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ALASKA OIL SPILL COMMISSION HEARING

IN RE:

RESPONSE PLAN/FAILURE

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OIL SPILL COMMISSION MEMBERS

- Walter B. Parker, Chairman
- Esther C. Wunnicke, Vice Chairman
- Margaret J. Hayes
- Michael J. Herz
- Timothy M. Wallis
- Edward Wenk, Jr.
- John E. Havelock, Esq.

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 Volume I

Reported By: Nancy L. Means, CSR-RPR

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I N D E X

WITNESS: OPENING STATEMENT BY MR. HAVELOCK VOIR DIRE

Dave Liebersbach	4	14	23
	24		53
Dennis Rome	60	61	
Ed Thompson		73	
Douglas Johnson	101	106	

- - -

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2
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P R O C E E D I N G S

MR. PARKER: The Alaska Oil Spill Commission will come to order. This morning's business will end this afternoon's, will involve the continued examination of the Exxon Valdez incident. Today we will be investigating the response plan, how it operated, getting insights from those concerned how it might have operated better.

To reaffirm for all of you, that the mission of this Commission is an independent one. We're not consulting with the litigators, including the state executive, with regard to the questions we ask, which is the reason that we retained independent counsel. And our purpose lies not in attempting to assess culpability and to quantify or allocate damages.

Our purpose, as directed by the legislature, is to find out what policy changes may be required to reduce the possibility of anything like this happening again, and to assure that the statistically inevitable spill occurs, that when that spill occurs that policies and practices in place mitigate and contain the consequences of that spill.

Accordingly, though litigation may complicate the response of a party, the Commission's objective is fundamentally different. Our objective is to make policy recommendations, and any use that is made of this record is up to the parties concerned.

1 I would like to introduce our commissioners at
2 this time. I'm the chairman, Walt Parker. On my right,
3 the vice chairman, Esther Wunnicke. On her right,
4 Commissioner Tim Wallis. On his right, Commissioner Mike
5 Herz. On my left, Commissioner Meg Hayes. On her far
6 left, Commissioner Ed Wenk. Commissioner John Sund was
7 not able to make this meeting.

8 Is there is anything any of the commissioners
9 wish to bring up before we proceed with our first witness?

10 This morning we will have Mr. Dave Liebersbach
11 from the National Incident Team, followed by Commanders
12 Dennis Rome and Ed Thompson of the Coast Guard, followed
13 by Doug Johnson of EPA. We will break for lunch from
14 11:30 to 12:30, and in the afternoon we will begin with
15 Commissioner Dennis Kelso, of Alaska Department of
16 Environmental Conservation, followed by Theo Polasck and
17 Bill Howitt from Alyeska, followed by Frank Iarossi from
18 Exxon. And we'll have a break from 3:00 to 3:30, and then
19 resume with all of the people who have testified today in
20 a panel discussion and question-and-answer session.

21 So, Mr. Liebersbach?

22 MR. LIEBERSBACH: Good morning. Thank you for
23 asking me to come speak to the Commission. My name is
24 Dave Liebersbach, I am employed by the United States
25 Department of the Interior, Bureau of Land Management, the

1 Alaska Fire Service, headquartered in Fairbanks. I'm here
2 speaking as the incident commander on the Alaska
3 Interagency Incident Command Team, primarily used for
4 wildfire suppression or management of wildfire
5 suppression. The team was activated by the National Park
6 Service for response to the oil spill in Kenai Fjords
7 National Park.

8 What I'd like to do is start and give you a brief
9 chronology of the activities of the team involved with the
10 oil spill, and then I would like to talk about what the
11 team is, how we operate, and what the system is that we
12 operate under.

13 The team -- and I'll get back to exactly what the
14 team is here shortly -- was, I was first activated or
15 notified on the night of the 27th of March -- I was in
16 Reno at the time, at a meeting of National Incident
17 Commanders -- to return to Alaska for response to the oil
18 spill. On the 28th of March the team was dispatched to
19 Valdez. 28th and the 29th of March I met with various
20 representatives of different agencies and concerns in
21 Valdez about the use of the team and how it would be used
22 down there. And during those two days it was determined
23 pretty much that the team was not needed or wanted in
24 Valdez, that there was no requirement for the team to be
25 used in Valdez. So by the evening of the 29th I had

1 effected releases from the responsible parties that had
2 ordered the team down to Valdez and we -- the team had
3 been released and we were going to transport out on the
4 30th.

5 The evening of the 29th, the National Park
6 Service out of Kenai Fjords National Park placed an order
7 for the team, and I will talk about the ordering system
8 for the team. And so the following morning on the 30th of
9 March, the team was dispatched or went to Seward and was
10 briefed there by the National Park Service, who we were to
11 work for, on Kenai Fjords National Park. And the rest of
12 our operation occurred in Seward, that was the
13 headquarters, and on the Kenai Peninsula. Not just
14 Seward, but on the Kenai Peninsula.

15 The initial activities when we first got there,
16 set up, requested to do by the Park Service, was to do a
17 resource status assessment of Kenai Fjords. What that
18 amounted to was to go out and to determine where wildlife
19 populations were and the concentrations of them at that
20 time. They realized that they probably had oil headed
21 their way and that they were going to get oil along the
22 coastline of Kenai Fjords, and they wanted to know where
23 they needed to set priorities for protection in the park.
24 And so although they had baseline data, baseline data is
25 developed for resources over an annual average sort of

1 situation. What they needed to know was, where were these
2 populations right now so that they could use most
3 effectively the mitigating capabilities for the oil, i.e.,
4 boom or skimmers or whatnot, when that equipment came that
5 way.

6 And so we set up the logistical support for
7 sending out personnel to make these assessments. I think
8 we put in the water, or sent out our first boat, the night
9 of the 30th or the early morning of the 31st, with some
10 scientific personnel on board that we had brought in from
11 around the State of Alaska and from the Lower 48 to do
12 this type of assessment for us, and we put them on the
13 first boat out. Ultimately we had five or six boats
14 working in the area to gather this data up, where the
15 major concentrations of waterfowl were and where the
16 concentrations of otters, sea lions, whatever else.

17 Very shortly after we got to Seward by the end of
18 the 31st, which was the following day after we got there,
19 we were approached by the City of Seward, or the Park
20 Service was approached by the City of Seward and the Kenai
21 Borough to assist them using our structure, our
22 organization structure, to do some work in Resurrection
23 Bay and on out around the coastline of the Kenai Peninsula
24 outside the park boundaries, to help them deploy boom
25 primarily. The City of Seward had acquired boom from

1 Exxon, but they weren't set up organizationally to get
2 that out where they wanted it. So they came to us and
3 said, we'll turn over all of our resources to you if you
4 will help us get it out where we need it.

5 I got together with the person I was working for
6 at that time, which was Anne Castellina, the park
7 superintendent of Kenai Fjords. And I said Ann, I think
8 there's a valid concern here, and she agreed. Some of
9 this boom the city wanted to deploy in Kenai Fjords
10 National Park, because it was to their benefit to do this.

11 So I talked to Anne. I said, what we need to
12 form up, Anne, is what we call a Multiagency Coordination
13 Group. It's a common thing we use in fire and in some
14 other emergencies, and I will talk about the multiagency,
15 or what we call the MAC group, a little more in depth and
16 explain it to you. But in this case, to form a MAC group
17 made up of the agencies that are going to have concerns on
18 the Kenai Peninsula, so that they can execute through this
19 team. And so Anne took the lead in bringing together and
20 contacting the agencies, for them to send representatives
21 to Seward to serve on the MAC group.

22 We had a MAC group ultimately made up of
23 representatives from National Park Service; Alaska
24 Department of Fish and Game; NPFA, the Northern Pacific
25 Fisheries Association; the City of Seward; the Kenai

1 Borough; the City of Homer; the Alaska Department of -- or
2 I'm sorry, the Division of Emergency Services; Alaska
3 State Parks; Alaska Department of Environmental
4 Conservation; U.S. Fish and Wildlife Service; Chugach
5 Alaska Corporation; Exxon; and Cook Inlet Seiners
6 Association all had members on the MAC group. The MAC
7 group used the Incident Command Team as its operational
8 organization to execute its needs, or desires and
9 priorities, and I will a little more into how that
10 normally works.

11 But from the MAC group that would meet daily,
12 they would set their priorities for the kind of work they
13 wanted done the following day. They would transmit those
14 priorities in writing to the Incident Command Team. We
15 would put them into our operational planning meeting that
16 evening for execution the next day, if the resources were
17 available. And the value of this MAC group was, there was
18 obviously not enough resources, either boats or aircraft
19 or booms, to do everything that needed to be done, and so
20 these people were able to sit down as a multiagency group
21 of all of the concerned citizens, or concerned agencies
22 and citizens and say, this is our priorities and we all
23 agree to it. For the good of this whole area, this is
24 where it ought to go. And that came down to us, and then
25 the team carried out the operation with the people and the

1 equipment that we had brought together in Seward to
2 operate.

3 Along with that, another term I'll talk about
4 when I talk about what this system is, I went into a
5 unified command, as such, with the City of Seward, the
6 fire chief in Seward, or emergency services chief in
7 Seward, because the City of Seward had quite a few
8 resources that we were going to be using, and they in fact
9 owned the boom that they wanted deployed.

10 So in order for them to have input right on the
11 top of operationally how things were being carried out,
12 our strategies and whatnot, it was correct to bring them
13 in in a unified command. They were also represented on
14 the MAC group, but they had a person working at my peer
15 level giving direction to the team. And John and I, the
16 fellow from the City of Seward's fire chief there, worked
17 together, met together on direction and objectives daily
18 for the team to carry out based on the priorities
19 established by the MAC group.

20 We ended up, then, with two operations going by
21 the team. One was to collect data, and the data
22 collection continued outside of the park. But to collect,
23 make the resource assessments on where the resources were
24 at right now and what would be the --' and that stuff was
25 put together and fed back to the MAC group. Taking that

1 information, they set their priorities for where they
2 wanted protection in terms of what was available: this is
3 our number one, two, three, through however many
4 priorities. And we would accomplish whatever priorities
5 we had the capability of doing on a daily basis type of
6 thing. And so the second part of our operation was to go
7 out and essentially deploy boom. We acquired and deployed
8 boom.

9 So I had two operational arms going. One was the
10 information and the resource assessment gathering, and the
11 other one was after that information was fed to the MAC
12 group, and then they came back with priorities for where
13 they wanted work done. We deployed boom that was acquired
14 through the City of Seward; later on acquired by the team,
15 wherever we could come up with it; talking with Exxon,
16 getting boom from them; the City, or the Kenai Borough
17 acquired funding to get boom, and then turned that over to
18 us to deploy for them. So this was all being brought
19 together. This went on for approximately three weeks,
20 doing this kind of work.

21 And the other, the one other thing we were doing,
22 I have to back up, in terms of my intelligence section,
23 was collecting information on where the oil was, where we
24 could expect it to move to. And for that we employed or
25 made contact, we didn't actually employ him, with Tom

1 Royer out of the University of Alaska, who gave us good
2 information on tide and on current, currents to be
3 expected in that area. So we knew that the oil was
4 coming, it was a matter of time. And Mr. Royer was very,
5 very accurate in his assessment and his forecast of where
6 the weather was going -- or I mean, I'm sorry, where the
7 currents were going and where the oil would be going.

4
8 We put out what we call RAWs, remote automated
9 weather stations, on the islands off the coast in that
10 area. To give us weather data we brought a meteorologist
11 into our organization to tell us and forecast weather for
12 two reasons: One, the safety of our personnel; and
13 secondly, how the weather was going to affect the movement
14 of the oil, so we could get an idea of how much time we
15 had to do things in. And it wasn't a whole lot of time,
16 but we were able to get some boom deployed prior to the
17 oil coming, and what boom we had, we got it all deployed
18 before the oil came. And we deployed it in Resurrection
19 Bay and in, out along the Kenai Fjords National Park, and
20 then on into some areas to the southwest of the park along
21 the coast. Then we ended up getting expanded in the Kenai
22 Peninsula. We set up a branch operation in Kenai to work
23 in that area, and in Homer we were given responsibility to
24 do similar type work for Lake Clark National Park and
25 Katmai National Park. And as Mr. Royer's predictions

1 were, that oil was going to both of those places and a lot
2 of other places: Kodiak, et cetera. But Kodiak was not
3 part of our responsibility, or requested. So we were
4 working in these different branch operations, all
5 headquartered out of -- the primary headquarters was in
6 Seward, with satellite headquarters in Kenai and in Homer
7 for a short period of time.

8 The other thing we did in Seward, we had to
9 change our incident command posts from a small house to a
10 larger building to integrate all of the other agencies
11 involved operationally. When they started to move into
12 Seward they were -- they came there quite a while -- not
13 quite a while, but days to a week or two later than when
14 we were in there, as the oil headed down that way. And we
15 had an incident command post set up, phone lines in for
16 those people, and offices as they moved in.

17 At the end of this, as Exxon operationally got
18 going in Seward and began to pick up doing the work that
19 we had been doing, we transitioned out and turned our
20 headquarters over to Exxon, and all the systems we had,
21 the information we had, and transitioned out to Exxon
22 doing the operational work for the MAC group, and left.
23 The MAC group, of course, stayed in place and started just
24 passing its information to Exxon as they got people in
25 Seward and up and going.

DAVE LIEBERSBACH

1 I was interested initially in your observation
2 that you were the commander, the incident commander.
3 Undoubtedly you're familiar with the role and the
4 confusion, sometimes, of the acronym with the on-site
5 coordinator being a coordinator. Do you have any -- how
6 would you feel if your functions and title changed to
7 being a coordinator from being a commander?

8 A The title -- the title, you know, my old title
9 used to be fire boss, and then they made a change when I
10 talk about the system, and now I'm an incident commander.
11 Incident coordinator is fine, incident management,
12 whatever the title is, the job is still a job to be done.
13 I don't have any problem with what the title is.

14 The title I have right now is incident commander,
15 is a title that I carry in this team and that's
16 designated -- regardless of what I'm doing, I am the
17 leader of that team, I am the commander of that team. It
18 doesn't have to do with -- and as such, where the team
19 went. That's the title. Everybody in that team has a
20 title, which I'll explain when I talk about the system, of
21 how that clarifies for people coming in who I am and what
22 I do. Call it coordinator, fine.

23 Q Are you saying you're going to have some more
24 testimony here?

25 A I have some more to talk about, yes.

1 MR. HAVELOCK: Well, I think I may have
2 misunderstood. Mr. Chairman, I think maybe we better let
3 him get all his information on the table.

4 MR. PARKER: Yes. I thought since Dave reached a
5 point where he had finished the initial part of their
6 involvement, his involvement with the spill, it was a good
7 time to see if you wanted to pick up anything.

8 BY MR. HAVELOCK:

9 Q Well, I could ask, I could pursue this line a
10 little more. Was there ever any confusion about who was
11 in charge of your role? That is, of the responsibilities
12 that you had. Was that clear to everybody that did
13 business with you, that you were in fact in charge and
14 that you were the one?

15 A For Seward, yeah. There was no -- to my
16 knowledge the only concern I heard about my role and what
17 it was, was expressed by the Coast Guard, by a Captain
18 Roselle, the MSO for Anchorage. And he said, you're not
19 in charge down here. I said, I am in charge of this team
20 and its operations, and that's all we've reported to be in
21 charge of. I was in charge of that team and what that
22 team was doing, and it was working for this Multiagency
23 Coordination Group primarily, and direct line officer of
24 the National Park Service.

25 Q Did I understand you to say that you had a

DAVE LIEBERSBACH

1 meeting with the Coast Guard commander and he indicated he
2 was in charge here?

3 A Yes.

4 Q Or words to that effect?

5 A Yes.

6 Q Would that indicate that there was any friction
7 over who had responsibility for what, between you and the
8 Coast Guard commander?

9 A Yes.

10 Q Would you describe the nature of that friction so
11 we can figure it out? We might make recommendations to
12 avoid it in the future.

13 A Well, the Coast Guard, under the Clean Waters Act
14 and the designation by the federal government, is the
15 on-site coordinator for an oil spill and the cleanup, or
16 the mitigation and cleanup of the oil spill. Specifically
17 what we had to clarify between Commander Roselle -- I'm
18 sorry, Captain Roselle and myself, actually was what we
19 were doing in Seward, and what we were doing in Seward
20 primarily was doing a resource assessment. That was the
21 initial work we were sent down there to do. And then we
22 put out boom that was owned by the City of Seward and the
23 Kenai Borough, at their request, to protect the resources
24 that they asked us to protect with that. And that was the
25 extent of it.

DAVE LIEBERSBACH

1 We had no responsibility and had no intention of
2 doing any cleanup work, any skimming work. All of that
3 was identified back through the Coast Guard, to my
4 knowledge, the MAC group through the Coast Guard, back to
5 Exxon, that these things needed -- they would like these
6 things done, they would like to have skimmers in that area
7 to pick up oil, et cetera. In fact, they wanted more boom
8 brought in there and deployed, and there were several
9 times. And I said, you know, that we're not doing that
10 work. They asked me to get, came to me to get -- to
11 request skimmers, trying to acquire skimmers. I said
12 that's not my role, that's Coast Guard -- well, Exxon's
13 role, actually, and that has to be exercised or routed
14 through the Coast Guard.

15 But there -- yeah, you know, I'm an incident
16 commander as such. The Coast Guard in their regular --
17 that's not my regular organizational title; that's only an
18 incident title. I have another title. The Coast Guard's
19 regular titles have a number of commanders, captains, and
20 whatnot in it, and they were working within that
21 structure, and I think for them it became -- well, not
22 confusing at all. I think that they just were concerned
23 about the fact that I had that title down there. And the
24 incident I was in charge of, or as such, or what I was in
25 charge of as an incident commander on the team was the

6 1 team and its operations.

2 Q But your operation did extend to not just the
3 City of Seward, but to the Prince William Sound area
4 generally; is that right?

5 A Yes, along the coast to the Kenai Peninsula.

6 Q And I guess you were aware that the other parties
7 were also engaged in priority setting for the protection
8 of natural resources; is that right?

9 A Which other parties?

10 Q Well, Exxon or the Coast Guard.

11 A In Valdez they were, to my knowledge. When we
12 were in Seward -- and in fact, on the 1st of April I had a
13 briefing with Senator Stevens, and one of the concerns was
14 that there was no nobody from Exxon and nobody from --
15 doing anything in Seward, in Resurrection Bay or on
16 around. All of their concentration at that time, with the
17 resources they had available to them, was up in the --
18 well, actually Prince William Sound. I wasn't working in
19 Prince William Sound. I have to back up there. All of
20 our operations were outside of Prince William Sound.

21 Q Did you sort of have -- you had a line of
22 designation, then, between where you operated and where
23 the --

24 A We operated -- where we were operating was from
25 Resurrection Bay on to the west and southwest. We didn't

1 go east from Resurrection Bay and up into Prince William
2 Sound at all. We were never operating in Prince William
3 Sound.

4 Q And the reason that you didn't extend to Kodiak
5 was why?

6 A Because there was nobody -- I was working for a
7 Multiagency Coordinating Group that was established for
8 the Kenai Peninsula, and they had no concern or
9 responsibility on Kodiak. Kodiak had the Coast Guard.
10 They had an organization set up over there.

11 Q Perhaps I don't understand. It's a federal
12 agency that you work for?

13 A No. Yes, I work for a federal agency. In this
14 response I was working for the National Park Service, and
15 then I worked for a Multiagency Coordinating Group. This
16 team is an interagency team and it's made up of federal
17 and state personnel, and responds to whatever agency or
18 entity orders the team to work for.

19 Q But I thought I just heard you say that
20 notwithstanding that broad participation, that you
21 restricted your operations and concerns to those of the
22 Kenai Peninsula Borough.

23 A Right.

24 Q Why is that?

25 A Because I worked for them, I worked for that

1 Multiagency Coordinating Group.

2 Q Well, as you're working for this Multiagency
3 Coordinating Group, which is not the Kenai Peninsula
4 Borough but has a broader range of participation, --

5 A Right.

6 Q -- how come --

7 A They were all borough people off the Kenai
8 Borough. They were agencies that were concerned about
9 their lands on the Kenai Peninsula, whether it was the
10 borough or whether it was the state parks or whether it
11 was the National Park Service or the City of Homer or the
12 City of Seward. The MAC group membership never included
13 anybody other than people on the Kenai Borough -- Kenai
14 Peninsula.

15 Q And the choice of this was because Seward and the
16 Kenai Peninsula got to you and your agency first, or how
17 come you weren't in Valdez, how come you weren't in
18 Cordova?

19 A Because nobody requested the team there. And
20 when the team was requested to Valdez, we went there and
21 there was a determination made by the people that were
22 running the operations there that the team was not needed,
23 not wanted there, and so we were released from there.

24 Q When you talk about the people who were running
25 things in Valdez, you mean the citizens and mayor of that

1 town?

2 A No. Exxon and the Coast Guard and the Forest
3 Service, those are the three people that were involved in
4 the team coming there.

5 Q So primarily you went into the Kenai Peninsula
6 because --

7 A The National Park Service ordered us down there.
8 I don't go anywhere that we're not -- that somebody
9 doesn't make a request. I have no authority to walk in
10 and start running things.

11 Q Right. But you didn't go into Valdez because
12 Exxon didn't, among others, said you weren't necessary
13 there; is that right?

14 A I didn't go there because of that?

15 Q Yes.

16 A The people who I was to go talk to when I arrived
17 in Valdez, the people that, as I understand, precipitated
18 the order for the team and brought me out of Nevada for
19 this, one of those was Exxon Corporation and another was
20 the U.S. Forest Service.

21 Q And you talked to agents of those two
22 organizations?

23 A Yes, I did.

24 Q And they said, both said that you weren't
25 necessary there?

DAVE LIEBERSBACH

1 A Right.

2 Q And do you have an outreach so that the
3 availability of your service is made available to all
4 communities, or was it just somebody in Seward happened to
5 know about you and caught you?

6 A I think that why we went into Seward is, the
7 National Park Service knew about us, a federal agency, and
8 they ordered us down there to work for them. After we got
9 down there it became apparent. Yeah, I don't think that
10 the communities at large know about this kind of
11 organization. I guess I'd like to talk about what it is.
12 It may help explain how these things -- this team
13 operates.

14 Q Why don't you go ahead, then. I don't want to
15 use up all your time.

16 MR. WALLIS: Excuse me, I have got one question.

17 MR. PARKER: Tim.

18 MR. WALLIS: You made a statement that you got a
19 release from Exxon and then you went home?

20 MR. LIEBERSBACH: We didn't actually get home.
21 We got ready to go home and then we got diverted to
22 Seward. Yes, we were --

23 MR. WALLIS: What was the release?

24 MR. LIEBERSBACH: It was just verbal.

25 MR. WALLIS: Verbal release?

1 MR. LIEBERSBACH: Yeah. It was from a -- the
2 fellow I was supposed to see there, a Craig Rassinier or
3 Rossner (ph), and he apparently, as I was told, was the
4 one I was to connect in with and tell them what the team
5 could do, et cetera. And that's who told me it doesn't
6 look like we really need you, we have got this all taken
7 care of here, and I said okay.

8 BY MR. HAVELOCK:

9 Q Is that your practice generally, is to, you know,
10 you come on an incident, that a private organization will
11 give you the release to leave?

12 A If they're the ones that ordered me there, yes.

13 Q Well, were you ordered there by Exxon?

14 A As I understand it.

15 Q I thought you were ordered there by the Park
16 Service.

17 A That was to Seward. I was originally ordered to
18 Valdez, released from Valdez the night -- the final
19 release from Valdez came in conjunction with an order, a
20 subsequent order by the Park Service to go to Seward.

21 Q All right. Mr. Wallis' testimony was when you
22 said -- I put down a quote here that you were transitioned
23 out. You transitioned out the operation to Exxon --

24 A In Seward.

25 Q -- in April?

1 A In Seward.

2 Q And that was in Seward?

3 A Right.

4 Q Why did you do that?

5 A Because under the Clean Waters Act -- and the
6 Exxon Corporation was responsible for and had the right to
7 carry out the work we were doing, and we were doing the
8 work in their absence until they got there. And once they
9 came in and felt they were in place and operating, then we
10 were released and taken out of there.

11 Q So your underlying authority that you operate on
12 is the Clean Water Act?

13 A No, I do not operate under the Clean Water Act.
14 Exxon and the Coast Guard does.

15 Q Well, then, how do you come to the conclusion
16 that your responsibilities were to be transitioned to
17 Exxon, then, in April?

18 A Okay. The responsibilities that went over to
19 Exxon were to deal with the booms that we had put in the
20 water, and that's essentially a Clean Waters Act
21 responsibility. We had done that in lieu of Exxon being
22 there to do that, but that is not our job or our authority
23 or responsibility; that's Exxon's. Exxon had purchased
24 the boom, given it to the City of Seward for them to
25 deploy. The City of Seward had requested us to do it for

DAVE LIEBERSBACH

1 them, so our -- or to manage it for them. We did it with
2 boats, and whatnot, out of the City of Seward.

3 Q So no government authority actually instructed
4 you to leave, it was Exxon?

5 A The Park Service released us. That's who ordered
6 me down to Seward. The National Park Service, in writing.
7 Released me on the 17th of April, or 18th of April.

8 Q Thank you. Why don't you go on now.

9 A Okay. I'm going to obviously have to go real
10 quick on this.

11 Q You can take an extra couple minutes if you want.

12 A Well, we got a lot of people that would like to
13 talk, I think. Let me talk about what the team is real
14 quickly. The team comes in a number of ways: short team,
15 long team, et cetera, but it's eight personnel that fill
16 in for some very -- any emergency needs several things.
17 It needs somebody in charge, what we call command; it
18 needs planning, what are you going to do; it needs
19 operations, the actual on the ground doing this kind of
20 thing, who directs the operations, whether it's deploying
21 boom or putting out firefighters or sending out rescue
22 teams in an earthquake or whatnot; it needs logistics.
23 All of that has got to be supported. Somebody has got to
24 support and make sure that if you're putting out booms,
25 you got the boats to do it, you have the food and water,

8

DAVE LIEBERSBACH

1 you have the air coverage that's needed; if you're
2 rescuing people, you have ropes, whatever is necessary you
3 need logistical support. So you have a logistics chief on
4 the team. You have a plans chief on the team to plan how
5 all of this works together. We have a financial chief on
6 the team that takes care of paying for things and for
7 contracting to -- in this case we contracted boats, we
8 contracted facilities and whatnot.

9 So you have this team. It's a free-formed team,
10 it's interagency. This team is made up of -- the team I
11 have, the teams that I work with, the eight people are
12 federal and state employees, State of Alaska employees on
13 this, among this eight-person team. The rest of them are
14 from Department of Interior and the U.S. Forest Service,
15 the rest of the team members.

16 The team is primarily these teams, and there are
17 a number of them. First of all, we have several types of
18 teams. We have what we call a Type 1 team, Type 2 team.
19 Type 1 team is set up to handle a situation of any
20 complexity anywhere in North America, and actually
21 worldwide as necessary. We were on alert for a while for
22 the Armenian earthquake, but there was no request that
23 came through for that. But primarily for North America.

24 The Type 1 teams, there's 18 of them nationally
25 and they're located by numbers by region, and Alaska has

DAVE LIEBERSBACH

1 one of the teams of which I head up. There are, for
2 instance, five such teams in California, there are three
3 such teams in the Great Basin, two in the southwest, et
4 cetera. The teams are primarily used for wildfire
5 suppression. That's the thing that occurs all the time,
6 and why in fact I couldn't speak to the Commission before
7 when I was scheduled. I had to leave a couple days prior
8 to that to go to fires in Idaho, and I've just gotten back
9 from down there. And that's our primary work, is in
10 wildfire suppression on a routine annual basis.

11 In addition to the Type 1 teams there are Type 2
12 teams that handle incidents of lesser complexity. And
13 there's a lot of things that go into complexity, and I'm
14 not going to go into depth on it. It can be numbers of
15 people, it can be political concerns or whatnot. I don't
16 know whether you're aware or not, but four of these teams
17 were activated during the oil spill. There were two Type
18 1 teams activated and used, and two Type 2 teams. There
19 was a Type 1 team in Seward and just as I was closing out
20 there, the Kenai Borough requested another Type 1 team
21 that came out of Colorado to work in Homer, and they were
22 down in Homer approximately two weeks.

23 While I was at Seward, the Department of -- I'm
24 sorry, Alaska Division of Emergency Services activated a
25 Type 2 team to help them with logistical support in

DAVE LIEBERSBACH

1 Valdez. So there was a Type 2 team that came and worked
2 for ADES in Valdez. Also, the Department of Interior
3 activated a Type 2 team to go to Kodiak, and there was one
4 sent over there to work with Fish and Wildlife Services,
5 as I understand it, to do some resource assessment. And
6 they also ended up assisting the City and Borough of
7 Kodiak in some of their logistical work and their tsunami
8 response team, worked together with those folks over
9 there.

10 These teams are maintained in readiness and
11 are -- when we're on call we're usually on a two-hour
12 readiness.. We have to be. From the time they try to get
13 hold of us, try to contact us, until we're at a jet port
14 for transport, we have two hours to be there. So we
15 maintain and stay in contact continuously. The teams are
16 activated, the original teams are activated through our
17 dispatch center in Fairbanks. If the regional team is not
18 available or can't be committed, then you can go out and
19 request one of the teams from another region, a national
20 team from another region, through the Boise Interagency
21 Fire Center, for fire emergency. For nonfire emergency,
22 go through Washington, D.C., the Department of Interior or
23 Agriculture. Now, for international response we go
24 through State Department AIDS for activation, when a
25 request comes in from a foreign country for activation of

1 these teams.

2 The system we use is called the National -- the
3 teams are built around and are part of what's called the
4 National Interagency Incident Management System, and there
5 are five parts to the incident -- to this system. It's a
6 fairly new system. It was developed in the late '70s,
7 early '80s. It was developed by the counties and
8 municipalities of southern California, along with the state
9 of California, and toward the end of development the
10 federal government got into it and bought into the system,
11 and has carried it out as a national system primarily,
12 again, used for wildfire.

13 The system, the Interagency Incident Management
14 System, has five parts to it. It has training, it has
15 certification and qualifications, it has supporting
16 technology, it has publications, and here are some of the
17 publications available through the thing. I have some of
18 these for all the Commission. I think Dennis has them.
19 But these publications are on what the thing is about.
20 There's other publications put together, and all of these,
21 as you can see, are available through a private concern,
22 they're not federal, on the different positions that work
23 in the system.

24 The Incident Management System, the fifth piece
25 of it is the Incident Command System, which is the

1 on-site, on-the-ground operational arm of the Incident
2 Management System, and that's where the Incident Command
3 Team comes in. They head up the incident command system
4 on the ground, or if you want to change it to coordination
5 system, however.

6 The system is set up for all-risk management.
7 Most of the teams operate on the basis of wildfire, but
8 they have been used for other all-risk management.
9 Examples are Mt. St. Helens, although that was just as the
10 organization was starting up. Teams of this sort were
11 used to manage the Mt. St. Helens situation. Part of an
12 Incident Management Team was sent to the most recent
13 Mexico City earthquake, to assist in evacuation there,
14 where they had and Swiss mountain rescue units working
15 under them there. It's been used -- while our team was in
16 Seward, a team was activated to New York City to work on
17 hazardous material where a landfill dump was burning
18 underground and causing an extreme pollution problem, and
19 they were sent there to deal with that.

20 Some of the more bizarre type things, the
21 Incident Management Team was used to manage the visit of
22 Queen Elizabeth in California recently. The teams are
23 routinely activated and the system is activated during
24 three-day holidays by the National Park Service to manage
25 their -- in California where they have a lot of potential

DAVE LIEBERSBACH

1 problems coming up. They put one of these teams on
2 standby and use them to actually manage their recreation
3 areas and whatnot. With the amount of people that are
4 coming in there, it turns into an incident just by the
5 volume of people coming in, not because you have an
6 emergency, but it could turn into that rapidly. So there
7 is a lot of use of the teams outside of fire. Park
8 Service uses the system, the Incident Command System and
9 NIIMS, for their search and rescue work on a routine
10 basis.

11 I have a video, but it's 13 minutes and it's
12 going to probably cut too long into this. If you want to
13 look at the video afterward or at a break at any time,
14 it's set up and ready to run, unless you would like to see
15 it. It talks about the system NIIMS. I don't know if
16 this would be the appropriate time. If not, I will go on
17 and talk very quickly about the Incident Command System,
18 part of the National Incident Management System.

19 MR. PARKER: I think go on. We will catch the
20 video at a break.

21 MR. LIEBERSBACH: Okay. The team, as such, is an
22 Incident Management Team, not necessarily a fire, not
23 necessarily an earthquake management team or whatnot. It
24 can be used for flood, it can be used for earthquakes,
25 tornadoes, riots. The first time I was ever activated or

DAVE LIEBERSBACH

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1 put on standby, it was to go down and manage Cuban refugee
2 camps in Florida. Four teams were put on standby to do
3 that. Just prior to us being able to get down there riots
4 broke out and they had to bring in the military and
5 National Guard, and therefore they cancelled the teams
6 because it was obviously going to be a military type
7 operation. So they are Incident Management Teams. They
8 do not necessarily need to be experts in the subject
9 they're working on. I'm no expert on oil, but they know
10 where to go get the experts to work on these sorts of
11 things.

12 When we came to Seward for some of our
13 information, as I mentioned before, we used Tom Royer from
14 the University of Alaska. We hired a person that was an
15 expert on boom deployment out of Massachusetts, and
16 brought him in to give us technical advice on that kind of
17 work. For the collection of the resource data or resource
18 assessment we were doing we brought in people from all
19 over the country: University of British Columbia, from
20 the -- we brought in the fellow from Friday Harbor, the
21 Marine Mammal Institute, to work for us. We brought in
22 these types of experts so we do not necessarily have to be
23 subject experts. Our expertise, or the expertise of the
24 situation, is to manage an incident. We're able to
25 logistically support and to plan and to get an operation

DAVE LIEBERSBACH

1 going very rapidly.

2 This system is used in Alaska. It's familiar in
3 quite a number of areas in Alaska. The Department of
4 Natural Resources, Division of Forestry uses it
5 extensively in fire. Those are why I have other members
6 on my team are from that agency. The state troopers are
7 very familiar with it, have been trained up in it. And
8 the other places, almost any one of your municipal fire
9 departments in Alaska are familiar with the ICS system
10 because it is used in structured firefighting. It's the
11 common accepted national system used and taught at the
12 national academy on the east coast. So it's not out of
13 the blue new to Alaska. I don't think it's as widely
14 known as it could be, but it is known by -- and, of
15 course, all the federal agencies in Alaska are familiar
16 with it to some degree or another.

17 It's a national system, and as such it makes
18 integration and use of national resources very easy, and
19 access to national resources very easy. Some of the
20 people that worked for the team came from southern
21 California, some of the people working for the team came
22 out of Boise. They all knew exactly what to do when they
23 came in. They knew the system, they walked in and went to
24 work. It gave us access to a national source of personnel
25 and equipment to fill in our needs, if we didn't have it

DAVE LIEBERSBACH

1 locally, and they can come in. So it is a national system
2 and it's used by most states in their fire organizations
3 in the country, and in some of their other work. State of
4 California, Minnesota, Texas, Florida, all use that. I
5 can go on and on about it.

6 Talk a little bit about the MAC group and exactly
7 what it is and how it relates to Incident Command System.
8 It is not part of the Incident Command System, but it
9 relates to it. The Multiagency Coordination Group concept
10 essentially says that in almost any type of situation
11 where we have a resource, an incident involving national
12 resources, whether it's an earthquake or whatever, it's
13 going to involve more than one agency. It's very
14 little -- very few times, particularly in major incidents,
15 that one agency is involved. And, therefore, when you
16 have multiple agencies involved, somebody or somehow you
17 have got to bring their responsibilities, their
18 authorities, their jurisdictions and priorities into
19 what's getting done and get it coordinated.

20 So we normally try to get a MAC group
21 established, Multiagency Coordinating Group established,
22 with representatives from all the entities, whether
23 they're agencies, private corporations, or whatever. A
24 common one in Alaska is the Alaska Native corporations,
25 when we're involved with fire, to serve on our MAC groups,

1 our representative. And the representatives have to be
2 able to -- to represent their agency in terms of
3 authorities. They have to be able to say yes, we agree
4 with that; yes, we can do that; yes, we can spend our
5 agency's money to do that sort of thing.

6 The MAC group allows all the entities, the
7 managers or owners, to execute their responsibilities and
8 authorities; they do not have to abrogate. They are
9 allowed to exercise them. The MAC group coordinates the
10 execution or their priority setting, and then they
11 coordinate the use of their resources through an Incident
12 Management Team, through the Incident Command System. And
13 so the relationship of the MAC is that the Incident
14 Command Team, or the Incident Management Team is what they
15 really are, works for the MAC group.

16 I take my direction from whatever MAC group is
17 assigned to me for priorities, and based on those
18 priorities and the resources made available to me by the
19 MAC group, or the various members of the MAC group or the
20 authorities to acquire those resources, then we put a
21 coordinated operational effort together, and we go out and
22 do what MAC wants us to do with the resources available to
23 us, if it's at all possible to do.

24 So the MAC group in a lot of cases -- like in
25 Alaska there is a standing MAC group for wildfire, it's in

DAVE LIEBERSBACH

1 place, it's there. They meet two or three times a year.
2 And then when wildfire starts and there's a need, it
3 becomes a large wildfire season like last year, they may
4 come together for a period of time, a week, two weeks, to
5 provide direction to the operational arms that are going
6 on on the fires. Again, the team works for the MAC group.
7 We receive our priorities and our authorities from the MAC
8 group and then we execute. We are the executional
9 operational arm for the MAC group. It has some way for
10 them to get something done with the team.

11 So in this case the team was called in by the
12 Park Service. The National Park Service worked together
13 with the agencies and communities and the entities they
14 were involved with down there. They formed up a MAC
15 group, with the Park Service serving as a chairman on the
16 MAC group. The MAC group set the priorities, and then
17 those were transmitted to the team to carry out and we
18 executed them. Based on those priorities we established
19 our objectives and our strategies for what we would work
20 on.

21 I'm not going to go into the unified command.
22 That's part of the Incident Command System. It does allow
23 any organizations out of MAC group, that have operational
24 involvement, to work right at the operational level with
25 the Incident Command Team. In this case the City of

DAVE LIEBERSBACH

1 Seward had some operational things involved. They had
2 their harbormaster, we had boats working from the City of
3 Seward, we had their boom in, we had personnel from the
4 City of Seward working for the team. Therefore, we had an
5 incident commander from the City of Seward working right
6 along with me.

7 Had we had other organizations, had -- an example
8 would be the National Guard. Had they started supplying
9 aircraft or support to us heavily, then I would have tried
10 to bring in whoever was running the National Guard
11 operation as a co-incident commander with me, because we
12 would be working our resources together. And we sit and
13 determine how things are going to operate and then
14 transmit that down through the team, to the operations
15 chiefs, and they execute it. So the important thing here
16 is that one plan is developed for all use of resources
17 through a unified command, and it becomes very efficient
18 to use the system.

19 I guess in closing up real quickly, my concern --
20 and I have been in Alaska working for the Bureau of Land
21 Management since 1970 and I'm also a citizen up here. I
22 guess my biggest concern is that from what I have observed
23 firsthand, what I have observed in the media and whatnot,
24 is that we need a coordinated response effort to
25 emergencies, and I'm not limiting myself to oil spills,

DAVE LIEBERSBACH

1 although I know that's what you're about here. I think it
2 goes farther than that.

3 I'm not sure we're ready to handle earthquakes
4 and tidal waves on a statewide basis. We're in pretty
5 good shape for fire, but the state of Alaska is unique in
6 that we're quite a ways away from our big brother help in
7 the Lower 48 and for the first 48 to 72 hours, which are
8 critical in an emergency for trying to do something, I
9 don't think we're very well prepared to respond in a
10 coordinated effort and make maximum uses of the resources
11 available in Alaska. We don't have a system to do that.

12 I have talked to you about a system to do that.
13 Most important to me is that we have a system. Now, I say
14 here's a system, I think it works from my experience.
15 Other people can tell you it does. It may not be the
16 system that is chosen to be used up here, but there ought
17 to be one system that everybody is familiar with, trained
18 up in, and is ready to go out and do it.

19 My comment on this system is, you don't have to
20 reinvent the wheel, you don't have to come to the federal
21 government for it. These are put out, and the system is
22 put out by private industry. The state of Alaska has
23 expertise in the system already. Many of the fire
24 departments -- in fact, I helped train municipal fire
25 departments at which the governor was a guest speaker

12

DAVE LIEBERSBACH

1 about two years ago in Fairbanks, Interior Fire Chiefs
2 Association.

3 So the expertise is out there, the system is
4 there. It doesn't have to be reinvented, I just think it
5 has to be taught. But the most important thing is that in
6 Alaska we come up with a system that will work for any
7 emergency, whether it's going to be floods, whether it's
8 going to be dealing with an oil spill, so that we can
9 utilize all the agencies that have resources available to
10 come in, and they know how to fit into an organizational
11 structure.

12 I feel that probably one of the big problems, as
13 I viewed it in this oil spill situation, that for the
14 first couple weeks probably over 50 percent of management
15 energy was spent in organizational determination and role
16 decisions. That was not a problem with us in Seward.
17 There was just no concern with that, because everybody
18 responding to us in Seward knew their jobs when they came
19 in. They came in with a qualification card and they were
20 sent down saying this is the job I have been sent down
21 here to fulfill per your ordering it, and they knew where
22 they fit in with everybody and what their job was to get
23 done.

24 I think a system like that should be put in place
25 in Alaska. Whether you want to use NIIMS and the Incident

DAVE LIEBERSBACH

1 Command System is one thing. Like I say, I think it is
2 very good. I'm familiar with it. It is fairly new. I am
3 used to the large fire organization for most of my career
4 until this came along. This is a lot better than that,
5 particularly for nonfire type incidents. But if you don't
6 like it or don't choose to use it, you need to take a hard
7 look and evaluate for a system that does work, because if
8 we all tried to respond with our normal day-to-day
9 organizations, they just aren't set up to handle some of
10 the emergency and the volume increase by emergency
11 requirement. That's all I've got.

12 MR. PARKER: Thank you, Dave. Your last remarks,
13 I spent the first part of the winter, before the oil
14 spill, at -- the Academy of Engineering and Science has
15 sponsored reasonably exhaustive inquiry into the
16 aftereffects of the quake. So we laid some ground work in
17 that investigation for this kind of system that you're
18 talking about, and combined with this we hope to bring
19 everyone concerned with developing, making recommendations
20 on such a system together in a workshop later in the fall,
21 two or three-day workshop, depending on how we scope out,
22 how much time we will be doing. We certainly would
23 welcome your participation in that when we get to it.

24 John, any more questions?

25 MR. HAVELOCK: I'm not sure what your time

1 constraints are, Mr. Chairman.

2 MR. LIEBERSBACH: I'm way over mine.

3 MR. PARKER: We can do them at the panel. It's
4 up to you.

5 BY MR. HAVELOCK:

6 Q Well, maybe I could just ask a few more
7 questions. Are you going to be available, incidentally,
8 if we do want to do some more interviewing of you later
9 on? Are you disappearing into the Far East or something?

10 A I live in Fairbanks, I work in Fairbanks, and I'm
11 quite sure it's easy to get me back down here any time you
12 need me.

13 Q Okay. Thank you.

14 A So yes, I am available.

15 Q Thank you. We will be contacting you later, and
16 I'm not going to ask you all the questions I might
17 otherwise under those circumstances.

18 As I understand your testimony, that you have a
19 national system and you have really a very substantial
20 access to resources all over the country; is that right?

21 A That's correct.

22 Q But yet you respond to invitations from
23 particular actors who call you in and then may release
24 you; is that right?

25 A That's correct, the agency or entity that has the

1 emergency. I have no authority to go in and do anything
2 without an agency or an entity giving me authority to
3 spend money and to do their work. I can't just -- this is
4 not a -- this is not a federalization type of thing. If
5 it is federalized -- even had the spill been federalized,
6 I suspect it would have been managed under the -- by the
7 Coast Guard, rightly so. A federalization of some other
8 incident might bring in, and then it would probably be
9 FEMA would be activated, and then FEMA will probably
10 activate one of the Incident Management Teams.

11 Q For the audience, will you explain what FEMA is?

12 A Federal Emergency Management Agency. It's --

13 Q How do you relate to FEMA?

14 A If they request us to handle an emergency for
15 them, then we would be working for them. FEMA primarily
16 is a non-operational organization. They assess
17 emergencies and they primarily are a source of funding to
18 governments, state, city, county, borough, whatever, for
19 areas that have been declared federal emergency or
20 disaster type areas.

21 Q Do you participate with FEMA in training, or do
22 you have your own training program?

23 A No, we don't participate with FEMA. There is a
24 national training program that anybody can participate in,
25 and they're put on primarily by the Department of Interior

DAVE LIEBERSBACH

1 and Department of Agriculture. Those agencies fund or
2 organize the training, but anybody can come to them, the
3 training sessions.

4 Q These are academies that are held regularly?

5 A Yes. Well, there are academies. Some of the
6 courses are put on in Fairbanks, some are put on in
7 Anchorage. There is a national academy for the national
8 teams that's put on at Marana, Arizona, down there. We
9 teach -- there's different -- at different levels of the
10 Incident Command System are taught at different levels,
11 organizational levels.

12 So for qualification up to a national team, the
13 only place that's taught and put on is in Marana, Arizona.
14 For qualification for some of the lower or the
15 subfunctions in the team when you're -- and this thing can
16 expand out to quite a large organization, you know, the --
17 just prior to the oil spill I was on Yellowstone and I had
18 two or three thousand people working for me. Everybody
19 qualified in that system, except the military people.

20 Q So you have regular training --

21 A Yes.

22 Q -- in crisis response in particular; is that
23 right?

24 A Yes. Yes, we do.

25 Q Going back to my point about your access to a

DAVE LIEBERSBACH

1 national system, then, is it not a fair conclusion that
2 there were considerable capabilities that were available
3 through your organization, your system, that were not in
4 fact called on in this oil spill, in the early weeks of
5 this oil spill?

6 A Yes.

7 Q And do you have a particular explanation for why
8 that occurred that way?

9 A I don't have an explanation for it, because our
10 agency and that system was not responsible for responding
11 to the oil as such. We had to be called by somebody. So
12 why they weren't, you know, called, I couldn't tell you.
13 The request was not made. Finally requests started coming
14 through for communications and we -- Boise provided
15 communications support to the oil spill. The remote
16 automatic weather stations were brought in from Boise and
17 put up by some of our technicians, but that was later on
18 in the thing. I do not know why the system wasn't
19 activated. I suspect because people aren't knowledgeable
20 that it's even there, that that capability is there.

21 Q Had you worked in an environment of responding to
22 an oil spill before?

23 A No.

24 Q Generally does the organization have that
25 capability, or do you know that it does respond to oil

1 spill situations?

2 A The organization -- the organization I work for,
3 the Bureau of Land Management, does not have the
4 capability for responding to oil spills. They are the --

5 Q I mean the Incident Management System.

6 A Not particularly to oil spills, no. To any
7 incident, yes.

8 Q Including oil spills?

9 A Yes.

10 Q And it has in fact responded to oil spills
11 elsewhere?

12 A Not that I know of, no. No, I don't believe
13 Incident Command has ever been used on an oil spill, to my
14 knowledge.

15 Q Were you, yourself, comfortable with your
16 relations, with your understanding of what the Coast Guard
17 and on-scene coordinator's responsibilities were and what
18 yours were? That is, did you see them as being the spill
19 cleanup people and that your responsibilities lay out,
20 covered more or less everything outside of the
21 responsibility for containing and cleaning the spilled
22 oil?

23 A Yeah, and there the -- there definitely were
24 places where we stepped over that boundary. But, you
25 know, I talked with the Coast Guard. Particularly,

14

DAVE LIEBERSBACH

1 Captain Roselle came down several times, and then the
2 Coast Guard did put a contingency back in Seward. You got
3 to understand that just about a day before we arrived, the
4 Coast Guard cutter that was in Seward had to be taken out
5 of Seward to dry dock, I believe in Ketchikan or Seattle.
6 I heard Ketchikan, I believe, is where it went. Anyhow,
7 when we arrived there, there was no Coast Guard contingent
8 whatsoever in Seward, or presence. So Captain Roselle
9 came down, and then he did put in an organization down
10 there sometime later. So I had constant contact with the
11 Coast Guard.

12 We were actually -- the work we were doing in
13 directing was more work that was to be done by Exxon in
14 terms of on-the-water work. The Coast Guard did not have
15 responsibility for doing on-the-water work. All that they
16 did was, as I understand it, -- and once again, I didn't
17 even -- I have never looked at the Clean Waters Act prior
18 to this, so I learned a lot in a hurry. But their
19 responsibility was to monitor Exxon's operations. And
20 where Exxon was not in Seward and not executing the
21 requests of the local community down there, but they had
22 some stuff to put out, they asked us to do that for them,
23 and we did. And that was known to the Coast Guard.

24 Q Thank you. Well, I have one more closing
25 question, it may take a fairly long answer. I was

DAVE LIEBERSBACH

1 intrigued by your observation that 50 percent of the
2 energy went into role decisions, I think you described
3 them, at the spill. I assume you have some eyes-on
4 experience and/or listening, ears-on experience to support
5 that generalization. Could you give some examples of what
6 you're talking about?

7 A Several days after we were in Seward we had to
8 come up to Valdez with the City of Seward, because they
9 had to meet with either ADES or ADEC, I can't remember
10 which, to get some money that they had already expended.
11 And so I came up with them because they, ADES or ADEC --
12 and I would have to go back. I have record of it, but I
13 don't have it right off the tip of my tongue, which
14 organization we met with -- and a representative from the
15 governor's office to explain what we were doing in Seward
16 so they could make a decision whether they would release
17 these funds to Seward to pay for what Seward had already
18 spent. This was nothing we were spending.

19 So I went there to explain our organization and
20 how we were operating, what we were doing. And in going
21 there it became real apparent in walking into some of the
22 headquarters around there, that there were four or five
23 different headquarters organizations as big as the one we
24 had in Seward, which was handling everybody, and there was
25 massive -- I won't say massive. There was quite a lot of

DAVE LIEBERSBACH

1 duplication, it appeared, with a big DEC headquarters, a
2 DES headquarters, an Exxon headquarters, a U.S. Coast
3 Guard headquarters, and whatever, in Valdez, and how they
4 were talking to one another. You know, when I came into
5 this organization, I wanted to know -- well, I need to
6 talk to the people in your planning section, because I was
7 trying to get some more information about the planning
8 section, and I explained it to them. And they said oh,
9 you want operations, or whatever. So we have different
10 terminology going on. Right there is -- trying to
11 interface and get that information was not good.

12 Later on, when Exxon came to Seward and set up,
13 they had a very difficult time trying to figure out their
14 organization and how it was going to work in getting
15 things done out there. And that's when, in a written
16 request to the Park Service, I was requested by the
17 representative, Exxon representative in Seward, to provide
18 advisory, organizational advice to Exxon for getting them
19 going in Seward with the thing, because we had things
20 working fairly smoothly at that time and they wanted to
21 capitalize on that. And so I did work with the Exxon
22 management structure that was in Seward. Those are a
23 couple examples of the type of things. But it seems to me
24 that the, just the information flow, because of the
25 separation in facilities, was pretty apparent.

15 1 The other thing that became real apparent was
2 2 just watching some of the media going to different
3 3 headquarters to get information on. In Seward we had an
4 4 information office set up, it was staffed by
5 5 representatives from Exxon, the Coast Guard, and from our
6 6 Incident Command Team, and they could go there and get one
7 7 story, and it was a story of what was going on in Seward.
8 8 It wasn't, you know, everybody else. And everybody had a
9 9 representative there who was concerned about the media.
10 10 So it was apparent that so-and-so, the media would say
11 11 so-and-so in this agency says this. Well, yeah, but that
12 12 person doesn't have any authority in that agency. Well,
13 13 how do you know they don't. You know, what is their
14 14 authority.

15 And that was a real obvious thing to me in
16 16 talking with the people when I was, early on when I first
17 17 went to Valdez with the team on the 28th and the 29th,
18 18 because they were not, the different entities there at
19 19 that time were not willing to pull together into a unified
20 20 command structure, and that's what I was promoting.

21 It became apparent that what I did not want to be
22 22 was another entity in Valdez, another point of confusion
23 23 in Valdez, and I went -- all that I could do is set up and
24 24 be another operational entity putting people on the same
25 25 beach that everybody else is putting people on, and that

DAVE LIEBERSBACH

1 would be counterproductive and duplicating and very
2 expensive.

3 In Seward there was all -- when I was there, when
4 the team was there, it was all operating under one
5 structure. There was one boat going to one bay, and it
6 didn't run into another boat coming out, having just
7 accomplished the same job. Likewise, aircraft problems
8 became very difficult in Valdez. One of my primary team
9 members of the eight is an air operations director, and he
10 immediately got on the airstrip at Seward and we brought
11 in our own aircraft, set it up, provided transportation
12 for any of the agencies, or whatnot, necessary to get them
13 wherever they needed to be on the Seward peninsula, or up
14 to meetings in Valdez. But we didn't want another massive
15 air force coming in, because that's a fairly dangerous
16 situation, particularly on that runway at Seward, exiting
17 et cetera.

18 So there was a lot of confusion just to arrive at
19 the airport in Valdez and to figure out how to get a ride
20 anywhere. Well, who do you work for? Well, we don't, you
21 know, work for Department of Interior. Well, they don't
22 have any supporting structure here, et cetera. Just the
23 housing, how do you -- everybody was on their own for
24 housing in Valdez. There wasn't any coordinated effort to
25 say okay, we have got all these rooms.

DAVE LIEBERSBACH

1 First thing I did, when we got to Seward, I just
2 locked up all the housing available in Seward. And then
3 when people came in, they needed housing, I said you bet,
4 we got it for you and assigned it to them. We knew where
5 they were. People knew they had housing. They weren't
6 having the -- the team, the two days the team was in
7 Valdez we slept in the basement of a family there, who we
8 set up a contract with them. They were very nice to us,
9 let us use the phone, use their showers and whatnot, but
10 that's all we could find. There was no -- and there was
11 nobody to go to. I said, well, where can I talk to
12 somebody about housing? Nobody had any idea of who talked
13 about housing. I mean, it just wasn't being dealt with on
14 a big scale basis. I think if I had worked for Exxon,
15 Exxon would have been able to, or had worked for one of
16 the agencies there at the time, their housing might have
17 been available. But there's no priority for who should --
18 it's whoever can get there first and tie up all the
19 housing, and any other important people coming in had no
20 access to it.

21 Those are the kinds of things I see as -- and
22 just the other question, and I saw constantly, is who is
23 in charge of the thing. Who is in charge of things in
24 Valdez, and that seemed to be real difficult. We tried to
25 get information for intelligence we knew was being

1 developed in Valdez about weather, about where the oil was
2 at. The only way we got it was, now and then the Exxon
3 Twin Otter they were using dropped into Seward and I had
4 my air ops people right there and I said just talk with
5 the guy and get a look at the pictures of where the oil
6 is. And we worked up a deal with the local guy who was
7 coming through on his way back to Seward or Valdez. But
8 we couldn't find the point for a long time in Valdez that
9 we could get that kind of intelligence to help us with our
10 operation as to progress of the oil heading towards the
11 areas we were working in.

12 You're right, it took a long answer, probably
13 longer than people needed.

14 Q Well, you could have made it longer, I'm sure.

15 A Yep.

16 MR. PARKER: Thank you very much. Mike, do you
17 have a quick one, real quick?

18 VOIR DIRE

19 MR. HERZ: Yes. I'm fascinated by your
20 presentation, by the fact that most of what we heard from
21 individual agencies and from the oil companies has very
22 much reflected each institution, and institutional
23 structural kind of entity that was involved in responding.
24 Yours, on the other hand, appears to be a purely
25 functional kind of approach. And what mystifies me, after

1 hearing you talk for an hour, is that I don't have a sense
2 of who you belong to. Yes, you said BLM, but you talk
3 about the team, you talk about the representation being
4 broad, and it seems to me that what you're able to
5 accomplish, you're able to come into an area using this
6 functional approach, and the fact that you are not
7 representing only one agency allows you to maintain a
8 functional perspective, which seems to be a very efficient
9 way to approach working in these incidents.

10 And so part of my question is, where does the
11 money come from? Are these 18 national teams funded by
12 FEMA or who pays the bills, how does it work, where all
13 the does --

14 MR. LIEBERSBACH: You mean who paid the \$400,000
15 that I spent on the Kenai Peninsula in 24 days?

16 MR. HERZ: Right.

17 MR. LIEBERSBACH: Paid by the various MAC group
18 members.

19 MR. HERZ: All right. Let me ask it another way.
20 You're not always fighting fires?

21 MR. LIEBERSBACH: Right.

22 MR. HERZ: When you're sitting in the Maytag
23 repair office waiting for the phone to ring, who's paying
24 the bills?

25 MR. LIEBERSBACH: I'm not a Maytag repairman.

1 MR. HERZ: I know.

2 MR. LIEBERSBACH: What I'm saying is, I have a
3 regular job. Two of my people are area foresters for the
4 State of Alaska. They go out and cruise timber and work
5 on area foresters. One of my people is an administrative
6 officer for the Forest Service. I'm a fire management
7 officer in Galena. Another member of my team is a
8 division chief running all the smoke jumpers in Alaska.
9 We have regular day-to-day jobs. This is an add-on type
10 of thing that we do, that we're qualified to do. We're
11 yanked out of our regular jobs and activated to these
12 incidents.

13 MR. HERZ: And you can be released for indefinite
14 periods of time from your regular salaries?

15 MR. LIEBERSBACH: Right. I have got a regular
16 job that pays me my regular base salary, et cetera, and
17 then for -- the agency has to be paid for me, is what it
18 amounts to. Now, if I'm activated to a federal fire, the
19 federal government is still paying for me.

20 MR. HERZ: So I guess to some extent this
21 explains why the Coast Guard might not have been terribly
22 receptive, because you're not another agency. You don't
23 sit on the Regional Response Team?

24 MR. LIEBERSBACH: Exactly.

25 MR. HERZ: You're an unknown entity in the

1 structure that they're used to working within?

2 MR. LIEBERSBACH: Right.

3 MR. HERZ: And similarly, I haven't heard you say
4 very much about the State Department of Emergency
5 Services, who we heard from. I guess you were supposed to
6 appear that day.

7 MR. LIEBERSBACH: Herb Martin.

8 MR. HERZ: And you were in the field. But it
9 sounds like they could fit into your structure in a very
10 good way.

11 MR. LIEBERSBACH: No, we could fit into their
12 structure. We would work for them. Herb Martin is aware
13 of it. Two years ago I did a two day, my team did a
14 two-day presentation to DES here in Anchorage, along with
15 members of the Air and Army National Guard, Forest
16 Service, and other personnel. One thing we took with the
17 team, interestingly enough, is we carried a training
18 officer. And the first thing we did when we hit down
19 there was set up training, and we put them through,
20 everybody involved with us, City of Seward, whoever, a two
21 day or 12-hour training course on what we were about.

22 So we realized coming in that nobody understood
23 the system, but they had ordered us and got us down there.
24 They had heard about it, found out about it through the
25 Park Service, and so we set this up and we did cycles of,

1 12-hour cycles for two weeks, of training people involved
2 with our -- our organization. So they knew what we were
3 about, how we were operating, and that would have been
4 part of what we do. We come in prepared to do that sort
5 of thing.

6 But yes, because we did not belong to a
7 specific -- and that was the -- when we went to Valdez,
8 who we belonged to specifically was Exxon through the
9 Bureau of Land Management. I think this is how it
10 happened. I don't honestly know, but the Bureau of Land
11 Management is on-site coordinator for any spills along the
12 pipeline until you reach a certain point where you get
13 into the -- to the terminal area, and then of course on
14 water is the Coast Guard. And the Bureau of Land
15 Management, I believe, made a contact through Alyeska to
16 say, hey, there is this type of team available. And I
17 believe Alyeska passed that to Exxon and the word came,
18 yeah, let's bring it down here and see what it's about,
19 and that's how we got ordered.

20 And so that went up and we got activated, sent
21 there. And then when we got there, sat down and talked,
22 et cetera, it didn't look like something they wanted or
23 needed. And such as setting up my own little shop, no, we
24 didn't. It was not needed to have another entity going on
25 down there, and they never proposed another entity.

1 My idea was, look, we have some expertise, we can
2 help this whole thing, let's pull everything together into
3 one shop and make it work. But that -- they were, you
4 know, by the time I got there, they were four days into
5 this thing and it would have been very difficult at that
6 point in time to start rejuggling structures again. You
7 know, I don't know that -- and, again, I don't know how
8 much it smoothed out afterward or not. In hindsight it
9 might have been the best thing to do, I don't know.

10 But the real value in our situation in Seward is,
11 they recognized their situation early on and got us there
12 early and in place so that as ADEC, ADES, U.S. Fish and
13 Wildlife, ADF&G, the Forest Service, the National Guard,
14 whatnot, came into the area, we could integrate them into
15 our operation. We had telephones, we had offices set up
16 for them, and a place to work where we could all talk to
17 one another in one building. I think the only part that
18 didn't get set up right with us was the cleaning, otter
19 cleaning and bird cleaning areas.

20 MR. PARKER: Thank you, Dave. We will get back
21 to this this afternoon for anybody who has any further
22 questions. Could you get us in writing the \$400,000, how
23 the agency pulled that out of their budget? I would be
24 most interested in that, if you could just pull that out
25 of the records sometime at your convenience.

1 MR. LIEBERSBACH: I think we're still working on
2 that.

3 MR. PARKER: Okay.

4 MR. LIEBERSBACH: Some of it is having -- and
5 that's the other thing, is when this is all set up you
6 need to look at authorities, and particularly legal
7 authorities, for this emergency type response, and
8 financial authorities.

9 MR. PARKER: That's what we want to do at our
10 workshop, so thanks again.

11 MR. LIEBERSBACH: Yes, and I can get you
12 information on it.

13 MR. PARKER: Commander Rome and Thompson. For
14 the benefit of the audience, the Commission is going to
15 take this time delay out of their hide at lunch. So we
16 will reconvene at 12:30 irrespective of what time we
17 break, because the commissioners are sending out for
18 lunch, and those of you who want to eat will have to --
19 and want to be back here at 12:30 -- will have to adjust,
20 because we will probably run over our 11:30 adjournment
21 considerably.

22 Commander Rome, welcome back.

23 CDR. ROME: Good morning, Mr. Chairman.

24 MR. PARKER: Commander Thompson.

25 CDR. THOMPSON: Good morning, Mr. Chairman.

1 MR. PARKER: I want to thank the Coast Guard for
2 its detailed replies to our questions. We have had a
3 chance to review them, and if you just want to summarize
4 what beyond you've replied to us in writing, why, and then
5 Counsel Havelock will have some questions and, time
6 permitting, the commissioners will have some, and of
7 course we will expect you back again at 3:30 as part of
8 the panel, okay?

9 CDR. ROME: Okay. Thank you, Mr. Chairman.
10 First of all, I'd like to --

11 MR. HAVELOCK: I hope we can squeeze you a little
12 bit on your time. I don't know how long a presentation
13 that you wanted to make. We do have, of course, your
14 written submissions, but I would like to squeeze you down
15 a little bit if you have in mind a long presentation.

16 CDR. ROME: No, I don't have in mind a long
17 presentation. Actually I was just going to introduce
18 Commander Ed Thompson, who is the new commanding officer
19 of the Marine Safety Office in Valdez and is here. He
20 relieved Steve McCall in July. So with that, I will just
21 summarize very briefly, I will just say what the questions
22 were that were posed to the commandant by the Commission,
23 and then we can go directly into the questions that you
24 may have.

25 The first question was: How did your contingency

18

DENNIS ROME

1 plans relate to the actual Exxon Valdez event? What
2 material, equipment and manpower was available for
3 dispersement of the oil spill by chemical dispersants, and
4 when was it available? What consideration was given to
5 burning the spilled oil in its initial stages? And what
6 material, equipment and manpower was available for
7 mechanical recovery, and what was the capability of that
8 equipment and manpower? And that's just for the record.
9 And with that I will be happy to start out wherever you
10 want, Mr. Havelock.

11

EXAMINATION

12 BY MR. HAVELOCK:

13 Q Okay. I think most of our focus is going to be
14 on what happened in the first few hours after the incident
15 to see how the planned system worked. I gather generally
16 you think that it did work as it was supposed to work; is
17 that right?

18 A Within the structure, yeah, the plan as it was
19 written worked. You know, the notifications to the Coast
20 Guard were made, the federal on-scene coordinator notified
21 the Regional Response Team co-chairs, the Regional
22 Response Team was notified, the Regional Response Team was
23 activated, the OSC activated what resources he thought he
24 would need immediately, and from there he started adding
25 into that organization as he needed it.

1 Q Let me start by asking you about the National
2 Resource Team. Now, they are to provide you with policy
3 guidance, as I understand it, prior to an incident and
4 assistance during. Is that an accurate description?

5 A Yes, that's fairly accurate. They provide the
6 national policy guidance and then if we need national
7 assets, such as fire defense.

8 Q What policy guidance did you get with respect to
9 an oil spill that might occur in Alaska?

10 A The policy guidance is basically -- I'm not sure
11 what you're getting at in the question. You know, if you
12 have an oil spill, it spills on the water, you provide the
13 response within the framework of the national contingency
14 plan, the regional contingency plan, and the local
15 contingency plan.

16 Q So it's the national contingency plan is the
17 vehicle for providing that policy guidance prior to an
18 incident. Do they provide anything more than that?

19 A The only -- that's the primary mechanism, yes.
20 The different issues that we had specifically within
21 Alaska was for preplanning for dispersant use and
22 preplanning for in-situ burning.

23 Q So you get separate bulletins are what came out
24 to you on those two scientific issues?

25 A As requested, yes. Basically what we had done

1 within the region was, do the preplanning for these
2 activities. Once the product was in a final form, or at
3 least a draft final form, we gave it to the National
4 Response Team and said this is what we have done, are
5 there any particular issues that we have missed.

6 Q And that was prior to the spill you're talking
7 about?

8 A Yes.

9 Q Is it in fact, is it the National Resource Team
10 that is responding to those particular inquiries, or is
11 the NRT just a referral agency, in this case to the EPA,
12 for example, for that type of thing?

13 A Well, depending on who has a particular, either
14 statutory responsibility or an interest, the inquiry would
15 go to the chairman of the National Response Team, and they
16 would pick the information or expertise as they needed
17 from other federal agencies. If it's a resource question,
18 they would go to Department of Interior, Department of
19 Commerce, you know, that type of thing.

20 Q So are you saying that the NRT actually is not a
21 permanent collection, but a group of people who are
22 identified but don't necessarily meet together?

23 A They meet monthly. It's a permanent
24 organization. It's the National Response Team with EPA
25 as the chair, the Coast Guard as the vice chair, and then

1 representation from the groups that are within the
2 national contingency plan.

3 Q Is it your experience at that level that the --
4 so it's an interagency committee in a way. Are the same
5 people sent to that NRT monthly meeting, or is it whoever
6 happens to be available that day?

7 A To the best of my knowledge, the members are
8 designated in writing and the most -- they're certainly,
9 in any Regional or National Response Team, they are the
10 most active players that are always there, same people
11 that go all the time. And primarily, from my experience
12 in seeing the minutes of the meetings, it's been the EPA,
13 the Coast Guard, Department of Interior, Department of
14 Commerce, Department of Justice, provides FEMA.

15 Q Can those, minutes of those meetings be made
16 available to us?

17 A They're part of the public record.

18 Q How would I get them? Can I ask through you or
19 should I ask through somebody else?

20 A You can ask through me. What I can do is just
21 write to the chairman of the National Response Team, and
22 if you have any specific --

23 Q Well, we're interested in the minutes in the
24 period, let's say the two months preceding the spill and
25 through the spill. I assume these minutes are a couple of

1 pages per --

2 A Yes, sir.

3 Q -- meeting, and at a once per month -- although I
4 assume they met more frequently after the spill, I would
5 assume.

6 A They met more frequently during the spill. Yes,
7 either way you want to do it. You can either write to the
8 chairman of the National Response Team or I can do it, it
9 doesn't matter.

10 Q Well, I always appreciate it if I can get
11 somebody else to do my work for me. So if you don't mind
12 doing that, that would be helpful.

13 Part of the function of the NRT is to give you
14 policy guidance, as I understand it, during the course of
15 the spill. Could you tell us, that would be on your
16 request or would that be sometimes spontaneous with, in
17 this type of spill, with the NRT itself?

18 A Through the normal course of events it's -- you
19 get policy guidance from the NRT through a request process
20 from the Regional Response Team. This particular incident
21 was certainly a spill of national significance, though, as
22 there were issues that were arising in Washington, D.C.,
23 from the agencies, from a number of other things that were
24 getting to the NRT before they were getting to the local
25 Alaska folks. So what happened was, at that point in time

1 they would say this is the issue that's come up, this is
2 how things are shaking out in terms of the policy, and
3 this is probably how, the way it's going to go. So we got
4 it through that way too.

5 Q Would this be telephonic or were these policy
6 advisories in writing?

7 A Primarily telephonic.

8 Q In the first week after the spill what was the
9 frequency of the NRT giving you policy instruction?

10 A I was in contact with the vice chair of the NRT.
11 This was a little different situation in the sense that
12 the Alaska Regional Response Team focuses on the State of
13 Alaska, and a number of the people that were on the
14 Regional Response Team moved into Valdez and became part
15 of the operation and also part of the federal on-scene
16 coordinators.

17 So the lines from the OSC to many members of the
18 RRT, and then directly to the NRT, happened very quickly.
19 So I was, to answer your question, I was talking to the
20 vice chair and the NRT pretty much on a daily basis and
21 depending on what issues were raised, you know, sometimes
22 multiple times during the day.

23 Q And so you were talking to them from Valdez; is
24 that right?

25 A Yes, sir.

DENNIS ROME

1 Q Now, I would assume that most of that
2 conversation consisted of, since you were there and had
3 all this informational access, you were primarily, you
4 were briefing that person on what was going on; is that
5 right?

6 A Pretty much so, yes.

7 Q But sometimes he would give you some advice on
8 what he wanted you to do?

9 A He would give me the situation as it was
10 developing in Washington, D.C. and say this is likely --
11 you know, we would come to a meeting of the minds and say
12 this is likely how it will affect the organization on
13 scene. And, you know, primarily, you know, political
14 reactions from Washington and how it was going to affect
15 the Valdez spill.

16 Q Well, could you tell me, in terms of other than
17 briefing, did he tell you that you ought, that the OSC
18 ought to be doing something or not doing something as a
19 result of what was going on in Washington, D.C.?

20 A No, he wouldn't direct in terms of directing the
21 federal on-scene coordinator to do anything. It wouldn't
22 come to that. It was an advisory capacity, and basically
23 the --

24 Q From an officer substantially higher in the same
25 service, I gather.

1 A Yes.

2 Q When you get advice from people above you in the
3 service, do you take that quite seriously?

4 A I certainly consider it, yes.

5 Q All right. So what kind of advice were you
6 getting?

7 A Early in the spill itself, in terms of the first
8 major question that was coming up, was the question of
9 federalization and what -- there was a push nationally,
10 and certainly from the state. State of Alaska had pushed
11 for -- declared a state of emergency, and had gone back to
12 Washington, D.C. and asked for a national declaration of
13 emergency. And the people in Washington, D.C. were
14 sitting -- actually, it was a planning exercise. They say
15 what resources, what do you need in the event that you
16 wanted to federalize this case, and how would we do it.
17 And basically we put together a shopping list and a
18 scheme, an organization scheme for what at that point in
19 time we'd look at.

20 Q Was there any other policy exchanges besides this
21 issue of federalization and what you would need to
22 federalize?

23 A Not that I can remember.

24 Q Do you have any reason to suppose that the vice
25 chairman was in fact meeting with the NRT during this

1 process, or because of the emergency nature of the
2 situation do you think that the vice chairman was actually
3 communicating directly up the line rather than with a
4 broad, what, 20-agency group?

5 A No. My perception was that the vice chairman was
6 briefing the NRT at a later time. He was -- he works
7 directly for Admiral Sykes, who works directly for the
8 commandant. So at that point in time in our conversations
9 it was internal Coast Guard.

10 Q In terms of the shopping list that you mentioned,
11 did you have a shopping list in place before the spill
12 occurred?

13 A Of what we would require for a 250,000 barrel
14 spill? No.

15 Q Under your regional plan?

16 A For a 250,000 barrel spill, no, sir, we didn't.

17 Q How did you go about assembling -- let me try
18 again. Did you use the existing plans to develop a
19 shopping list?

20 A Within the local plan for MSO Valdez there is a
21 billet structure, spill response structure, that lines out
22 from the OSC, federal on-scene coordinator, all the basic
23 elements of the things that need to be done during a
24 response: operations, transportation, logistics, supply,
25 media relations, and a historian. And underneath that

1 organization there are, you know, lists of people. In
2 terms of the people lists, that was established for a
3 major spill incident. And I'm saying a major spill in
4 terms of over 100,000 gallons within the MSO Valdez action
5 plan.

6 The particular pieces of equipment, in terms of
7 what we would need for a 250,000 barrel spill, that
8 wasn't -- that wasn't in the local action plan nor was it
9 in the regional contingency plan.

10 Q Is there anything in the national plan that
11 contemplates a spill of this magnitude and the kind of
12 resources that might be necessary for it?

13 A Not in specific numbers, no. The national plan
14 lays out a framework, is basically what does. It just
15 lays out an organization framework.

16 Q So does the national plan include any inventory
17 of the resources available?

18 A In the original plan, and it was carried through
19 probably until about -- the revision, I believe, was about
20 1982, was the spill cleanup inventory system. It was
21 called the skim system and there was reference made in the
22 national plan about that. And the plan was a computer
23 system that had the inventory of all oil spill cleanup
24 equipment in the United States, and the skim system was
25 maintained by the Coast Guard. And what happened to it

DENNIS ROME

1 through the years was, basically people stopped using it.
2 There are a number of occasions where we have an incident
3 in an area. We call it the skim system. Look up the
4 inventory for what both commercial contractors and
5 government contractors, or government agencies, had in
6 their inventory. We would say, hey, I see you've got this
7 amount of boom and skimmers and everything else. And they
8 would say, well, not anymore. There were so many
9 inaccuracies in it because the people who owned the
10 equipment weren't changing the skim system, so it died on
11 the vine.

12 Q How soon after the spill did you first talk to
13 the vice chairman?

14 A I think it was probably about five hours.

15 Q At that time you were personally fully aware of
16 the magnitude of the spill; is that right?

17 A Not entirely. My first -- my first report was
18 that at minute fifty-five, which is 0055, from -- I got a
19 call from the XO at the Marine Safety Office indicating
20 that the Exxon Valdez had run aground, and that she was
21 leaking oil, and that they were going to go out and do a
22 damage assessment. And I did not call them back until
23 about 6:00, mainly because they were going to have enough
24 telephone calls in there, and it was dark and they had
25 enough things to do to get things started to move. That

1 about 6:00 -- I didn't know the exact magnitude, other
2 than the Exxon Valdez had grounded and was losing oil.

3 Q Well, how long after the spill did you know that
4 this was a spill of national magnitude? Never mind
5 particular numbers of barrels.

6 A Probably, in terms of absolutely being confirmed
7 on it, I would say probably about noon of the same day.
8 And I think the first indication certainly was that, you
9 know, I got in, turned on the news at 5:00. CNN already
10 had something on the Exxon Valdez. So within three or
11 four hours the news media --

12 Q Wasn't the Coast Guard system for controlling the
13 navigation of the tanker in place at that time? And
14 wasn't there in fact regular communication between the
15 vessel and the Coast Guard station at Valdez from the time
16 of the spill on?

17 A Yes, there was communication between the --
18 between the tanker and the VTS.

19 Q And yet notwithstanding that, and notwithstanding
20 the fact that anybody on that ship could look over the
21 side and watch that stuff bubbling up and know what was
22 going on, it was still five hours before the Coast Guard
23 knew what was -- the magnitude of this spill?

24 A In terms of getting people on, getting the
25 reports back and finding out how much had actually left

1 from the tank, from the tanks in the Exxon Valdez, that's
2 the time frame, yes.

3 CDR. THOMPSON: Sir, I'm more recent to Valdez
4 than the incident. But in terms of an incident like this,
5 if you're in the middle of the night and it's dark, you
6 can't see, you can't see the extent of the oil slick. The
7 other issue is, in sounding tanks, unless you can find the
8 oil and water interface, the water fills the tanks as much
9 as the oil goes out, and there's not much of a change in
10 the measurement of level in the tank.

11 BY MR. HAVELOCK:

12 Q So you're saying that the crew and officers of
13 the Exxon Valdez did not know that they had a major
14 magnitude spill?

15 A Oh, I'm sure they knew it. The chief mate had
16 indicated in some discussions later on that he watched the
17 ullage gauges on the tanks that were affected, and they
18 were just -- they moved down significantly faster than
19 what he would expect. I mean, we knew we had a lot of
20 oil.

21 CDR. THOMPSON: And he knew how hard he hit. He
22 knew how fast it was going when he hit.

23 BY MR. HAVELOCK:

24 Q So there was in fact, then, there was knowledge
25 that this was a major magnitude spill very quickly, within

1 a matter of a few minutes after it occurred, but for one
2 reason or another that information did not get to the
3 National Response Team vice chair for at least five hours;
4 is that right?

5 A That's essentially true, yes. The exact amounts,
6 you know, the amounts that we were talking about.

7 Q Well, again, I'm less concerned, you know, as a
8 citizen, I think the panel is less concerned with the
9 precise measurements of amounts than they are with
10 understanding, you know, all hell has broken loose here
11 and that that information should take five hours to
12 communicate is -- don't you think that is a little
13 extraordinary, notwithstanding everybody's interest in
14 getting exact measurement eventually?

15 A Yeah. Well, I think in terms of what does a
16 National Response Team do, is not being an operational
17 entity, I don't think it's an extraordinarily long time.
18 The fact that the Exxon Valdez had run aground I think was
19 made evident to the commandant within a matter of, you
20 know, an hour or so after it had occurred, and then
21 notification. The exact magnitude of the spill was, you
22 know, was probably not known within four or five hours.

23 Q But the general magnitude was known almost, you
24 know, shortly after that first report?

25 A Very soon, yeah, that they were losing oil and a

1 lot of it.

2 Q At any rate, after five hours you did talk to the
3 vice chairman and made clear the magnitude of the spill;
4 is that right?

5 A Yes.

6 Q Or generally speaking?

7 A Much larger than 100,000 gallons.

8 Q And that your understanding from that
9 conversation, that the vice chairman understood that this
10 is, as you described it yesterday, you know, the ten-year
11 spill, or something like it?

12 A Ten or 12-year spill.

13 Q I suppose with the gift of hindsight one could
14 say when you were preparing the laundry list of things
15 that you might need, couldn't you have just said,
16 everything that you can find? Which is to say, as you now
17 know it, the resources that were available in terms of
18 equipment, in terms of trained manpower. It wasn't what
19 you needed. It was, you know, like a nine-alarm fire, or
20 whatever. It's whatever we have got should come in. Is
21 that a fair description?

22 A In hindsight, yes.

23 Q But at the time you were working on preparing a
24 specific list, as I understand it, you didn't really have
25 any knowledge of what was out there, in terms of equipment

1 at that time, when you were talking about the laundry
2 list?

3 A In the particular list we had, certainly,
4 Alyeska's inventory. Now, the timing that we're talking
5 about here, in working on the federalization issue, was
6 probably Monday the 28th, Tuesday the 29th, in that time
7 frame. In the initial spill response that was provided by
8 Alyeska, they had a Marco 5 skimmer, a Marco 7 skimmer,
9 and a Vikoma seapack skimmer with some boom, their work
10 barge, and a certain amount of storage. And when the
11 spill -- as resources started cranking up there were
12 some -- a skimmer, there was a skimmer coming up from
13 Kenai, which was an offshore devices skimming/barrier type
14 system; some equipment coming up from Clean Bay Co-op in
15 San Francisco.

16 So on the order of seven to eight skimming
17 systems had been ordered and were on their way by probably
18 Friday, early Friday morning, but the stuff from San
19 Francisco certainly had to get into Valdez. So the
20 immediate response in terms of what was in, in the water,
21 at the ship at the time, was what Alyeska had in mind --
22 had in hand.

23 And the shopping list that I was talking about in
24 terms of federalization, was Exxon had already ordered by
25 the 28th to 29th, had already started to either order --

1 they had a world catalog of oil spill cleanup equipment,
2 and essentially were making the telephone calls to start
3 mobilizing this equipment and getting it from the
4 locations.

5 What we were looking at primarily was building up
6 an organization, at least initially, of up to about 5,000
7 people, what we would need to put together a major marine,
8 offshore marine operation in terms of berthing barges,
9 support ships, communications, that type of thing.

10 Q So you had, in some senses you had two objectives
11 in mind. One was responding to this issue of
12 federalization, and what could you do if you federalized?

13 A Yes.

14 Q And then there was this other issue of what could
15 you do if you didn't federalize, in terms of supporting
16 the Exxon effort?

17 A Yes.

18 Q Is that right? Did you reach any conclusion with
19 respect to federalization, about the adequacy of the
20 resources that you had available?

21 A In the early part, in the early minutes of the
22 response -- and I'm talking right now from statements that
23 have been made by Commander McCall, who is the on-scene
24 coordinator. His discussions with Alyeska were that, you
25 know, are you assuming responsibility? And, of course,

1 they said yes, we're assuming it as part of -- on behalf
2 of Exxon and Exxon will be coming in. And in his decision
3 process basically he looked in -- his thought pattern was,
4 can I do anything that's better than what Alyeska or Exxon
5 is doing right now. Can I get anything in here either
6 faster or can I move money. And basically he came to the
7 conclusion that no, he couldn't.

8 Q So the decision to federalize, then, is really
9 based upon a measure of the comparative capabilities of
10 the entities involved and not on any abstract notion of
11 whether the spiller is, quote, doing a satisfactory job,
12 end quote?

13 A It's taking a look at the objective of what you
14 have for cleaning up a spill and saying can -- how can we
15 best accomplish this, can -- you know, is the spiller
16 doing an adequate job, can I do it any better, can I do
17 some things that would support what he's doing that's in
18 addition to that. And I think the final answer that we
19 came up with and, you know, it started certainly slow, but
20 it built, was that what the Coast Guard and DOE could do
21 was provide a tremendous logistics capability. With the
22 Coast Guard cutter Rush we could provide air traffic
23 control in Prince William Sound, simply because the number
24 of flights in Valdez had increased from an average of
25 about seven or eight to nearly a thousand. And the Navy

3

DENNIS ROME

1 could provide berthing barges or berthing ships, and that
2 would support, you know, essentially a private response.

3 Q Did it come as a surprise to you, as you read the
4 papers since the spill, that Exxon has come under
5 considerable public criticism nationally? Is that a
6 surprise to you?

7 A The surprise to me has been the length of it, and
8 I think, you know, in the sense that there's certainly a
9 lot of frustration. The location was wrong, you know,
10 Prince William Sound was the wrong location to have a
11 spill of that magnitude. And I think certainly there's a
12 growing sense that everybody gets out of contingency
13 plans, that if you have a contingency plan for a 250,000
14 barrel spill, that you sit there and you say if the spill
15 can get in the water in four and a half hours, why can't
16 you get it out in four and a half hours. And there's, you
17 know, when oil hits the water it spreads, and it costs a
18 lot of money to clean it up and it keeps moving. It's a
19 very difficult process to do that.

20 Q Did it cross your mind when you were discussing
21 federalization with the vice chairman, or did it come up
22 in the discussion that if the program was federalized,
23 then the criticism that you could see coming to Exxon
24 would start coming instead to the Coast Guard and the
25 federal agencies involved?

1 A Not consciously. And the -- one of the swaying
2 factors was, by the time I got on-scene with Admiral
3 Nelson on Saturday evening, you know, we had a contracting
4 officer from our Alameda office. The maintenance and
5 logistics command in Alameda came in and we discussed
6 federalization. And essentially he said he would need
7 about 15 contracting officers, 11 contract specialists
8 that would handle accounting, and that type of thing, and
9 nine contract lawyers.

10 And with that sense, you know, you certainly get
11 the picture that we could not move money to get commercial
12 contracts in a very quick period of time. I mean, we
13 couldn't roll the money over. What we could do was
14 provide national assets in terms of transportation for the
15 response. That's what we could do very quickly.

16 Q So it was your judgment at that time that Exxon
17 had had basically no contingency plan, or just a very
18 minimal one, and had no established resource base with
19 respect to spills, was nonetheless in a better job to
20 clean, to direct and take over and do the cleanup that was
21 required of this than the federal government?

22 A No, I'm not contending that at all. Exxon --

23 Q Why isn't that true?

24 A Exxon has maintained all along, and they had a
25 contingency plan in place. They had a contingency plan

1 structure for the management of the spill. They had even
2 set up a mechanism to relieve Alyeska of responsibility
3 for the spill. In terms of the exact numbers of things
4 that Exxon had written in their plan -- and I'm going to
5 say I haven't read their plan, but I hadn't read their
6 plan before that. It was, as best I know, it was in
7 Houston, Texas. But I think the question is probably more
8 appropriately answered by Exxon.

9 Q Well, you don't like the premise of my question
10 about Exxon's capability, but nonetheless you would agree
11 that their capability was greater, in any case, than the
12 capability the federal government had at that time, as you
13 could see it?

14 A At that time Exxon's capability to hire
15 commercial resources worldwide, to bring them in to bear
16 on the cleanup of the oil, was certainly much better than
17 the federal government.

18 Q I think I understood you to say that at that time
19 you had not read Exxon's contingency plan; is that right?
20 It was in Houston or somewhere?

21 A That's right.

22 Q Did you know one existed at that time?

23 A Prior to the spill, no, I didn't know that Exxon
24 had a -- had a plan.

25 Q Did you know it the following day when you were

1 discussing federalization?

2 A Yes. Mr. Iarossi, the president of Exxon
3 Shipping, had indicated, you know, that he had put
4 together his own response plan for Exxon Shipping. So I
5 knew a plan existed.

6 Q He told you that on the phone or in person?

7 A No, just in some conversations that we'd had when
8 we got in Friday night or Saturday night. Admiral Nelson
9 had met with Mr. Iarossi over in their command post, and
10 during those conversations he had indicated that he had a
11 command post, and showed the admiral the response
12 structure that he had set up in the West Mark.

13 Q Showed him a response structure he had set up?
14 You mean that there was a document or --

15 A Yeah, there was an actual document.

16 Q And that persuaded you and the admiral, or the
17 admiral that Exxon had an adequate, had indeed a good
18 enough, or better than the federal government could
19 provide, a response plan capability?

20 A Yes.

21 Q Were you aware that Alyeska had a contingency
22 plan?

23 A Yes.

24 Q Have you in fact reviewed that plan?

25 A Yes, I have read it.

1 Q Did you look at the papers that Mr. Iarossi gave
2 you, or that was sharing with you and the admiral?

3 A In terms of the structure that he had?

4 Q Right.

5 A What he had, yeah. It was a basic management
6 scheme, you know, where he had who was in charge, which
7 was basically him, who were his response, operations,
8 transportation, logistics, communications. It was a
9 standard spill response management organization chart.

10 Q And it was clear to you that that was a better
11 plan than the Alyeska plan; is that right?

12 A Well, it was the plan that was going to go into
13 effect, because Exxon was going to relieve Alyeska of
14 responsibility.

15 Q Yet up until that time, as a result of your
16 personal involvement in approving the plan, you had
17 assumed that the Alyeska plan would be the plan that would
18 be executed in the event of a major spill in Prince
19 William Sound; had you not?

20 A One thing I should make clear is, we didn't
21 approve the Alyeska contingency plan.

22 Q Pardon me.

23 A That's the State of Alaska's responsibility to
24 approve that spill response plan. In Alyeska's plan and
25 in its, you know, in the approval, you know, if asked we

DENNIS ROME

1 will review the plan and provide our comments to both the
2 State of Alaska and to Alyeska on what we would think, you
3 know, on any comment that we would have on the plan,
4 either in the inventory structure or management.

5 Q Had you done that with that plan?

6 A The plan, I think the latest revision of the plan
7 I hadn't personally, and I'm not sure we were even asked
8 to review it.

9 Q And in retrospect with perfect hindsight, would
10 you agree that not only should you review those plans, but
11 that you should also have an approval and disapproval
12 authority of that, of a plan for covering a major spill in
13 Prince William Sound where you're going to be exercising
14 the type of authority that you were?

15 A That's a difficult question to answer in the
16 sense of -- from a practical sense in reviewing the plans
17 and going through and actually approving those plans, that
18 puts, in my personal opinion, an additional burden on the
19 MSO and also the district staff that would be taken out of
20 hide, and essentially the follow-up and the whole
21 mechanism in there, without additional bodies and money
22 and resources, you know. Right now we simply don't have
23 the structure to approve and follow up and do all the
24 things.

25 My personal opinion is in the review of it, and

1 offering comments to the State of Alaska, is a functional
2 system. We can say from our viewpoint this is how we
3 think the plan can be approved or improved, and then we
4 would participate as active participants in any exercises
5 that went on after that.

6 Q Well, not only as active participants, but you're
7 presumptively the designated OSC, aren't you?

8 A Yes.

9 Q So it's actually a plan that in many respects
10 you're going to have to oversee the carrying out?

11 A Yes.

12 Q Well, maybe you could explain to the Commission a
13 little more on why the Alyeska plan, which was a plan that
14 had gone through at least state government approvals and
15 was the site specific plan, the only site specific plan I
16 think, maybe you can tell me otherwise, why is it that
17 that plan was so summarily dumped and another plan
18 substituted with at least the acquiescence of the Coast
19 Guard?

20 A The plan itself, you know, summarily dumped,
21 if -- I think as you review contingency plans and look at
22 them, they're -- the common things that need to be done in
23 all the contingency plans are first of all, you have
24 somebody that's directing the effort, and you have some
25 clerical and admin support, you have an operations

1 director, transportation, logistics, communications, media
2 relations, and also a historian of some type. Those basic
3 things go through all contingency plans, because it
4 basically sets out that you have got to go out and you
5 have got to clean up the spill.

6 So in terms of the structure of Alyeska's plan to
7 Exxon's plan, I don't think the basic meat or the basic
8 elements are probably in both. It's just a matter of an
9 individual manager's selection of how they're going to
10 apply it. So Alyeska's plan as it was, you know, they
11 went out, they committed the resources that they had to
12 clean up the oil spill. Essentially their relationship
13 with Exxon was that when Exxon came in, set up their
14 organization, they would be relieved of responsibility.
15 And yet, you know, their equipment remained on the spill.
16 So part of their plan was absorbed. Part of it went into
17 what Exxon did after that.

18 Q So it was your understanding of the Alyeska plan
19 that it was only effective if a tanker spilled that was
20 not owned by an owner company; is that right?

21 A I don't understand what you're saying.

22 Q As I understand what you're saying, your
23 testimony, that the plan itself provided for Exxon to take
24 over for this spill; is that right?

25 A Yeah, I think there is some written agreements

1 between Alyeska and the shippers that go in. I am only
2 assuming that Exxon Shipping and Alyeska had that
3 agreement in place.

4 Q So that understanding is presumably incorporated
5 in the Alyeska spill plan, so people that are involved
6 there know what to do and when they're supposed to hand
7 off responsibility?

8 A Yeah. I would assume so, yes.

9 Q And I suppose if it's true for Exxon, I assume
10 it's true for any of the owners or any owner having a
11 tanker, some tanker fleet.

12 A Yeah, I think the question, who would they have
13 exact agreements with, would probably be better handled by
14 Alyeska because I don't know that they have agreements
15 with all the tanker owners or all the shipping companies.
16 I don't know that for a fact.

17 Q So you weren't aware of any agreements, so that
18 from your position the fact that Alyeska agreed to hand it
19 over was the trigger, as far as you were concerned, for
20 who was responsible for the spill; is that right?

21 A In the Coast Guard terms of who is ultimately
22 responsible for the spill, we look at owner-operator,
23 person in charge. So from my perspective and from the
24 Coast Guard's perspective, Exxon was always responsible
25 from the moment that the vessel ran aground. We process

1 our civil penalty cases in that sense, because we look at
2 who created the spill. Alyeska did not create the spill,
3 Exxon did. So they were responsible from the grounding.

4 Q And accountable for the cleanup?

5 A Yes, sir.

6 Q So your understanding prior to the spill that
7 Alyeska had that responsibility results from what
8 knowledge or information was given to you?

9 A Through the past, oh, number of years, Alyeska
10 has had spill response drills in MSO Valdez and through
11 various scenarios and I think -- I believe, though, the
12 one that was held in August or September of about '88, one
13 of the issues that were -- that had arisen was that, you
14 know, one of the member companies that came in, if they
15 didn't have an agreement with Alyeska, how would the
16 response be handled by Alyeska, and at what point in time
17 would the hand-off be given to the member company and, you
18 know, some of the financial arrangements and that type of
19 thing.

20 So I knew, at that point in time I knew that
21 Alyeska was going to serve as an agent, or actually as a
22 contractor for the spiller, to go ahead and start the
23 cleanup, get something started.

24 Q There was a designated on-scene coordinator, was
25 there not, for the prepill under the plan?

1 A Yes.

2 Q And that would be under the regional response
3 plan?

4 A Under the regional contingency plan.

5 Q Contingency plan. And who was that?

6 A It was Commander Steve McCall, who was the
7 predesignated federal on-scene coordinator.

8 Q How long did Commander McCall last as on-scene
9 coordinator?

10 A He, practically speaking he probably lasted as
11 federal on-scene coordinator until Admiral Nelson got
12 there, as a practical matter.

13 Q Now, just give me the time interval on that from
14 the spill.

6

15 A Admiral Nelson arrived in Valdez at 8:00 p.m. on
16 Saturday.

17 Q Did he stay on, then, in an advisory capacity to
18 Admiral Nelson or --

19 A Yes, he was intimately involved in the spill
20 response.

21 Q How long did Admiral Nelson last?

22 A Admiral Nelson, to the best of my knowledge, he
23 was relieved by Admiral Robbins somewhere around the 11th
24 or 12th of April, in that time frame.

25 Q Do these provisions for -- do these changes, are

1 they provided for in the regional contingency plan?

2 A No.

3 Q Do you attribute those changes to any lack of
4 knowledge or diligence on the part of the first two
5 persons that were replaced?

6 A No. I think, and my personal opinion on this, is
7 that, you know, when Admiral Nelson came up certainly as a
8 district commander, and as such he is the operational
9 commander of MSO Valdez. And although Admiral Nelson
10 probably couldn't assume captain-of-the-port authorities,
11 I think simply because he's your boss, you know, he can
12 assume federal on-scene coordinator authority and get
13 that. And the case just grew to a national level to where
14 you had to have, each organization had to physically have
15 a nationally recognized figure which would be, you know,
16 an admiral or, you know, the president of a corporation,
17 or the president of the United States. That's just a fact
18 of life.

19 Q So if you were making recommendations with regard
20 to the structure of planning, would you recommend that
21 that be articulated? That is, that for a large spill or
22 national spill that you have more visible or more people
23 up the hierarchy substituted for the on-scene coordinator?

24 A The National Response Team currently is, and the
25 Coast Guard is taking a look at this management structure

1 of a spill of national significance, and there is going to
2 be a study. And I'm not sure exactly who is going to do
3 it, but it's an important question that comes out of this,
4 is that right now we're set in a system to where the local
5 people, local Coast Guard commanders, are the
6 predesignated federal on-scene coordinator. So yes, the
7 answer to your question is, you know, we have to, sure.

8 Q With respect to your relation with the National
9 Response Team, once the decision was made not to
10 federalize, does that change the inventory of resources
11 that you were going to -- that you asked for to support
12 the effort?

13 A Actually, the numbers of resources that were
14 committed to the spill were higher than what I had
15 initially estimated, the ones that were actually
16 committed. I had planned for an organization of somewhere
17 between 3,000 to 4,000 people, and the organization grew
18 to on the order of ten to 11,000. So, you know, it grew
19 actually three times larger, and that increased in terms
20 of the numbers of ships, numbers of support vessels, and
21 the numbers of personnel.

22 Q Well, I guess I'm asking in terms of the resource
23 commitment that you talked with the NRT about. Did your
24 discussions change or did your recommendations change as a
25 result of the decision not to federalize?

1 A Could you rephrase that?

2 Q Yes. Did you do any less --

3 A No.

4 Q -- than you otherwise would have done?

5 A No, I didn't.

6 Q All right.

7 A Actually, we ended up doing more.

8 Q And in terms of your policy discussion that
9 followed the decision not to federalize, was there any
10 limitation on the resources that you were requesting other
11 than that those resources existed?

12 A No, there was no limitation.

13 Q So both you and the vice chairman and the NRT
14 were committed at some point to making a 100 percent
15 effort as to whatever could be done?

16 A Yes. And I think one thing that's important is
17 that, you know, the recommendations and the discussions
18 that myself and the vice chairman made -- the vice
19 chairman made recommendations to the commandant, who made
20 recommendations to Secretary Skinner, and then to the
21 president, and that I made recommendations to the federal
22 on-scene coordinator. And basically a lot of the
23 discussions in terms of what was going to be committed on
24 a national level was directly between the federal on-scene
25 coordinator, and at times the president.

1 Q Do you know when, in terms of the spill, that
2 that decision was made to commit 100 percent of whatever
3 could be made available?

7

4 A In terms of -- the issue of federalization rose
5 on a number of occasions, you know, certainly initially,
6 and as the spill progressed the issue would be revisited.
7 In fact, to the best of my knowledge, around the 6th to
8 7th of April, in that time frame, there was a study that
9 was going on that would be -- that would involve complete
10 federalization again.

11 And so the issue itself, you know, it was kind of
12 a continuous thing. It was continuously evaluating the
13 progress of the spill, continuously evaluating what we
14 could do to either support it or completely take it over,
15 and those types of decisions and the planning for those
16 decisions was being made primarily in Washington, D.C.

17 Q Then the issue, the pressure to reconsider the
18 issue of federalization was basically coming not because
19 of your dissatisfaction with what was going on here, but
20 because of the pressure on Washington to do something or
21 do more or whatever?

22 A In my personal opinion, yes.

23 MR. HAVELOCK: Mr. Chairman, I'm very conscious
24 that I'm using up a lot of time here. What is your
25 instructions to me with respect to how much more time I

DENNIS ROME

1 should talk with Commander Rome? He's obviously a very
2 interesting gentleman, and I hope we will be able to talk
3 to him at length later. There is no problem with that, is
4 there, Commander, to us talking about this thing?

5 CDR. ROME: I will be here.

6 MR. PARKER: Well, counsel, I think if you can
7 continue this line of questioning when we bring Commander
8 Rome and Commander Thompson as part of the panel, it will
9 get us a little more back on schedule. But if that would
10 interrupt what you're pursuing now, why, go ahead with it
11 and we'll make some adjustments.

12 BY MR. HAVELOCK:

13 Q Are you today satisfied that the decision to not
14 federalize is a correct one?

15 A Yes, I am.

16 Q As I remember, the weather at the time and the
17 season of the year were actually favorable compared to
18 what can be going on in Prince William Sound, is that
19 right, even though Prince William Sound is perhaps a
20 remote location?

21 A The weather was very nice.

22 Q If this spill had been any larger, the ability to
23 contain could not have grown, could it? That is, this
24 would have been a bigger calamity because the maximum
25 effort was being made; is that right?

1 A That's a true statement.

2 Q And if it had happened in winter or under
3 conditions of extreme weather, that same would be true;
4 would it not? That is, you could have made less, there
5 would have been less of an effort mounted, it would have
6 been a greater disaster. Is that true?

7 A Well, that's not an easy question to answer in
8 the sense that with the weather conditions that we had and
9 the fact that they lasted for, you know, during the first
10 day, the second day, and then in the latter half of the
11 second day the winds picked up and we only had one day of
12 extremely bad weather, it gave an opportunity for,
13 certainly the first 24 to 40 hours, to have systems in the
14 water collecting oil and doing that. Once the winds
15 picked up and the currents have their effect, the leading
16 edge of the -- or any of the oil just moves extremely
17 fast, it spreads out. So whatever, you're always playing
18 catch up.

19 •
19 Now, if you take your scenario and say it would
20 have been in terrible weather, you know, I could say that
21 given the right wind conditions it could have -- and the
22 strong enough wind conditions, it could have taken the
23 whole spill and slammed it into the eastern side of Knight
24 Island, into the coast, the entire spill as an envelope,
25 stranded it, and then we would have had, say, a

1 significantly less problem, or at least less in terms of
2 sheer surface area.

3 Q But in terms of the response capability, if this
4 had occurred after September 15th, which we now know is a
5 very dangerous time in Prince William Sound, then there
6 would not have been the ability to respond with any kind
7 of thing like the magnitude of effort that you have
8 described; is that right?

9 A Yeah, I think there's certainly a point in time
10 where at least mechanical recovery in certain weather and
11 sea conditions, that it simply doesn't work.

12 Q Under the national contingency plan you also, as
13 I understand, from the NRT you get technical advice; is
14 that right?

15 A We primarily get technical advice from the
16 special forces, at least the on-scene -- that's the EPA's
17 environmental response team, the scientific support
18 coordinator. The NRT, as a normal course of events,
19 doesn't provide a lot of, you know, technical advice
20 because we get that from -- we try to, in terms of
21 technical advice on resources at risk and local knowledge,
22 you try to stay on the local basis and get it there.

23 Q How about scientific advice, where do you get
24 that from?

25 A Scientific advice primarily from the NOAA

8

1 scientific support coordinator and the environmental
2 response team. However, in those -- in some circumstances
3 and I think -- I'm not sure who contacted them, but the
4 National Academy of Sciences has been doing some
5 peripheral studies on this response, too. So I think
6 through the National Response Team mechanism it could be
7 asking them to do some very specific things.

8 Q Well, I admit your answer surprises me a little
9 bit in that I thought it was the EPA as the co-chair, that
10 EPA would be the source of scientific advice for you on
11 spills.

12 A Through the evolution of the national plan, EPA
13 and -- you know, actually the breakdown in
14 responsibilities with EPA having the inland zone and the
15 Coast Guard having the coastal areas, NOAA has been the
16 primary source of scientific support, that NOAA group out
17 of Seattle, for probably the last 12 to 13 years.

18 Q Does that come through the Regional Response Team
19 when you're in the business of making decisions which
20 require scientific basis?

21 A Partially, but it's primarily the SSCs go
22 directly to work for the federal on-scene coordinator.
23 The Regional Response Team taps their regional people who
24 would be, like I say, superintendents of parks, managers
25 of national wildlife refuges, that type of thing. And we

1 would tap those people to say what we need to know is the
2 resources at risk, what your general -- what your concerns
3 are on a scientific basis and what you have, and report
4 that directly to the scientific support coordinator,
5 because that provides the conduit to the federal on-scene
6 coordinator for information.

7 MR. WALLIS: Mr. Chairman, do we plan to take the
8 next witness or what is our plan?

9 MR. PARKER: We're going to take a very short
10 lunch and start right in, and we're going to take the next
11 witness if at all possible, yes.

12 MR. HAVELOCK: I detected instruction,
13 Commissioner, and I will see if I can wrap this up here in
14 a minute.

15 BY MR. HAVELOCK:

16 Q There were several scientifically based decisions
17 that were obviously going to have to be made in the event
18 of a spill, were there not, with respect to the use of
19 dispersants, the use of bioremedial, and the use of fire,
20 to take the three that come to mind, of methods of
21 managing the spill; is that right?

22 A Yes.

23 Q Were you or were people in the local chain of
24 command conversant with any scientific studies that have
25 been done with respect to the use of each of these

1 methods, their efficacy and the risks that they pose?

2 A To simply answer your question, it's yes. And to
3 take it specifically into Prince William Sound, and I will
4 talk first about the dispersants and through the Regional
5 Response Team --

6 Q Well, I guess I don't want you to. Normally I
7 would like you to, but I want to close up. In general you
8 were knowledgeable, and there is a body of scientific
9 literature of studies that examines the use of each of
10 those three methods; is that right?

11 A More so on the dispersants than on the in-situ
12 burning. There's a lot of technical literature and
13 information on the use of dispersants. The in-situ
14 burning doesn't have quite the volume yet.

15 Q I think I will close up with the same kind of
16 question. I will ask a simple question that you may want
17 to take a long answer on, which is: what have you
18 learned? And I want you to focus on the first couple of
19 days. What have you learned from this experience and with
20 the advantage of hindsight that we all wish we would have,
21 what would you have done differently?

22 A In terms of this thought of a spill of national
23 significance, and certainly the interest that was
24 generated both nationally and worldwide in what was
25 happening in Prince William Sound, I think the sense of

9 1 getting to know this response organization to where we can
2 2 get an individual in there. And probably within the Coast
3 3 Guard it would be, you know, a flag rank type of
4 4 individual, that that individual would be activated, you
5 5 know, the recognition in the insertion of this massive
6 6 spill organization needs to be put in certainly quicker,
7 7 or certainly quickly.

8 In terms of, you know, you really got to look at
9 9 the location, too. To do a response in Prince William
10 10 Sound is difficult, primarily because the major center of
11 11 transportation logistics is Anchorage and no matter what
12 12 you do, you still, you know, it's difficult to get
13 13 everything to Valdez. So if you don't have equipment
14 14 there in the first place, or at least make your best
15 15 estimate for what you may need for a large spill, that's
16 16 what you've got. And if that -- if things go well and,
17 17 you know, you check your contingency plan, test your
18 18 contingency plan and it works, then you're going to have
19 19 some measure of success.

20 But historically, you know, the best way to keep
21 21 the oil from becoming a problem is to keep it in the ship,
22 22 because historically we've -- in oil spills, mechanically
23 23 we clean up very little of the oil, and through history we
24 24 have never been particularly good at it. So I guess
25 25 prevention is one of the things that we certainly would

1 look at as the strongest avenue to avoid having a
2 catastrophe.

3 But I say, I guess in short because I know you're
4 on a time frame, is this: you know, whatever buttons you
5 have to push to get it going, that's what you do; and have
6 the structure in place for a, you know, a very large spill
7 of national significance.

8 MR. PARKER: Okay. Thank you, Commander Rome,
9 Commander Thompson. I know all the commissioners have
10 lots of questions, which I will ask you to hold until
11 panel time, as I will hold mine. I think we probably will
12 be asking substantial questions about dispersants during
13 that period and the different participants' view of the
14 world of dispersants, at least I will. So, thanks again.

15 CDR. ROME: Thank you.

16 MR. PARKER: We will see you back at 3:30.

17 EPA, Doug Johnson. Thank you for coming, Mr.
18 Johnson. I have written several letters to your bosses,
19 and you're the first EPA employee who has appeared before
20 us, to my knowledge. Would you state your name and
21 position, please.

22 MR. JOHNSON: Yeah. My name is Douglas W.
23 Johnson, I'm currently the acting section chief for the
24 air and hazardous waste section. I am assigned out of the
25 EPA operations office that is in Alaska. I'm assigned to

1 the Anchorage office for -- I think just to get names of
2 players, so you understand who is who, let me give you
3 some names of people that have been involved with this. I
4 currently work for Al Ewing, he is the assistant regional
5 administrator for Alaska. Another name you will probably
6 have heard, or read a fair amount about, is Carl
7 Lautenberger. He is our -- the assigned on-scene
8 coordinator under the Super Fund Program. During the very
9 beginning of the incident Gregg Kellogg was the acting
10 assistant regional administrator while Al Ewing was in
11 Washington, D.C. on assignment.

12 My role throughout this has been a supporting
13 role to Carl. Carl is the, in essence, I think fair to
14 say, the working co-chair of the RRT. He would be
15 comparable probably to Commander Rome for EPA. Al Ewing
16 is the co-chair, he is the designated co-chair with -- at
17 the time it was Captain Hayes.

18 I do not have a prepared statement, as we have
19 said in a number of our letters, and this is why I'm here.
20 We don't have the people that you are requesting. Both Al
21 and Carl are out of the state. They will be in as of next
22 week. I will attempt to do as good a job as I can, having
23 been involved from 6:30 of the morning of the 23rd. I
24 will go through the questions, if you would like me to.
25 We have put one response together. I can give more

1 answers to that, if you would like.

2 MR. HAVELOCK: I would like you to do, if I may
3 speak for the chair for a minute, what you can do in five
4 minutes.

5 MR. JOHNSON: Let me respond to the questions as
6 I have written them out. Your question number one, the
7 contingency plans. In this role, EPA will follow the
8 requirements of the NCP and the local regional contingency
9 plan. Where this was a Coast Guard lead EPA, as the
10 co-chair, kind of assumes a supporting role to the Coast
11 Guard. EPA with the Coast Guard are the two federal
12 agencies with the enforcement authorities under the
13 environmental areas; but in essence, EPA will be a
14 supporting role to the Coast Guard FOSC. So in essence,
15 we'll follow what the national contingency plan says as
16 directed by the FOSC. If the FOSC requests additional
17 information or expertise to EPA, we'll get it and get it
18 up there. In essence that's what did happen.

19 Question number two, the material and equipment.
20 EPA does not have equipment currently in state. What we
21 would do on a normal EPA lead, we would go through, if
22 federalized, our own similar contracting organization,
23 similar to what the Coast Guard has. Our office works for
24 the regional office in Seattle, so we would heavily depend
25 upon both manpower and equipment coming up from the

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1 Seattle office, or what is available in state we can get
2 our hands on. Again, question two and three, I don't know
3 if this is specifically EPA's equipment or what. I'm
4 not -- I was kind of confused as to where you were going
5 with those questions.

6 The only other thing I would say in regards to
7 the dispersant issue, under the national contingency plan
8 EPA and the state have kind of a concurring/nonconcurring
9 role that the national contingency plans lay out. So if
10 the FOSC was to recommend use of a dispersant, both the
11 state RRT rep and the EPA RRT rep have to concur or
12 nonconcur on the issue.

13 Question number four, your issue on the burning.
14 Again, we would be and were consulted as a member of the
15 RRT on the burning. Our feelings were given to the OSC
16 and were acted upon accordingly.

17 The last question here, number five, the research
18 the EPA has conducted. I have to reference the package.
19 I will go through it if you would like me to. It was part
20 of the submittal.

21 MR. PARKER: Yes, I found it most instructive.
22 You don't have to go through it at this time.

23 MR. JOHNSON: Okay. This information was taken
24 out of, I believe, testimony given to a congressional
25 committee. So I'm just going to reiterate what was given

1 to a congressional committee. The EPA budget for the last
2 four years is following for the oil spill research test
3 facility: 1985 it was \$350,000, '86 it was \$300,000, for
4 the last three years it has been zero. The facility was
5 closed during fiscal year 1988. I am not at liberty to
6 know why that was. It was not part of any of the role I
7 participated in.

8 MR. PARKER: I think you can count on us coming
9 back to that in some of our later fall sessions.

10 MR. JOHNSON: Okay. I would request, then, that
11 if you do have specific questions like that, get to us as
12 early as possible so we can get the appropriate person.
13 As I say, I kind of feel like I'm batting clean up here
14 and I've got two strikes on me.

15 MR. PARKER: Sacrificial lamb, whatever.

16 MR. JOHNSON: Possibly. I hope not. In addition
17 to that, EPA has spent on oil spill prevention, response,
18 and preparedness about 17.2 million over the past five
19 years. I can break it down if you like, but it's roughly
20 3.5, 3.2 million per year. Other than that, you know,
21 I'll take specific questions and I will attempt to answer
22 them as best as I can.

23 MR. PARKER: Okay. Thank you, Mr. Johnson.
24 Counsel, I think, you know, in view of the time, we will
25 be having EPA back and some of -- and we will be having

DOUGLAS JOHNSON

1 some of Mr. Johnson's bosses at various levels back, so
2 keep that in mind with your questions.

3 MR. HAVELOCK: Could I ask the chair just to
4 rudely interrupt me when you have had enough?

5 MR. PARKER: Okay.

6 MR. HAVELOCK: And other members of the
7 Commission can let the chair know when they have had
8 enough.

9 MR. WALLIS: You spoke for the chair a while ago,
10 five minutes.

11 EXAMINATION

12 BY MR. HAVELOCK:

13 Q Mr. Johnson, you have a jurisdiction that
14 interfaces with the Coast Guard with respect to this whole
15 oil transportation system, don't you?

16 A Yes.

17 Q And that interfaces at Valdez?

18 A I am not fully aware of what the line is. My
19 general understanding is, EPA's role on a response would
20 be -- I believe it's a thousand yards above the mouth of
21 any waterway, navigable waterway. Outside of that it's
22 the Coast Guard's responsibility, above that it would be
23 EPA's responsibility. So in the sense of Prince William
24 Sound that is, it's designated as a Coast Guard
25 responsibility, then we, therefore, would be supporting

11

1 them.

2 Q What happens if a tanker plows into the dock in
3 Valdez and comes apart, who's got the jurisdiction?

4 A My understanding -- and I can be or possibly am
5 wrong. But my understanding is, that is a Coast Guard
6 jurisdiction because it's navigable waters. But as I also
7 say, this is not my prime role, so it's my understanding.

8 Q If a pump station blows up and oil starts popping
9 out at the rate of 1.9 million barrels per day, whose
10 responsibility is that?

11 A Ultimately it would be EPA's responsibility. We
12 do have, it's my understanding, a memorandum of agreement
13 with the Bureau of Land Management for some of the
14 response, I guess, capabilities. But ultimately it's an
15 inland incident; therefore, it would be our
16 responsibility.

17 Q And the same is true of a tank farm accident?

18 A Tank farm accidents come under the SPCC regs.
19 That would be, in essence, the Ashland type spill. Yeah,
20 that would be our response.

21 Q Supposing a seismic event occurred at the bridge
22 across the Yukon for the line fractures, whose
23 responsibility is that?

24 A My understanding, it's ours. Again, there is an
25 MOU out, though. There's a shared relationship with the

1 pipeline.

2 Q And you have a contingency plan, then, that you
3 use, that is the one developed, originally at least,
4 through the right-of-way leasing authorization which is
5 your guide; is that right?

6 A If I understand the question correctly, the
7 contingency plan would be the Alyeska one. We would
8 follow the requirements of the NCP and the local Regional
9 Response Team. So it would be probably a marriage of the
10 two.

11 Q Well, but you're chairing that Regional Response
12 Team; are you not?

13 A If this hypothetical incident would occur, yes,
14 we would be chairing the -- we would be the OSC, yes.

15 Q I suppose most Alaskans are -- the same accident
16 don't necessarily occur in the same place. So I assume
17 you have anticipated that the next one might be smack in
18 the middle of your jurisdiction; is that right?

19 A It's been raised, yes.

20 Q And if that occurred, though, you would still be
21 following, for your guideline you would be following the
22 Alyeska contingency plan?

23 A I don't know if the word following would be
24 appropriate. We would be utilizing it and we would be
25 incorporating it. I would -- again, hypothetical, because

1 I want to make sure that this preferences this
2 hypothetical. My understanding would be, we would be
3 following the Alaska regional contingency plan, and
4 utilizing the Alyeska plan where necessary or however. If
5 you're trying to back me into a corner on it --

6 Q I'm not trying to. I want you to, you know,
7 don't feel that I'm putting you in a corner at all. I
8 just was trying to get -- and don't feel you have to
9 answer any question I direct you yes or no. The
10 Commission just wants to know about your knowledge.

11 A Again, this is throwing hindsight into this
12 incident and applying what I have learned very quickly
13 over the last four and a half months. The Alyeska plan
14 would be utilized. Again, you would have to get into the
15 issue of federalization to determine ultimately when and
16 where and how, because I think that would be a question
17 that has to be answered.

18 Q Well, you were in the room, were you not, and
19 heard Commander Rome testify?

20 A Yes.

21 Q EPA is in no better position to federalize a
22 major calamity than the Coast Guard was, is it, in Alaska?

23 A I think that the thing that has to be remembered
24 is with the catastrophic incident that did occur, there
25 was probably no mechanism -- personal opinion -- no

12 1 mechanism available that could respond to that size of an
2 incident. I mean, a lot tried but --

3 Q Successfully.

4 A If you want to throw that in.

5 Q Well, I mean you're going to respond, are you
6 not, anyway?

7 A The response, yes. Yeah, if it was an EPA lead
8 we would do, in essence, the same mechanism that the Coast
9 Guard utilized. If it was federalized we would probably
10 be using the same contractors the Coast Guard has, because
11 there's only a finite number of contractors and response
12 groups in the country capable of the work.

13 Q But with respect to the decision to federalize,
14 there's no reason to suppose, is there, that you would
15 come to any different conclusion than Commander Rome and
16 his superiors did, that you're not capable of federalizing
17 it?

18 A Not capable, I'm not sure I would agree with.
19 Under the scenario that developed, I would agree with what
20 Commander Rome said. Could we have done any better or
21 more quicker?

22 Q Exactly. That's what I meant. I didn't mean you
23 couldn't.

24 A Again, I think you're looking at -- there is just
25 a finite number of resources available in the country.

1 And to just specifically address that issue, I don't know
2 if we could have done any better than was done. And I,
3 you know, I would agree with what Commander Rome said.

4 Q Well, if anything, I would suppose in the last
5 spill you're in a worse position to respond; are you not?
6 I mean, in terms of immediate resources that are available
7 to the Coast Guard.

8 A Hypothetical, hard to answer. I mean, again,
9 you're back to location.

10 Q I was hypothesizing of a break in the pipeline of
11 a national significant magnitude, with that kind of volume
12 of spill.

13 A I think that we would utilize anything we could
14 available in the state, like anybody else would, because
15 that's the first fallback position, is what's in state.

16 Q Well, do you have a contracting procedure that
17 allows you to move quicker and more effectively than a
18 private party? You heard Commander Rome on that?

19 A Yeah. Yes, sir. I am not sure whether or not
20 anybody within the federal government could have moved
21 quicker on utilizing the federal acquisition regs, because
22 we're all governed by the same rules. We do have response
23 capabilities, but in essence they would be similar to what
24 the Coast Guard has. We still have to follow the same
25 guidelines from --

1 Q Are you doing anything to overhaul your
2 capability to respond, or to look at your planning
3 structure or response structure in light of what happened
4 in Prince William Sound?

5 A I think the agency and the region are taking a
6 serious look into the mirror as to what might need to be
7 changed, yes.

8 Q Apart from looking in the mirror, do you have a
9 committee structure set up, or a study group or anybody
10 that's actually addressing this as part of their
11 responsibility?

12 A I believe there is. I'm not specifically aware
13 of it, but I believe there is one at the headquarters
14 level.

15 Q At the headquarters level?

16 A EPA.

17 Q D.C.?

18 A Uh-huh.

19 Q Addressing Alaska?

20 A I think it's addressing the whole, and I would
21 also include the other four incidents that occurred after
22 the Exxon incident.

23 Q But as far as implementing anything on the
24 ground, you don't know of any change that has taken place
25 with respect to EPA's capability to respond; is that

1 right?

2 A I'm not aware of any, no.

3 Q Do you have the same procedure that you heard
4 being described with the Coast Guard with respect to
5 identifying the party responsible and with allowing the
6 transfer of responsibility from, let's say from the
7 Alyeska, from the use of the Alyeska plan to the use,
8 which is government approved, if not federal government
9 approved, to some alternate plan that somebody might come
10 up with who was ready to assume responsibility?

11 A We would follow the same mechanism the Coast
12 Guard has. We're under the same rules they are.

13 Q So basically if, let's say if BP came in or ARCO,
14 in the case of a spill with major magnitude in your
15 jurisdiction, and said we're going to do something else,
16 we're not going to follow this plan because we think we
17 have a better plan, you would go along with that?

18 A If the site -- again, this is a hypothetical, so
19 you'll get a hypothetical answer. If the responsible
20 party came in, and I would think this is going to be more
21 difficult with a pipeline spill on land, my guess or
22 understanding would be that Alyeska would be the
23 responsible party; not one of the parent companies, but
24 Alyeska. So it would be Alyeska's responsibility until it
25 was federalized, if it was federalized. But I'm not sure

1 of the legal differences at that point.

2 Q Do you know of any protocols or agreements or
3 memoranda, or would you know of such agreements or
4 protocol or memoranda that provide for somebody to take
5 over in the event of a major disaster that involves the
6 Alyeska pipeline?

7 A I'm not aware of any. There possibly are, but I
8 am not aware of any.

9 Q Does your agency approve the Alyeska contingency
10 plan?

11 A We did not approve it.

12 Q Did you review it?

13 A It was a state -- that was a state role. We have
14 a copy of it, we have reviewed it. I don't think it was a
15 formal review. We do have a copy of it. Our -- my answer
16 would be very similar to what Commander Rome's was.

17 Q You had an informal review at the request of the
18 state?

19 A (Witness nods head.)

20 Q And no other federal agency, as far as you're
21 aware, actually does approve or review that plan, then, in
22 a responsible role other than an informal basis?

23 A Unless Bureau of Land Management -- the
24 pipeline's group does. And I'm not aware of it if they do
25 have a responsibility, but I do know there is a group.

DOUGLAS JOHNSON

1 Q Now, I'm going to turn to this spill now. With
2 respect to this spill, when did EPA first hear about the
3 spill; how many hours after the spill, or minutes?

4 A I can answer personally, me, 6:30. I heard it on
5 the news, and I was in the office by 7:00. Carl
6 Lautenberger, our on-scene coordinator, was in Skagway at
7 the time. What Gregg Kellogg and I immediately started
8 doing, because we were given notification that the RRT was
9 being mobilized, I attempted to locate Carl because he is
10 the office expert. We were in contact with the regional
11 office immediately, and to our understanding the
12 headquarters office --

13 Q That's Seattle?

14 A That's Seattle, yeah, our regional office in
15 Seattle. My understanding on later information was, EPA
16 headquarters was aware of the incident before we were in
17 Alaska, because of the news and the hour changes. What we
18 did was to, in the first probably four hours, was attempt
19 to assess as we got information in. Immediately known, it
20 was a Coast Guard lead, so then we go into a supporting
21 role between our office and the regional office. We
22 attempted to get logistical information to put down if in
23 case the Coast Guard needed it. So we went into a
24 supporting role.

25 Q Why don't you expand on what that supporting role

1 is a little bit. What do you mean by a supporting role?
2 You said logistics, but then I heard Commander Rome talk
3 about other agencies being primarily responsible for
4 logistics.

5 A I think we did -- I know that the regional office
6 looked into local Seattle area logistical capabilities.
7 Again, I think it was just checking or maybe
8 double-checking what the Coast Guard was independently
9 doing. The Emergency Response Team in Edison, New Jersey
10 was notified, in case we needed their expertise.

11 Q Did they ever show up?

12 A We had somebody out from ERT physically in
13 Anchorage, I believe, on Friday following. They were in
14 contact, or we were in contact with them very close on.
15 They were notified. The National Incident Command Center,
16 NICT, and EPA headquarters, which is, in essence, a
17 subgroup of the National Response Team, was activated, I
18 believe, probably before we knew about it here. I mean, I
19 think it's safe to say that the wheels started turning
20 real quickly.

21 Q In your supporting role, what did the agency do
22 or say or provide that had any influence on what the Coast
23 Guard did?

24 A We had -- and in this case irony stepped in. The
25 Coast Guard located Carl faster than I could, and had Carl

1 in Juneau very early on that morning. So we had our best
2 person in state with the Coast Guard, with Commander Rome,
3 I believe, by probably 9:00.

4 Q In Juneau or Valdez?

5 A Juneau.

6 Q And he caught up with Commander Rome when he went
7 to Valdez?

8 A I believe he did, but in this case -- at that
9 point in time things became a blur. For the first week
10 things are still kind of blurry. Gregg Kellogg was in
11 Valdez as early as 3:00 a.m. Saturday morning. Again,
12 this was in discussions with the regional administrator in
13 Seattle and the emergency response group in Seattle.

14 Q I know you're not Carl and this is difficult for
15 you to answer, but maybe if Carl hadn't been there, then
16 it would have been you, I suppose. What is the advice or
17 role that he played with respect to the OSC or with
18 respect to -- yes, the OSC.

19 A I'm not sure of all of what Carl's role was. I
20 think that the fortunate thing that EPA has up here with
21 Carl, is that Carl happened to be a former Coast Guard
22 officer and was assigned to MSO Anchorage prior to him
23 coming to us. I think what that allowed was, there was a
24 lot more -- I don't know. Confidence, maybe, is a choice
25 of wording -- in Carl's role with the Coast Guard and

DOUGLAS JOHNSON

1 EPA's subsequent role in assisting the Coast Guard,
2 because he came out of their shop before he came to ours.

3 Q What did he do to assist?

4 A I know he was involved with the dispersant
5 issues, I know he was -- he did go along on some of the
6 dispersant tests. What else he did at that point, I'm not
7 sure. I know he was in with the -- we'll call it
8 interdecision making group within the Coast Guard and in
9 the RRT, because he could -- he was wearing two hats.

10 MR. PARKER: Counsel, I think we will have Mr.
11 Lautenberger come in at our meeting on the 20th, 21st,
12 22nd, in that series, and probably you could pursue that
13 more fruitfully with him. We are running out of time if
14 we're even going to have a sandwich. Okay?

15 MR. HAVELOCK: The chair is doing what I asked
16 the chair to do.

17 MR. PARKER: Okay. Mr. Johnson, thank you very
18 much. We would like to have you back at 3:30, because I'm
19 sure there's something that you can contribute. We will
20 have several more questions as we form the panel dealing
21 with dispersants and other matters.

22 MR. JOHNSON: At 3:30?

23 MR. PARKER: Yes.

24 MR. JOHNSON: Okay.

25 MR. PARKER: Thank you very much.

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MR. JOHNSON: Thank you.

MR. PARKER: We are standing in recess.

(Lunch recess.)

1 REPORTER'S CERTIFICATE

2 STATE OF ALASKA) ss.

3
4 I, Nancy L. Means, a Notary Public of the State
5 of Alaska, do hereby certify:

6 That the foregoing proceedings were taken before
7 me at the time and place herein set forth; that the
8 testimony and proceedings were reported stenographically
9 by me and later transcribed into typewriting under my
10 direction; that the foregoing is a true record of the
11 testimony and proceedings taken at that time; and that I
12 am not a party to nor have I any interest in the outcome
13 of the action herein contained.

14 IN WITNESS WHEREOF, I HAVE SUBSCRIBED MY NAME

15 THIS 12th day of September, 1989.

16 Nancy L. Means
17 NANCY L. MEANS, RPR, CSR,
18 Notary Public, State
19 of Alaska
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