil Pollution Act of 1990 does not impose liability on a person who discharges oil into groundwater if there is no evidence that the discharged oil has reached the navigable waters of the United States. In the case, an oil company was extracting oil from under the plaintiff's property when oil was discharged onto the soil and ultimately seeped into the groundwater. While the plaintiff may have an action in state court, the Court ruled that there was no federal jurisdiction in the absence of evidence showing that the discharged oil actually reached a navigable waterway. (Source: *Maritime Items*)
- ◆ **Work/Life/Health:** A diet low in saturated fat and rich in fruits, vegetables, and low fat dairy products can do wonders in the battle against heart and blood vessel disease. It can reduce high blood pressure – as much as medication in many cases. It can also reduce the levels of artery-damaging homocysteine. High blood pressure and high levels of homocysteine are major risk factors in heart and blood vessel disease - the number one killer of American men and women. Researchers believe that calcium, magnesium, and potassium – all found in fruits, vegetables, and dairy products – help lower blood pressure. In addition, the folate and other B vitamins found in this diet help lower homocysteine levels. (Source: *Health Connection*)
- ◆ **Quote of the Week:** "A man does what he must – in spite of personal consequences, in spite of obstacles and dangers and pressures – and that is the basis of all human morality." - John F. Kennedy (1917-1963), *Profiles in Courage* [1956], ch. 11