

ChevronTexaco

Lining Up the Ducks For A Cooperative NRDA

Freshwater Spills Symposium
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Overview of Topics

- **Review Factors That Promote Cooperative NRDAs**
- **Case Study: Bay Point, CA., Gasoline Spill**
- **Lesson: Up-Front Efforts Key To Success**



NRDA Image



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What Promotes Cooperation?

- Pre-existing Relationships
- Trust
- Focusing on Restoration



What Promotes Cooperation?

- **Understanding Expectations of Respective Constituents**
- **Using Joint Technical Experts**
- **Technical Workgroup**
- **Common Laboratory**

What Promotes Cooperation?

- **RP's Willingness To Advance Costs**
- **Agreeing To Manage Uncertainty**
- **Threat of Litigation Low**
- **Defining "Cooperation" Up-Front**



What is Cooperation???

- **Sharing Information**
- **Collaborating on Study Needs and Design**
- **Providing Equal Access to Information and Consultants**
- **Listening to Each Other**
- **Agreeing to Disagree**
- **Working Issues Together**

What Promotes Cooperation?

- **First Meeting Critical**
 - No Lawyers
 - No Consultants
 - Frame Game Plan



Establishing Relationships

Joint Assessment Team

- Formed 6 Years Ago
- Major Oil Companies
- State and Federal Trustees



Joint Assessment Team

- **Goals**
 - Enhance Effectiveness of NRDA
 - Promote Effective Communication
 - Dispel Myths
 - Promote Cooperation
 - Build Trust
 - Forum to Discuss Issues Outside of Spill Response Arena

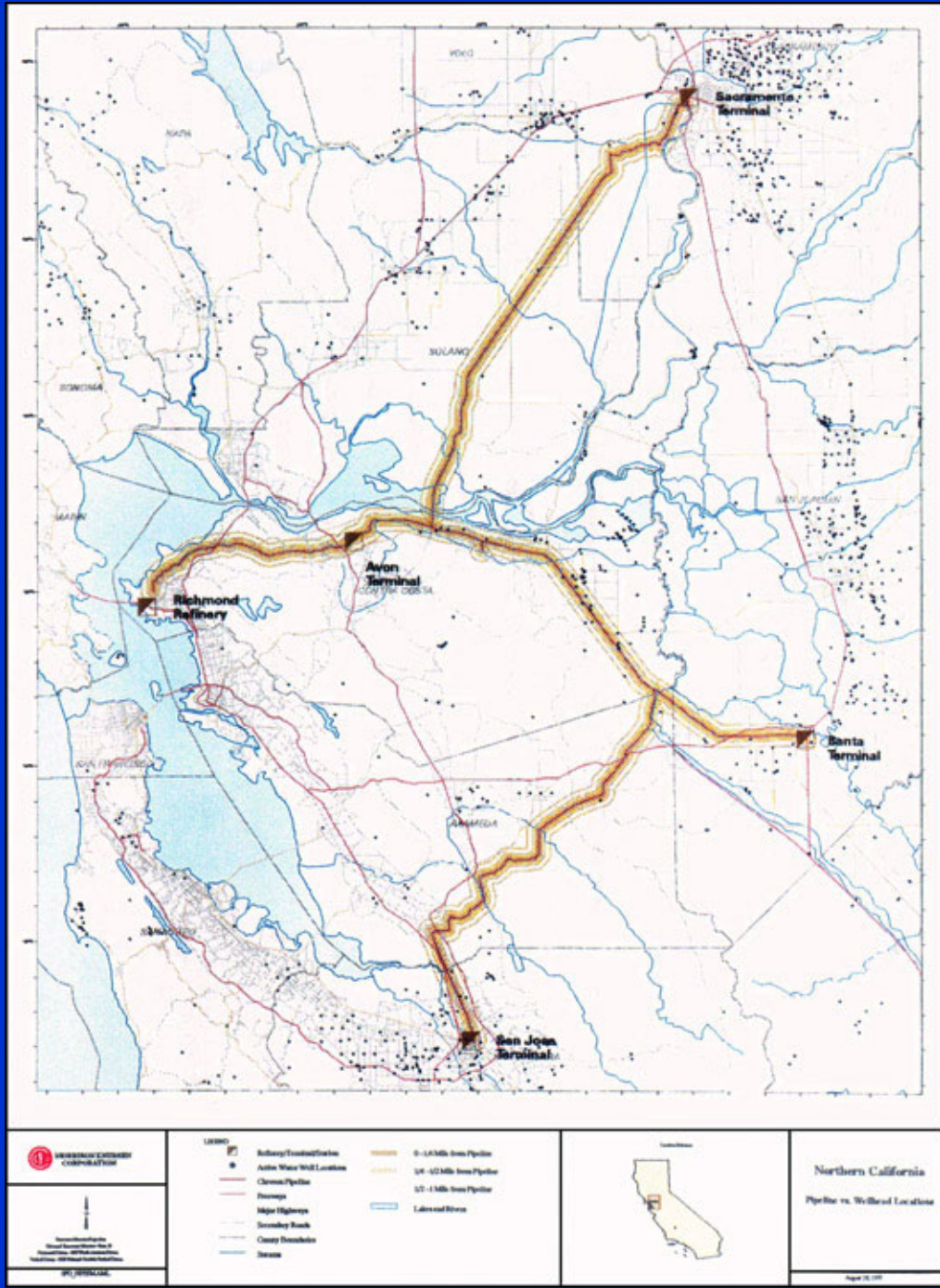
Joint Assessment Team

- **Conduct Drills**
- **Review Draft Documents**
 - **Guidelines for Scientific Study of Oil Spills**
 - **Biomarkers**
 - **Ephemeral Data Collection Plans**
- **Guest Speakers for Special Topics**
- **Expand Membership to Pipelines Companies**

Bay Point, CA Gasoline Spill: Proving It Can Work

- Pipeline Rupture – 4 October 2000
- 330 bbls Unleaded Gasoline Discharged
- Unnamed Slough Tributary to Suisun Bay





Bay Point Factors Promoting Cooperation

- Existing Relationships With Trustees
- Trust
- Agreement to Cooperate a No-Brainer



Bay Point Factors Promoting Cooperation

- **Ephemeral Data Collection: Joint Effort**
- **Common Laboratory Selected and Analytes Agreed Upon**
- **Jointly Conducted Habitat and Wildlife Assessment**
- **Jointly Measured Area of Injury**
- **Compared Field Notes**
- **Parties Stipulated To Wildlife Mortalities**
- **Result: Good Data Provided Foundation for Negotiation**

Bay Point Factors Promoting Cooperation

- **No Lawyers or Consultants at Meetings; Respective Lawyers Were “Kept in the Loop”**
- **Focused on Restoration**
- **Result: NRDA Settled After 2 Meetings, Effective Management of Transaction Costs**

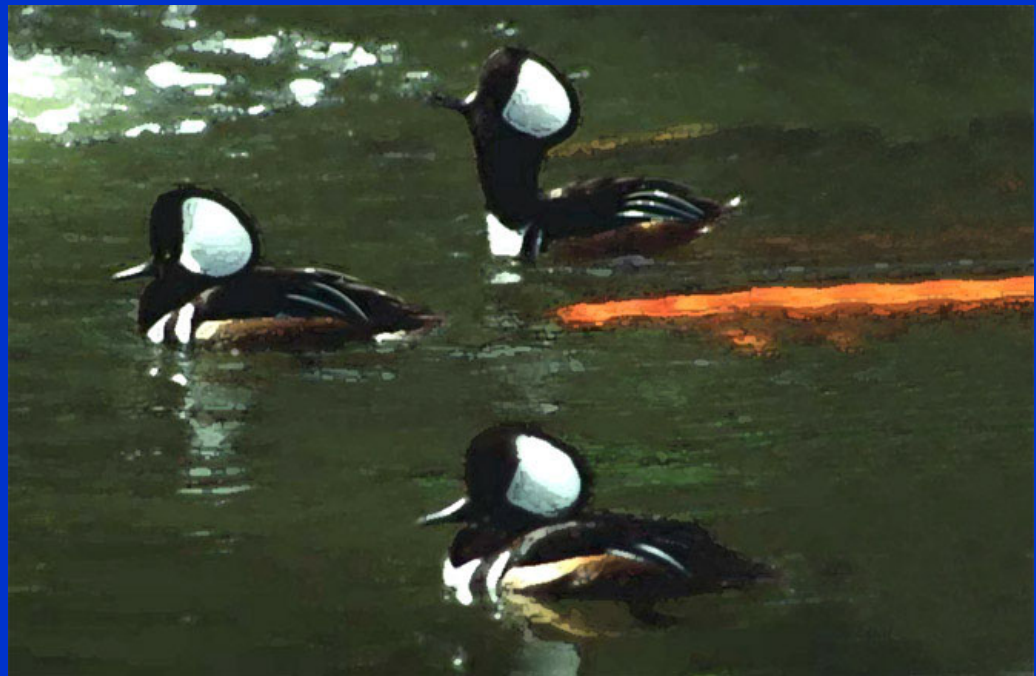


Challenges

- **OPA NRDA's More Cooperative Than CERCLA NRDA's**
 - Multiple RPs
 - Not an “Emergency”
 - Determining Injury
 - Baseline
 - Link to Remediation
 - No Foundation for Trust
- **First Step – More and Better Communication**

Summary

- Trust
- Prior Relationships
- Focus on Restoration
- Lining up the Ducks = Success



NRDA Nirvana

